

By the Committee on Community Affairs; and Senator Mayfield

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1 A bill to be entitled
2 An act relating to water quality improvements;
3 providing a short title; requiring the Department
4 Health to provide a specified report to the Governor
5 and the Legislature by a specified date; requiring the
6 Department of Health and the Department of
7 Environmental Protection to submit to the Governor and
8 the Legislature, by a specified date, certain
9 recommendations relating to the transfer of the Onsite
10 Sewage Program; requiring the departments to enter
11 into an interagency agreement that meets certain
12 requirements by a specified date; transferring the
13 Onsite Sewage Program within the Department of Health
14 to the Department of Environmental Protection by a
15 type two transfer by a specified date; providing that
16 certain employees retain and transfer certain types of
17 leave upon the transfer; amending s. 373.4131, F.S.;
18 requiring the Department of Environmental Protection
19 to include stormwater structural controls inspections
20 as part of its regular staff training; requiring the
21 department and the water management districts to adopt
22 rules regarding stormwater design and operation by a
23 specified date; amending s. 381.0065, F.S.; conforming
24 provisions to changes made by the act; requiring the
25 department to adopt rules for the location of onsite
26 sewage treatment and disposal systems and complete
27 such rulemaking by a specified date; requiring the
28 department to evaluate certain data relating to the
29 self-certification program and provide the Legislature

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30 with recommendations by a specified date; providing
31 that certain provisions relating to existing setback
32 requirements are applicable to permits only until the
33 adoption of certain rules by the department; creating
34 s. 381.00652, F.S.; creating an onsite sewage
35 treatment and disposal systems technical advisory
36 committee within the department; providing the duties
37 and membership of the committee; requiring the
38 committee to submit a report to the Governor and the
39 Legislature by a specified date; providing for the
40 expiration of the committee; repealing s. 381.0068,
41 F.S., relating to a technical review and advisory
42 panel; amending s. 403.061, F.S.; requiring the
43 department to adopt rules relating to the underground
44 pipes of wastewater collection systems; requiring
45 public utilities or their affiliated companies that
46 hold or are seeking a wastewater discharge permit to
47 file certain reports and data with the department;
48 creating s. 403.0616, F.S.; requiring the department,
49 subject to legislative appropriation, to establish a
50 real-time water quality monitoring program;
51 encouraging the formation of public-private
52 partnerships; amending s. 403.067, F.S.; requiring
53 basin management action plans for nutrient total
54 maximum daily loads to include wastewater treatment
55 and onsite sewage treatment and disposal system
56 remediation plans that meet certain requirements;
57 requiring the Department of Agriculture and Consumer
58 Services to collect fertilization and nutrient records

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59 from certain agricultural producers and provide the
60 information to the department annually by a specified
61 date; requiring the Department of Agriculture and
62 Consumer Services to perform onsite inspections of the
63 agricultural producers at specified intervals;
64 authorizing certain entities to develop research plans
65 and legislative budget requests relating to best
66 management practices by a specified date; creating s.
67 403.0673, F.S.; establishing a wastewater grant
68 program within the Department of Environmental
69 Protection; authorizing the department to distribute
70 appropriated funds for certain projects; providing
71 requirements for the distribution; requiring the
72 department to coordinate with each water management
73 district to identify grant recipients; requiring an
74 annual report to the Governor and the Legislature by a
75 specified date; creating s. 403.0855, F.S.; providing
76 legislative findings regarding the regulation of
77 biosolids management in this state; requiring the
78 department to adopt rules for biosolids management;
79 exempting the rules from a specified statutory
80 requirement; amending s. 403.086, F.S.; prohibiting
81 facilities for sanitary sewage disposal from disposing
82 of any waste in the Indian River Lagoon beginning on a
83 specified date without first providing advanced waste
84 treatment; requiring facilities for sanitary sewage
85 disposal to have a power outage contingency plan;
86 requiring the facilities to take steps to prevent
87 overflows and leaks and ensure that the water reaches

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88 the appropriate facility for treatment; requiring the
89 facilities to provide the Department of Environmental
90 Protection with certain information; requiring the
91 department to adopt rules; amending s. 403.087, F.S.;
92 requiring the department to issue operation permits
93 for domestic wastewater treatment facilities to
94 certain facilities under certain circumstances;
95 amending s. 403.088, F.S.; revising the permit
96 conditions for a water pollution operation permit;
97 requiring the department to submit a report to the
98 Governor and the Legislature by a specified date
99 identifying all wastewater utilities that experienced
100 sanitary sewer overflows within a specified timeframe;
101 amending s. 403.0891, F.S.; requiring model stormwater
102 management programs to contain model ordinances for
103 nutrient reduction practices and green infrastructure;
104 amending s. 403.121, F.S.; providing civil penalties;
105 amending s. 403.885, F.S.; requiring the department to
106 give certain domestic wastewater utilities funding
107 priority within the Water Projects Grant Program;
108 providing a declaration of important state interest;
109 amending ss. 153.54, 153.73, 163.3180, 180.03,
110 311.105, 327.46, 373.250, 373.414, 373.705, 373.707,
111 373.709, 376.307, 380.0552, 381.006, 381.0061,
112 381.0064, 381.00651, 403.08601, 403.0871, 403.0872,
113 403.1835, 403.707, 403.861, 489.551, and 590.02, F.S.;
114 conforming cross-references and provisions to changes
115 made by the act; providing a directive to the Division
116 of Law Revision upon the adoption of certain rules by

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117 the Department of Environmental Protection; providing
118 effective dates.

119

120 WHEREAS, nutrients negatively impact groundwater and
121 surface waters in this state and cause the proliferation of
122 algal blooms, and

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

126 WHEREAS, conventional onsite sewage treatment and disposal
127 systems contribute nutrients to groundwater and surface waters
128 across this state which can cause harmful blue-green algal
129 blooms, and

130 WHEREAS, many stormwater systems are designed primarily to
131 divert and control stormwater rather than to remove pollutants,
132 and

133 WHEREAS, most existing stormwater system design criteria
134 fail to consistently meet either the 80 percent or 95 percent
135 target pollutant reduction goals established by the Department
136 of Environmental Protection, and

137 WHEREAS, other significant pollutants often can be removed
138 from stormwater more easily than nutrients and, as a result,
139 design criteria that provide the desired removal efficiencies
140 for nutrients will likely achieve equal or better removal
141 efficiencies for other constituents, and

142 WHEREAS, the Department of Environmental Protection has
143 found that the major causes of sanitary sewer overflows during
144 storm events are infiltration, inflow, and acute power failures,
145 and

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146 WHEREAS, the Department of Environmental Protection lacks
147 statutory authority to regulate infiltration and inflow or to
148 require that all lift stations constructed prior to 2003 have
149 emergency backup power, and

150 WHEREAS, sanitary sewer overflows and leaking
151 infrastructure create both a human health concern and a nutrient
152 pollution problem, and

153 WHEREAS, the agricultural sector is a significant
154 contributor to the excess delivery of nutrients to surface
155 waters throughout this state and has been identified as the
156 dominant source of both phosphorus and nitrogen within the Lake
157 Okeechobee watershed and a number of other basin management
158 action plan areas, and

159 WHEREAS, only 75 percent of eligible agricultural parties
160 within the Lake Okeechobee Basin Management Action Plan area are
161 enrolled in an appropriate best management practice and
162 enrollment numbers are considerably less in other basin
163 management action plan areas, and

164 WHEREAS, although agricultural best management practices,
165 by design, should be technically feasible and economically
166 viable, that does not imply that their adoption and full
167 implementation, alone, will alleviate downstream water quality
168 impairments, NOW, THEREFORE,

169
170 Be It Enacted by the Legislature of the State of Florida:

171
172 Section 1. This act may be cited as the "Clean Waterways
173 Act."

174 Section 2. (1) By July 1, 2020, the Department of Health

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175 must provide a report to the Governor, the President of the
176 Senate, and the Speaker of the House of Representatives
177 detailing the following information regarding the Onsite Sewage
178 Program:

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

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

182 (c) The program's costs and expenditures, including, but
183 not limited to, salaries and benefits, equipment costs, and
184 contracting costs.

185 (2) By December 31, 2020, the Department of Health and the
186 Department of Environmental Protection shall submit
187 recommendations to the Governor, the President of the Senate,
188 and the Speaker of the House of Representatives regarding the
189 transfer of the Onsite Sewage Program from the Department of
190 Health to the Department of Environmental Protection. The
191 recommendations must address all aspects of the transfer,
192 including the continued role of the county health departments in
193 the permitting, inspection, data management, and tracking of
194 onsite sewage treatment and disposal systems under the direction
195 of the Department of Environmental Protection.

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

202 (a) The continued role of the county health departments in
203 the permitting, inspection, data management, and tracking of

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204 onsite sewage treatment and disposal systems under the direction
205 of the Department of Environmental Protection.

206 (b) The appropriate proportionate number of administrative,
207 auditing, inspector general, attorney, and operational support
208 positions, and their related funding levels and sources and
209 assigned property, to be transferred from the Office of General
210 Counsel, the Office of Inspector General, and the Division of
211 Administrative Services or other relevant offices or divisions
212 within the Department of Health to the Department of
213 Environmental Protection.

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

217 (d) Any operating budget adjustments that are necessary to
218 implement the requirements of this act. Adjustments made to the
219 operating budgets of the agencies in the implementation of this
220 act must be made in consultation with the appropriate
221 substantive and fiscal committees of the Senate and the House of
222 Representatives. The revisions to the approved operating budgets
223 for the 2021-2022 fiscal year which are necessary to reflect the
224 organizational changes made by this act must be implemented
225 pursuant to s. 216.292(4)(d), Florida Statutes, and are subject
226 to s. 216.177, Florida Statutes. Subsequent adjustments between
227 the Department of Health and the Department of Environmental
228 Protection which are determined necessary by the respective
229 agencies and approved by the Executive Office of the Governor
230 are authorized and subject to s. 216.177, Florida Statutes. The
231 appropriate substantive committees of the Senate and the House
232 of Representatives must also be notified of the proposed

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233 revisions to ensure their consistency with legislative policy
234 and intent.

235 (4) Effective July 1, 2021, all powers, duties, functions,
236 records, offices, personnel, associated administrative support
237 positions, property, pending issues, existing contracts,
238 administrative authority, administrative rules, and unexpended
239 balances of appropriations, allocations, and other funds for the
240 regulation of onsite sewage treatment and disposal systems
241 relating to the Onsite Sewage Program in the Department of
242 Health are transferred by a type two transfer, as defined in s.
243 20.06(2), Florida Statutes, to the Department of Environmental
244 Protection.

245 (5) Notwithstanding chapter 60L-34, Florida Administrative
246 Code, or any law to the contrary, employees who are transferred
247 from the Department of Health to the Department of Environmental
248 Protection to fill positions transferred by this act retain and
249 transfer any accrued annual leave, sick leave, and regular and
250 special compensatory leave balances.

251 Section 3. Subsection (5) of section 373.4131, Florida
252 Statutes, is amended, and subsection (6) is added to that
253 section, to read:

254 373.4131 Statewide environmental resource permitting
255 rules.—

256 (5) To ensure consistent implementation and interpretation
257 of the rules adopted pursuant to this section, the department
258 shall conduct or oversee regular assessment and training of its
259 staff and the staffs of the water management districts and local
260 governments delegated local pollution control program authority
261 under s. 373.441. The training must include coordinating field

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262 inspections of publicly and privately owned stormwater
263 structural controls, such as stormwater retention or detention
264 ponds.

265 (6) By January 1, 2021:

266 (a) The department and the water management districts shall
267 initiate rulemaking to update the stormwater design and
268 operation regulations using the most recent scientific
269 information available; and

270 (b) The department shall evaluate inspection data relating
271 to compliance by those entities that self-certify under s.
272 403.814(12) and provide the Legislature with recommendations for
273 improvements to the self-certification program.

274 Section 4. Effective July 1, 2021, present paragraphs (d)
275 through (q) of subsection (2) of section 381.0065, Florida
276 Statutes, are redesignated as paragraphs (e) through (r),
277 respectively, a new paragraph (d) is added to that subsection,
278 and subsections (3) and (4) of that section are amended, to
279 read:

280 381.0065 Onsite sewage treatment and disposal systems;
281 regulation.—

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

284 (d) "Department" means the Department of Environmental
285 Protection.

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

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

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291 ~~health hazard exists,~~ increases for the lot-flow allowance for
292 performance-based systems, requirements for separation from
293 water table elevation during the wettest season, requirements
294 for the design and construction of any component part of an
295 onsite sewage treatment and disposal system, application and
296 permit requirements for persons who maintain an onsite sewage
297 treatment and disposal system, requirements for maintenance and
298 service agreements for aerobic treatment units and performance-
299 based treatment systems, and recommended standards, including
300 disclosure requirements, for voluntary system inspections to be
301 performed by individuals who are authorized by law to perform
302 such inspections and who shall inform a person having ownership,
303 control, or use of an onsite sewage treatment and disposal
304 system of the inspection standards and of that person's
305 authority to request an inspection based on all or part of the
306 standards.

307 (b) Perform application reviews and site evaluations, issue
308 permits, and conduct inspections and complaint investigations
309 associated with the construction, installation, maintenance,
310 modification, abandonment, operation, use, or repair of an
311 onsite sewage treatment and disposal system for a residence or
312 establishment with an estimated domestic sewage flow of 10,000
313 gallons or less per day, or an estimated commercial sewage flow
314 of 5,000 gallons or less per day, which is not currently
315 regulated under chapter 403.

316 (c) Develop a comprehensive program to ensure that onsite
317 sewage treatment and disposal systems regulated by the
318 department are sized, designed, constructed, installed, sited,
319 repaired, modified, abandoned, used, operated, and maintained in

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320 compliance with this section and rules adopted under this
321 section to prevent groundwater contamination, including impacts
322 from nutrient pollution, and surface water contamination and to
323 preserve the public health. The department is the final
324 administrative interpretive authority regarding rule
325 interpretation. In the event of a conflict regarding rule
326 interpretation, the secretary of the department ~~State Surgeon~~
327 ~~General~~, or his or her designee, shall timely assign a staff
328 person to resolve the dispute.

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

331 (e) Permit the use of a limited number of innovative
332 systems for a specific period of time, when there is compelling
333 evidence that the system will function properly and reliably to
334 meet the requirements of this section and rules adopted under
335 this section.

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

337 (g) Establish and collect fees as established under s.
338 381.0066 for services provided with respect to onsite sewage
339 treatment and disposal systems.

340 (h) Conduct enforcement activities, including imposing
341 fines, issuing citations, suspensions, revocations, injunctions,
342 and emergency orders for violations of this section, part I of
343 chapter 386, or part III of chapter 489 or for a violation of
344 any rule adopted under this section, part I of chapter 386, or
345 part III of chapter 489.

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

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349 (j) Supervise research on, demonstration of, and training
350 on the performance, environmental impact, and public health
351 impact of onsite sewage treatment and disposal systems within
352 this state. Research fees collected under s. 381.0066(2)(k) must
353 be used to develop and fund hands-on training centers designed
354 to provide practical information about onsite sewage treatment
355 and disposal systems to septic tank contractors, master septic
356 tank contractors, contractors, inspectors, engineers, and the
357 public and must also be used to fund research projects which
358 focus on improvements of onsite sewage treatment and disposal
359 systems, including use of performance-based standards and
360 reduction of environmental impact. Research projects shall be
361 initially approved by the technical review and advisory panel
362 and shall be applicable to and reflect the soil conditions
363 specific to Florida. Such projects shall be awarded through
364 competitive negotiation, using the procedures provided in s.
365 287.055, to public or private entities that have experience in
366 onsite sewage treatment and disposal systems in Florida and that
367 are principally located in Florida. Research projects may ~~shall~~
368 not be awarded to firms or entities that employ or are
369 associated with persons who serve on either the technical review
370 and advisory panel or the research review and advisory
371 committee.

372 (k) Approve the installation of individual graywater
373 disposal systems in which blackwater is treated by a central
374 sewerage system.

375 (l) Regulate and permit the sanitation, handling,
376 treatment, storage, reuse, and disposal of byproducts from any
377 system regulated under this chapter and not regulated by the

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378 Department of Environmental Protection.

379 (m) Permit and inspect portable or temporary toilet
380 services and holding tanks. The department shall review
381 applications, perform site evaluations, and issue permits for
382 the temporary use of holding tanks, privies, portable toilet
383 services, or any other toilet facility that is intended for use
384 on a permanent or nonpermanent basis, including facilities
385 placed on construction sites when workers are present. The
386 department may specify standards for the construction,
387 maintenance, use, and operation of any such facility for
388 temporary use.

389 (n) Regulate and permit maintenance entities for
390 performance-based treatment systems and aerobic treatment unit
391 systems. To ensure systems are maintained and operated according
392 to manufacturer's specifications and designs, the department
393 shall establish by rule minimum qualifying criteria for
394 maintenance entities. The criteria shall include: training,
395 access to approved spare parts and components, access to
396 manufacturer's maintenance and operation manuals, and service
397 response time. The maintenance entity shall employ a contractor
398 licensed under s. 489.105(3)(m), or part III of chapter 489, or
399 a state-licensed wastewater plant operator, who is responsible
400 for maintenance and repair of all systems under contract.

401 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not
402 construct, repair, modify, abandon, or operate an onsite sewage
403 treatment and disposal system without first obtaining a permit
404 approved by the department. The department may issue permits to
405 carry out this section, ~~but shall not make the issuance of such~~
406 ~~permits contingent upon prior approval by the Department of~~

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407 ~~Environmental Protection, except that~~ The issuance of a permit
408 for work seaward of the coastal construction control line
409 established under s. 161.053 shall be contingent upon receipt of
410 any required coastal construction control line permit from the
411 department ~~of Environmental Protection~~. A construction permit is
412 valid for 18 months from the issuance date and may be extended
413 by the department for one 90-day period under rules adopted by
414 the department. A repair permit is valid for 90 days from the
415 date of issuance. An operating permit must be obtained before
416 ~~prior to~~ the use of any aerobic treatment unit or if the
417 establishment generates commercial waste. Buildings or
418 establishments that use an aerobic treatment unit or generate
419 commercial waste shall be inspected by the department at least
420 annually to assure compliance with the terms of the operating
421 permit. The operating permit for a commercial wastewater system
422 is valid for 1 year from the date of issuance and must be
423 renewed annually. The operating permit for an aerobic treatment
424 unit is valid for 2 years from the date of issuance and must be
425 renewed every 2 years. If all information pertaining to the
426 siting, location, and installation conditions or repair of an
427 onsite sewage treatment and disposal system remains the same, a
428 construction or repair permit for the onsite sewage treatment
429 and disposal system may be transferred to another person, if the
430 transferee files, within 60 days after the transfer of
431 ownership, an amended application providing all corrected
432 information and proof of ownership of the property. There is no
433 fee associated with the processing of this supplemental
434 information. A person may not contract to construct, modify,
435 alter, repair, service, abandon, or maintain any portion of an

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436 onsite sewage treatment and disposal system without being
437 registered under part III of chapter 489. A property owner who
438 personally performs construction, maintenance, or repairs to a
439 system serving his or her own owner-occupied single-family
440 residence is exempt from registration requirements for
441 performing such construction, maintenance, or repairs on that
442 residence, but is subject to all permitting requirements. A
443 municipality or political subdivision of the state may not issue
444 a building or plumbing permit for any building that requires the
445 use of an onsite sewage treatment and disposal system unless the
446 owner or builder has received a construction permit for such
447 system from the department. A building or structure may not be
448 occupied and a municipality, political subdivision, or any state
449 or federal agency may not authorize occupancy until the
450 department approves the final installation of the onsite sewage
451 treatment and disposal system. A municipality or political
452 subdivision of the state may not approve any change in occupancy
453 or tenancy of a building that uses an onsite sewage treatment
454 and disposal system until the department has reviewed the use of
455 the system with the proposed change, approved the change, and
456 amended the operating permit.

457 (a) Subdivisions and lots in which each lot has a minimum
458 area of at least one-half acre and either a minimum dimension of
459 100 feet or a mean of at least 100 feet of the side bordering
460 the street and the distance formed by a line parallel to the
461 side bordering the street drawn between the two most distant
462 points of the remainder of the lot may be developed with a water
463 system regulated under s. 381.0062 and onsite sewage treatment
464 and disposal systems, provided the projected daily sewage flow

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465 does not exceed an average of 1,500 gallons per acre per day,
466 and provided satisfactory drinking water can be obtained and all
467 distance and setback, soil condition, water table elevation, and
468 other related requirements of this section and rules adopted
469 under this section can be met.

470 (b) Subdivisions and lots using a public water system as
471 defined in s. 403.852 may use onsite sewage treatment and
472 disposal systems, provided there are no more than four lots per
473 acre, provided the projected daily sewage flow does not exceed
474 an average of 2,500 gallons per acre per day, and provided that
475 all distance and setback, soil condition, water table elevation,
476 and other related requirements that are generally applicable to
477 the use of onsite sewage treatment and disposal systems are met.

478 (c) Notwithstanding paragraphs (a) and (b), for
479 subdivisions platted of record on or before October 1, 1991,
480 when a developer or other appropriate entity has previously made
481 or makes provisions, including financial assurances or other
482 commitments, acceptable to the Department ~~of Health~~, that a
483 central water system will be installed by a regulated public
484 utility based on a density formula, private potable wells may be
485 used with onsite sewage treatment and disposal systems until the
486 agreed-upon densities are reached. In a subdivision regulated by
487 this paragraph, the average daily sewage flow may not exceed
488 2,500 gallons per acre per day. This section does not affect the
489 validity of existing prior agreements. After October 1, 1991,
490 the exception provided under this paragraph is not available to
491 a developer or other appropriate entity.

492 (d) Paragraphs (a) and (b) do not apply to any proposed
493 residential subdivision with more than 50 lots or to any

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494 proposed commercial subdivision with more than 5 lots where a
495 publicly owned or investor-owned sewerage system is available.
496 It is the intent of this paragraph not to allow development of
497 additional proposed subdivisions in order to evade the
498 requirements of this paragraph.

499 (e) The department shall adopt rules to locate onsite
500 sewage treatment and disposal systems, including establishing
501 setback distances, to prevent groundwater contamination and
502 surface water contamination and to preserve the public health.
503 The rulemaking process for such rules must be completed by July
504 1, 2022, and the department shall notify the Division of Law
505 Revision of the date such rules are adopted. The rules must
506 consider conventional and advanced onsite sewage treatment and
507 disposal system designs, impaired or degraded water bodies,
508 wastewater and drinking water infrastructure, potable water
509 sources, nonpotable wells, stormwater infrastructure, the onsite
510 sewage treatment and disposal system remediation plans developed
511 pursuant to s. 403.067(7)(a)9.b., nutrient pollution, and the
512 recommendations of the onsite sewage treatment and disposal
513 systems technical advisory committee established pursuant to s.
514 381.00652.

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

- 518 1. Seventy-five feet from a private potable well.
- 519 2. Two hundred feet from a public potable well serving a
520 residential or nonresidential establishment having a total
521 sewage flow of greater than 2,000 gallons per day.
- 522 3. One hundred feet from a public potable well serving a

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523 residential or nonresidential establishment having a total
524 sewage flow of less than or equal to 2,000 gallons per day.

525 4. Fifty feet from any nonpotable well.

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

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

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

533 8. Fifteen feet from the design high-water line of
534 retention areas, detention areas, or swales designed to contain
535 standing or flowing water for less than 72 hours after a
536 rainfall or the design high-water level of normally dry drainage
537 ditches or normally dry individual lot stormwater retention
538 areas.

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

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

547 1. Any residential lot that was platted and recorded on or
548 after January 1, 1972, or that is part of a residential
549 subdivision that was approved by the appropriate permitting
550 agency on or after January 1, 1972, and that was eligible for an
551 onsite sewage treatment and disposal system construction permit

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552 on the date of such platting and recording or approval shall be
553 eligible for an onsite sewage treatment and disposal system
554 construction permit, regardless of when the application for a
555 permit is made. If rules in effect at the time the permit
556 application is filed cannot be met, residential lots platted and
557 recorded or approved on or after January 1, 1972, shall, to the
558 maximum extent possible, comply with the rules in effect at the
559 time the permit application is filed. At a minimum, however,
560 those residential lots platted and recorded or approved on or
561 after January 1, 1972, but before January 1, 1983, shall comply
562 with those rules in effect on January 1, 1983, and those
563 residential lots platted and recorded or approved on or after
564 January 1, 1983, shall comply with those rules in effect at the
565 time of such platting and recording or approval. In determining
566 the maximum extent of compliance with current rules that is
567 possible, the department shall allow structures and
568 appurtenances thereto which were authorized at the time such
569 lots were platted and recorded or approved.

570 2. Lots platted before 1972 are subject to a 50-foot
571 minimum surface water setback and are not subject to lot size
572 requirements. The projected daily flow for onsite sewage
573 treatment and disposal systems for lots platted before 1972 may
574 not exceed:

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

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

579 (h)1. The department may grant variances in hardship cases
580 which may be less restrictive than ~~the provisions~~ specified in

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581 this section. If a variance is granted and the onsite sewage
582 treatment and disposal system construction permit has been
583 issued, the variance may be transferred with the system
584 construction permit, if the transferee files, within 60 days
585 after the transfer of ownership, an amended construction permit
586 application providing all corrected information and proof of
587 ownership of the property and if the same variance would have
588 been required for the new owner of the property as was
589 originally granted to the original applicant for the variance.
590 There is no fee associated with the processing of this
591 supplemental information. A variance may not be granted under
592 this section until the department is satisfied that:

593 a. The hardship was not caused intentionally by the action
594 of the applicant;

595 b. No reasonable alternative, taking into consideration
596 factors such as cost, exists for the treatment of the sewage;
597 and

598 c. The discharge from the onsite sewage treatment and
599 disposal system will not adversely affect the health of the
600 applicant or the public or significantly degrade the groundwater
601 or surface waters.

602

603 Where soil conditions, water table elevation, and setback
604 provisions are determined by the department to be satisfactory,
605 special consideration must be given to those lots platted before
606 1972.

607 2. The department shall appoint and staff a variance review
608 and advisory committee, which shall meet monthly to recommend
609 agency action on variance requests. The committee shall make its

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610 recommendations on variance requests at the meeting in which the
611 application is scheduled for consideration, except for an
612 extraordinary change in circumstances, the receipt of new
613 information that raises new issues, or when the applicant
614 requests an extension. The committee shall consider the criteria
615 in subparagraph 1. in its recommended agency action on variance
616 requests and shall also strive to allow property owners the full
617 use of their land where possible. The committee consists of the
618 following:

619 a. The Secretary of Environmental Protection ~~State Surgeon~~
620 ~~General~~ or his or her designee.

621 b. A representative from the county health departments.

622 c. A representative from the home building industry
623 recommended by the Florida Home Builders Association.

624 d. A representative from the septic tank industry
625 recommended by the Florida Onsite Wastewater Association.

626 e. A representative from the Department of Health
627 ~~Environmental Protection~~.

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

632 g. A representative from the engineering profession
633 recommended by the Florida Engineering Society.

634

635 Members shall be appointed for a term of 3 years, with such
636 appointments being staggered so that the terms of no more than
637 two members expire in any one year. Members shall serve without
638 remuneration, but if requested, shall be reimbursed for per diem

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639 and travel expenses as provided in s. 112.061.

640 (i) A construction permit may not be issued for an onsite
641 sewage treatment and disposal system in any area zoned or used
642 for industrial or manufacturing purposes, or its equivalent,
643 where a publicly owned or investor-owned sewage treatment system
644 is available, or where a likelihood exists that the system will
645 receive toxic, hazardous, or industrial waste. An existing
646 onsite sewage treatment and disposal system may be repaired if a
647 publicly owned or investor-owned sewerage system is not
648 available within 500 feet of the building sewer stub-out and if
649 system construction and operation standards can be met. This
650 paragraph does not require publicly owned or investor-owned
651 sewerage treatment systems to accept anything other than
652 domestic wastewater.

653 1. A building located in an area zoned or used for
654 industrial or manufacturing purposes, or its equivalent, when
655 such building is served by an onsite sewage treatment and
656 disposal system, must not be occupied until the owner or tenant
657 has obtained written approval from the department. The
658 department may ~~shall~~ not grant approval when the proposed use of
659 the system is to dispose of toxic, hazardous, or industrial
660 wastewater or toxic or hazardous chemicals.

661 2. Each person who owns or operates a business or facility
662 in an area zoned or used for industrial or manufacturing
663 purposes, or its equivalent, or who owns or operates a business
664 that has the potential to generate toxic, hazardous, or
665 industrial wastewater or toxic or hazardous chemicals, and uses
666 an onsite sewage treatment and disposal system that is installed
667 on or after July 5, 1989, must obtain an annual system operating

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668 permit from the department. A person who owns or operates a
669 business that uses an onsite sewage treatment and disposal
670 system that was installed and approved before July 5, 1989, need
671 not obtain a system operating permit. However, upon change of
672 ownership or tenancy, the new owner or operator must notify the
673 department of the change, and the new owner or operator must
674 obtain an annual system operating permit, regardless of the date
675 that the system was installed or approved.

676 3. The department shall periodically review and evaluate
677 the continued use of onsite sewage treatment and disposal
678 systems in areas zoned or used for industrial or manufacturing
679 purposes, or its equivalent, and may require the collection and
680 analyses of samples from within and around such systems. If the
681 department finds that toxic or hazardous chemicals or toxic,
682 hazardous, or industrial wastewater have been or are being
683 disposed of through an onsite sewage treatment and disposal
684 system, the department shall initiate enforcement actions
685 against the owner or tenant to ensure adequate cleanup,
686 treatment, and disposal.

687 (j) An onsite sewage treatment and disposal system designed
688 by a professional engineer registered in the state and certified
689 by such engineer as complying with performance criteria adopted
690 by the department must be approved by the department subject to
691 the following:

692 1. The performance criteria applicable to engineer-designed
693 systems must be limited to those necessary to ensure that such
694 systems do not adversely affect the public health or
695 significantly degrade the groundwater or surface water. Such
696 performance criteria shall include consideration of the quality

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697 of system effluent, the proposed total sewage flow per acre,
698 wastewater treatment capabilities of the natural or replaced
699 soil, water quality classification of the potential surface-
700 water-receiving body, and the structural and maintenance
701 viability of the system for the treatment of domestic
702 wastewater. However, performance criteria shall address only the
703 performance of a system and not a system's design.

704 2. A person electing to utilize an engineer-designed system
705 shall, upon completion of the system design, submit such design,
706 certified by a registered professional engineer, to the county
707 health department. The county health department may utilize an
708 outside consultant to review the engineer-designed system, with
709 the actual cost of such review to be borne by the applicant.
710 Within 5 working days after receiving an engineer-designed
711 system permit application, the county health department shall
712 request additional information if the application is not
713 complete. Within 15 working days after receiving a complete
714 application for an engineer-designed system, the county health
715 department either shall issue the permit or, if it determines
716 that the system does not comply with the performance criteria,
717 shall notify the applicant of that determination and refer the
718 application to the department for a determination as to whether
719 the system should be approved, disapproved, or approved with
720 modification. The department engineer's determination shall
721 prevail over the action of the county health department. The
722 applicant shall be notified in writing of the department's
723 determination and of the applicant's rights to pursue a variance
724 or seek review under ~~the provisions of~~ chapter 120.

725 3. The owner of an engineer-designed performance-based

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726 system must maintain a current maintenance service agreement
727 with a maintenance entity permitted by the department. The
728 maintenance entity shall inspect each system at least twice each
729 year and shall report quarterly to the department on the number
730 of systems inspected and serviced. The reports may be submitted
731 electronically.

732 4. The property owner of an owner-occupied, single-family
733 residence may be approved and permitted by the department as a
734 maintenance entity for his or her own performance-based
735 treatment system upon written certification from the system
736 manufacturer's approved representative that the property owner
737 has received training on the proper installation and service of
738 the system. The maintenance service agreement must conspicuously
739 disclose that the property owner has the right to maintain his
740 or her own system and is exempt from contractor registration
741 requirements for performing construction, maintenance, or
742 repairs on the system but is subject to all permitting
743 requirements.

744 5. The property owner shall obtain a biennial system
745 operating permit from the department for each system. The
746 department shall inspect the system at least annually, or on
747 such periodic basis as the fee collected permits, and may
748 collect system-effluent samples if appropriate to determine
749 compliance with the performance criteria. The fee for the
750 biennial operating permit shall be collected beginning with the
751 second year of system operation.

752 6. If an engineer-designed system fails to properly
753 function or fails to meet performance standards, the system
754 shall be re-engineered, if necessary, to bring the system into

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755 compliance with ~~the provisions of~~ this section.

756 (k) An innovative system may be approved in conjunction
757 with an engineer-designed site-specific system which is
758 certified by the engineer to meet the performance-based criteria
759 adopted by the department.

760 (l) For the Florida Keys, the department shall adopt a
761 special rule for the construction, installation, modification,
762 operation, repair, maintenance, and performance of onsite sewage
763 treatment and disposal systems which considers the unique soil
764 conditions and water table elevations, densities, and setback
765 requirements. On lots where a setback distance of 75 feet from
766 surface waters, saltmarsh, and buttonwood association habitat
767 areas cannot be met, an injection well, approved and permitted
768 by the department, may be used for disposal of effluent from
769 onsite sewage treatment and disposal systems. The following
770 additional requirements apply to onsite sewage treatment and
771 disposal systems in Monroe County:

772 1. The county, each municipality, and those special
773 districts established for the purpose of the collection,
774 transmission, treatment, or disposal of sewage shall ensure, in
775 accordance with the specific schedules adopted by the
776 Administration Commission under s. 380.0552, the completion of
777 onsite sewage treatment and disposal system upgrades to meet the
778 requirements of this paragraph.

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

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- 784 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
785 b. Suspended Solids of 10 mg/l.
786 c. Total Nitrogen, expressed as N, of 10 mg/l or a
787 reduction in nitrogen of at least 70 percent. A system that has
788 been tested and certified to reduce nitrogen concentrations by
789 at least 70 percent shall be deemed to be in compliance with
790 this standard.
791 d. Total Phosphorus, expressed as P, of 1 mg/l.
792

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

796 3. In areas not scheduled to be served by a central sewer,
797 onsite sewage treatment and disposal systems must, by December
798 31, 2015, comply with department rules and provide the level of
799 treatment described in subparagraph 2.

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

806 a. The existing tanks must be pumped and inspected and
807 certified as being watertight and free of defects in accordance
808 with department rule; and

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

811 5. Onsite sewage treatment and disposal systems must be
812 monitored for total nitrogen and total phosphorus concentrations

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813 as required by department rule.

814 6. The department shall enforce proper installation,
815 operation, and maintenance of onsite sewage treatment and
816 disposal systems pursuant to this chapter, including ensuring
817 that the appropriate level of treatment described in
818 subparagraph 2. is met.

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

823 8. Notwithstanding any other ~~provision of~~ law, an onsite
824 sewage treatment and disposal system installed after July 1,
825 2010, in unincorporated Monroe County, excluding special
826 wastewater districts, that complies with the standards in
827 subparagraph 2. is not required to connect to a central sewer
828 system until December 31, 2020.

829 (m) No product sold in the state for use in onsite sewage
830 treatment and disposal systems may contain any substance in
831 concentrations or amounts that would interfere with or prevent
832 the successful operation of such system, or that would cause
833 discharges from such systems to violate applicable water quality
834 standards. The department shall publish criteria for products
835 known or expected to meet the conditions of this paragraph. In
836 the event a product does not meet such criteria, such product
837 may be sold if the manufacturer satisfactorily demonstrates to
838 the department that the conditions of this paragraph are met.

839 (n) Evaluations for determining the seasonal high-water
840 table elevations or the suitability of soils for the use of a
841 new onsite sewage treatment and disposal system shall be

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842 performed by department personnel, professional engineers
843 registered in the state, or such other persons with expertise,
844 as defined by rule, in making such evaluations. Evaluations for
845 determining mean annual flood lines shall be performed by those
846 persons identified in paragraph (2) (k) ~~(2) (j)~~. The department
847 shall accept evaluations submitted by professional engineers and
848 such other persons as meet the expertise established by this
849 section or by rule unless the department has a reasonable
850 scientific basis for questioning the accuracy or completeness of
851 the evaluation.

852 (o) The department shall appoint a research review and
853 advisory committee, which shall meet at least semiannually. The
854 committee shall advise the department on directions for new
855 research, review and rank proposals for research contracts, and
856 review draft research reports and make comments. The committee
857 is comprised of:

- 858 1. A representative of the Secretary of Environmental
859 Protection State Surgeon General, or his or her designee.
- 860 2. A representative from the septic tank industry.
- 861 3. A representative from the home building industry.
- 862 4. A representative from an environmental interest group.
- 863 5. A representative from the State University System, from
864 a department knowledgeable about onsite sewage treatment and
865 disposal systems.
- 866 6. A professional engineer registered in this state who has
867 work experience in onsite sewage treatment and disposal systems.
- 868 7. A representative from local government who is
869 knowledgeable about domestic wastewater treatment.
- 870 8. A representative from the real estate profession.

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871 9. A representative from the restaurant industry.

872 10. A consumer.

873

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

879 (p) An application for an onsite sewage treatment and
880 disposal system permit shall be completed in full, signed by the
881 owner or the owner's authorized representative, or by a
882 contractor licensed under chapter 489, and shall be accompanied
883 by all required exhibits and fees. No specific documentation of
884 property ownership shall be required as a prerequisite to the
885 review of an application or the issuance of a permit. The
886 issuance of a permit does not constitute determination by the
887 department of property ownership.

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

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

895 (s) In the siting of onsite sewage treatment and disposal
896 systems, including drainfields, shoulders, and slopes, guttering
897 may ~~shall~~ not be required on single-family residential dwelling
898 units for systems located greater than 5 feet from the roof drip
899 line of the house. If guttering is used on residential dwelling

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900 units, the downspouts shall be directed away from the
901 drainfield.

902 (t) Notwithstanding ~~the provisions of~~ subparagraph (g)1.,
903 onsite sewage treatment and disposal systems located in
904 floodways of the Suwannee and Aucilla Rivers must adhere to the
905 following requirements:

906 1. The absorption surface of the drainfield may ~~shall~~ not
907 be subject to flooding based on 10-year flood elevations.
908 Provided, however, for lots or parcels created by the
909 subdivision of land in accordance with applicable local
910 government regulations prior to January 17, 1990, if an
911 applicant cannot construct a drainfield system with the
912 absorption surface of the drainfield at an elevation equal to or
913 above 10-year flood elevation, the department shall issue a
914 permit for an onsite sewage treatment and disposal system within
915 the 10-year floodplain of rivers, streams, and other bodies of
916 flowing water if all of the following criteria are met:

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

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

920 c. The applicant installs either: a waterless,
921 incinerating, or organic waste composting toilet and a graywater
922 system and drainfield in accordance with department rules; an
923 aerobic treatment unit and drainfield in accordance with
924 department rules; a system approved by the State Health Office
925 that is capable of reducing effluent nitrate by at least 50
926 percent; or a system approved by the county health department
927 pursuant to department rule other than a system using
928 alternative drainfield materials. The United States Department

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929 of Agriculture Soil Conservation Service soil maps, State of
930 Florida Water Management District data, and Federal Emergency
931 Management Agency Flood Insurance maps are resources that shall
932 be used to identify flood-prone areas.

933 2. The use of fill or mounding to elevate a drainfield
934 system out of the 10-year floodplain of rivers, streams, or
935 other bodies of flowing water may ~~shall~~ not be permitted if such
936 a system lies within a regulatory floodway of the Suwannee and
937 Aucilla Rivers. In cases where the 10-year flood elevation does
938 not coincide with the boundaries of the regulatory floodway, the
939 regulatory floodway will be considered for the purposes of this
940 subsection to extend at a minimum to the 10-year flood
941 elevation.

942 (u)1. The owner of an aerobic treatment unit system shall
943 maintain a current maintenance service agreement with an aerobic
944 treatment unit maintenance entity permitted by the department.
945 The maintenance entity shall inspect each aerobic treatment unit
946 system at least twice each year and shall report quarterly to
947 the department on the number of aerobic treatment unit systems
948 inspected and serviced. The reports may be submitted
949 electronically.

950 2. The property owner of an owner-occupied, single-family
951 residence may be approved and permitted by the department as a
952 maintenance entity for his or her own aerobic treatment unit
953 system upon written certification from the system manufacturer's
954 approved representative that the property owner has received
955 training on the proper installation and service of the system.
956 The maintenance entity service agreement must conspicuously
957 disclose that the property owner has the right to maintain his

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958 or her own system and is exempt from contractor registration
959 requirements for performing construction, maintenance, or
960 repairs on the system but is subject to all permitting
961 requirements.

962 3. A septic tank contractor licensed under part III of
963 chapter 489, if approved by the manufacturer, may not be denied
964 access by the manufacturer to aerobic treatment unit system
965 training or spare parts for maintenance entities. After the
966 original warranty period, component parts for an aerobic
967 treatment unit system may be replaced with parts that meet
968 manufacturer's specifications but are manufactured by others.
969 The maintenance entity shall maintain documentation of the
970 substitute part's equivalency for 2 years and shall provide such
971 documentation to the department upon request.

972 4. The owner of an aerobic treatment unit system shall
973 obtain a system operating permit from the department and allow
974 the department to inspect during reasonable hours each aerobic
975 treatment unit system at least annually, and such inspection may
976 include collection and analysis of system-effluent samples for
977 performance criteria established by rule of the department.

978 (v) The department may require the submission of detailed
979 system construction plans that are prepared by a professional
980 engineer registered in this state. The department shall
981 establish by rule criteria for determining when such a
982 submission is required.

983 (w) Any permit issued and approved by the department for
984 the installation, modification, or repair of an onsite sewage
985 treatment and disposal system shall transfer with the title to
986 the property in a real estate transaction. A title may not be

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987 encumbered at the time of transfer by new permit requirements by
988 a governmental entity for an onsite sewage treatment and
989 disposal system which differ from the permitting requirements in
990 effect at the time the system was permitted, modified, or
991 repaired. An inspection of a system may not be mandated by a
992 governmental entity at the point of sale in a real estate
993 transaction. This paragraph does not affect a septic tank phase-
994 out deferral program implemented by a consolidated government as
995 defined in s. 9, Art. VIII of the State Constitution (1885).

996 (x) A governmental entity, including a municipality,
997 county, or statutorily created commission, may not require an
998 engineer-designed performance-based treatment system, excluding
999 a passive engineer-designed performance-based treatment system,
1000 before the completion of the Florida Onsite Sewage Nitrogen
1001 Reduction Strategies Project. This paragraph does not apply to a
1002 governmental entity, including a municipality, county, or
1003 statutorily created commission, which adopted a local law,
1004 ordinance, or regulation on or before January 31, 2012.

1005 Notwithstanding this paragraph, an engineer-designed
1006 performance-based treatment system may be used to meet the
1007 requirements of the variance review and advisory committee
1008 recommendations.

1009 (y)1. An onsite sewage treatment and disposal system is not
1010 considered abandoned if the system is disconnected from a
1011 structure that was made unusable or destroyed following a
1012 disaster and if the system was properly functioning at the time
1013 of disconnection and was not adversely affected by the disaster.
1014 The onsite sewage treatment and disposal system may be
1015 reconnected to a rebuilt structure if:

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1016 a. The reconnection of the system is to the same type of
1017 structure which contains the same number of bedrooms or fewer,
1018 if the square footage of the structure is less than or equal to
1019 110 percent of the original square footage of the structure that
1020 existed before the disaster;

1021 b. The system is not a sanitary nuisance; and

1022 c. The system has not been altered without prior
1023 authorization.

1024 2. An onsite sewage treatment and disposal system that
1025 serves a property that is foreclosed upon is not considered
1026 abandoned.

1027 (z) If an onsite sewage treatment and disposal system
1028 permittee receives, relies upon, and undertakes construction of
1029 a system based upon a validly issued construction permit under
1030 rules applicable at the time of construction but a change to a
1031 rule occurs within 5 years after the approval of the system for
1032 construction but before the final approval of the system, the
1033 rules applicable and in effect at the time of construction
1034 approval apply at the time of final approval if fundamental site
1035 conditions have not changed between the time of construction
1036 approval and final approval.

1037 (aa) An existing-system inspection or evaluation and
1038 assessment, or a modification, replacement, or upgrade of an
1039 onsite sewage treatment and disposal system is not required for
1040 a remodeling addition or modification to a single-family home if
1041 a bedroom is not added. However, a remodeling addition or
1042 modification to a single-family home may not cover any part of
1043 the existing system or encroach upon a required setback or the
1044 unobstructed area. To determine if a setback or the unobstructed

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1045 area is impacted, the local health department shall review and
 1046 verify a floor plan and site plan of the proposed remodeling
 1047 addition or modification to the home submitted by a remodeler
 1048 which shows the location of the system, including the distance
 1049 of the remodeling addition or modification to the home from the
 1050 onsite sewage treatment and disposal system. The local health
 1051 department may visit the site or otherwise determine the best
 1052 means of verifying the information submitted. A verification of
 1053 the location of a system is not an inspection or evaluation and
 1054 assessment of the system. The review and verification must be
 1055 completed within 7 business days after receipt by the local
 1056 health department of a floor plan and site plan. If the review
 1057 and verification is not completed within such time, the
 1058 remodeling addition or modification to the single-family home,
 1059 for the purposes of this paragraph, is approved.

1060 Section 5. Section 381.00652, Florida Statutes, is created
 1061 to read:

1062 381.00652 Onsite sewage treatment and disposal systems
 1063 technical advisory committee.—

1064 (1) An onsite sewage treatment and disposal systems
 1065 technical advisory committee, a committee as defined in s.
 1066 20.03(8), is created within the department. The committee shall:

1067 (a) Provide recommendations to increase the availability in
 1068 the marketplace of nutrient-removing onsite sewage treatment and
 1069 disposal systems, including systems that are cost-effective,
 1070 low-maintenance, and reliable.

1071 (b) Consider and recommend regulatory options, such as
 1072 fast-track approval, prequalification, or expedited permitting,
 1073 to facilitate the introduction and use of nutrient-removing

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1074 onsite sewage treatment and disposal systems that have been
1075 reviewed and approved by a national agency or organization, such
1076 as the American National Standards Institute 245 systems
1077 approved by the National Sanitation Foundation International.

1078 (c) Provide recommendations for appropriate setback
1079 distances for onsite sewage treatment and disposal systems from
1080 surface water, groundwater, and wells.

1081 (2) The department shall use existing and available
1082 resources to administer and support the activities of the
1083 committee.

1084 (3) (a) By August 1, 2021, the department, in consultation
1085 with the Department of Health, shall appoint no more than nine
1086 members to the committee, including, but not limited to, the
1087 following:

- 1088 1. A professional engineer.
- 1089 2. A septic tank contractor.
- 1090 3. A representative from the home building industry.
- 1091 4. A representative from the real estate industry.
- 1092 5. A representative from the onsite sewage treatment and
1093 disposal system industry.
- 1094 6. A representative from local government.
- 1095 7. Two representatives from the environmental community.
- 1096 8. A representative of the scientific and technical
1097 community who has substantial expertise in the areas of the fate
1098 and transport of water pollutants, toxicology, epidemiology,
1099 geology, biology, or environmental sciences.

1100 (b) Members shall serve without compensation and are not
1101 entitled to reimbursement for per diem or travel expenses.

1102 (4) By January 1, 2022, the committee shall submit its

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1103 recommendations to the Governor, the President of the Senate,
1104 and the Speaker of the House of Representatives.

1105 (5) This section expires August 15, 2022.

1106 (6) For purposes of this section, the term "department"
1107 means the Department of Environmental Protection.

1108 Section 6. Effective July 1, 2021, section 381.0068,
1109 Florida Statutes, is repealed.

1110 Section 7. Present subsections (14) through (44) of section
1111 403.061, Florida Statutes, are redesignated as subsections (15)
1112 through (45), respectively, a new subsection (14) is added to
1113 that section, and subsection (7) of that section is amended, to
1114 read:

1115 403.061 Department; powers and duties.—The department shall
1116 have the power and the duty to control and prohibit pollution of
1117 air and water in accordance with the law and rules adopted and
1118 promulgated by it and, for this purpose, to:

1119 (7) Adopt rules ~~pursuant to ss. 120.536(1) and 120.54~~ to
1120 implement ~~the provisions of~~ this act. Any rule adopted pursuant
1121 to this act must ~~shall~~ be consistent with the provisions of
1122 federal law, if any, relating to control of emissions from motor
1123 vehicles, effluent limitations, pretreatment requirements, or
1124 standards of performance. A ~~No~~ county, municipality, or
1125 political subdivision may not ~~shall~~ adopt or enforce any local
1126 ordinance, special law, or local regulation requiring the
1127 installation of Stage II vapor recovery systems, as currently
1128 defined by department rule, unless such county, municipality, or
1129 political subdivision is or has been in the past designated by
1130 federal regulation as a moderate, serious, or severe ozone
1131 nonattainment area. Rules adopted pursuant to this act may ~~shall~~

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1132 not require dischargers of waste into waters of the state to
1133 improve natural background conditions. The department shall
1134 adopt rules to reasonably limit, reduce, and eliminate leaks,
1135 seepages, or inputs into the underground pipes of wastewater
1136 collection systems. Discharges from steam electric generating
1137 plants existing or licensed under this chapter on July 1, 1984,
1138 may ~~shall~~ not be required to be treated to a greater extent than
1139 may be necessary to assure that the quality of nonthermal
1140 components of discharges from nonrecirculated cooling water
1141 systems is as high as the quality of the makeup waters; that the
1142 quality of nonthermal components of discharges from recirculated
1143 cooling water systems is no lower than is allowed for blowdown
1144 from such systems; or that the quality of noncooling system
1145 discharges which receive makeup water from a receiving body of
1146 water which does not meet applicable department water quality
1147 standards is as high as the quality of the receiving body of
1148 water. The department may not adopt standards more stringent
1149 than federal regulations, except as provided in s. 403.804.

1150 (14) In order to promote resilient utilities, require
1151 public utilities or their affiliated companies that hold or are
1152 seeking a wastewater discharge permit to file reports and other
1153 data regarding transactions or allocations of common costs among
1154 the utility or entity and such affiliated companies. The
1155 department may require such reports or other data necessary to
1156 ensure a permitted entity is reporting expenditures on pollution
1157 mitigation and prevention, including, but not limited to, the
1158 prevention of sanitary sewer overflows, collection and
1159 transmission system pipe leakages, and inflow and infiltration.
1160 The department shall adopt rules to implement this subsection.

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1161
1162 The department shall implement such programs in conjunction with
1163 its other powers and duties and shall place special emphasis on
1164 reducing and eliminating contamination that presents a threat to
1165 humans, animals or plants, or to the environment.

1166 Section 8. Section 403.0616, Florida Statutes, is created
1167 to read:

1168 403.0616 Real-time water quality monitoring program.-

1169 (1) Subject to appropriation, the department shall
1170 establish a real-time water quality monitoring program to assist
1171 in the restoration, preservation, and enhancement of impaired
1172 waterbodies and coastal resources.

1173 (2) In order to expedite the creation and implementation of
1174 the program, the department is encouraged to form public-private
1175 partnerships with established scientific entities that have
1176 proven existing real-time water quality monitoring equipment and
1177 experience in deploying the equipment.

1178 Section 9. Subsection (7) of section 403.067, Florida
1179 Statutes, is amended to read:

1180 403.067 Establishment and implementation of total maximum
1181 daily loads.-

1182 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
1183 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.-

1184 (a) *Basin management action plans.-*

1185 1. In developing and implementing the total maximum daily
1186 load for a water body, the department, or the department in
1187 conjunction with a water management district, may develop a
1188 basin management action plan that addresses some or all of the
1189 watersheds and basins tributary to the water body. Such plan

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1190 must integrate the appropriate management strategies available
1191 to the state through existing water quality protection programs
1192 to achieve the total maximum daily loads and may provide for
1193 phased implementation of these management strategies to promote
1194 timely, cost-effective actions as provided for in s. 403.151.
1195 The plan must establish a schedule implementing the management
1196 strategies, establish a basis for evaluating the plan's
1197 effectiveness, and identify feasible funding strategies for
1198 implementing the plan's management strategies. The management
1199 strategies may include regional treatment systems or other
1200 public works, where appropriate, and voluntary trading of water
1201 quality credits to achieve the needed pollutant load reductions.

1202 2. A basin management action plan must equitably allocate,
1203 pursuant to paragraph (6) (b), pollutant reductions to individual
1204 basins, as a whole to all basins, or to each identified point
1205 source or category of nonpoint sources, as appropriate. For
1206 nonpoint sources for which best management practices have been
1207 adopted, the initial requirement specified by the plan must be
1208 those practices developed pursuant to paragraph (c). When ~~Where~~
1209 appropriate, the plan may take into account the benefits of
1210 pollutant load reduction achieved by point or nonpoint sources
1211 that have implemented management strategies to reduce pollutant
1212 loads, including best management practices, before the
1213 development of the basin management action plan. The plan must
1214 also identify the mechanisms that will address potential future
1215 increases in pollutant loading.

1216 3. The basin management action planning process is intended
1217 to involve the broadest possible range of interested parties,
1218 with the objective of encouraging the greatest amount of

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1219 cooperation and consensus possible. In developing a basin
1220 management action plan, the department shall assure that key
1221 stakeholders, including, but not limited to, applicable local
1222 governments, water management districts, the Department of
1223 Agriculture and Consumer Services, other appropriate state
1224 agencies, local soil and water conservation districts,
1225 environmental groups, regulated interests, and affected
1226 pollution sources, are invited to participate in the process.
1227 The department shall hold at least one public meeting in the
1228 vicinity of the watershed or basin to discuss and receive
1229 comments during the planning process and shall otherwise
1230 encourage public participation to the greatest practicable
1231 extent. Notice of the public meeting must be published in a
1232 newspaper of general circulation in each county in which the
1233 watershed or basin lies at least not less than 5 days, but not
1234 ~~nor~~ more than 15 days, before the public meeting. A basin
1235 management action plan does not supplant or otherwise alter any
1236 assessment made under subsection (3) or subsection (4) or any
1237 calculation or initial allocation.

1238 4. Each new or revised basin management action plan shall
1239 include:

1240 a. The appropriate management strategies available through
1241 existing water quality protection programs to achieve total
1242 maximum daily loads, which may provide for phased implementation
1243 to promote timely, cost-effective actions as provided for in s.
1244 403.151;

1245 b. A description of best management practices adopted by
1246 rule;

1247 c. A list of projects in priority ranking with a planning-

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1248 level cost estimate and estimated date of completion for each
1249 listed project;

1250 d. The source and amount of financial assistance to be made
1251 available by the department, a water management district, or
1252 other entity for each listed project, if applicable; and

1253 e. A planning-level estimate of each listed project's
1254 expected load reduction, if applicable.

1255 5. The department shall adopt all or any part of a basin
1256 management action plan and any amendment to such plan by
1257 secretarial order pursuant to chapter 120 to implement ~~the~~
1258 ~~provisions of~~ this section.

1259 6. The basin management action plan must include milestones
1260 for implementation and water quality improvement, and an
1261 associated water quality monitoring component sufficient to
1262 evaluate whether reasonable progress in pollutant load
1263 reductions is being achieved over time. An assessment of
1264 progress toward these milestones shall be conducted every 5
1265 years, and revisions to the plan shall be made as appropriate.
1266 Revisions to the basin management action plan shall be made by
1267 the department in cooperation with basin stakeholders. Revisions
1268 to the management strategies required for nonpoint sources must
1269 follow the procedures set forth in subparagraph (c)4. Revised
1270 basin management action plans must be adopted pursuant to
1271 subparagraph 5.

1272 7. In accordance with procedures adopted by rule under
1273 paragraph (9)(c), basin management action plans, and other
1274 pollution control programs under local, state, or federal
1275 authority as provided in subsection (4), may allow point or
1276 nonpoint sources that will achieve greater pollutant reductions

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1277 than required by an adopted total maximum daily load or
1278 wasteload allocation to generate, register, and trade water
1279 quality credits for the excess reductions to enable other
1280 sources to achieve their allocation; however, the generation of
1281 water quality credits does not remove the obligation of a source
1282 or activity to meet applicable technology requirements or
1283 adopted best management practices. Such plans must allow trading
1284 between NPDES permittees, and trading that may or may not
1285 involve NPDES permittees, where the generation or use of the
1286 credits involve an entity or activity not subject to department
1287 water discharge permits whose owner voluntarily elects to obtain
1288 department authorization for the generation and sale of credits.

1289 ~~8. The provisions of~~ The department's rule relating to the
1290 equitable abatement of pollutants into surface waters do not
1291 apply to water bodies or water body segments for which a basin
1292 management plan that takes into account future new or expanded
1293 activities or discharges has been adopted under this section.

1294 9. In order to promote resilient utilities, if the
1295 department identifies domestic wastewater facilities or onsite
1296 sewage treatment and disposal systems as contributors of at
1297 least 20 percent of point source or nonpoint source nutrient
1298 pollution or if the department determines remediation is
1299 necessary to achieve the total maximum daily load, a basin
1300 management action plan for a nutrient total maximum daily load
1301 must include the following:

1302 a. A wastewater treatment plan that addresses domestic
1303 wastewater developed by each local government in cooperation
1304 with the department, the water management district, and the
1305 public and private domestic wastewater facilities within the

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1306 jurisdiction of the local government. The wastewater treatment
1307 plan must:

1308 (I) Provide for construction, expansion, or upgrades
1309 necessary to achieve the total maximum daily load requirements
1310 applicable to the domestic wastewater facility.

1311 (II) Include the permitted capacity in gallons per day for
1312 the domestic wastewater facility; the average nutrient
1313 concentration and the estimated average nutrient load of the
1314 domestic wastewater; a timeline of the dates by which the
1315 construction of any facility improvements will begin and be
1316 completed and the date by which operations of the improved
1317 facility will begin; the estimated cost of the improvements; and
1318 the identity of responsible parties.

1319
1320 The wastewater treatment plan must be adopted as part of the
1321 basin management action plan no later than July 1, 2025. A local
1322 government that does not have a domestic wastewater treatment
1323 facility in its jurisdiction is not required to develop a
1324 wastewater treatment plan unless there is a demonstrated need to
1325 establish a domestic wastewater treatment facility within its
1326 jurisdiction to improve water quality necessary to achieve a
1327 total maximum daily load.

1328 b. An onsite sewage treatment and disposal system
1329 remediation plan developed by each local government in
1330 cooperation with the department, the Department of Health, water
1331 management districts, and public and private domestic wastewater
1332 facilities.

1333 (I) The onsite sewage treatment and disposal system
1334 remediation plan must identify cost-effective and financially

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1335 feasible projects necessary to achieve the nutrient load
1336 reductions required for onsite sewage treatment and disposal
1337 systems. To identify cost-effective and financially feasible
1338 projects for remediation of onsite sewage treatment and disposal
1339 systems, the local government shall:

1340 (A) Include an inventory of onsite sewage treatment and
1341 disposal systems based on the best information available;

1342 (B) Identify onsite sewage treatment and disposal systems
1343 that would be eliminated through connection to existing or
1344 future central wastewater infrastructure, that would be replaced
1345 with or upgraded to advanced nutrient-removal systems, or that
1346 would remain on conventional onsite sewage treatment and
1347 disposal systems;

1348 (C) Estimate the costs of potential onsite sewage treatment
1349 and disposal systems connections, upgrades, or replacements; and

1350 (D) Identify deadlines and interim milestones for the
1351 planning, design, and construction of projects.

1352 (II) The department shall adopt the onsite sewage treatment
1353 and disposal system remediation plan as part of the basin
1354 management action plan no later than July 1, 2025, or as
1355 required for Outstanding Florida Springs under s. 373.807.

1356 10. When identifying wastewater projects in a basin
1357 management action plan, the department may not require the
1358 higher cost option if it achieves the same nutrient load
1359 reduction as a lower cost option.

1360 *(b) Total maximum daily load implementation.—*

1361 1. The department shall be the lead agency in coordinating
1362 the implementation of the total maximum daily loads through
1363 existing water quality protection programs. Application of a

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1364 total maximum daily load by a water management district must be
1365 consistent with this section and does not require the issuance
1366 of an order or a separate action pursuant to s. 120.536(1) or s.
1367 120.54 for the adoption of the calculation and allocation
1368 previously established by the department. Such programs may
1369 include, but are not limited to:

1370 a. Permitting and other existing regulatory programs,
1371 including water-quality-based effluent limitations;

1372 b. Nonregulatory and incentive-based programs, including
1373 best management practices, cost sharing, waste minimization,
1374 pollution prevention, agreements established pursuant to s.
1375 403.061(22) ~~s. 403.061(21)~~, and public education;

1376 c. Other water quality management and restoration
1377 activities, for example surface water improvement and management
1378 plans approved by water management districts or basin management
1379 action plans developed pursuant to this subsection;

1380 d. Trading of water quality credits or other equitable
1381 economically based agreements;

1382 e. Public works including capital facilities; or

1383 f. Land acquisition.

1384 2. For a basin management action plan adopted pursuant to
1385 paragraph (a), any management strategies and pollutant reduction
1386 requirements associated with a pollutant of concern for which a
1387 total maximum daily load has been developed, including effluent
1388 limits set forth for a discharger subject to NPDES permitting,
1389 if any, must be included in a timely manner in subsequent NPDES
1390 permits or permit modifications for that discharger. The
1391 department may not impose limits or conditions implementing an
1392 adopted total maximum daily load in an NPDES permit until the

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1393 permit expires, the discharge is modified, or the permit is
1394 reopened pursuant to an adopted basin management action plan.

1395 a. Absent a detailed allocation, total maximum daily loads
1396 must be implemented through NPDES permit conditions that provide
1397 for a compliance schedule. In such instances, a facility's NPDES
1398 permit must allow time for the issuance of an order adopting the
1399 basin management action plan. The time allowed for the issuance
1400 of an order adopting the plan may not exceed 5 years. Upon
1401 issuance of an order adopting the plan, the permit must be
1402 reopened or renewed, as necessary, and permit conditions
1403 consistent with the plan must be established. Notwithstanding
1404 the other provisions of this subparagraph, upon request by an
1405 NPDES permittee, the department as part of a permit issuance,
1406 renewal, or modification may establish individual allocations
1407 before the adoption of a basin management action plan.

1408 b. For holders of NPDES municipal separate storm sewer
1409 system permits and other stormwater sources, implementation of a
1410 total maximum daily load or basin management action plan must be
1411 achieved, to the maximum extent practicable, through the use of
1412 best management practices or other management measures.

1413 c. The basin management action plan does not relieve the
1414 discharger from any requirement to obtain, renew, or modify an
1415 NPDES permit or to abide by other requirements of the permit.

1416 d. Management strategies set forth in a basin management
1417 action plan to be implemented by a discharger subject to
1418 permitting by the department must be completed pursuant to the
1419 schedule set forth in the basin management action plan. This
1420 implementation schedule may extend beyond the 5-year term of an
1421 NPDES permit.

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1422 e. Management strategies and pollution reduction
1423 requirements set forth in a basin management action plan for a
1424 specific pollutant of concern are not subject to challenge under
1425 chapter 120 at the time they are incorporated, in an identical
1426 form, into a subsequent NPDES permit or permit modification.

1427 f. For nonagricultural pollutant sources not subject to
1428 NPDES permitting but permitted pursuant to other state,
1429 regional, or local water quality programs, the pollutant
1430 reduction actions adopted in a basin management action plan must
1431 be implemented to the maximum extent practicable as part of
1432 those permitting programs.

1433 g. A nonpoint source discharger included in a basin
1434 management action plan must demonstrate compliance with the
1435 pollutant reductions established under subsection (6) by
1436 implementing the appropriate best management practices
1437 established pursuant to paragraph (c) or conducting water
1438 quality monitoring prescribed by the department or a water
1439 management district. A nonpoint source discharger may, in
1440 accordance with department rules, supplement the implementation
1441 of best management practices with water quality credit trades in
1442 order to demonstrate compliance with the pollutant reductions
1443 established under subsection (6).

1444 h. A nonpoint source discharger included in a basin
1445 management action plan may be subject to enforcement action by
1446 the department or a water management district based upon a
1447 failure to implement the responsibilities set forth in sub-
1448 subparagraph g.

1449 i. A landowner, discharger, or other responsible person who
1450 is implementing applicable management strategies specified in an

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1451 adopted basin management action plan may not be required by
1452 permit, enforcement action, or otherwise to implement additional
1453 management strategies, including water quality credit trading,
1454 to reduce pollutant loads to attain the pollutant reductions
1455 established pursuant to subsection (6) and shall be deemed to be
1456 in compliance with this section. This subparagraph does not
1457 limit the authority of the department to amend a basin
1458 management action plan as specified in subparagraph (a)6.

1459 (c) *Best management practices.*—

1460 1. The department, in cooperation with the water management
1461 districts and other interested parties, as appropriate, may
1462 develop suitable interim measures, best management practices, or
1463 other measures necessary to achieve the level of pollution
1464 reduction established by the department for nonagricultural
1465 nonpoint pollutant sources in allocations developed pursuant to
1466 subsection (6) and this subsection. These practices and measures
1467 may be adopted by rule by the department and the water
1468 management districts and, where adopted by rule, shall be
1469 implemented by those parties responsible for nonagricultural
1470 nonpoint source pollution.

1471 2. The Department of Agriculture and Consumer Services may
1472 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54
1473 suitable interim measures, best management practices, or other
1474 measures necessary to achieve the level of pollution reduction
1475 established by the department for agricultural pollutant sources
1476 in allocations developed pursuant to subsection (6) and this
1477 subsection or for programs implemented pursuant to paragraph
1478 (12) (b). These practices and measures may be implemented by
1479 those parties responsible for agricultural pollutant sources and

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1480 the department, the water management districts, and the
1481 Department of Agriculture and Consumer Services shall assist
1482 with implementation. In the process of developing and adopting
1483 rules for interim measures, best management practices, or other
1484 measures, the Department of Agriculture and Consumer Services
1485 shall consult with the department, the Department of Health, the
1486 water management districts, representatives from affected
1487 farming groups, and environmental group representatives. Such
1488 rules must also incorporate provisions for a notice of intent to
1489 implement the practices and a system to assure the
1490 implementation of the practices, including site inspection and
1491 recordkeeping requirements.

1492 3. Where interim measures, best management practices, or
1493 other measures are adopted by rule, the effectiveness of such
1494 practices in achieving the levels of pollution reduction
1495 established in allocations developed by the department pursuant
1496 to subsection (6) and this subsection or in programs implemented
1497 pursuant to paragraph (12)(b) must be verified at representative
1498 sites by the department. The department shall use best
1499 professional judgment in making the initial verification that
1500 the best management practices are reasonably expected to be
1501 effective and, where applicable, must notify the appropriate
1502 water management district or the Department of Agriculture and
1503 Consumer Services of its initial verification before the
1504 adoption of a rule proposed pursuant to this paragraph.
1505 Implementation, in accordance with rules adopted under this
1506 paragraph, of practices that have been initially verified to be
1507 effective, or verified to be effective by monitoring at
1508 representative sites, by the department, shall provide a

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1509 presumption of compliance with state water quality standards and
1510 release from ~~the provisions of~~ s. 376.307(5) for those
1511 pollutants addressed by the practices, and the department is not
1512 authorized to institute proceedings against the owner of the
1513 source of pollution to recover costs or damages associated with
1514 the contamination of surface water or groundwater caused by
1515 those pollutants. Research projects funded by the department, a
1516 water management district, or the Department of Agriculture and
1517 Consumer Services to develop or demonstrate interim measures or
1518 best management practices shall be granted a presumption of
1519 compliance with state water quality standards and a release from
1520 ~~the provisions of~~ s. 376.307(5). The presumption of compliance
1521 and release is limited to the research site and only for those
1522 pollutants addressed by the interim measures or best management
1523 practices. Eligibility for the presumption of compliance and
1524 release is limited to research projects on sites where the owner
1525 or operator of the research site and the department, a water
1526 management district, or the Department of Agriculture and
1527 Consumer Services have entered into a contract or other
1528 agreement that, at a minimum, specifies the research objectives,
1529 the cost-share responsibilities of the parties, and a schedule
1530 that details the beginning and ending dates of the project.

1531 4. Where water quality problems are demonstrated, despite
1532 the appropriate implementation, operation, and maintenance of
1533 best management practices and other measures required by rules
1534 adopted under this paragraph, the department, a water management
1535 district, or the Department of Agriculture and Consumer
1536 Services, in consultation with the department, shall institute a
1537 reevaluation of the best management practice or other measure.

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1538 Should the reevaluation determine that the best management
1539 practice or other measure requires modification, the department,
1540 a water management district, or the Department of Agriculture
1541 and Consumer Services, as appropriate, shall revise the rule to
1542 require implementation of the modified practice within a
1543 reasonable time period as specified in the rule.

1544 5. The Department of Agriculture and Consumer Services
1545 shall collect fertilization and nutrient records from each
1546 agricultural producer enrolled in best management practices that
1547 address nutrients. These records must include rates of
1548 application in pounds per acre; application method; fertilizer
1549 type or source; acres covered; formulation of the applied
1550 fertilizer, including nitrogen and phosphorus content; location;
1551 grade; and dates applied. By each March 1, the Department of
1552 Agriculture and Consumer Services shall provide the previous
1553 year's records to the department.

1554 6. Agricultural records relating to processes or methods of
1555 production, costs of production, profits, or other financial
1556 information held by the Department of Agriculture and Consumer
1557 Services pursuant to subparagraphs 3. and 4. or pursuant to any
1558 rule adopted pursuant to subparagraph 2. are confidential and
1559 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
1560 Constitution. Upon request, records made confidential and exempt
1561 pursuant to this subparagraph shall be released to the
1562 department or any water management district provided that the
1563 confidentiality specified by this subparagraph for such records
1564 is maintained.

1565 ~~7.6. The provisions of~~ Subparagraphs 1. and 2. do not
1566 preclude the department or water management district from

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1567 requiring compliance with water quality standards or with
1568 current best management practice requirements set forth in any
1569 applicable regulatory program authorized by law for the purpose
1570 of protecting water quality. Additionally, subparagraphs 1. and
1571 2. are applicable only to the extent that they do not conflict
1572 with any rules adopted by the department that are necessary to
1573 maintain a federally delegated or approved program.

1574 (d) *Enforcement and verification of basin management action*
1575 *plans and management strategies.*—

1576 1. Basin management action plans are enforceable pursuant
1577 to this section and ss. 403.121, 403.141, and 403.161.
1578 Management strategies, including best management practices and
1579 water quality monitoring, are enforceable under this chapter.

1580 2. No later than January 1, 2017:

1581 a. The department, in consultation with the water
1582 management districts and the Department of Agriculture and
1583 Consumer Services, shall initiate rulemaking to adopt procedures
1584 to verify implementation of water quality monitoring required in
1585 lieu of implementation of best management practices or other
1586 measures pursuant to sub-subparagraph (b)2.g.;

1587 b. The department, in consultation with the water
1588 management districts and the Department of Agriculture and
1589 Consumer Services, shall initiate rulemaking to adopt procedures
1590 to verify implementation of nonagricultural interim measures,
1591 best management practices, or other measures adopted by rule
1592 pursuant to subparagraph (c)1.; and

1593 c. The Department of Agriculture and Consumer Services, in
1594 consultation with the water management districts and the
1595 department, shall initiate rulemaking to adopt procedures to

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1596 verify implementation of agricultural interim measures, best
1597 management practices, or other measures adopted by rule pursuant
1598 to subparagraph(c)2.

1599
1600 The rules required under this subparagraph shall include
1601 enforcement procedures applicable to the landowner, discharger,
1602 or other responsible person required to implement applicable
1603 management strategies, including best management practices or
1604 water quality monitoring as a result of noncompliance.

1605 3. At least every 2 years, the Department of Agriculture
1606 and Consumer Services shall perform onsite inspections of each
1607 agricultural producer that enrolls in a best management practice
1608 to ensure that such practice is being properly implemented.

1609 (e) Data collection and research.-

1610 1. The Department of Agriculture and Consumer Services, the
1611 University of Florida Institute of Food and Agricultural
1612 Sciences, and other state universities and Florida College
1613 System institutions with agricultural research programs may
1614 annually develop research plans and legislative budget requests
1615 to:

1616 a. Evaluate and suggest enhancements to the existing
1617 adopted agricultural best management practices to reduce
1618 nutrients;

1619 b. Develop new best management practices that, if proven
1620 effective, the Department of Agriculture and Consumer Services
1621 may adopt by rule pursuant to paragraph 403.067(7)(c); and

1622 c. Develop agricultural nutrient reduction projects that
1623 willing participants could implement on a site-specific,
1624 cooperative basis, in addition to best management practices. The

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1625 department may consider these projects for inclusion in a basin
1626 management action plan. These nutrient reduction projects must
1627 reduce the nutrient impacts from agricultural operations on
1628 water quality when evaluated with the projects and management
1629 strategies currently included in the basin management action
1630 plan.

1631 2. To be considered for funding, the University of Florida
1632 Institute of Food and Agricultural Sciences and other state
1633 universities and Florida College System institutions that have
1634 agricultural research programs must submit such plans to the
1635 department and the Department of Agriculture and Consumer
1636 Services by August 1 of each year.

1637 Section 10. Section 403.0673, Florida Statutes, is created
1638 to read:

1639 403.0673 Wastewater grant program.—A wastewater grant
1640 program is established within the Department of Environmental
1641 Protection.

1642 (1) Subject to the appropriation of funds by the
1643 Legislature, the department may provide grants for the following
1644 projects within a basin management action plan, an alternative
1645 restoration plan adopted by final order, or a rural area of
1646 opportunity under s. 288.0656 which will individually or
1647 collectively reduce excess nutrient pollution:

1648 (a) Projects to retrofit onsite sewage treatment and
1649 disposal systems to upgrade them to nutrient-reducing onsite
1650 sewage treatment and disposal systems.

1651 (b) Projects to construct, upgrade, or expand facilities to
1652 provide advanced waste treatment, as defined in s. 403.086(4).

1653 (c) Projects to connect onsite sewage treatment and

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1654 disposal systems to central sewer facilities.

1655 (2) In allocating such funds, priority must be given to
1656 projects that subsidize the connection of onsite sewage
1657 treatment and disposal systems to a wastewater treatment plant.
1658 In determining priorities, the department shall consider the
1659 estimated reduction in nutrient load per project; project
1660 readiness; cost-effectiveness of the project; overall
1661 environmental benefit of a project; the location of a project;
1662 the availability of local matching funds; and projected water
1663 savings or quantity improvements associated with a project.

1664 (3) Each grant for a project described in subsection (1)
1665 must require a minimum of a 50 percent local match of funds.
1666 However, the department may, at its discretion, waive, in whole
1667 or in part, this consideration of the local contribution for
1668 proposed projects within an area designated as a rural area of
1669 opportunity under s. 288.0656.

1670 (4) The department shall coordinate with each water
1671 management district, as necessary, to identify grant recipients
1672 in each district.

1673 (5) Beginning January 1, 2021, and each January 1
1674 thereafter, the department shall submit a report regarding the
1675 projects funded pursuant to this section to the Governor, the
1676 President of the Senate, and the Speaker of the House of
1677 Representatives.

1678 Section 11. Section 403.0855, Florida Statutes, is created
1679 to read:

1680 403.0855 Biosolids management.—The Legislature finds that
1681 it is in the best interest of this state to regulate biosolids
1682 management in order to minimize the migration of nutrients that

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1683 impair waterbodies. The Legislature further finds that the
1684 expedited implementation of the recommendations of the Biosolids
1685 Technical Advisory Committee, including permitting according to
1686 site-specific application conditions, an increased inspection
1687 rate, groundwater and surface water monitoring protocols, and
1688 nutrient management research, will improve biosolids management
1689 and assist in protecting this state's water resources and water
1690 quality. The department shall adopt rules for biosolids
1691 management. Rules adopted by the department pursuant to this
1692 section before the 2021 regular legislative session are not
1693 subject to s. 120.541(3).

1694 Section 12. Present subsections (7) through (10) of section
1695 403.086, Florida Statutes, are redesignated as subsections (8)
1696 through (11), respectively, a new subsection (7) is added to
1697 that section, and paragraph (c) of subsection (1) and subsection
1698 (2) of that section are amended, to read:

1699 403.086 Sewage disposal facilities; advanced and secondary
1700 waste treatment.—

1701 (1)

1702 (c) Notwithstanding any other provisions of this chapter or
1703 chapter 373, facilities for sanitary sewage disposal may not
1704 dispose of any wastes into Old Tampa Bay, Tampa Bay,
1705 Hillsborough Bay, Boca Ciega Bay, St. Joseph Sound, Clearwater
1706 Bay, Sarasota Bay, Little Sarasota Bay, Roberts Bay, Lemon Bay,
1707 or Charlotte Harbor Bay, Indian River Lagoon beginning July 1,
1708 2025, or into any river, stream, channel, canal, bay, bayou,
1709 sound, or other water tributary thereto, without providing
1710 advanced waste treatment, as defined in subsection (4), approved
1711 by the department. This paragraph shall not apply to facilities

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1712 which were permitted by February 1, 1987, and which discharge
1713 secondary treated effluent, followed by water hyacinth
1714 treatment, to tributaries of tributaries of the named waters; or
1715 to facilities permitted to discharge to the nontidally
1716 influenced portions of the Peace River.

1717 (2) Any facilities for sanitary sewage disposal shall
1718 provide for secondary waste treatment, a power outage
1719 contingency plan that mitigates the impacts of power outages on
1720 the utility's collection system and pump stations, and, ~~in~~
1721 ~~addition thereto,~~ advanced waste treatment as deemed necessary
1722 and ordered by the Department of Environmental Protection.
1723 Failure to conform is ~~shall be~~ punishable by a civil penalty of
1724 \$500 for each 24-hour day or fraction thereof that such failure
1725 is allowed to continue thereafter.

1726 (7) All facilities for sanitary sewage under subsection (2)
1727 which control a collection or transmission system of pipes and
1728 pumps to collect and transmit wastewater from domestic or
1729 industrial sources to the facility shall take steps to prevent
1730 sanitary sewer overflows or underground pipe leaks and ensure
1731 that collected waste water reaches the facility for appropriate
1732 treatment. Facilities must use inflow and infiltration studies
1733 and leakage surveys to develop pipe assessment, repair, and
1734 replacement action plans that comply with department rule to
1735 limit, reduce, and eliminate leaks, seepages, or inputs into
1736 wastewater treatment systems' underground pipes. The pipe
1737 assessment, repair, and replacement action plans must be
1738 reported to the department. The facility report must include
1739 information regarding the annual expenditures dedicated to the
1740 inflow and infiltration studies and the required replacement

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1741 action plans, as well as expenditures that are dedicated to pipe
1742 assessment, repair, and replacement. The department shall adopt
1743 rules regarding the implementation of inflow and infiltration
1744 studies and leakage surveys. Substantial compliance with this
1745 subsection is evidence in mitigation for the purposes of
1746 assessing penalties pursuant to ss. 403.121 and 403.141.

1747 Section 13. Present subsections (4) through (10) of section
1748 403.087, Florida Statutes, are redesignated as subsections (5)
1749 through (11), respectively, and a new subsection (4) is added to
1750 that section, to read:

1751 403.087 Permits; general issuance; denial; revocation;
1752 prohibition; penalty.—

1753 (4) The department shall issue an operation permit for a
1754 domestic wastewater treatment facility other than a facility
1755 regulated under the National Pollutant Discharge Elimination
1756 System Program under s. 403.0885 for a term of up to 10 years if
1757 the facility is meeting the stated goals in its action plan
1758 adopted pursuant to s. 403.086(7).

1759 Section 14. Present subsections (3) and (4) of section
1760 403.088, Florida Statutes, are redesignated as subsections (4)
1761 and (5), respectively, a new subsection (3) is added to that
1762 section, and paragraph (c) of subsection (2) of that section is
1763 amended, to read:

1764 403.088 Water pollution operation permits; conditions.—

1765 (2)

1766 (c) A permit shall:

1767 1. Specify the manner, nature, volume, and frequency of the
1768 discharge permitted;

1769 2. Require proper operation and maintenance of any

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1770 pollution abatement facility by qualified personnel in
1771 accordance with standards established by the department;

1772 3. Require a deliberate, proactive approach to
1773 investigating or surveying a significant percentage of the
1774 wastewater collection system throughout the duration of the
1775 permit to determine pipe integrity, which must be accomplished
1776 in an economically feasible manner. The permittee shall submit
1777 an annual report to the department which details facility
1778 revenues and expenditures in a manner prescribed by department
1779 rule. The report must detail any deviation from annual
1780 expenditures related to inflow and infiltration studies; model
1781 plans for pipe assessment, repair, and replacement; and pipe
1782 assessment, repair, and replacement required under s.
1783 403.086(7). Substantial compliance with this subsection is
1784 evidence in mitigation for the purposes of assessing penalties
1785 pursuant to ss. 403.121 and 403.141;

1786 4. Contain such additional conditions, requirements, and
1787 restrictions as the department deems necessary to preserve and
1788 protect the quality of the receiving waters;

1789 ~~5.4.~~ Be valid for the period of time specified therein; and

1790 ~~6.5.~~ Constitute the state National Pollutant Discharge
1791 Elimination System permit when issued pursuant to the authority
1792 in s. 403.0885.

1793 (3) No later than March 1 of each year, the department
1794 shall submit a report to the Governor, the President of the
1795 Senate, and the Speaker of the House of Representatives which
1796 identifies all wastewater utilities that experienced a sanitary
1797 sewer overflow in the preceding calendar year. The report must
1798 identify the utility name, operator, number of overflows, and

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1799 total quantity of discharge released. The department shall
1800 include with this report the annual report specified under s.
1801 403.088(2)(c)3. for each utility that experienced an overflow.

1802 Section 15. Subsection (6) of section 403.0891, Florida
1803 Statutes, is amended to read:

1804 403.0891 State, regional, and local stormwater management
1805 plans and programs.—The department, the water management
1806 districts, and local governments shall have the responsibility
1807 for the development of mutually compatible stormwater management
1808 programs.

1809 (6) The department and the Department of Economic
1810 Opportunity, in cooperation with local governments in the
1811 coastal zone, shall develop a model stormwater management
1812 program that could be adopted by local governments. The model
1813 program must contain model ordinances that target nutrient
1814 reduction practices and use green infrastructure. The model
1815 program shall contain dedicated funding options, including a
1816 stormwater utility fee system based upon an equitable unit cost
1817 approach. Funding options shall be designed to generate capital
1818 to retrofit existing stormwater management systems, build new
1819 treatment systems, operate facilities, and maintain and service
1820 debt.

1821 Section 16. Paragraph (b) of subsection (3) of section
1822 403.121, Florida Statutes, is amended to read:

1823 403.121 Enforcement; procedure; remedies.—The department
1824 shall have the following judicial and administrative remedies
1825 available to it for violations of this chapter, as specified in
1826 s. 403.161(1).

1827 (3) Except for violations involving hazardous wastes,

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1828 asbestos, or underground injection, administrative penalties
1829 must be calculated according to the following schedule:

1830 (b) For failure to obtain a required wastewater permit,
1831 other than a permit required for surface water discharge, the
1832 department shall assess a penalty of \$1,000. For a domestic or
1833 industrial wastewater violation not involving a surface water or
1834 groundwater quality violation, the department shall assess a
1835 penalty of \$2,000 for an unpermitted or unauthorized discharge
1836 or effluent-limitation exceedance or failure to survey an
1837 adequate portion of the wastewater collection system and take
1838 steps to reduce sanitary sewer overflows, pipe leaks, and inflow
1839 and infiltration. For an unpermitted or unauthorized discharge
1840 or effluent-limitation exceedance that resulted in a surface
1841 water or groundwater quality violation, the department shall
1842 assess a penalty of \$5,000.

1843 Section 17. Subsection (3) is added to section 403.885,
1844 Florida Statutes, to read:

1845 403.885 Water Projects Grant Program.—

1846 (3) The department shall give funding priority to grant
1847 proposals submitted by a domestic wastewater utility in
1848 accordance with s. 403.1835 which implement the requirements of
1849 ss. 403.086(7) or 403.088(2)(c).

1850 Section 18. The Legislature determines and declares that
1851 this act fulfills an important state interest.

1852 Section 19. Effective July 1, 2021, subsection (5) of
1853 section 153.54, Florida Statutes, is amended to read:

1854 153.54 Preliminary report by county commissioners with
1855 respect to creation of proposed district.—Upon receipt of a
1856 petition duly signed by not less than 25 qualified electors who

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1857 are also freeholders residing within an area proposed to be
1858 incorporated into a water and sewer district pursuant to this
1859 law and describing in general terms the proposed boundaries of
1860 such proposed district, the board of county commissioners if it
1861 shall deem it necessary and advisable to create and establish
1862 such proposed district for the purpose of constructing,
1863 establishing or acquiring a water system or a sewer system or
1864 both in and for such district (herein called "improvements"),
1865 shall first cause a preliminary report to be made which such
1866 report together with any other relevant or pertinent matters,
1867 shall include at least the following:

1868 (5) For the construction of a new proposed central sewerage
1869 system or the extension of an existing sewerage system that was
1870 not previously approved, the report shall include a study that
1871 includes the available information from the Department of
1872 Environmental Protection ~~Health~~ on the history of onsite sewage
1873 treatment and disposal systems currently in use in the area and
1874 a comparison of the projected costs to the owner of a typical
1875 lot or parcel of connecting to and using the proposed sewerage
1876 system versus installing, operating, and properly maintaining an
1877 onsite sewage treatment and disposal system that is approved by
1878 the Department of Environmental Protection ~~Health~~ and that
1879 provides for the comparable level of environmental and health
1880 protection as the proposed central sewerage system;
1881 consideration of the local authority's obligations or reasonably
1882 anticipated obligations for water body cleanup and protection
1883 under state or federal programs, including requirements for
1884 water bodies listed under s. 303(d) of the Clean Water Act, Pub.
1885 L. No. 92-500, 33 U.S.C. ss. 1251 et seq.; and other factors

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1886 deemed relevant by the local authority.

1887

1888 Such report shall be filed in the office of the clerk of the
1889 circuit court and shall be open for the inspection of any
1890 taxpayer, property owner, qualified elector or any other
1891 interested or affected person.

1892 Section 20. Effective July 1, 2021, paragraph (c) of
1893 subsection (2) of section 153.73, Florida Statutes, is amended
1894 to read:

1895 153.73 Assessable improvements; levy and payment of special
1896 assessments.—Any district may provide for the construction or
1897 reconstruction of assessable improvements as defined in s.
1898 153.52, and for the levying of special assessments upon
1899 benefited property for the payment thereof, under ~~the provisions~~
1900 ~~of~~ this section.

1901 (2)

1902 (c) For the construction of a new proposed central sewerage
1903 system or the extension of an existing sewerage system that was
1904 not previously approved, the report shall include a study that
1905 includes the available information from the Department of
1906 Environmental Protection ~~Health~~ on the history of onsite sewage
1907 treatment and disposal systems currently in use in the area and
1908 a comparison of the projected costs to the owner of a typical
1909 lot or parcel of connecting to and using the proposed sewerage
1910 system versus installing, operating, and properly maintaining an
1911 onsite sewage treatment and disposal system that is approved by
1912 the Department of Environmental Protection ~~Health~~ and that
1913 provides for the comparable level of environmental and health
1914 protection as the proposed central sewerage system;

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1915 consideration of the local authority's obligations or reasonably
1916 anticipated obligations for water body cleanup and protection
1917 under state or federal programs, including requirements for
1918 water bodies listed under s. 303(d) of the Clean Water Act, Pub.
1919 L. No. 92-500, 33 U.S.C. ss. 1251 et seq.; and other factors
1920 deemed relevant by the local authority.

1921 Section 21. Effective July 1, 2021, subsection (2) of
1922 section 163.3180, Florida Statutes, is amended to read:

1923 163.3180 Concurrency.—

1924 (2) Consistent with public health and safety, sanitary
1925 sewer, solid waste, drainage, adequate water supplies, and
1926 potable water facilities shall be in place and available to
1927 serve new development no later than the issuance by the local
1928 government of a certificate of occupancy or its functional
1929 equivalent. Prior to approval of a building permit or its
1930 functional equivalent, the local government shall consult with
1931 the applicable water supplier to determine whether adequate
1932 water supplies to serve the new development will be available no
1933 later than the anticipated date of issuance by the local
1934 government of a certificate of occupancy or its functional
1935 equivalent. A local government may meet the concurrency
1936 requirement for sanitary sewer through the use of onsite sewage
1937 treatment and disposal systems approved by the Department of
1938 Environmental Protection ~~Health~~ to serve new development.

1939 Section 22. Effective July 1, 2021, subsection (3) of
1940 section 180.03, Florida Statutes, is amended to read:

1941 180.03 Resolution or ordinance proposing construction or
1942 extension of utility; objections to same.—

1943 (3) For the construction of a new proposed central sewerage

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1944 system or the extension of an existing central sewerage system
1945 that was not previously approved, the report shall include a
1946 study that includes the available information from the
1947 Department of Environmental Protection ~~Health~~ on the history of
1948 onsite sewage treatment and disposal systems currently in use in
1949 the area and a comparison of the projected costs to the owner of
1950 a typical lot or parcel of connecting to and using the proposed
1951 central sewerage system versus installing, operating, and
1952 properly maintaining an onsite sewage treatment and disposal
1953 system that is approved by the Department of Environmental
1954 Protection ~~Health~~ and that provides for the comparable level of
1955 environmental and health protection as the proposed central
1956 sewerage system; consideration of the local authority's
1957 obligations or reasonably anticipated obligations for water body
1958 cleanup and protection under state or federal programs,
1959 including requirements for water bodies listed under s. 303(d)
1960 of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251
1961 et seq.; and other factors deemed relevant by the local
1962 authority. The results of such a study shall be included in the
1963 resolution or ordinance required under subsection (1).

1964 Section 23. Subsections (2), (3), and (6) of section
1965 311.105, Florida Statutes, are amended to read:

1966 311.105 Florida Seaport Environmental Management Committee;
1967 permitting; mitigation.—

1968 (2) Each application for a permit authorized pursuant to s.
1969 403.061(38) ~~s. 403.061(37)~~ must include:

1970 (a) A description of maintenance dredging activities to be
1971 conducted and proposed methods of dredged-material management.

1972 (b) A characterization of the materials to be dredged and

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1973 the materials within dredged-material management sites.

1974 (c) A description of dredged-material management sites and
1975 plans.

1976 (d) A description of measures to be undertaken, including
1977 environmental compliance monitoring, to minimize adverse
1978 environmental effects of maintenance dredging and dredged-
1979 material management.

1980 (e) Such scheduling information as is required to
1981 facilitate state supplementary funding of federal maintenance
1982 dredging and dredged-material management programs consistent
1983 with beach restoration criteria of the Department of
1984 Environmental Protection.

1985 (3) Each application for a permit authorized pursuant to s.
1986 403.061(39) ~~s. 403.061(38)~~ must include the provisions of
1987 paragraphs (2)(b)-(e) and the following:

1988 (a) A description of dredging and dredged-material
1989 management and other related activities associated with port
1990 development, including the expansion of navigation channels,
1991 dredged-material management sites, port harbors, turning basins,
1992 harbor berths, and associated facilities.

1993 (b) A discussion of environmental mitigation as is proposed
1994 for dredging and dredged-material management for port
1995 development, including the expansion of navigation channels,
1996 dredged-material management sites, port harbors, turning basins,
1997 harbor berths, and associated facilities.

1998 (6) Dredged-material management activities authorized
1999 pursuant to s. 403.061(38) ~~s. 403.061(37)~~ or s. 403.061(39) ~~(38)~~
2000 shall be incorporated into port master plans developed pursuant
2001 to s. 163.3178(2)(k).

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2002 Section 24. Paragraph (d) of subsection (1) of section
2003 327.46, Florida Statutes, is amended to read:

2004 327.46 Boating-restricted areas.—

2005 (1) Boating-restricted areas, including, but not limited
2006 to, restrictions of vessel speeds and vessel traffic, may be
2007 established on the waters of this state for any purpose
2008 necessary to protect the safety of the public if such
2009 restrictions are necessary based on boating accidents,
2010 visibility, hazardous currents or water levels, vessel traffic
2011 congestion, or other navigational hazards or to protect
2012 seagrasses on privately owned submerged lands.

2013 (d) Owners of private submerged lands that are adjacent to
2014 Outstanding Florida Waters, as defined in s. 403.061(28) ~~s.~~
2015 ~~403.061(27)~~, or an aquatic preserve established under ss.
2016 258.39-258.399 may request that the commission establish
2017 boating-restricted areas solely to protect any seagrass and
2018 contiguous seagrass habitat within their private property
2019 boundaries from seagrass scarring due to propeller dredging.
2020 Owners making a request pursuant to this paragraph must
2021 demonstrate to the commission clear ownership of the submerged
2022 lands. The commission shall adopt rules to implement this
2023 paragraph, including, but not limited to, establishing an
2024 application process and criteria for meeting the requirements of
2025 this paragraph. Each approved boating-restricted area shall be
2026 established by commission rule. For marking boating-restricted
2027 zones established pursuant to this paragraph, owners of
2028 privately submerged lands shall apply to the commission for a
2029 uniform waterway marker permit in accordance with ss. 327.40 and
2030 327.41, and shall be responsible for marking the boating-

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2031 restricted zone in accordance with the terms of the permit.

2032 Section 25. Paragraph (d) of subsection (3) of section
2033 373.250, Florida Statutes, is amended to read:

2034 373.250 Reuse of reclaimed water.—

2035 (3)

2036 (d) The South Florida Water Management District shall
2037 require the use of reclaimed water made available by the
2038 elimination of wastewater ocean outfall discharges as provided
2039 for in s. 403.086(10) ~~s. 403.086(9)~~ in lieu of surface water or
2040 groundwater when the use of reclaimed water is available; is
2041 environmentally, economically, and technically feasible; and is
2042 of such quality and reliability as is necessary to the user.
2043 Such reclaimed water may also be required in lieu of other
2044 alternative sources. In determining whether to require such
2045 reclaimed water in lieu of other alternative sources, the water
2046 management district shall consider existing infrastructure
2047 investments in place or obligated to be constructed by an
2048 executed contract or similar binding agreement as of July 1,
2049 2011, for the development of other alternative sources.

2050 Section 26. Subsection (9) of section 373.414, Florida
2051 Statutes, is amended to read:

2052 373.414 Additional criteria for activities in surface
2053 waters and wetlands.—

2054 (9) The department and the governing boards, on or before
2055 July 1, 1994, shall adopt rules to incorporate ~~the provisions of~~
2056 this section, relying primarily on the existing rules of the
2057 department and the water management districts, into the rules
2058 governing the management and storage of surface waters. Such
2059 rules shall seek to achieve a statewide, coordinated and

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2060 consistent permitting approach to activities regulated under
2061 this part. Variations in permitting criteria in the rules of
2062 individual water management districts or the department shall
2063 only be provided to address differing physical or natural
2064 characteristics. Such rules adopted pursuant to this subsection
2065 shall include the special criteria adopted pursuant to s.
2066 403.061(30) ~~s. 403.061(29)~~ and may include the special criteria
2067 adopted pursuant to s. 403.061(35) ~~s. 403.061(34)~~. Such rules
2068 shall include a provision requiring that a notice of intent to
2069 deny or a permit denial based upon this section shall contain an
2070 explanation of the reasons for such denial and an explanation,
2071 in general terms, of what changes, if any, are necessary to
2072 address such reasons for denial. Such rules may establish
2073 exemptions and general permits, if such exemptions and general
2074 permits do not allow significant adverse impacts to occur
2075 individually or cumulatively. Such rules may require submission
2076 of proof of financial responsibility which may include the
2077 posting of a bond or other form of surety prior to the
2078 commencement of construction to provide reasonable assurance
2079 that any activity permitted pursuant to this section, including
2080 any mitigation for such permitted activity, will be completed in
2081 accordance with the terms and conditions of the permit once the
2082 construction is commenced. Until rules adopted pursuant to this
2083 subsection become effective, existing rules adopted under this
2084 part and rules adopted pursuant to the authority of ss. 403.91-
2085 403.929 shall be deemed authorized under this part and shall
2086 remain in full force and effect. Neither the department nor the
2087 governing boards are limited or prohibited from amending any
2088 such rules.

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2089 Section 27. Paragraph (b) of subsection (4) of section
2090 373.705, Florida Statutes, is amended to read:

2091 373.705 Water resource development; water supply
2092 development.—

2093 (4)

2094 (b) Water supply development projects that meet the
2095 criteria in paragraph (a) and that meet one or more of the
2096 following additional criteria shall be given first consideration
2097 for state or water management district funding assistance:

2098 1. The project brings about replacement of existing sources
2099 in order to help implement a minimum flow or minimum water
2100 level;

2101 2. The project implements reuse that assists in the
2102 elimination of domestic wastewater ocean outfalls as provided in
2103 s. 403.086(10) ~~s. 403.086(9)~~; or

2104 3. The project reduces or eliminates the adverse effects of
2105 competition between legal users and the natural system.

2106 Section 28. Paragraph (f) of subsection (8) of section
2107 373.707, Florida Statutes, is amended to read:

2108 373.707 Alternative water supply development.—

2109 (8)

2110 (f) The governing boards shall determine those projects
2111 that will be selected for financial assistance. The governing
2112 boards may establish factors to determine project funding;
2113 however, significant weight shall be given to the following
2114 factors:

2115 1. Whether the project provides substantial environmental
2116 benefits by preventing or limiting adverse water resource
2117 impacts.

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2118 2. Whether the project reduces competition for water
2119 supplies.

2120 3. Whether the project brings about replacement of
2121 traditional sources in order to help implement a minimum flow or
2122 level or a reservation.

2123 4. Whether the project will be implemented by a consumptive
2124 use permittee that has achieved the targets contained in a goal-
2125 based water conservation program approved pursuant to s.
2126 373.227.

2127 5. The quantity of water supplied by the project as
2128 compared to its cost.

2129 6. Projects in which the construction and delivery to end
2130 users of reuse water is a major component.

2131 7. Whether the project will be implemented by a
2132 multijurisdictional water supply entity or regional water supply
2133 authority.

2134 8. Whether the project implements reuse that assists in the
2135 elimination of domestic wastewater ocean outfalls as provided in
2136 s. 403.086(10) ~~s. 403.086(9)~~.

2137 9. Whether the county or municipality, or the multiple
2138 counties or municipalities, in which the project is located has
2139 implemented a high-water recharge protection tax assessment
2140 program as provided in s. 193.625.

2141 Section 29. Subsection (4) of section 373.709, Florida
2142 Statutes, is amended to read:

2143 373.709 Regional water supply planning.—

2144 (4) The South Florida Water Management District shall
2145 include in its regional water supply plan water resource and
2146 water supply development projects that promote the elimination

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2147 of wastewater ocean outfalls as provided in s. 403.086(10) ~~s.~~
2148 ~~403.086(9)~~.

2149 Section 30. Paragraph (k) of subsection (1) of section
2150 376.307, Florida Statutes, is amended to read:

2151 376.307 Water Quality Assurance Trust Fund.—

2152 (1) The Water Quality Assurance Trust Fund is intended to
2153 serve as a broad-based fund for use in responding to incidents
2154 of contamination that pose a serious danger to the quality of
2155 groundwater and surface water resources or otherwise pose a
2156 serious danger to the public health, safety, or welfare. Moneys
2157 in this fund may be used:

2158 (k) For funding activities described in s. 403.086(10) ~~s.~~
2159 ~~403.086(9)~~ which are authorized for implementation under the
2160 Leah Schad Memorial Ocean Outfall Program.

2161 Section 31. Paragraph (i) of subsection (2), paragraph (b)
2162 of subsection (4), paragraph (j) of subsection (7), and
2163 paragraph (a) of subsection (9) of section 380.0552, Florida
2164 Statutes, are amended to read:

2165 380.0552 Florida Keys Area; protection and designation as
2166 area of critical state concern.—

2167 (2) LEGISLATIVE INTENT.—It is the intent of the Legislature
2168 to:

2169 (i) Protect and improve the nearshore water quality of the
2170 Florida Keys through federal, state, and local funding of water
2171 quality improvement projects, including the construction and
2172 operation of wastewater management facilities that meet the
2173 requirements of ss. 381.0065(4)(1) and 403.086(11) ~~403.086(10)~~,
2174 as applicable.

2175 (4) REMOVAL OF DESIGNATION.—

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2176 (b) Beginning November 30, 2010, the state land planning
2177 agency shall annually submit a written report to the
2178 Administration Commission describing the progress of the Florida
2179 Keys Area toward completing the work program tasks specified in
2180 commission rules. The land planning agency shall recommend
2181 removing the Florida Keys Area from being designated as an area
2182 of critical state concern to the commission if it determines
2183 that:

2184 1. All of the work program tasks have been completed,
2185 including construction of, operation of, and connection to
2186 central wastewater management facilities pursuant to s.
2187 403.086(11) ~~s. 403.086(10)~~ and upgrade of onsite sewage
2188 treatment and disposal systems pursuant to s. 381.0065(4)(1);

2189 2. All local comprehensive plans and land development
2190 regulations and the administration of such plans and regulations
2191 are adequate to protect the Florida Keys Area, fulfill the
2192 legislative intent specified in subsection (2), and are
2193 consistent with and further the principles guiding development;
2194 and

2195 3. A local government has adopted a resolution at a public
2196 hearing recommending the removal of the designation.

2197 (7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional,
2198 and local agencies and units of government in the Florida Keys
2199 Area shall coordinate their plans and conduct their programs and
2200 regulatory activities consistent with the principles for guiding
2201 development as specified in chapter 27F-8, Florida
2202 Administrative Code, as amended effective August 23, 1984, which
2203 is adopted and incorporated herein by reference. For the
2204 purposes of reviewing the consistency of the adopted plan, or

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2205 any amendments to that plan, with the principles for guiding
2206 development, and any amendments to the principles, the
2207 principles shall be construed as a whole and specific provisions
2208 may not be construed or applied in isolation from the other
2209 provisions. However, the principles for guiding development are
2210 repealed 18 months from July 1, 1986. After repeal, any plan
2211 amendments must be consistent with the following principles:

2212 (j) Ensuring the improvement of nearshore water quality by
2213 requiring the construction and operation of wastewater
2214 management facilities that meet the requirements of ss.
2215 381.0065(4)(1) and s. 403.086(11) ~~403.086(10)~~, as applicable,
2216 and by directing growth to areas served by central wastewater
2217 treatment facilities through permit allocation systems.

2218 (9) MODIFICATION TO PLANS AND REGULATIONS.—

2219 (a) Any land development regulation or element of a local
2220 comprehensive plan in the Florida Keys Area may be enacted,
2221 amended, or rescinded by a local government, but the enactment,
2222 amendment, or rescission becomes effective only upon approval by
2223 the state land planning agency. The state land planning agency
2224 shall review the proposed change to determine if it is in
2225 compliance with the principles for guiding development specified
2226 in chapter 27F-8, Florida Administrative Code, as amended
2227 effective August 23, 1984, and must approve or reject the
2228 requested changes within 60 days after receipt. Amendments to
2229 local comprehensive plans in the Florida Keys Area must also be
2230 reviewed for compliance with the following:

2231 1. Construction schedules and detailed capital financing
2232 plans for wastewater management improvements in the annually
2233 adopted capital improvements element, and standards for the

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2234 construction of wastewater treatment and disposal facilities or
2235 collection systems that meet or exceed the criteria in s.
2236 403.086(11) ~~s. 403.086(10)~~ for wastewater treatment and disposal
2237 facilities or s. 381.0065(4) (1) for onsite sewage treatment and
2238 disposal systems.

2239 2. Goals, objectives, and policies to protect public safety
2240 and welfare in the event of a natural disaster by maintaining a
2241 hurricane evacuation clearance time for permanent residents of
2242 no more than 24 hours. The hurricane evacuation clearance time
2243 shall be determined by a hurricane evacuation study conducted in
2244 accordance with a professionally accepted methodology and
2245 approved by the state land planning agency.

2246 Section 32. Effective July 1, 2021, subsections (7) and
2247 (18) of section 381.006, Florida Statutes, are amended to read:

2248 381.006 Environmental health.—The department shall conduct
2249 an environmental health program as part of fulfilling the
2250 state's public health mission. The purpose of this program is to
2251 detect and prevent disease caused by natural and manmade factors
2252 in the environment. The environmental health program shall
2253 include, but not be limited to:

2254 ~~(7) An onsite sewage treatment and disposal function.~~

2255 (17) ~~(18)~~ A food service inspection function for domestic
2256 violence centers that are certified by the Department of
2257 Children and Families and monitored by the Florida Coalition
2258 Against Domestic Violence under part XII of chapter 39 and group
2259 care homes as described in subsection (15) ~~(16)~~, which shall be
2260 conducted annually and be limited to the requirements in
2261 department rule applicable to community-based residential
2262 facilities with five or fewer residents.

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

Section 33. Effective July 1, 2021, subsection (1) of section 381.0061, Florida Statutes, is amended to read:

381.0061 Administrative fines.—

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

Section 34. Effective July 1, 2021, subsection (1) of section 381.0064, Florida Statutes, is amended to read:

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

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

Section 35. Effective July 1, 2021, paragraph (d) of

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2292 subsection (7), subsection (8), and paragraphs (b), (c), and (d)
2293 of subsection (9) of section 381.00651, Florida Statutes, are
2294 amended to read:

2295 381.00651 Periodic evaluation and assessment of onsite
2296 sewage treatment and disposal systems.—

2297 (7) The following procedures shall be used for conducting
2298 evaluations:

2299 (d) *Assessment procedure.*—All evaluation procedures used by
2300 a qualified contractor shall be documented in the environmental
2301 health database of the Department of Environmental Protection
2302 ~~Health~~. The qualified contractor shall provide a copy of a
2303 written, signed evaluation report to the property owner upon
2304 completion of the evaluation and to the county health department
2305 within 30 days after the evaluation. The report must ~~shall~~
2306 contain the name and license number of the company providing the
2307 report. A copy of the evaluation report shall be retained by the
2308 local county health department for a minimum of 5 years and
2309 until a subsequent inspection report is filed. The front cover
2310 of the report must identify any system failure and include a
2311 clear and conspicuous notice to the owner that the owner has a
2312 right to have any remediation of the failure performed by a
2313 qualified contractor other than the contractor performing the
2314 evaluation. The report must further identify any crack, leak,
2315 improper fit, or other defect in the tank, manhole, or lid, and
2316 any other damaged or missing component; any sewage or effluent
2317 visible on the ground or discharging to a ditch or other surface
2318 water body; any downspout, stormwater, or other source of water
2319 directed onto or toward the system; and any other maintenance
2320 need or condition of the system at the time of the evaluation

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2321 which, in the opinion of the qualified contractor, would
2322 possibly interfere with or restrict any future repair or
2323 modification to the existing system. The report shall conclude
2324 with an overall assessment of the fundamental operational
2325 condition of the system.

2326 (8) The county health department, in coordination with the
2327 department, shall administer any evaluation program on behalf of
2328 a county, or a municipality within the county, that has adopted
2329 an evaluation program pursuant to this section. In order to
2330 administer the evaluation program, the county or municipality,
2331 in consultation with the county health department, may develop a
2332 reasonable fee schedule to be used solely to pay for the costs
2333 of administering the evaluation program. Such a fee schedule
2334 shall be identified in the ordinance that adopts the evaluation
2335 program. When arriving at a reasonable fee schedule, the
2336 estimated annual revenues to be derived from fees may not exceed
2337 reasonable estimated annual costs of the program. Fees shall be
2338 assessed to the system owner during an inspection and separately
2339 identified on the invoice of the qualified contractor. Fees
2340 shall be remitted by the qualified contractor to the county
2341 health department. The county health department's administrative
2342 responsibilities include the following:

2343 (a) Providing a notice to the system owner at least 60 days
2344 before the system is due for an evaluation. The notice may
2345 include information on the proper maintenance of onsite sewage
2346 treatment and disposal systems.

2347 (b) In consultation with the department ~~of Health,~~
2348 providing uniform disciplinary procedures and penalties for
2349 qualified contractors who do not comply with the requirements of

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2350 the adopted ordinance, including, but not limited to, failure to
2351 provide the evaluation report as required in this subsection to
2352 the system owner and the county health department. Only the
2353 county health department may assess penalties against system
2354 owners for failure to comply with the adopted ordinance,
2355 consistent with existing requirements of law.

2356 (9)

2357 (b) Upon receipt of the notice under paragraph (a), the
2358 department ~~of Environmental Protection~~ shall, within existing
2359 resources, notify the county or municipality of the potential
2360 use of, and access to, program funds under the Clean Water State
2361 Revolving Fund or s. 319 of the Clean Water Act, provide
2362 guidance in the application process to receive such moneys, and
2363 provide advice and technical assistance to the county or
2364 municipality on how to establish a low-interest revolving loan
2365 program or how to model a revolving loan program after the low-
2366 interest loan program of the Clean Water State Revolving Fund.
2367 This paragraph does not obligate the department ~~of Environmental~~
2368 ~~Protection~~ to provide any county or municipality with money to
2369 fund such programs.

2370 (c) The department ~~of Health~~ may not adopt any rule that
2371 alters ~~the provisions of~~ this section.

2372 (d) The department ~~of Health~~ must allow county health
2373 departments and qualified contractors access to the
2374 environmental health database to track relevant information and
2375 assimilate data from assessment and evaluation reports of the
2376 overall condition of onsite sewage treatment and disposal
2377 systems. The environmental health database must be used by
2378 contractors to report each service and evaluation event and by a

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2379 county health department to notify owners of onsite sewage
2380 treatment and disposal systems when evaluations are due. Data
2381 and information must be recorded and updated as service and
2382 evaluations are conducted and reported.

2383 Section 36. Section 403.08601, Florida Statutes, is amended
2384 to read:

2385 403.08601 Leah Schad Memorial Ocean Outfall Program.—The
2386 Legislature declares that as funds become available the state
2387 may assist the local governments and agencies responsible for
2388 implementing the Leah Schad Memorial Ocean Outfall Program
2389 pursuant to s. 403.086(10) ~~s. 403.086(9)~~. Funds received from
2390 other sources provided for in law, the General Appropriations
2391 Act, from gifts designated for implementation of the plan from
2392 individuals, corporations, or other entities, or federal funds
2393 appropriated by Congress for implementation of the plan, may be
2394 deposited into an account of the Water Quality Assurance Trust
2395 Fund.

2396 Section 37. Section 403.0871, Florida Statutes, is amended
2397 to read:

2398 403.0871 Florida Permit Fee Trust Fund.—There is
2399 established within the department a nonlapsing trust fund to be
2400 known as the "Florida Permit Fee Trust Fund." All funds received
2401 from applicants for permits pursuant to ss. 161.041, 161.053,
2402 161.0535, 403.087(7) ~~403.087(6)~~, and 403.861(7)(a) shall be
2403 deposited in the Florida Permit Fee Trust Fund and shall be used
2404 by the department with the advice and consent of the Legislature
2405 to supplement appropriations and other funds received by the
2406 department for the administration of its responsibilities under
2407 this chapter and chapter 161. In no case shall funds from the

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2408 Florida Permit Fee Trust Fund be used for salary increases
2409 without the approval of the Legislature.

2410 Section 38. Paragraph (a) of subsection (11) of section
2411 403.0872, Florida Statutes, is amended to read:

2412 403.0872 Operation permits for major sources of air
2413 pollution; annual operation license fee.—Provided that program
2414 approval pursuant to 42 U.S.C. s. 7661a has been received from
2415 the United States Environmental Protection Agency, beginning
2416 January 2, 1995, each major source of air pollution, including
2417 electrical power plants certified under s. 403.511, must obtain
2418 from the department an operation permit for a major source of
2419 air pollution under this section. This operation permit is the
2420 only department operation permit for a major source of air
2421 pollution required for such source; provided, at the applicant's
2422 request, the department shall issue a separate acid rain permit
2423 for a major source of air pollution that is an affected source
2424 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits
2425 for major sources of air pollution, except general permits
2426 issued pursuant to s. 403.814, must be issued in accordance with
2427 the procedures contained in this section and in accordance with
2428 chapter 120; however, to the extent that chapter 120 is
2429 inconsistent with ~~the provisions of~~ this section, the procedures
2430 contained in this section prevail.

2431 (11) Each major source of air pollution permitted to
2432 operate in this state must pay between January 15 and April 1 of
2433 each year, upon written notice from the department, an annual
2434 operation license fee in an amount determined by department
2435 rule. The annual operation license fee shall be terminated
2436 immediately in the event the United States Environmental

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2437 Protection Agency imposes annual fees solely to implement and
2438 administer the major source air-operation permit program in
2439 Florida under 40 C.F.R. s. 70.10(d).

2440 (a) The annual fee must be assessed based upon the source's
2441 previous year's emissions and must be calculated by multiplying
2442 the applicable annual operation license fee factor times the
2443 tons of each regulated air pollutant actually emitted, as
2444 calculated in accordance with the department's emissions
2445 computation and reporting rules. The annual fee shall only apply
2446 to those regulated pollutants, except carbon monoxide and
2447 greenhouse gases, for which an allowable numeric emission
2448 limiting standard is specified in the source's most recent
2449 construction or operation permit; provided, however, that:

2450 1. The license fee factor is \$25 or another amount
2451 determined by department rule which ensures that the revenue
2452 provided by each year's operation license fees is sufficient to
2453 cover all reasonable direct and indirect costs of the major
2454 stationary source air-operation permit program established by
2455 this section. The license fee factor may be increased beyond \$25
2456 only if the secretary of the department affirmatively finds that
2457 a shortage of revenue for support of the major stationary source
2458 air-operation permit program will occur in the absence of a fee
2459 factor adjustment. The annual license fee factor may never
2460 exceed \$35.

2461 2. The amount of each regulated air pollutant in excess of
2462 4,000 tons per year emitted by any source, or group of sources
2463 belonging to the same Major Group as described in the Standard
2464 Industrial Classification Manual, 1987, may not be included in
2465 the calculation of the fee. Any source, or group of sources,

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2466 which does not emit any regulated air pollutant in excess of
2467 4,000 tons per year, is allowed a one-time credit not to exceed
2468 25 percent of the first annual licensing fee for the prorated
2469 portion of existing air-operation permit application fees
2470 remaining upon commencement of the annual licensing fees.

2471 3. If the department has not received the fee by March 1 of
2472 the calendar year, the permittee must be sent a written warning
2473 of the consequences for failing to pay the fee by April 1. If
2474 the fee is not postmarked by April 1 of the calendar year, the
2475 department shall impose, in addition to the fee, a penalty of 50
2476 percent of the amount of the fee, plus interest on such amount
2477 computed in accordance with s. 220.807. The department may not
2478 impose such penalty or interest on any amount underpaid,
2479 provided that the permittee has timely remitted payment of at
2480 least 90 percent of the amount determined to be due and remits
2481 full payment within 60 days after receipt of notice of the
2482 amount underpaid. The department may waive the collection of
2483 underpayment and may ~~shall~~ not be required to refund overpayment
2484 of the fee, if the amount due is less than 1 percent of the fee,
2485 up to \$50. The department may revoke any major air pollution
2486 source operation permit if it finds that the permitholder has
2487 failed to timely pay any required annual operation license fee,
2488 penalty, or interest.

2489 4. Notwithstanding the computational provisions of this
2490 subsection, the annual operation license fee for any source
2491 subject to this section may ~~shall~~ not be less than \$250, except
2492 that the annual operation license fee for sources permitted
2493 solely through general permits issued under s. 403.814 may ~~shall~~
2494 not exceed \$50 per year.

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2495 5. Notwithstanding s. 403.087(7)(a)5.a., which authorizes
2496 ~~the provisions of s. 403.087(6)(a)5.a.~~, authorizing air
2497 pollution construction permit fees, the department may not
2498 require such fees for changes or additions to a major source of
2499 air pollution permitted pursuant to this section, unless the
2500 activity triggers permitting requirements under Title I, Part C
2501 or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-
2502 7514a. Costs to issue and administer such permits shall be
2503 considered direct and indirect costs of the major stationary
2504 source air-operation permit program under s. 403.0873. The
2505 department shall, however, require fees pursuant to s.
2506 403.087(7)(a)5.a. ~~the provisions of s. 403.087(6)(a)5.a.~~ for the
2507 construction of a new major source of air pollution that will be
2508 subject to the permitting requirements of this section once
2509 constructed and for activities triggering permitting
2510 requirements under Title I, Part C or Part D, of the federal
2511 Clean Air Act, 42 U.S.C. ss. 7470-7514a.

2512 Section 39. Subsection (7) of section 403.1835, Florida
2513 Statutes, is amended to read:

2514 403.1835 Water pollution control financial assistance.—

2515 (7) Eligible projects must be given priority according to
2516 the extent each project is intended to remove, mitigate, or
2517 prevent adverse effects on surface or ground water quality and
2518 public health. The relative costs of achieving environmental and
2519 public health benefits must be taken into consideration during
2520 the department's assignment of project priorities. The
2521 department shall adopt a priority system by rule. In developing
2522 the priority system, the department shall give priority to
2523 projects that:

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- 2524 (a) Eliminate public health hazards;
- 2525 (b) Enable compliance with laws requiring the elimination
2526 of discharges to specific water bodies, including the
2527 requirements of s. 403.086(10) ~~s. 403.086(9)~~ regarding domestic
2528 wastewater ocean outfalls;
- 2529 (c) Assist in the implementation of total maximum daily
2530 loads adopted under s. 403.067;
- 2531 (d) Enable compliance with other pollution control
2532 requirements, including, but not limited to, toxics control,
2533 wastewater residuals management, and reduction of nutrients and
2534 bacteria;
- 2535 (e) Assist in the implementation of surface water
2536 improvement and management plans and pollutant load reduction
2537 goals developed under state water policy;
- 2538 (f) Promote reclaimed water reuse;
- 2539 (g) Eliminate failing onsite sewage treatment and disposal
2540 systems or those that are causing environmental damage; or
- 2541 (h) Reduce pollutants to and otherwise promote the
2542 restoration of Florida's surface and ground waters.
- 2543 Section 40. Paragraph (d) of subsection (3) of section
2544 403.707, Florida Statutes, is amended to read:
- 2545 403.707 Permits.—
- 2546 (3)
- 2547 (d) The department may adopt rules to administer this
2548 subsection. However, the department is not required to submit
2549 such rules to the Environmental Regulation Commission for
2550 approval. Notwithstanding the limitations of s. 403.087(7)(a) ~~s.~~
2551 ~~403.087(6)(a)~~, permit fee caps for solid waste management
2552 facilities shall be prorated to reflect the extended permit term

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2553 authorized by this subsection.

2554 Section 41. Subsections (8) and (21) of section 403.861,
2555 Florida Statutes, are amended to read:

2556 403.861 Department; powers and duties.—The department shall
2557 have the power and the duty to carry out the provisions and
2558 purposes of this act and, for this purpose, to:

2559 (8) Initiate rulemaking to increase each drinking water
2560 permit application fee authorized under s. 403.087(7) ~~s.~~
2561 ~~403.087(6)~~ and this part and adopted by rule to ensure that such
2562 fees are increased to reflect, at a minimum, any upward
2563 adjustment in the Consumer Price Index compiled by the United
2564 States Department of Labor, or similar inflation indicator,
2565 since the original fee was established or most recently revised.

2566 (a) The department shall establish by rule the inflation
2567 index to be used for this purpose. The department shall review
2568 the drinking water permit application fees authorized under s.
2569 403.087(7) ~~s. 403.087(6)~~ and this part at least once every 5
2570 years and shall adjust the fees upward, as necessary, within the
2571 established fee caps to reflect changes in the Consumer Price
2572 Index or similar inflation indicator. In the event of deflation,
2573 the department shall consult with the Executive Office of the
2574 Governor and the Legislature to determine whether downward fee
2575 adjustments are appropriate based on the current budget and
2576 appropriation considerations. The department shall also review
2577 the drinking water operation license fees established pursuant
2578 to paragraph (7)(b) at least once every 5 years to adopt, as
2579 necessary, the same inflationary adjustments provided for in
2580 this subsection.

2581 (b) The minimum fee amount shall be the minimum fee

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2582 prescribed in this section, and such fee amount shall remain in
2583 effect until the effective date of fees adopted by rule by the
2584 department.

2585 (21) (a) Upon issuance of a construction permit to construct
2586 a new public water system drinking water treatment facility to
2587 provide potable water supply using a surface water that, at the
2588 time of the permit application, is not being used as a potable
2589 water supply, and the classification of which does not include
2590 potable water supply as a designated use, the department shall
2591 add treated potable water supply as a designated use of the
2592 surface water segment in accordance with s. 403.061(30)(b) ~~s.~~
2593 ~~403.061(29)(b)~~.

2594 (b) For existing public water system drinking water
2595 treatment facilities that use a surface water as a treated
2596 potable water supply, which surface water classification does
2597 not include potable water supply as a designated use, the
2598 department shall add treated potable water supply as a
2599 designated use of the surface water segment in accordance with
2600 s. 403.061(30)(b) ~~s. 403.061(29)(b)~~.

2601 Section 42. Effective July 1, 2021, subsection (1) of
2602 section 489.551, Florida Statutes, is amended to read:

2603 489.551 Definitions.—As used in this part:

2604 (1) "Department" means the Department of Environmental
2605 Protection Health.

2606 Section 43. Paragraph (b) of subsection (10) of section
2607 590.02, Florida Statutes, is amended to read:

2608 590.02 Florida Forest Service; powers, authority, and
2609 duties; liability; building structures; Withlacoochee Training
2610 Center.—

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2611 (10)

2612 (b) The Florida Forest Service may delegate to a county,
2613 municipality, or special district its authority:

2614 1. As delegated by the Department of Environmental
2615 Protection pursuant to ss. 403.061(29) ~~ss. 403.061(28)~~ and
2616 403.081, to manage and enforce regulations pertaining to the
2617 burning of yard trash in accordance with s. 590.125(6).

2618 2. To manage the open burning of land clearing debris in
2619 accordance with s. 590.125.

2620 Section 44. The Division of Law Revision is directed to
2621 replace the phrase "adoption of the rules identified in
2622 paragraph (e)" as it is used in the amendment made by this act
2623 to s. 381.0065, Florida Statutes, with the date such rules are
2624 adopted, as provided by the Department of Environmental
2625 Protection pursuant to s. 381.0065(4)(e), Florida Statutes, as
2626 amended by this act.

2627 Section 45. Except as otherwise expressly provided in this
2628 act this act shall take effect July 1, 2020.