

2020712er

1  
2 An act relating to environmental resource management;  
3 providing a short title; requiring the Department of  
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. 373.036, F.S.;  
18 directing water management districts to submit  
19 consolidated annual reports to the Office of Economic  
20 and Demographic Research; requiring such reports to  
21 include connection and conversion projects for onsite  
22 sewage treatment and disposal systems; requiring the  
23 Department of Environmental Protection, in  
24 coordination with the water management districts, to  
25 conduct a study on the bottled water industry in this  
26 state; providing requirements for the study; requiring  
27 the department to submit a report containing the  
28 findings of the study to the Governor and the  
29 Legislature by a specified date; defining terms;

2020712er

30 amending s. 373.4131, F.S.; requiring the Department  
31 of Environmental Protection to include stormwater  
32 structural control inspections as part of its regular  
33 staff training; requiring the department and the water  
34 management districts to adopt rules regarding  
35 stormwater design and operation regulations by a  
36 specified date and address specified information as  
37 part of such rule development; requiring the  
38 department to review and evaluate data relating to  
39 self-certification and provide the Legislature with  
40 recommendations for improvements; amending s.  
41 381.0065, F.S.; requiring the department to implement  
42 an approval process for the use of specified nutrient-  
43 reducing onsite sewage treatment and disposal systems  
44 by a specified date; defining the term "department"  
45 for the regulation of onsite sewage treatment and  
46 disposal systems; revising the duties of the  
47 department; requiring the Department of Environmental  
48 Protection to adopt rules relating to the location of  
49 onsite sewage treatment and disposal systems and  
50 complete such rulemaking by a specified date;  
51 providing requirements for such rules; requiring the  
52 department to determine that a hardship exists for  
53 certain variance applicants; providing that certain  
54 provisions relating to existing setback requirements  
55 are applicable to permits only until the effective  
56 date of certain rules adopted by the department;  
57 removing provisions requiring certain onsite sewage  
58 treatment and disposal system research projects to be

2020712er

59 approved by a Department of Health technical review  
60 and advisory panel; removing provisions prohibiting  
61 the award of research projects to certain entities;  
62 removing provisions establishing a Department of  
63 Health onsite sewage treatment and disposal system  
64 research review and advisory committee; conforming  
65 provisions to changes made by the act; creating s.  
66 381.00652, F.S.; defining the term "department";  
67 creating the onsite sewage treatment and disposal  
68 systems technical advisory committee within the  
69 Department of Environmental Protection; authorizing  
70 the department, in consultation with the Department of  
71 Health, to appoint an onsite sewage treatment and  
72 disposal systems technical advisory committee;  
73 providing for committee purpose, membership, and  
74 expiration; requiring the committee to submit its  
75 recommendations to the Governor and Legislature;  
76 providing for the expiration of the committee;  
77 repealing s. 381.0068, F.S., relating to the  
78 Department of Health onsite sewage treatment and  
79 disposal systems technical review and advisory panel;  
80 amending s. 403.061, F.S.; requiring the department to  
81 adopt rules relating to domestic wastewater collection  
82 and transmission system pipe leakages and inflow and  
83 infiltration; requiring the department to adopt rules  
84 to require public utilities or their affiliated  
85 companies holding, applying for, or renewing a  
86 domestic wastewater discharge permit to file certain  
87 annual reports and data with the department; creating

2020712er

88 s. 403.0616, F.S.; requiring the department, subject  
89 to legislative appropriation, to establish a real-time  
90 water quality monitoring program; encouraging the  
91 formation of public-private partnerships; amending s.  
92 403.064, F.S.; requiring the Department of  
93 Environmental Protection to initiate rule revisions  
94 based on certain potable reuse recommendations by a  
95 specified date; providing requirements for such rules;  
96 providing that reclaimed water is deemed a water  
97 source for public water supply systems; amending s.  
98 403.067, F.S.; requiring basin management action plans  
99 for nutrient total maximum daily loads to include  
100 wastewater treatment and onsite sewage treatment and  
101 disposal system remediation plans that meet certain  
102 requirements; requiring the Department of Agriculture  
103 and Consumer Services to collect fertilizer  
104 application records from certain agricultural  
105 producers and provide the information to the  
106 department annually by a specified date; requiring the  
107 Department of Agriculture and Consumer Services to  
108 perform onsite inspections of the agricultural  
109 producers at specified intervals; providing for  
110 prioritization of such inspections; requiring certain  
111 basin management action plans to include cooperative  
112 agricultural regional water quality improvement  
113 elements; requiring the Department of Agriculture and  
114 Consumer Services, in cooperation with specified  
115 entities, to annually develop research plans and  
116 legislative budget requests relating to best

2020712er

117 management practices by a specified date; requiring  
118 such entities to submit such plans to the Department  
119 of Environmental Protection and the Department of  
120 Agriculture and Consumer Services by a specific date;  
121 requiring the Department of Environmental Protection  
122 to work with specified entities to consider the  
123 adoption of best management practices for nutrient  
124 impacts from golf courses; creating s. 403.0671, F.S.;  
125 directing the Department of Environmental Protection,  
126 in coordination with specified entities, to submit  
127 reports regarding wastewater projects identified in  
128 the basin management action plans to the Governor and  
129 the Legislature and to submit certain wastewater  
130 project cost estimates to the Office of Economic and  
131 Demographic Research by specified dates; creating s.  
132 403.0673, F.S.; establishing a wastewater grant  
133 program within the Department of Environmental  
134 Protection; authorizing the department to distribute  
135 appropriated funds for certain projects; providing  
136 requirements for the distribution; requiring the  
137 department to coordinate with each water management  
138 district to identify grant recipients; requiring an  
139 annual report to the Governor and Legislature by a  
140 specified date; creating s. 403.0855, F.S.; providing  
141 legislative findings regarding the regulation of  
142 biosolids management in this state; requiring the  
143 department to adopt rules for biosolids management;  
144 providing that such rules are not effective until  
145 ratified by the Legislature; providing permitting

2020712er

146 requirements for biosolids land application sites and  
147 facilities; requiring biosolids application sites and  
148 facilities to be enrolled in a specified best  
149 management practices program or be within a specified  
150 agricultural operation; providing requirements for the  
151 land application of biosolids; providing a definition;  
152 authorizing the enforcement or extension of certain  
153 local government regulations relating to the land  
154 application of biosolids until such regulations are  
155 repealed; amending s. 403.086, F.S.; prohibiting  
156 sewage disposal facilities from disposing waste into  
157 the Indian River Lagoon beginning on a specified date  
158 without certain advanced waste treatment; directing  
159 the Department of Environmental Protection, in  
160 consultation with specified entities, to submit a  
161 report to the Governor and the Legislature by a  
162 specified date; requiring sewage disposal facilities  
163 to have a power outage contingency plan, to take steps  
164 to prevent overflows and leaks and ensure that the  
165 wastewater reaches the facility for appropriate  
166 treatment, and to provide the Department of  
167 Environmental Protection with certain information;  
168 requiring the department to adopt rules; limiting the  
169 scope of such rules; authorizing utilities and  
170 operating entities to consolidate certain reports;  
171 providing that specified compliance is evidence in  
172 mitigation for assessment of certain penalties;  
173 amending s. 403.087, F.S.; requiring the department to  
174 issue operation permits for certain domestic

2020712er

175 wastewater treatment facilities under certain  
176 circumstances; amending s. 403.088, F.S.; revising the  
177 permit conditions for a water pollution operation  
178 permit; requiring permittees to submit annual reports  
179 to the department; requiring the department to submit  
180 an annual report identifying all domestic wastewater  
181 treatment facilities that experienced sanitary sewer  
182 overflows to the Governor and the Legislature by a  
183 specified date; amending s. 403.0891, F.S.; requiring  
184 model stormwater management programs to contain model  
185 ordinances for nutrient reduction practices and green  
186 infrastructure; amending s. 403.121, F.S.; revising  
187 administrative penalties for violations of ch. 403,  
188 F.S.; amending ss. 403.1835 and 403.1838, F.S.;  
189 requiring the Department of Environmental Protection  
190 to give funding priority to certain domestic  
191 wastewater utility projects; amending s. 403.412,  
192 F.S.; prohibiting local governments from recognizing  
193 or granting certain legal rights to the natural  
194 environment or granting such rights relating to the  
195 natural environment to a person or political  
196 subdivision; providing construction; providing a  
197 declaration of important state interest; amending ss.  
198 153.54, 153.73, 163.3180, 180.03, 311.105, 327.46,  
199 373.250, 373.414, 373.705, 373.707, 373.709, 373.807,  
200 376.307, 380.0552, 381.006, 381.0061, 381.0064,  
201 381.00651, 381.0101, 403.08601, 403.0871, 403.0872,  
202 403.707, 403.861, 489.551, and 590.02, F.S.;  
203 conforming cross-references and provisions to changes

2020712er

204 made by the act; providing a directive to the Division  
205 of Law Revision upon the adoption of certain rules by  
206 the Department of Environmental Protection; providing  
207 effective dates.

208  
209 Be It Enacted by the Legislature of the State of Florida:

210  
211 Section 1. This act may be cited as the "Clean Waterways  
212 Act."

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

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

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

221 (c) The program's costs and expenditures, including, but  
222 not limited to, salaries and benefits, equipment costs, and  
223 contracting costs.

224 (2) By December 31, 2020, the Department of Health and the  
225 Department of Environmental Protection shall submit  
226 recommendations to the Governor, the President of the Senate,  
227 and the Speaker of the House of Representatives regarding the  
228 transfer of the Onsite Sewage Program from the Department of  
229 Health to the Department of Environmental Protection. The  
230 recommendations must address all aspects of the transfer,  
231 including the continued role of the county health departments in  
232 the permitting, inspection, data management, and tracking of



2020712er

233 onsite sewage treatment and disposal systems under the direction  
234 of the Department of Environmental Protection.

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

241 (a) The continued role of the county health departments in  
242 the permitting, inspection, data management, and tracking of  
243 onsite sewage treatment and disposal systems under the direction  
244 of the Department of Environmental Protection.

245 (b) The appropriate proportionate number of administrative,  
246 auditing, inspector general, attorney, and operational support  
247 positions, and their related funding levels and sources and  
248 assigned property, to be transferred from the Office of General  
249 Counsel, the Office of Inspector General, and the Division of  
250 Administrative Services or other relevant offices or divisions  
251 within the Department of Health to the Department of  
252 Environmental Protection.

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

256 (d) Any operating budget adjustments that are necessary to  
257 implement the requirements of this act. Adjustments made to the  
258 operating budgets of the agencies in the implementation of this  
259 act must be made in consultation with the appropriate  
260 substantive and fiscal committees of the Senate and the House of  
261 Representatives. The revisions to the approved operating budgets

2020712er

262 for the 2021-2022 fiscal year which are necessary to reflect the  
263 organizational changes made by this act must be implemented  
264 pursuant to s. 216.292(4)(d), Florida Statutes, and are subject  
265 to s. 216.177, Florida Statutes. Subsequent adjustments between  
266 the Department of Health and the Department of Environmental  
267 Protection which are determined necessary by the respective  
268 agencies and approved by the Executive Office of the Governor  
269 are authorized and subject to s. 216.177, Florida Statutes. The  
270 appropriate substantive committees of the Senate and the House  
271 of Representatives must also be notified of the proposed  
272 revisions to ensure their consistency with legislative policy  
273 and intent.

274 (4) Effective July 1, 2021, all powers, duties, functions,  
275 records, offices, personnel, associated administrative support  
276 positions, property, pending issues, existing contracts,  
277 administrative authority, administrative rules, and unexpended  
278 balances of appropriations, allocations, and other funds for the  
279 regulation of onsite sewage treatment and disposal systems  
280 relating to the Onsite Sewage Program in the Department of  
281 Health are transferred by a type two transfer, as defined in s.  
282 20.06(2), Florida Statutes, to the Department of Environmental  
283 Protection.

284 (5) Notwithstanding chapter 60L-34, Florida Administrative  
285 Code, or any law to the contrary, employees who are transferred  
286 from the Department of Health to the Department of Environmental  
287 Protection to fill positions transferred by this act retain and  
288 transfer any accrued annual leave, sick leave, and regular and  
289 special compensatory leave balances.

290 Section 3. Paragraphs (a) and (b) of subsection (7) of

2020712er

291 section 373.036, Florida Statutes, are amended to read:

292 373.036 Florida water plan; district water management  
293 plans.—

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

295 (a) By March 1, annually, each water management district  
296 shall prepare and submit to the Office of Economic and  
297 Demographic Research, the department, the Governor, the  
298 President of the Senate, and the Speaker of the House of  
299 Representatives a consolidated water management district annual  
300 report on the management of water resources. In addition, copies  
301 must be provided by the water management districts to the chairs  
302 of all legislative committees having substantive or fiscal  
303 jurisdiction over the districts and the governing board of each  
304 county in the district having jurisdiction or deriving any funds  
305 for operations of the district. Copies of the consolidated  
306 annual report must be made available to the public, either in  
307 printed or electronic format.

308 (b) The consolidated annual report shall contain the  
309 following elements, as appropriate to that water management  
310 district:

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

313 2. The department-approved minimum flows and minimum water  
314 levels annual priority list and schedule required by s.  
315 373.042(3).

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

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

2020712er

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

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

324 7. The mitigation donation annual report required by s.  
325 373.414(1) (b)2.

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

328 a. A list of all specific projects identified to implement  
329 a basin management action plan, including any projects to  
330 connect onsite sewage treatment and disposal systems to central  
331 sewerage systems and convert onsite sewage treatment and  
332 disposal systems to enhanced nutrient-reducing onsite sewage  
333 treatment and disposal systems, or a recovery or prevention  
334 strategy;

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

340 c. The estimated cost for each listed project;

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

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

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

348 9. A grade for each watershed, water body, or water segment

2020712er

349 in which a project listed under subparagraph 8. is located  
350 representing the level of impairment and violations of adopted  
351 minimum flow or minimum water levels. The grading system must  
352 reflect the severity of the impairment of the watershed, water  
353 body, or water segment.

354 Section 4. Bottled water industry study.—The department  
355 shall, in coordination with the water management districts,  
356 conduct a study on the bottled water industry in this state.

357 (1) The study must:

358 (a) Identify all springs statewide that have an associated  
359 consumptive use permit for a bottled water facility producing  
360 its product with water derived from a spring. Such  
361 identification must include:

362 1. The magnitude of the spring;

363 2. Whether the spring has been identified as an Outstanding  
364 Florida Spring as defined in s. 373.802, Florida Statutes;

365 3. Any department- or water management district-adopted  
366 minimum flow or minimum water levels, the status of any adopted  
367 minimum flow or minimum water levels, and any associated  
368 recovery or prevention strategy;

369 4. The permitted and actual use associated with the  
370 consumptive use permits;

371 5. The reduction in flow associated with the permitted and  
372 actual use associated with the consumptive use permits;

373 6. The impact on springs of bottled water facilities as  
374 compared to other users; and

375 7. Types of water conservation measures employed at bottled  
376 water facilities permitted to derive water from a spring.

377 (b) Identify the labeling and marketing regulations

2020712er

378 associated with the identification of bottled water as spring  
379 water, including whether these regulations incentivize the  
380 withdrawal of water from springs.

381 (c) Evaluate the direct and indirect economic benefits to  
382 the local communities resulting from bottled water facilities  
383 that derive water from springs, including, but not limited to,  
384 tax revenue, job creation, and wages.

385 (d) Evaluate the direct and indirect costs to the local  
386 communities located in proximity to springs impacted by  
387 withdrawals from bottled water production, including, but not  
388 limited to, the decreased recreational value of the springs and  
389 the cost to other users for the development of alternative water  
390 supply or reductions in permit durations and allocations.

391 (e) Include a cost-benefit analysis of withdrawing,  
392 producing, marketing, selling, and consuming spring water as  
393 compared to other sources of bottled water.

394 (f) Evaluate how much bottled water derived from Florida  
395 springs is sold in this state.

396 (2) By June 30, 2021, the department shall submit a report  
397 containing the findings of the study to the Governor, the  
398 President of the Senate, the Speaker of the House of  
399 Representatives, and the Office of Economic and Demographic  
400 Research.

401 (3) As used in this section, the term "bottled water" has  
402 the same meaning as in s. 500.03, Florida Statutes, and the term  
403 "water derived from a spring" means water derived from an  
404 underground formation from which water flows naturally to the  
405 surface of the earth in the manner described in 21 C.F.R. s.  
406 165.110 (a) (2) (vi).

2020712er

407 Section 5. Subsection (5) of section 373.4131, Florida  
408 Statutes, is amended, and subsection (6) is added to that  
409 section, to read:

410 373.4131 Statewide environmental resource permitting  
411 rules.—

412 (5) To ensure consistent implementation and interpretation  
413 of the rules adopted pursuant to this section, the department  
414 shall conduct or oversee regular assessment and training of its  
415 staff and the staffs of the water management districts and local  
416 governments delegated local pollution control program authority  
417 under s. 373.441. The training must include field inspections of  
418 publicly and privately owned stormwater structural controls,  
419 such as stormwater retention and detention ponds.

420 (6) By January 1, 2021:

421 (a) The department and the water management districts shall  
422 initiate rulemaking to update the stormwater design and  
423 operation regulations, including updates to the Environmental  
424 Resource Permit Applicant's Handbook, using the most recent  
425 scientific information available. As part of rule development,  
426 the department shall consider and address low-impact design best  
427 management practices and design criteria that increase the  
428 removal of nutrients from stormwater discharges, and measures  
429 for consistent application of the net improvement performance  
430 standard to ensure significant reductions of any pollutant  
431 loadings to a waterbody.

432 (b) The department shall review and evaluate permits and  
433 inspection data by those entities that submit a self-  
434 certification under s. 403.814(12) for compliance with state  
435 water quality standards and provide the Legislature with

2020712er

436 recommendations for improvements to the self-certification  
437 process, including, but not limited to, additional staff  
438 resources for department review of portions of the process where  
439 high-priority water quality issues justify such action.

440 Section 6. Subsection (7) is added to section 381.0065,  
441 Florida Statutes, to read:

442 381.0065 Onsite sewage treatment and disposal systems;  
443 regulation.—

444 (7) USE OF ENHANCED NUTRIENT-REDUCING ONSITE SEWAGE  
445 TREATMENT AND DISPOSAL SYSTEMS.—To meet the requirements of a  
446 total maximum daily load, the department shall implement a fast-  
447 track approval process of no longer than 6 months for the  
448 determination of the use of American National Standards  
449 Institute 245 systems approved by NSF International before July  
450 1, 2020.

451 Section 7. Effective July 1, 2021, present paragraphs (d)  
452 through (q) of subsection (2) of section 381.0065, Florida  
453 Statutes, are redesignated as paragraphs (e) through (r),  
454 respectively, subsections (3) and (4) of that section are  
455 amended, and a new paragraph (d) is added to subsection (2) of  
456 that section, to read:

457 381.0065 Onsite sewage treatment and disposal systems;  
458 regulation.—

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

461 (d) "Department" means the Department of Environmental  
462 Protection.

463 (3) DUTIES AND POWERS OF THE DEPARTMENT OF ENVIRONMENTAL  
464 PROTECTION HEALTH.—The department shall:



2020712er

465 (a) Adopt rules to administer ss. 381.0065-381.0067,  
466 including definitions that are consistent with the definitions  
467 in this section, ~~decreases to setback requirements where no~~  
468 ~~health hazard exists,~~ increases for the lot-flow allowance for  
469 performance-based systems, requirements for separation from  
470 water table elevation during the wettest season, requirements  
471 for the design and construction of any component part of an  
472 onsite sewage treatment and disposal system, application and  
473 permit requirements for persons who maintain an onsite sewage  
474 treatment and disposal system, requirements for maintenance and  
475 service agreements for aerobic treatment units and performance-  
476 based treatment systems, and recommended standards, including  
477 disclosure requirements, for voluntary system inspections to be  
478 performed by individuals who are authorized by law to perform  
479 such inspections and who shall inform a person having ownership,  
480 control, or use of an onsite sewage treatment and disposal  
481 system of the inspection standards and of that person's  
482 authority to request an inspection based on all or part of the  
483 standards.

484 (b) Perform application reviews and site evaluations, issue  
485 permits, and conduct inspections and complaint investigations  
486 associated with the construction, installation, maintenance,  
487 modification, abandonment, operation, use, or repair of an  
488 onsite sewage treatment and disposal system for a residence or  
489 establishment with an estimated domestic sewage flow of 10,000  
490 gallons or less per day, or an estimated commercial sewage flow  
491 of 5,000 gallons or less per day, which is not currently  
492 regulated under chapter 403.

493 (c) Develop a comprehensive program to ensure that onsite

2020712er

494 sewage treatment and disposal systems regulated by the  
495 department are sized, designed, constructed, installed, sited,  
496 repaired, modified, abandoned, used, operated, and maintained in  
497 compliance with this section and rules adopted under this  
498 section to prevent groundwater contamination, including impacts  
499 from nutrient pollution, and surface water contamination and to  
500 preserve the public health. The department is the final  
501 administrative interpretive authority regarding rule  
502 interpretation. In the event of a conflict regarding rule  
503 interpretation, the Secretary of Environmental Protection ~~State~~  
504 ~~Surgeon General,~~ or his or her designee, shall timely assign a  
505 staff person to resolve the dispute.

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

508 (e) Permit the use of a limited number of innovative  
509 systems for a specific period of time, when there is compelling  
510 evidence that the system will function properly and reliably to  
511 meet the requirements of this section and rules adopted under  
512 this section.

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

514 (g) Establish and collect fees as established under s.  
515 381.0066 for services provided with respect to onsite sewage  
516 treatment and disposal systems.

517 (h) Conduct enforcement activities, including imposing  
518 fines, issuing citations, suspensions, revocations, injunctions,  
519 and emergency orders for violations of this section, part I of  
520 chapter 386, or part III of chapter 489 or for a violation of  
521 any rule adopted under this section, part I of chapter 386, or  
522 part III of chapter 489.

2020712er

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

526 (j) Supervise research on, demonstration of, and training  
527 on the performance, environmental impact, and public health  
528 impact of onsite sewage treatment and disposal systems within  
529 this state. Research fees collected under s. 381.0066(2)(k) must  
530 be used to develop and fund hands-on training centers designed  
531 to provide practical information about onsite sewage treatment  
532 and disposal systems to septic tank contractors, master septic  
533 tank contractors, contractors, inspectors, engineers, and the  
534 public and must also be used to fund research projects which  
535 focus on improvements of onsite sewage treatment and disposal  
536 systems, including use of performance-based standards and  
537 reduction of environmental impact. Research projects shall be  
538 ~~initially approved by the technical review and advisory panel~~  
539 ~~and shall be~~ applicable to and reflect the soil conditions  
540 specific to this state Florida. Such projects shall be awarded  
541 through competitive negotiation, using the procedures provided  
542 in s. 287.055, to public or private entities that have  
543 experience in onsite sewage treatment and disposal systems in  
544 this state Florida and that are principally located in this  
545 state Florida. ~~Research projects shall not be awarded to firms~~  
546 ~~or entities that employ or are associated with persons who serve~~  
547 ~~on either the technical review and advisory panel or the~~  
548 ~~research review and advisory committee.~~

549 (k) Approve the installation of individual graywater  
550 disposal systems in which blackwater is treated by a central  
551 sewerage system.

2020712er

552 (l) Regulate and permit the sanitation, handling,  
553 treatment, storage, reuse, and disposal of byproducts from any  
554 system regulated under this chapter ~~and not regulated by the~~  
555 ~~Department of Environmental Protection.~~

556 (m) Permit and inspect portable or temporary toilet  
557 services and holding tanks. The department shall review  
558 applications, perform site evaluations, and issue permits for  
559 the temporary use of holding tanks, privies, portable toilet  
560 services, or any other toilet facility that is intended for use  
561 on a permanent or nonpermanent basis, including facilities  
562 placed on construction sites when workers are present. The  
563 department may specify standards for the construction,  
564 maintenance, use, and operation of any such facility for  
565 temporary use.

566 (n) Regulate and permit maintenance entities for  
567 performance-based treatment systems and aerobic treatment unit  
568 systems. To ensure systems are maintained and operated according  
569 to manufacturer's specifications and designs, the department  
570 shall establish by rule minimum qualifying criteria for  
571 maintenance entities. The criteria shall include: training,  
572 access to approved spare parts and components, access to  
573 manufacturer's maintenance and operation manuals, and service  
574 response time. The maintenance entity shall employ a contractor  
575 licensed under s. 489.105(3)(m), or part III of chapter 489, or  
576 a state-licensed wastewater plant operator, who is responsible  
577 for maintenance and repair of all systems under contract.

578 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not  
579 construct, repair, modify, abandon, or operate an onsite sewage  
580 treatment and disposal system without first obtaining a permit

2020712er

581 approved by the department. The department may issue permits to  
582 carry out this section, ~~but shall not make the issuance of such~~  
583 ~~permits contingent upon prior approval by the department of~~  
584 ~~Environmental Protection~~, except that the issuance of a permit  
585 for work seaward of the coastal construction control line  
586 established under s. 161.053 shall be contingent upon receipt of  
587 any required coastal construction control line permit from the  
588 department ~~of Environmental Protection~~. A construction permit is  
589 valid for 18 months after ~~from~~ the date of issuance ~~date~~ and may  
590 be extended by the department for one 90-day period under rules  
591 adopted by the department. A repair permit is valid for 90 days  
592 after ~~from~~ the date of issuance. An operating permit must be  
593 obtained before ~~prior to~~ the use of any aerobic treatment unit  
594 or if the establishment generates commercial waste. Buildings or  
595 establishments that use an aerobic treatment unit or generate  
596 commercial waste shall be inspected by the department at least  
597 annually to assure compliance with the terms of the operating  
598 permit. The operating permit for a commercial wastewater system  
599 is valid for 1 year after ~~from~~ the date of issuance and must be  
600 renewed annually. The operating permit for an aerobic treatment  
601 unit is valid for 2 years after ~~from~~ the date of issuance and  
602 must be renewed every 2 years. If all information pertaining to  
603 the siting, location, and installation conditions or repair of  
604 an onsite sewage treatment and disposal system remains the same,  
605 a construction or repair permit for the onsite sewage treatment  
606 and disposal system may be transferred to another person, if the  
607 transferee files, within 60 days after the transfer of  
608 ownership, an amended application providing all corrected  
609 information and proof of ownership of the property. A ~~There is~~

2020712er

610 ~~ne~~ fee is not associated with the processing of this  
611 supplemental information. A person may not contract to  
612 construct, modify, alter, repair, service, abandon, or maintain  
613 any portion of an onsite sewage treatment and disposal system  
614 without being registered under part III of chapter 489. A  
615 property owner who personally performs construction,  
616 maintenance, or repairs to a system serving his or her own  
617 owner-occupied single-family residence is exempt from  
618 registration requirements for performing such construction,  
619 maintenance, or repairs on that residence, but is subject to all  
620 permitting requirements. A municipality or political subdivision  
621 of the state may not issue a building or plumbing permit for any  
622 building that requires the use of an onsite sewage treatment and  
623 disposal system unless the owner or builder has received a  
624 construction permit for such system from the department. A  
625 building or structure may not be occupied and a municipality,  
626 political subdivision, or any state or federal agency may not  
627 authorize occupancy until the department approves the final  
628 installation of the onsite sewage treatment and disposal system.  
629 A municipality or political subdivision of the state may not  
630 approve any change in occupancy or tenancy of a building that  
631 uses an onsite sewage treatment and disposal system until the  
632 department has reviewed the use of the system with the proposed  
633 change, approved the change, and amended the operating permit.

634 (a) Subdivisions and lots in which each lot has a minimum  
635 area of at least one-half acre and either a minimum dimension of  
636 100 feet or a mean of at least 100 feet of the side bordering  
637 the street and the distance formed by a line parallel to the  
638 side bordering the street drawn between the two most distant

2020712er

639 points of the remainder of the lot may be developed with a water  
640 system regulated under s. 381.0062 and onsite sewage treatment  
641 and disposal systems, provided the projected daily sewage flow  
642 does not exceed an average of 1,500 gallons per acre per day,  
643 and provided satisfactory drinking water can be obtained and all  
644 distance and setback, soil condition, water table elevation, and  
645 other related requirements of this section and rules adopted  
646 under this section can be met.

647 (b) Subdivisions and lots using a public water system as  
648 defined in s. 403.852 may use onsite sewage treatment and  
649 disposal systems, provided there are no more than four lots per  
650 acre, provided the projected daily sewage flow does not exceed  
651 an average of 2,500 gallons per acre per day, and provided that  
652 all distance and setback, soil condition, water table elevation,  
653 and other related requirements that are generally applicable to  
654 the use of onsite sewage treatment and disposal systems are met.

655 (c) Notwithstanding paragraphs (a) and (b), for  
656 subdivisions platted of record on or before October 1, 1991,  
657 when a developer or other appropriate entity has previously made  
658 or makes provisions, including financial assurances or other  
659 commitments, acceptable to the department ~~of Health~~, that a  
660 central water system will be installed by a regulated public  
661 utility based on a density formula, private potable wells may be  
662 used with onsite sewage treatment and disposal systems until the  
663 agreed-upon densities are reached. In a subdivision regulated by  
664 this paragraph, the average daily sewage flow may not exceed  
665 2,500 gallons per acre per day. This section does not affect the  
666 validity of existing prior agreements. After October 1, 1991,  
667 the exception provided under this paragraph is not available to

2020712er

668 a developer or other appropriate entity.

669 (d) Paragraphs (a) and (b) do not apply to any proposed  
670 residential subdivision with more than 50 lots or to any  
671 proposed commercial subdivision with more than 5 lots where a  
672 publicly owned or investor-owned sewage treatment ~~sewerage~~  
673 system is available. ~~It is the intent of~~ This paragraph does not  
674 ~~to~~ allow development of additional proposed subdivisions in  
675 order to evade the requirements of this paragraph.

676 (e) The department shall adopt rules relating to the  
677 location of onsite sewage treatment and disposal systems,  
678 including establishing setback distances, to prevent groundwater  
679 contamination and surface water contamination and to preserve  
680 the public health. The rulemaking process for such rules must be  
681 completed by July 1, 2022, and the department shall notify the  
682 Division of Law Revision of the date such rules take effect. The  
683 rules must consider conventional and enhanced nutrient-reducing  
684 onsite sewage treatment and disposal system designs, impaired or  
685 degraded water bodies, domestic wastewater and drinking water  
686 infrastructure, potable water sources, nonpotable wells,  
687 stormwater infrastructure, the onsite sewage treatment and  
688 disposal system remediation plans developed pursuant to s.  
689 403.067(7)(a)9.b., nutrient pollution, and the recommendations  
690 of the onsite sewage treatment and disposal systems technical  
691 advisory committee established pursuant to s. 381.00652. The  
692 rules must also allow a person to apply for and receive a  
693 variance from a rule requirement upon demonstration that the  
694 requirement would cause an undue hardship and granting the  
695 variance would not cause or contribute to the exceedance of a  
696 total maximum daily load.



2020712er

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

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

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

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

707            4. Fifty feet from any nonpotable well.

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

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

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

715            8. Fifteen feet from the design high-water line of  
716 retention areas, detention areas, or swales designed to contain  
717 standing or flowing water for less than 72 hours after a  
718 rainfall or the design high-water level of normally dry drainage  
719 ditches or normally dry individual lot stormwater retention  
720 areas.

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

725            (g) ~~All provisions of~~ This section and rules adopted under

2020712er

726 this section relating to soil condition, water table elevation,  
727 distance, and other setback requirements must be equally applied  
728 to all lots, with the following exceptions:

729 1. Any residential lot that was platted and recorded on or  
730 after January 1, 1972, or that is part of a residential  
731 subdivision that was approved by the appropriate permitting  
732 agency on or after January 1, 1972, and that was eligible for an  
733 onsite sewage treatment and disposal system construction permit  
734 on the date of such platting and recording or approval shall be  
735 eligible for an onsite sewage treatment and disposal system  
736 construction permit, regardless of when the application for a  
737 permit is made. If rules in effect at the time the permit  
738 application is filed cannot be met, residential lots platted and  
739 recorded or approved on or after January 1, 1972, shall, to the  
740 maximum extent possible, comply with the rules in effect at the  
741 time the permit application is filed. At a minimum, however,  
742 those residential lots platted and recorded or approved on or  
743 after January 1, 1972, but before January 1, 1983, shall comply  
744 with those rules in effect on January 1, 1983, and those  
745 residential lots platted and recorded or approved on or after  
746 January 1, 1983, shall comply with those rules in effect at the  
747 time of such platting and recording or approval. In determining  
748 the maximum extent of compliance with current rules that is  
749 possible, the department shall allow structures and  
750 appurtenances thereto which were authorized at the time such  
751 lots were platted and recorded or approved.

752 2. Lots platted before 1972 are subject to a 50-foot  
753 minimum surface water setback and are not subject to lot size  
754 requirements. The projected daily flow for onsite sewage

2020712er

755 treatment and disposal systems for lots platted before 1972 may  
756 not exceed:

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

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

761 (h)1. The department may grant variances in hardship cases  
762 which may be less restrictive than the provisions specified in  
763 this section. If a variance is granted and the onsite sewage  
764 treatment and disposal system construction permit has been  
765 issued, the variance may be transferred with the system  
766 construction permit, if the transferee files, within 60 days  
767 after the transfer of ownership, an amended construction permit  
768 application providing all corrected information and proof of  
769 ownership of the property and if the same variance would have  
770 been required for the new owner of the property as was  
771 originally granted to the original applicant for the variance. A  
772 ~~There is no fee~~ is not associated with the processing of this  
773 supplemental information. A variance may not be granted under  
774 this section until the department is satisfied that:

775 a. The hardship was not caused intentionally by the action  
776 of the applicant;

777 b. A ~~no~~ reasonable alternative, taking into consideration  
778 factors such as cost, does not exist ~~exists~~ for the treatment of  
779 the sewage; and

780 c. The discharge from the onsite sewage treatment and  
781 disposal system will not adversely affect the health of the  
782 applicant or the public or significantly degrade the groundwater  
783 or surface waters.

2020712er

784  
785 Where soil conditions, water table elevation, and setback  
786 provisions are determined by the department to be satisfactory,  
787 special consideration must be given to those lots platted before  
788 1972.

789         2. The department shall appoint and staff a variance review  
790 and advisory committee, which shall meet monthly to recommend  
791 agency action on variance requests. The committee shall make its  
792 recommendations on variance requests at the meeting in which the  
793 application is scheduled for consideration, except for an  
794 extraordinary change in circumstances, the receipt of new  
795 information that raises new issues, or when the applicant  
796 requests an extension. The committee shall consider the criteria  
797 in subparagraph 1. in its recommended agency action on variance  
798 requests and shall also strive to allow property owners the full  
799 use of their land where possible. The committee consists of the  
800 following:

801             a. The Secretary of Environmental Protection ~~State Surgeon~~  
802 ~~General~~ or his or her designee.

803             b. A representative from the county health departments.

804             c. A representative from the home building industry  
805 recommended by the Florida Home Builders Association.

806             d. A representative from the septic tank industry  
807 recommended by the Florida Onsite Wastewater Association.

808             e. A representative from the Department of Health  
809 ~~Environmental Protection~~.

810             f. A representative from the real estate industry who is  
811 also a developer in this state who develops lots using onsite  
812 sewage treatment and disposal systems, recommended by the

2020712er

813 Florida Association of Realtors.

814 g. A representative from the engineering profession  
815 recommended by the Florida Engineering Society.

816  
817 Members shall be appointed for a term of 3 years, with such  
818 appointments being staggered so that the terms of no more than  
819 two members expire in any one year. Members shall serve without  
820 remuneration, but if requested, shall be reimbursed for per diem  
821 and travel expenses as provided in s. 112.061.

822 (i) A construction permit may not be issued for an onsite  
823 sewage treatment and disposal system in any area zoned or used  
824 for industrial or manufacturing purposes, or its equivalent,  
825 where a publicly owned or investor-owned sewage treatment system  
826 is available, or where a likelihood exists that the system will  
827 receive toxic, hazardous, or industrial waste. An existing  
828 onsite sewage treatment and disposal system may be repaired if a  
829 publicly owned or investor-owned sewage treatment ~~sewerage~~  
830 system is not available within 500 feet of the building sewer  
831 stub-out and if system construction and operation standards can  
832 be met. This paragraph does not require publicly owned or  
833 investor-owned sewage ~~sewerage~~ treatment systems to accept  
834 anything other than domestic wastewater.

835 1. A building located in an area zoned or used for  
836 industrial or manufacturing purposes, or its equivalent, when  
837 such building is served by an onsite sewage treatment and  
838 disposal system, must not be occupied until the owner or tenant  
839 has obtained written approval from the department. The  
840 department may ~~shall~~ not grant approval when the proposed use of  
841 the system is to dispose of toxic, hazardous, or industrial

2020712er

842 wastewater or toxic or hazardous chemicals.

843         2. Each person who owns or operates a business or facility  
844 in an area zoned or used for industrial or manufacturing  
845 purposes, or its equivalent, or who owns or operates a business  
846 that has the potential to generate toxic, hazardous, or  
847 industrial wastewater or toxic or hazardous chemicals, and uses  
848 an onsite sewage treatment and disposal system that is installed  
849 on or after July 5, 1989, must obtain an annual system operating  
850 permit from the department. A person who owns or operates a  
851 business that uses an onsite sewage treatment and disposal  
852 system that was installed and approved before July 5, 1989, does  
853 not need to not obtain a system operating permit. However, upon  
854 change of ownership or tenancy, the new owner or operator must  
855 notify the department of the change, and the new owner or  
856 operator must obtain an annual system operating permit,  
857 regardless of the date that the system was installed or  
858 approved.

859         3. The department shall periodically review and evaluate  
860 the continued use of onsite sewage treatment and disposal  
861 systems in areas zoned or used for industrial or manufacturing  
862 purposes, or its equivalent, and may require the collection and  
863 analyses of samples from within and around such systems. If the  
864 department finds that toxic or hazardous chemicals or toxic,  
865 hazardous, or industrial wastewater have been or are being  
866 disposed of through an onsite sewage treatment and disposal  
867 system, the department shall initiate enforcement actions  
868 against the owner or tenant to ensure adequate cleanup,  
869 treatment, and disposal.

870         (j) An onsite sewage treatment and disposal system designed

2020712er

871 by a professional engineer registered in the state and certified  
872 by such engineer as complying with performance criteria adopted  
873 by the department must be approved by the department subject to  
874 the following:

875 1. The performance criteria applicable to engineer-designed  
876 systems must be limited to those necessary to ensure that such  
877 systems do not adversely affect the public health or  
878 significantly degrade the groundwater or surface water. Such  
879 performance criteria shall include consideration of the quality  
880 of system effluent, the proposed total sewage flow per acre,  
881 wastewater treatment capabilities of the natural or replaced  
882 soil, water quality classification of the potential surface-  
883 water-receiving body, and the structural and maintenance  
884 viability of the system for the treatment of domestic  
885 wastewater. However, performance criteria shall address only the  
886 performance of a system and not a system's design.

887 2. A person electing to use ~~utilize~~ an engineer-designed  
888 system shall, upon completion of the system design, submit such  
889 design, certified by a registered professional engineer, to the  
890 county health department. The county health department may use  
891 ~~utilize~~ an outside consultant to review the engineer-designed  
892 system, with the actual cost of such review to be borne by the  
893 applicant. Within 5 working days after receiving an engineer-  
894 designed system permit application, the county health department  
895 shall request additional information if the application is not  
896 complete. Within 15 working days after receiving a complete  
897 application for an engineer-designed system, the county health  
898 department ~~either~~ shall issue the permit or, if it determines  
899 that the system does not comply with the performance criteria,

2020712er

900 shall notify the applicant of that determination and refer the  
901 application to the department for a determination as to whether  
902 the system should be approved, disapproved, or approved with  
903 modification. The department engineer's determination shall  
904 prevail over the action of the county health department. The  
905 applicant shall be notified in writing of the department's  
906 determination and of the applicant's rights to pursue a variance  
907 or seek review under the provisions of chapter 120.

908 3. The owner of an engineer-designed performance-based  
909 system must maintain a current maintenance service agreement  
910 with a maintenance entity permitted by the department. The  
911 maintenance entity shall inspect each system at least twice each  
912 year and shall report quarterly to the department on the number  
913 of systems inspected and serviced. The reports may be submitted  
914 electronically.

915 4. The property owner of an owner-occupied, single-family  
916 residence may be approved and permitted by the department as a  
917 maintenance entity for his or her own performance-based  
918 treatment system upon written certification from the system  
919 manufacturer's approved representative that the property owner  
920 has received training on the proper installation and service of  
921 the system. The maintenance service agreement must conspicuously  
922 disclose that the property owner has the right to maintain his  
923 or her own system and is exempt from contractor registration  
924 requirements for performing construction, maintenance, or  
925 repairs on the system but is subject to all permitting  
926 requirements.

927 5. The property owner shall obtain a biennial system  
928 operating permit from the department for each system. The



2020712er

929 department shall inspect the system at least annually, or on  
930 such periodic basis as the fee collected permits, and may  
931 collect system-effluent samples if appropriate to determine  
932 compliance with the performance criteria. The fee for the  
933 biennial operating permit shall be collected beginning with the  
934 second year of system operation.

935 6. If an engineer-designed system fails to properly  
936 function or fails to meet performance standards, the system  
937 shall be re-engineered, if necessary, to bring the system into  
938 compliance with the provisions of this section.

939 (k) An innovative system may be approved in conjunction  
940 with an engineer-designed site-specific system that ~~which~~ is  
941 certified by the engineer to meet the performance-based criteria  
942 adopted by the department.

943 (l) For the Florida Keys, the department shall adopt a  
944 special rule for the construction, installation, modification,  
945 operation, repair, maintenance, and performance of onsite sewage  
946 treatment and disposal systems which considers the unique soil  
947 conditions and water table elevations, densities, and setback  
948 requirements. On lots where a setback distance of 75 feet from  
949 surface waters, saltmarsh, and buttonwood association habitat  
950 areas cannot be met, an injection well, approved and permitted  
951 by the department, may be used for disposal of effluent from  
952 onsite sewage treatment and disposal systems. The following  
953 additional requirements apply to onsite sewage treatment and  
954 disposal systems in Monroe County:

955 1. The county, each municipality, and those special  
956 districts established for the purpose of the collection,  
957 transmission, treatment, or disposal of sewage shall ensure, in

2020712er

958 accordance with the specific schedules adopted by the  
959 Administration Commission under s. 380.0552, the completion of  
960 onsite sewage treatment and disposal system upgrades to meet the  
961 requirements of this paragraph.

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

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

968 b. Suspended Solids of 10 mg/l.

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

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

975

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

979 3. In areas not scheduled to be served by a central  
980 sewerage system ~~sewer~~, onsite sewage treatment and disposal  
981 systems must, by December 31, 2015, comply with department rules  
982 and provide the level of treatment described in subparagraph 2.

983 4. In areas scheduled to be served by a central sewerage  
984 system ~~sewer~~ by December 31, 2015, if the property owner has  
985 paid a connection fee or assessment for connection to the  
986 central sewerage ~~sewer~~ system, the property owner may install a

2020712er

987 holding tank with a high water alarm or an onsite sewage  
988 treatment and disposal system that meets the following minimum  
989 standards:

990 a. The existing tanks must be pumped and inspected and  
991 certified as being watertight and free of defects in accordance  
992 with department rule; and

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

995 5. Onsite sewage treatment and disposal systems must be  
996 monitored for total nitrogen and total phosphorus concentrations  
997 as required by department rule.

998 6. The department shall enforce proper installation,  
999 operation, and maintenance of onsite sewage treatment and  
1000 disposal systems pursuant to this chapter, including ensuring  
1001 that the appropriate level of treatment described in  
1002 subparagraph 2. is met.

1003 7. The authority of a local government, including a special  
1004 district, to mandate connection of an onsite sewage treatment  
1005 and disposal system is governed by s. 4, chapter 99-395, Laws of  
1006 Florida.

1007 8. Notwithstanding any other ~~provision of~~ law, an onsite  
1008 sewage treatment and disposal system installed after July 1,  
1009 2010, in unincorporated Monroe County, excluding special  
1010 wastewater districts, that complies with the standards in  
1011 subparagraph 2. is not required to connect to a central sewerage  
1012 ~~sewer~~ system until December 31, 2020.

1013 (m) A ~~No~~ product sold in the state for use in onsite sewage  
1014 treatment and disposal systems may not contain any substance in  
1015 concentrations or amounts that would interfere with or prevent

2020712er

1016 the successful operation of such system, or that would cause  
1017 discharges from such systems to violate applicable water quality  
1018 standards. The department shall publish criteria for products  
1019 known or expected to meet the conditions of this paragraph. If  
1020 ~~In the event~~ a product does not meet such criteria, such product  
1021 may be sold if the manufacturer satisfactorily demonstrates to  
1022 the department that the conditions of this paragraph are met.

1023 (n) Evaluations for determining the seasonal high-water  
1024 table elevations or the suitability of soils for the use of a  
1025 new onsite sewage treatment and disposal system shall be  
1026 performed by department personnel, professional engineers  
1027 registered in the state, or such other persons with expertise,  
1028 as defined by rule, in making such evaluations. Evaluations for  
1029 determining mean annual flood lines shall be performed by those  
1030 persons identified in paragraph (2) (k) ~~(2) (j)~~. The department  
1031 shall accept evaluations submitted by professional engineers and  
1032 such other persons as meet the expertise established by this  
1033 section or by rule unless the department has a reasonable  
1034 scientific basis for questioning the accuracy or completeness of  
1035 the evaluation.

1036 ~~(o) The department shall appoint a research review and~~  
1037 ~~advisory committee, which shall meet at least semiannually. The~~  
1038 ~~committee shall advise the department on directions for new~~  
1039 ~~research, review and rank proposals for research contracts, and~~  
1040 ~~review draft research reports and make comments. The committee~~  
1041 ~~is comprised of:~~

1042 ~~1. A representative of the State Surgeon General, or his or~~  
1043 ~~her designee.~~

1044 ~~2. A representative from the septic tank industry.~~

2020712er

1045 ~~3. A representative from the home building industry.~~

1046 ~~4. A representative from an environmental interest group.~~

1047 ~~5. A representative from the State University System, from~~  
1048 ~~a department knowledgeable about onsite sewage treatment and~~  
1049 ~~disposal systems.~~

1050 ~~6. A professional engineer registered in this state who has~~  
1051 ~~work experience in onsite sewage treatment and disposal systems.~~

1052 ~~7. A representative from local government who is~~  
1053 ~~knowledgeable about domestic wastewater treatment.~~

1054 ~~8. A representative from the real estate profession.~~

1055 ~~9. A representative from the restaurant industry.~~

1056 ~~10. A consumer.~~

1057  
1058 ~~Members shall be appointed for a term of 3 years, with the~~  
1059 ~~appointments being staggered so that the terms of no more than~~  
1060 ~~four members expire in any one year. Members shall serve without~~  
1061 ~~remuneration, but are entitled to reimbursement for per diem and~~  
1062 ~~travel expenses as provided in s. 112.061.~~

1063 ~~(o)~~ (p) An application for an onsite sewage treatment and  
1064 disposal system permit shall be completed in full, signed by the  
1065 owner or the owner's authorized representative, or by a  
1066 contractor licensed under chapter 489, and shall be accompanied  
1067 by all required exhibits and fees. ~~No~~ Specific documentation of  
1068 property ownership is not ~~shall be~~ required as a prerequisite to  
1069 the review of an application or the issuance of a permit. The  
1070 issuance of a permit does not constitute determination by the  
1071 department of property ownership.

1072 ~~(p)~~ (q) The department may not require any form of  
1073 subdivision analysis of property by an owner, developer, or

2020712er

1074 subdivider before ~~prior to~~ submission of an application for an  
1075 onsite sewage treatment and disposal system.

1076 (q) ~~(r)~~ ~~Nothing in~~ This section does not limit ~~limits~~ the  
1077 power of a municipality or county to enforce other laws for the  
1078 protection of the public health and safety.

1079 (r) ~~(s)~~ In the siting of onsite sewage treatment and  
1080 disposal systems, including drainfields, shoulders, and slopes,  
1081 guttering may ~~shall~~ not be required on single-family residential  
1082 dwelling units for systems located greater than 5 feet from the  
1083 roof drip line of the house. If guttering is used on residential  
1084 dwelling units, the downspouts shall be directed away from the  
1085 drainfield.

1086 (s) ~~(t)~~ Notwithstanding ~~the provisions of~~ subparagraph  
1087 (g)1., onsite sewage treatment and disposal systems located in  
1088 floodways of the Suwannee and Aucilla Rivers must adhere to the  
1089 following requirements:

1090 1. The absorption surface of the drainfield may ~~shall~~ not  
1091 be subject to flooding based on 10-year flood elevations.  
1092 Provided, however, for lots or parcels created by the  
1093 subdivision of land in accordance with applicable local  
1094 government regulations before ~~prior to~~ January 17, 1990, if an  
1095 applicant cannot construct a drainfield system with the  
1096 absorption surface of the drainfield at an elevation equal to or  
1097 above 10-year flood elevation, the department shall issue a  
1098 permit for an onsite sewage treatment and disposal system within  
1099 the 10-year floodplain of rivers, streams, and other bodies of  
1100 flowing water if all of the following criteria are met:

- 1101 a. The lot is at least one-half acre in size;  
1102 b. The bottom of the drainfield is at least 36 inches above

2020712er

1103 the 2-year flood elevation; and

1104 c. The applicant installs ~~either:~~ a waterless,  
1105 incinerating, or organic waste composting toilet and a graywater  
1106 system and drainfield in accordance with department rules; an  
1107 aerobic treatment unit and drainfield in accordance with  
1108 department rules; a system ~~approved by the State Health Office~~  
1109 that is capable of reducing effluent nitrate by at least 50  
1110 percent in accordance with department rules; or a system other  
1111 than a system using alternative drainfield materials in  
1112 accordance with department rules ~~approved by the county health~~  
1113 ~~department pursuant to department rule other than a system using~~  
1114 ~~alternative drainfield materials~~. The United States Department  
1115 of Agriculture Soil Conservation Service soil maps, State of  
1116 Florida Water Management District data, and Federal Emergency  
1117 Management Agency Flood Insurance maps are resources that shall  
1118 be used to identify flood-prone areas.

1119 2. The use of fill or mounding to elevate a drainfield  
1120 system out of the 10-year floodplain of rivers, streams, or  
1121 other bodies of flowing water may ~~shall~~ not be permitted if such  
1122 a system lies within a regulatory floodway of the Suwannee and  
1123 Aucilla Rivers. In cases where the 10-year flood elevation does  
1124 not coincide with the boundaries of the regulatory floodway, the  
1125 regulatory floodway will be considered for the purposes of this  
1126 subsection to extend at a minimum to the 10-year flood  
1127 elevation.

1128 (t) 1. ~~(u) 1.~~ The owner of an aerobic treatment unit system  
1129 shall maintain a current maintenance service agreement with an  
1130 aerobic treatment unit maintenance entity permitted by the  
1131 department. The maintenance entity shall inspect each aerobic

2020712er

1132 treatment unit system at least twice each year and shall report  
1133 quarterly to the department on the number of aerobic treatment  
1134 unit systems inspected and serviced. The reports may be  
1135 submitted electronically.

1136 2. The property owner of an owner-occupied, single-family  
1137 residence may be approved and permitted by the department as a  
1138 maintenance entity for his or her own aerobic treatment unit  
1139 system upon written certification from the system manufacturer's  
1140 approved representative that the property owner has received  
1141 training on the proper installation and service of the system.  
1142 The maintenance entity service agreement must conspicuously  
1143 disclose that the property owner has the right to maintain his  
1144 or her own system and is exempt from contractor registration  
1145 requirements for performing construction, maintenance, or  
1146 repairs on the system but is subject to all permitting  
1147 requirements.

1148 3. A septic tank contractor licensed under part III of  
1149 chapter 489, if approved by the manufacturer, may not be denied  
1150 access by the manufacturer to aerobic treatment unit system  
1151 training or spare parts for maintenance entities. After the  
1152 original warranty period, component parts for an aerobic  
1153 treatment unit system may be replaced with parts that meet  
1154 manufacturer's specifications but are manufactured by others.  
1155 The maintenance entity shall maintain documentation of the  
1156 substitute part's equivalency for 2 years and shall provide such  
1157 documentation to the department upon request.

1158 4. The owner of an aerobic treatment unit system shall  
1159 obtain a system operating permit from the department and allow  
1160 the department to inspect during reasonable hours each aerobic



2020712er

1161 treatment unit system at least annually, and such inspection may  
1162 include collection and analysis of system-effluent samples for  
1163 performance criteria established by rule of the department.

1164 (u)~~(v)~~ The department may require the submission of  
1165 detailed system construction plans that are prepared by a  
1166 professional engineer registered in this state. The department  
1167 shall establish by rule criteria for determining when such a  
1168 submission is required.

1169 (v)~~(w)~~ Any permit issued and approved by the department for  
1170 the installation, modification, or repair of an onsite sewage  
1171 treatment and disposal system shall transfer with the title to  
1172 the property in a real estate transaction. A title may not be  
1173 encumbered at the time of transfer by new permit requirements by  
1174 a governmental entity for an onsite sewage treatment and  
1175 disposal system which differ from the permitting requirements in  
1176 effect at the time the system was permitted, modified, or  
1177 repaired. An inspection of a system may not be mandated by a  
1178 governmental entity at the point of sale in a real estate  
1179 transaction. This paragraph does not affect a septic tank phase-  
1180 out deferral program implemented by a consolidated government as  
1181 defined in s. 9, Art. VIII of the State Constitution (1885).

1182 (w)~~(x)~~ A governmental entity, including a municipality,  
1183 county, or statutorily created commission, may not require an  
1184 engineer-designed performance-based treatment system, excluding  
1185 a passive engineer-designed performance-based treatment system,  
1186 before the completion of the Florida Onsite Sewage Nitrogen  
1187 Reduction Strategies Project. This paragraph does not apply to a  
1188 governmental entity, including a municipality, county, or  
1189 statutorily created commission, which adopted a local law,

2020712er

1190 ordinance, or regulation on or before January 31, 2012.

1191 Notwithstanding this paragraph, an engineer-designed  
1192 performance-based treatment system may be used to meet the  
1193 requirements of the variance review and advisory committee  
1194 recommendations.

1195 (x)1.~~(y)~~1. An onsite sewage treatment and disposal system  
1196 is not considered abandoned if the system is disconnected from a  
1197 structure that was made unusable or destroyed following a  
1198 disaster and if the system was properly functioning at the time  
1199 of disconnection and was not adversely affected by the disaster.  
1200 The onsite sewage treatment and disposal system may be  
1201 reconnected to a rebuilt structure if:

1202 a. The reconnection of the system is to the same type of  
1203 structure which contains the same number of bedrooms or fewer,  
1204 if the square footage of the structure is less than or equal to  
1205 110 percent of the original square footage of the structure that  
1206 existed before the disaster;

1207 b. The system is not a sanitary nuisance; and

1208 c. The system has not been altered without prior  
1209 authorization.

1210 2. An onsite sewage treatment and disposal system that  
1211 serves a property that is foreclosed upon is not considered  
1212 abandoned.

1213 (y)~~(z)~~ If an onsite sewage treatment and disposal system  
1214 permittee receives, relies upon, and undertakes construction of  
1215 a system based upon a validly issued construction permit under  
1216 rules applicable at the time of construction but a change to a  
1217 rule occurs within 5 years after the approval of the system for  
1218 construction but before the final approval of the system, the

2020712er

1219 rules applicable and in effect at the time of construction  
1220 approval apply at the time of final approval if fundamental site  
1221 conditions have not changed between the time of construction  
1222 approval and final approval.

1223       (z)~~(aa)~~ An existing-system inspection or evaluation and  
1224 assessment, or a modification, replacement, or upgrade of an  
1225 onsite sewage treatment and disposal system is not required for  
1226 a remodeling addition or modification to a single-family home if  
1227 a bedroom is not added. However, a remodeling addition or  
1228 modification to a single-family home may not cover any part of  
1229 the existing system or encroach upon a required setback or the  
1230 unobstructed area. To determine if a setback or the unobstructed  
1231 area is impacted, the local health department shall review and  
1232 verify a floor plan and site plan of the proposed remodeling  
1233 addition or modification to the home submitted by a remodeler  
1234 which shows the location of the system, including the distance  
1235 of the remodeling addition or modification to the home from the  
1236 onsite sewage treatment and disposal system. The local health  
1237 department may visit the site or otherwise determine the best  
1238 means of verifying the information submitted. A verification of  
1239 the location of a system is not an inspection or evaluation and  
1240 assessment of the system. The review and verification must be  
1241 completed within 7 business days after receipt by the local  
1242 health department of a floor plan and site plan. If the review  
1243 and verification is not completed within such time, the  
1244 remodeling addition or modification to the single-family home,  
1245 for the purposes of this paragraph, is approved.

1246       Section 8. Section 381.00652, Florida Statutes, is created  
1247 to read:

2020712er

1248 381.00652 Onsite sewage treatment and disposal systems  
1249 technical advisory committee.—

1250 (1) As used in this section, the term "department" means  
1251 the Department of Environmental Protection.

1252 (2) An onsite sewage treatment and disposal systems  
1253 technical advisory committee, a committee as defined in s.  
1254 20.03(8), is created within the department. The committee shall:

1255 (a) Provide recommendations to increase the availability of  
1256 enhanced nutrient-reducing onsite sewage treatment and disposal  
1257 systems in the marketplace, including such systems that are  
1258 cost-effective, low maintenance, and reliable.

1259 (b) Consider and recommend regulatory options, such as  
1260 fast-track approval, prequalification, or expedited permitting,  
1261 to facilitate the introduction and use of enhanced nutrient-  
1262 reducing onsite sewage treatment and disposal systems that have  
1263 been reviewed and approved by a national agency or organization,  
1264 such as the American National Standards Institute 245 systems  
1265 approved by the NSF International.

1266 (c) Provide recommendations for appropriate setback  
1267 distances for onsite sewage treatment and disposal systems from  
1268 surface water, groundwater, and wells.

1269 (3) The department shall use existing and available  
1270 resources to administer and support the activities of the  
1271 committee.

1272 (4) (a) By August 1, 2021, the department, in consultation  
1273 with the Department of Health, shall appoint no more than 10  
1274 members to the committee, as follows:

- 1275 1. A professional engineer.  
1276 2. A septic tank contractor.

2020712er

1277 3. Two representatives from the home building industry.

1278 4. A representative from the real estate industry.

1279 5. A representative from the onsite sewage treatment and  
1280 disposal system industry.

1281 6. A representative from local government.

1282 7. Two representatives from the environmental community.

1283 8. A representative of the scientific and technical  
1284 community who has substantial expertise in the areas of the fate  
1285 and transport of water pollutants, toxicology, epidemiology,  
1286 geology, biology, or environmental sciences.

1287 (b) Members shall serve without compensation and are not  
1288 entitled to reimbursement for per diem or travel expenses.

1289 (5) By January 1, 2022, the committee shall submit its  
1290 recommendations to the Governor, the President of the Senate,  
1291 and the Speaker of the House of Representatives.

1292 (6) This section expires August 15, 2022.

1293 Section 9. Effective July 1, 2021, section 381.0068,  
1294 Florida Statutes, is repealed.

1295 Section 10. Present subsections (14) through (44) of  
1296 section 403.061, Florida Statutes, are redesignated as  
1297 subsections (15) through (45), respectively, subsection (7) is  
1298 amended, and a new subsection (14) is added to that section, to  
1299 read:

1300 403.061 Department; powers and duties.—The department shall  
1301 have the power and the duty to control and prohibit pollution of  
1302 air and water in accordance with the law and rules adopted and  
1303 promulgated by it and, for this purpose, to:

1304 (7) Adopt rules pursuant to ss. 120.536(1) and 120.54 to  
1305 implement ~~the provisions of~~ this act. Any rule adopted pursuant

2020712er

1306 to this act must ~~shall~~ be consistent with the provisions of  
1307 federal law, if any, relating to control of emissions from motor  
1308 vehicles, effluent limitations, pretreatment requirements, or  
1309 standards of performance. A ~~No~~ county, municipality, or  
1310 political subdivision may not ~~shall~~ adopt or enforce any local  
1311 ordinance, special law, or local regulation requiring the  
1312 installation of Stage II vapor recovery systems, as currently  
1313 defined by department rule, unless such county, municipality, or  
1314 political subdivision is or has been in the past designated by  
1315 federal regulation as a moderate, serious, or severe ozone  
1316 nonattainment area. Rules adopted pursuant to this act may ~~shall~~  
1317 not require dischargers of waste into waters of the state to  
1318 improve natural background conditions. The department shall  
1319 adopt rules to reasonably limit, reduce, and eliminate domestic  
1320 wastewater collection and transmission system pipe leakages and  
1321 inflow and infiltration. Discharges from steam electric  
1322 generating plants existing or licensed under this chapter on  
1323 July 1, 1984, may ~~shall~~ not be required to be treated to a  
1324 greater extent than may be necessary to assure that the quality  
1325 of nonthermal components of discharges from nonrecirculated  
1326 cooling water systems is as high as the quality of the makeup  
1327 waters; that the quality of nonthermal components of discharges  
1328 from recirculated cooling water systems is no lower than is  
1329 allowed for blowdown from such systems; or that the quality of  
1330 noncooling system discharges which receive makeup water from a  
1331 receiving body of water which does not meet applicable  
1332 department water quality standards is as high as the quality of  
1333 the receiving body of water. The department may not adopt  
1334 standards more stringent than federal regulations, except as

2020712er

1335 provided in s. 403.804.

1336 (14) In order to promote resilient utilities, require  
1337 public utilities or their affiliated companies holding, applying  
1338 for, or renewing a domestic wastewater discharge permit to file  
1339 annual reports and other data regarding transactions or  
1340 allocations of common costs and expenditures on pollution  
1341 mitigation and prevention among the utility's permitted systems,  
1342 including, but not limited to, the prevention of sanitary sewer  
1343 overflows, collection and transmission system pipe leakages, and  
1344 inflow and infiltration. The department shall adopt rules to  
1345 implement this subsection.

1346  
1347 The department shall implement such programs in conjunction with  
1348 its other powers and duties and shall place special emphasis on  
1349 reducing and eliminating contamination that presents a threat to  
1350 humans, animals or plants, or to the environment.

1351 Section 11. Section 403.0616, Florida Statutes, is created  
1352 to read:

1353 403.0616 Real-time water quality monitoring program.-

1354 (1) Subject to appropriation, the department shall  
1355 establish a real-time water quality monitoring program to assist  
1356 in the restoration, preservation, and enhancement of impaired  
1357 water bodies and coastal resources.

1358 (2) In order to expedite the creation and implementation of  
1359 the program, the department is encouraged to form public-private  
1360 partnerships with established scientific entities that have  
1361 proven existing real-time water quality monitoring equipment and  
1362 experience in deploying the equipment.

1363 Section 12. Subsection (17) is added to section 403.064,

2020712er

1364 Florida Statutes, to read:

1365 403.064 Reuse of reclaimed water.—

1366 (17) By December 31, 2020, the department shall initiate  
1367 rule revisions based on the recommendations of the Potable Reuse  
1368 Commission's 2020 report "Advancing Potable Reuse in Florida:  
1369 Framework for the Implementation of Potable Reuse in Florida."  
1370 Rules for potable reuse projects must address contaminants of  
1371 emerging concern and meet or exceed federal and state drinking  
1372 water quality standards and other applicable water quality  
1373 standards. Reclaimed water is deemed a water source for public  
1374 water supply systems.

1375 Section 13. Subsection (7) of section 403.067, Florida  
1376 Statutes, is amended to read:

1377 403.067 Establishment and implementation of total maximum  
1378 daily loads.—

1379 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND  
1380 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

1381 (a) *Basin management action plans.*—

1382 1. In developing and implementing the total maximum daily  
1383 load for a water body, the department, or the department in  
1384 conjunction with a water management district, may develop a  
1385 basin management action plan that addresses some or all of the  
1386 watersheds and basins tributary to the water body. Such plan  
1387 must integrate the appropriate management strategies available  
1388 to the state through existing water quality protection programs  
1389 to achieve the total maximum daily loads and may provide for  
1390 phased implementation of these management strategies to promote  
1391 timely, cost-effective actions as provided for in s. 403.151.

1392 The plan must establish a schedule implementing the management



2020712er

1393 strategies, establish a basis for evaluating the plan's  
1394 effectiveness, and identify feasible funding strategies for  
1395 implementing the plan's management strategies. The management  
1396 strategies may include regional treatment systems or other  
1397 public works, when ~~where~~ appropriate, and voluntary trading of  
1398 water quality credits to achieve the needed pollutant load  
1399 reductions.

1400         2. A basin management action plan must equitably allocate,  
1401 pursuant to paragraph (6) (b), pollutant reductions to individual  
1402 basins, as a whole to all basins, or to each identified point  
1403 source or category of nonpoint sources, as appropriate. For  
1404 nonpoint sources for which best management practices have been  
1405 adopted, the initial requirement specified by the plan must be  
1406 those practices developed pursuant to paragraph (c). When ~~Where~~  
1407 appropriate, the plan may take into account the benefits of  
1408 pollutant load reduction achieved by point or nonpoint sources  
1409 that have implemented management strategies to reduce pollutant  
1410 loads, including best management practices, before the  
1411 development of the basin management action plan. The plan must  
1412 also identify the mechanisms that will address potential future  
1413 increases in pollutant loading.

1414         3. The basin management action planning process is intended  
1415 to involve the broadest possible range of interested parties,  
1416 with the objective of encouraging the greatest amount of  
1417 cooperation and consensus possible. In developing a basin  
1418 management action plan, the department shall assure that key  
1419 stakeholders, including, but not limited to, applicable local  
1420 governments, water management districts, the Department of  
1421 Agriculture and Consumer Services, other appropriate state

2020712er

1422 agencies, local soil and water conservation districts,  
1423 environmental groups, regulated interests, and affected  
1424 pollution sources, are invited to participate in the process.  
1425 The department shall hold at least one public meeting in the  
1426 vicinity of the watershed or basin to discuss and receive  
1427 comments during the planning process and shall otherwise  
1428 encourage public participation to the greatest practicable  
1429 extent. Notice of the public meeting must be published in a  
1430 newspaper of general circulation in each county in which the  
1431 watershed or basin lies at least ~~not less than~~ 5 days, but not  
1432 ~~nor~~ more than 15 days, before the public meeting. A basin  
1433 management action plan does not supplant or otherwise alter any  
1434 assessment made under subsection (3) or subsection (4) or any  
1435 calculation or initial allocation.

1436 4. Each new or revised basin management action plan shall  
1437 include:

1438 a. The appropriate management strategies available through  
1439 existing water quality protection programs to achieve total  
1440 maximum daily loads, which may provide for phased implementation  
1441 to promote timely, cost-effective actions as provided for in s.  
1442 403.151;

1443 b. A description of best management practices adopted by  
1444 rule;

1445 c. A list of projects in priority ranking with a planning-  
1446 level cost estimate and estimated date of completion for each  
1447 listed project;

1448 d. The source and amount of financial assistance to be made  
1449 available by the department, a water management district, or  
1450 other entity for each listed project, if applicable; and

2020712er

1451 e. A planning-level estimate of each listed project's  
1452 expected load reduction, if applicable.

1453 5. The department shall adopt all or any part of a basin  
1454 management action plan and any amendment to such plan by  
1455 secretarial order pursuant to chapter 120 to implement ~~the~~  
1456 ~~provisions of~~ this section.

1457 6. The basin management action plan must include milestones  
1458 for implementation and water quality improvement, and an  
1459 associated water quality monitoring component sufficient to  
1460 evaluate whether reasonable progress in pollutant load  
1461 reductions is being achieved over time. An assessment of  
1462 progress toward these milestones shall be conducted every 5  
1463 years, and revisions to the plan shall be made as appropriate.  
1464 Revisions to the basin management action plan shall be made by  
1465 the department in cooperation with basin stakeholders. Revisions  
1466 to the management strategies required for nonpoint sources must  
1467 follow the procedures ~~set forth~~ in subparagraph (c)4. Revised  
1468 basin management action plans must be adopted pursuant to  
1469 subparagraph 5.

1470 7. In accordance with procedures adopted by rule under  
1471 paragraph (9)(c), basin management action plans, and other  
1472 pollution control programs under local, state, or federal  
1473 authority as provided in subsection (4), may allow point or  
1474 nonpoint sources that will achieve greater pollutant reductions  
1475 than required by an adopted total maximum daily load or  
1476 wasteload allocation to generate, register, and trade water  
1477 quality credits for the excess reductions to enable other  
1478 sources to achieve their allocation; however, the generation of  
1479 water quality credits does not remove the obligation of a source

2020712er

1480 or activity to meet applicable technology requirements or  
1481 adopted best management practices. Such plans must allow trading  
1482 between NPDES permittees, and trading that may or may not  
1483 involve NPDES permittees, where the generation or use of the  
1484 credits involve an entity or activity not subject to department  
1485 water discharge permits whose owner voluntarily elects to obtain  
1486 department authorization for the generation and sale of credits.

1487 ~~8. The provisions of~~ The department's rule relating to the  
1488 equitable abatement of pollutants into surface waters do not  
1489 apply to water bodies or water body segments for which a basin  
1490 management plan that takes into account future new or expanded  
1491 activities or discharges has been adopted under this section.

1492 9. In order to promote resilient wastewater utilities, if  
1493 the department identifies domestic wastewater treatment  
1494 facilities or onsite sewage treatment and disposal systems as  
1495 contributors of at least 20 percent of point source or nonpoint  
1496 source nutrient pollution or if the department determines  
1497 remediation is necessary to achieve the total maximum daily  
1498 load, a basin management action plan for a nutrient total  
1499 maximum daily load must include the following:

1500 a. A wastewater treatment plan developed by each local  
1501 government, in cooperation with the department, the water  
1502 management district, and the public and private domestic  
1503 wastewater treatment facilities within the jurisdiction of the  
1504 local government, that addresses domestic wastewater. The  
1505 wastewater treatment plan must:

1506 (I) Provide for construction, expansion, or upgrades  
1507 necessary to achieve the total maximum daily load requirements  
1508 applicable to the domestic wastewater treatment facility.

2020712er

1509        (II) Include the permitted capacity in average annual  
1510 gallons per day for the domestic wastewater treatment facility;  
1511 the average nutrient concentration and the estimated average  
1512 nutrient load of the domestic wastewater; a projected timeline  
1513 of the dates by which the construction of any facility  
1514 improvements will begin and be completed and the date by which  
1515 operations of the improved facility will begin; the estimated  
1516 cost of the improvements; and the identity of responsible  
1517 parties.

1518  
1519 The wastewater treatment plan must be adopted as part of the  
1520 basin management action plan no later than July 1, 2025. A local  
1521 government that does not have a domestic wastewater treatment  
1522 facility in its jurisdiction is not required to develop a  
1523 wastewater treatment plan unless there is a demonstrated need to  
1524 establish a domestic wastewater treatment facility within its  
1525 jurisdiction to improve water quality necessary to achieve a  
1526 total maximum daily load. A local government is not responsible  
1527 for a private domestic wastewater facility's compliance with a  
1528 basin management action plan unless such facility is operated  
1529 through a public-private partnership to which the local  
1530 government is a party.

1531        b. An onsite sewage treatment and disposal system  
1532 remediation plan developed by each local government in  
1533 cooperation with the department, the Department of Health, water  
1534 management districts, and public and private domestic wastewater  
1535 treatment facilities.

1536        (I) The onsite sewage treatment and disposal system  
1537 remediation plan must identify cost-effective and financially

2020712er

1538 feasible projects necessary to achieve the nutrient load  
1539 reductions required for onsite sewage treatment and disposal  
1540 systems. To identify cost-effective and financially feasible  
1541 projects for remediation of onsite sewage treatment and disposal  
1542 systems, the local government shall:

1543 (A) Include an inventory of onsite sewage treatment and  
1544 disposal systems based on the best information available;

1545 (B) Identify onsite sewage treatment and disposal systems  
1546 that would be eliminated through connection to existing or  
1547 future central domestic wastewater infrastructure in the  
1548 jurisdiction or domestic wastewater service area of the local  
1549 government, that would be replaced with or upgraded to enhanced  
1550 nutrient-reducing onsite sewage treatment and disposal systems,  
1551 or that would remain on conventional onsite sewage treatment and  
1552 disposal systems;

1553 (C) Estimate the costs of potential onsite sewage treatment  
1554 and disposal system connections, upgrades, or replacements; and

1555 (D) Identify deadlines and interim milestones for the  
1556 planning, design, and construction of projects.

1557 (II) The department shall adopt the onsite sewage treatment  
1558 and disposal system remediation plan as part of the basin  
1559 management action plan no later than July 1, 2025, or as  
1560 required for Outstanding Florida Springs under s. 373.807.

1561 10. When identifying wastewater projects in a basin  
1562 management action plan, the department may not require the  
1563 higher cost option if it achieves the same nutrient load  
1564 reduction as a lower cost option. A regulated entity may choose  
1565 a different cost option if it complies with the pollutant  
1566 reduction requirements of an adopted total maximum daily load

2020712er

1567 and meets or exceeds the pollution reduction requirement of the  
1568 original project.

1569 (b) *Total maximum daily load implementation.*—

1570 1. The department shall be the lead agency in coordinating  
1571 the implementation of the total maximum daily loads through  
1572 existing water quality protection programs. Application of a  
1573 total maximum daily load by a water management district must be  
1574 consistent with this section and does not require the issuance  
1575 of an order or a separate action pursuant to s. 120.536(1) or s.  
1576 120.54 for the adoption of the calculation and allocation  
1577 previously established by the department. Such programs may  
1578 include, but are not limited to:

1579 a. Permitting and other existing regulatory programs,  
1580 including water-quality-based effluent limitations;

1581 b. Nonregulatory and incentive-based programs, including  
1582 best management practices, cost sharing, waste minimization,  
1583 pollution prevention, agreements established pursuant to s.  
1584 403.061(22) ~~s. 403.061(21)~~, and public education;

1585 c. Other water quality management and restoration  
1586 activities, for example surface water improvement and management  
1587 plans approved by water management districts or basin management  
1588 action plans developed pursuant to this subsection;

1589 d. Trading of water quality credits or other equitable  
1590 economically based agreements;

1591 e. Public works including capital facilities; or

1592 f. Land acquisition.

1593 2. For a basin management action plan adopted pursuant to  
1594 paragraph (a), any management strategies and pollutant reduction  
1595 requirements associated with a pollutant of concern for which a

2020712er

1596 total maximum daily load has been developed, including effluent  
1597 limits ~~set forth~~ for a discharger subject to NPDES permitting,  
1598 if any, must be included in a timely manner in subsequent NPDES  
1599 permits or permit modifications for that discharger. The  
1600 department may not impose limits or conditions implementing an  
1601 adopted total maximum daily load in an NPDES permit until the  
1602 permit expires, the discharge is modified, or the permit is  
1603 reopened pursuant to an adopted basin management action plan.

1604 a. Absent a detailed allocation, total maximum daily loads  
1605 must be implemented through NPDES permit conditions that provide  
1606 for a compliance schedule. In such instances, a facility's NPDES  
1607 permit must allow time for the issuance of an order adopting the  
1608 basin management action plan. The time allowed for the issuance  
1609 of an order adopting the plan may not exceed 5 years. Upon  
1610 issuance of an order adopting the plan, the permit must be  
1611 reopened or renewed, as necessary, and permit conditions  
1612 consistent with the plan must be established. Notwithstanding  
1613 the other provisions of this subparagraph, upon request by an  
1614 NPDES permittee, the department as part of a permit issuance,  
1615 renewal, or modification may establish individual allocations  
1616 before the adoption of a basin management action plan.

1617 b. For holders of NPDES municipal separate storm sewer  
1618 system permits and other stormwater sources, implementation of a  
1619 total maximum daily load or basin management action plan must be  
1620 achieved, to the maximum extent practicable, through the use of  
1621 best management practices or other management measures.

1622 c. The basin management action plan does not relieve the  
1623 discharger from any requirement to obtain, renew, or modify an  
1624 NPDES permit or to abide by other requirements of the permit.



2020712er

1625           d. Management strategies ~~set forth~~ in a basin management  
1626 action plan to be implemented by a discharger subject to  
1627 permitting by the department must be completed pursuant to the  
1628 schedule ~~set forth~~ in the basin management action plan. This  
1629 implementation schedule may extend beyond the 5-year term of an  
1630 NPDES permit.

1631           e. Management strategies and pollution reduction  
1632 requirements ~~set forth~~ in a basin management action plan for a  
1633 specific pollutant of concern are not subject to challenge under  
1634 chapter 120 at the time they are incorporated, in an identical  
1635 form, into a subsequent NPDES permit or permit modification.

1636           f. For nonagricultural pollutant sources not subject to  
1637 NPDES permitting but permitted pursuant to other state,  
1638 regional, or local water quality programs, the pollutant  
1639 reduction actions adopted in a basin management action plan must  
1640 be implemented to the maximum extent practicable as part of  
1641 those permitting programs.

1642           g. A nonpoint source discharger included in a basin  
1643 management action plan must demonstrate compliance with the  
1644 pollutant reductions established under subsection (6) by  
1645 implementing the appropriate best management practices  
1646 established pursuant to paragraph (c) or conducting water  
1647 quality monitoring prescribed by the department or a water  
1648 management district. A nonpoint source discharger may, in  
1649 accordance with department rules, supplement the implementation  
1650 of best management practices with water quality credit trades in  
1651 order to demonstrate compliance with the pollutant reductions  
1652 established under subsection (6).

1653           h. A nonpoint source discharger included in a basin

2020712er

1654 management action plan may be subject to enforcement action by  
1655 the department or a water management district based upon a  
1656 failure to implement the responsibilities ~~set forth~~ in sub-  
1657 subparagraph g.

1658 i. A landowner, discharger, or other responsible person who  
1659 is implementing applicable management strategies specified in an  
1660 adopted basin management action plan may not be required by  
1661 permit, enforcement action, or otherwise to implement additional  
1662 management strategies, including water quality credit trading,  
1663 to reduce pollutant loads to attain the pollutant reductions  
1664 established pursuant to subsection (6) and shall be deemed to be  
1665 in compliance with this section. This subparagraph does not  
1666 limit the authority of the department to amend a basin  
1667 management action plan as specified in subparagraph (a)6.

1668 (c) *Best management practices.*—

1669 1. The department, in cooperation with the water management  
1670 districts and other interested parties, as appropriate, may  
1671 develop suitable interim measures, best management practices, or  
1672 other measures necessary to achieve the level of pollution  
1673 reduction established by the department for nonagricultural  
1674 nonpoint pollutant sources in allocations developed pursuant to  
1675 subsection (6) and this subsection. These practices and measures  
1676 may be adopted by rule by the department and the water  
1677 management districts and, where adopted by rule, shall be  
1678 implemented by those parties responsible for nonagricultural  
1679 nonpoint source pollution.

1680 2. The Department of Agriculture and Consumer Services may  
1681 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54  
1682 suitable interim measures, best management practices, or other

2020712er

1683 measures necessary to achieve the level of pollution reduction  
1684 established by the department for agricultural pollutant sources  
1685 in allocations developed pursuant to subsection (6) and this  
1686 subsection or for programs implemented pursuant to paragraph  
1687 (12) (b). These practices and measures may be implemented by  
1688 those parties responsible for agricultural pollutant sources and  
1689 the department, the water management districts, and the  
1690 Department of Agriculture and Consumer Services shall assist  
1691 with implementation. In the process of developing and adopting  
1692 rules for interim measures, best management practices, or other  
1693 measures, the Department of Agriculture and Consumer Services  
1694 shall consult with the department, the Department of Health, the  
1695 water management districts, representatives from affected  
1696 farming groups, and environmental group representatives. Such  
1697 rules must also incorporate provisions for a notice of intent to  
1698 implement the practices and a system to assure the  
1699 implementation of the practices, including site inspection and  
1700 recordkeeping requirements.

1701       3. When ~~where~~ interim measures, best management practices,  
1702 or other measures are adopted by rule, the effectiveness of such  
1703 practices in achieving the levels of pollution reduction  
1704 established in allocations developed by the department pursuant  
1705 to subsection (6) and this subsection or in programs implemented  
1706 pursuant to paragraph (12) (b) must be verified at representative  
1707 sites by the department. The department shall use best  
1708 professional judgment in making the initial verification that  
1709 the best management practices are reasonably expected to be  
1710 effective and, when ~~where~~ applicable, shall ~~must~~ notify the  
1711 appropriate water management district or the Department of

2020712er

1712 Agriculture and Consumer Services of its initial verification  
1713 before the adoption of a rule proposed pursuant to this  
1714 paragraph. Implementation, in accordance with rules adopted  
1715 under this paragraph, of practices that have been initially  
1716 verified to be effective, or verified to be effective by  
1717 monitoring at representative sites, by the department, shall  
1718 provide a presumption of compliance with state water quality  
1719 standards and release from ~~the provisions of~~ s. 376.307(5) for  
1720 those pollutants addressed by the practices, and the department  
1721 is not authorized to institute proceedings against the owner of  
1722 the source of pollution to recover costs or damages associated  
1723 with the contamination of surface water or groundwater caused by  
1724 those pollutants. Research projects funded by the department, a  
1725 water management district, or the Department of Agriculture and  
1726 Consumer Services to develop or demonstrate interim measures or  
1727 best management practices shall be granted a presumption of  
1728 compliance with state water quality standards and a release from  
1729 ~~the provisions of~~ s. 376.307(5). The presumption of compliance  
1730 and release is limited to the research site and only for those  
1731 pollutants addressed by the interim measures or best management  
1732 practices. Eligibility for the presumption of compliance and  
1733 release is limited to research projects on sites where the owner  
1734 or operator of the research site and the department, a water  
1735 management district, or the Department of Agriculture and  
1736 Consumer Services have entered into a contract or other  
1737 agreement that, at a minimum, specifies the research objectives,  
1738 the cost-share responsibilities of the parties, and a schedule  
1739 that details the beginning and ending dates of the project.

1740 4. When ~~Where~~ water quality problems are demonstrated,

2020712er

1741 despite the appropriate implementation, operation, and  
1742 maintenance of best management practices and other measures  
1743 required by rules adopted under this paragraph, the department,  
1744 a water management district, or the Department of Agriculture  
1745 and Consumer Services, in consultation with the department,  
1746 shall institute a reevaluation of the best management practice  
1747 or other measure. If ~~Should~~ the reevaluation determines  
1748 ~~determine~~ that the best management practice or other measure  
1749 requires modification, the department, a water management  
1750 district, or the Department of Agriculture and Consumer  
1751 Services, as appropriate, shall revise the rule to require  
1752 implementation of the modified practice within a reasonable time  
1753 period as specified in the rule.

1754 5. Subject to subparagraph 6., the Department of  
1755 Agriculture and Consumer Services shall provide to the  
1756 department information obtained pursuant to subparagraph (d)3.

1757 6.5. Agricultural records relating to processes or methods  
1758 of production, costs of production, profits, or other financial  
1759 information held by the Department of Agriculture and Consumer  
1760 Services pursuant to subparagraphs 3., and 4., and 5. or  
1761 pursuant to any rule adopted pursuant to subparagraph 2. are  
1762 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
1763 of the State Constitution. Upon request, records made  
1764 confidential and exempt pursuant to this subparagraph shall be  
1765 released to the department or any water management district  
1766 provided that the confidentiality specified by this subparagraph  
1767 for such records is maintained.

1768 7.6. ~~The provisions of~~ Subparagraphs 1. and 2. do not  
1769 preclude the department or water management district from

2020712er

1770 requiring compliance with water quality standards or with  
1771 current best management practice requirements ~~set forth~~ in any  
1772 applicable regulatory program authorized by law for the purpose  
1773 of protecting water quality. Additionally, subparagraphs 1. and  
1774 2. are applicable only to the extent that they do not conflict  
1775 with any rules adopted by the department that are necessary to  
1776 maintain a federally delegated or approved program.

1777 (d) *Enforcement and verification of basin management action*  
1778 *plans and management strategies.*—

1779 1. Basin management action plans are enforceable pursuant  
1780 to this section and ss. 403.121, 403.141, and 403.161.

1781 Management strategies, including best management practices and  
1782 water quality monitoring, are enforceable under this chapter.

1783 2. No later than January 1, 2017:

1784 a. The department, in consultation with the water  
1785 management districts and the Department of Agriculture and  
1786 Consumer Services, shall initiate rulemaking to adopt procedures  
1787 to verify implementation of water quality monitoring required in  
1788 lieu of implementation of best management practices or other  
1789 measures pursuant to sub-subparagraph (b)2.g.;

1790 b. The department, in consultation with the water  
1791 management districts and the Department of Agriculture and  
1792 Consumer Services, shall initiate rulemaking to adopt procedures  
1793 to verify implementation of nonagricultural interim measures,  
1794 best management practices, or other measures adopted by rule  
1795 pursuant to subparagraph (c)1.; and

1796 c. The Department of Agriculture and Consumer Services, in  
1797 consultation with the water management districts and the  
1798 department, shall initiate rulemaking to adopt procedures to

2020712er

1799 verify implementation of agricultural interim measures, best  
1800 management practices, or other measures adopted by rule pursuant  
1801 to subparagraph (c) 2.

1802  
1803 The rules required under this subparagraph shall include  
1804 enforcement procedures applicable to the landowner, discharger,  
1805 or other responsible person required to implement applicable  
1806 management strategies, including best management practices or  
1807 water quality monitoring as a result of noncompliance.

1808 3. At least every 2 years, the Department of Agriculture  
1809 and Consumer Services shall perform onsite inspections of each  
1810 agricultural producer that enrolls in a best management practice  
1811 to ensure that such practice is being properly implemented. Such  
1812 verification must include a collection and review of the best  
1813 management practice documentation from the previous 2 years  
1814 required by rules adopted pursuant to subparagraph (c) 2.,  
1815 including, but not limited to, nitrogen and phosphorus  
1816 fertilizer application records, which must be collected and  
1817 retained pursuant to subparagraphs (c) 3., 4., and 6. The  
1818 Department of Agriculture and Consumer Services shall initially  
1819 prioritize the inspection of agricultural producers located in  
1820 the basin management action plans for Lake Okeechobee, the  
1821 Indian River Lagoon, the Caloosahatchee River and Estuary, and  
1822 Silver Springs.

1823 (e) Cooperative agricultural regional water quality  
1824 improvement element.—

1825 1. The department, the Department of Agriculture and  
1826 Consumer Services, and owners of agricultural operations in the  
1827 basin shall develop a cooperative agricultural regional water

2020712er

1828 quality improvement element as part of a basin management action  
1829 plan only if:

1830 a. Agricultural measures have been adopted by the  
1831 Department of Agriculture and Consumer Services pursuant to  
1832 subparagraph (c)2. and have been implemented and the waterbody  
1833 remains impaired;

1834 b. Agricultural nonpoint sources contribute to at least 20  
1835 percent of nonpoint source nutrient discharges; and

1836 c. The department determines that additional measures, in  
1837 combination with state-sponsored regional projects and other  
1838 management strategies included in the basin management action  
1839 plan, are necessary to achieve the total maximum daily load.

1840 2. The element will be implemented through the use of cost-  
1841 sharing projects. The element must include cost-effective and  
1842 technically and financially practical cooperative regional  
1843 agricultural nutrient reduction projects that can be implemented  
1844 on private properties on a site-specific, cooperative basis.  
1845 Such cooperative regional agricultural nutrient reduction  
1846 projects may include land acquisition in fee or conservation  
1847 easements on the lands of willing sellers and site-specific  
1848 water quality improvement or dispersed water management projects  
1849 on the lands of project participants.

1850 3. To qualify for participation in the cooperative  
1851 agricultural regional water quality improvement element, the  
1852 participant must have already implemented and be in compliance  
1853 with best management practices or other measures adopted by the  
1854 Department of Agriculture and Consumer Services pursuant to  
1855 subparagraph (c)2. The element may be included in the basin  
1856 management action plan as a part of the next 5-year assessment



2020712er

1857 under subparagraph (a)6.

1858 4. The department may submit a legislative budget request  
1859 to fund projects developed pursuant to this paragraph. In  
1860 allocating funds for projects funded pursuant to this paragraph,  
1861 the department shall provide at least 20 percent of its annual  
1862 appropriation for projects in subbasins with the highest  
1863 nutrient concentrations within a basin management action plan.

1864 (f) Data collection and research.—

1865 1. The Department of Agriculture and Consumer Services, in  
1866 cooperation with the University of Florida Institute of Food and  
1867 Agricultural Sciences and other state universities and Florida  
1868 College System institutions that have agricultural research  
1869 programs, shall annually develop research plans and legislative  
1870 budget requests to:

1871 a. Evaluate and suggest enhancements to the existing  
1872 adopted agricultural best management practices to reduce  
1873 nutrient runoff;

1874 b. Develop new best management practices that, if proven  
1875 effective, the Department of Agriculture and Consumer Services  
1876 may adopt by rule pursuant to subparagraph (c)2.; and

1877 c. Develop agricultural nutrient runoff reduction projects  
1878 that willing participants could implement on a site-specific,  
1879 cooperative basis, in addition to best management practices. The  
1880 department may consider these projects for inclusion in a basin  
1881 management action plan. These nutrient runoff reduction projects  
1882 must reduce the nutrient impacts from agricultural operations on  
1883 water quality when evaluated with the projects and management  
1884 strategies currently included in the basin management action  
1885 plan.

2020712er

1886           2. To be considered for funding, the University of Florida  
1887 Institute of Food and Agricultural Sciences and other state  
1888 universities and Florida College System institutions that have  
1889 agricultural research programs must submit such plans to the  
1890 department and the Department of Agriculture and Consumer  
1891 Services by August 1, 2021, and each May 1 thereafter.

1892           3. The department shall work with the University of Florida  
1893 Institute of Food and Agricultural Sciences and regulated  
1894 entities to consider the adoption by rule of best management  
1895 practices for nutrient impacts from golf courses. Such adopted  
1896 best management practices are subject to the requirements of  
1897 paragraph (c).

1898           Section 14. Section 403.0671, Florida Statutes, is created  
1899 to read:

1900           403.0671 Basin management action plan wastewater reports.-

1901           (1) By July 1, 2021, the department, in coordination with  
1902 the county health departments, wastewater treatment facilities,  
1903 and other governmental entities, shall submit a report to the  
1904 Governor, the President of the Senate, and the Speaker of the  
1905 House of Representatives evaluating the costs of wastewater  
1906 projects identified in the basin management action plans  
1907 developed pursuant to ss. 373.807 and 403.067(7) and the onsite  
1908 sewage treatment and disposal system remediation plans and other  
1909 restoration plans developed to meet the total maximum daily  
1910 loads required under s. 403.067. The report must include:

1911           (a) Projects to:

1912           1. Replace onsite sewage treatment and disposal systems  
1913 with enhanced nutrient-reducing onsite sewage treatment and  
1914 disposal systems.

2020712er

1915 2. Install or retrofit onsite sewage treatment and disposal  
1916 systems with enhanced nutrient-reducing technologies.

1917 3. Construct, upgrade, or expand domestic wastewater  
1918 treatment facilities to meet the wastewater treatment plan  
1919 required under s. 403.067(7)(a)9.

1920 4. Connect onsite sewage treatment and disposal systems to  
1921 domestic wastewater treatment facilities;

1922 (b) The estimated costs, nutrient load reduction estimates,  
1923 and other benefits of each project;

1924 (c) The estimated implementation timeline for each project;

1925 (d) A proposed 5-year funding plan for each project and the  
1926 source and amount of financial assistance the department, a  
1927 water management district, or other project partner will make  
1928 available to fund the project; and

1929 (e) The projected costs of installing enhanced nutrient-  
1930 reducing onsite sewage treatment and disposal systems on  
1931 buildable lots in priority focus areas to comply with s.  
1932 373.811.

1933 (2) By July 1, 2021, the department shall submit a report  
1934 to the Governor, the President of the Senate, and the Speaker of  
1935 the House of Representatives that provides an assessment of the  
1936 water quality monitoring being conducted for each basin  
1937 management action plan implementing a nutrient total maximum  
1938 daily load. In developing the report, the department may  
1939 coordinate with water management districts and any applicable  
1940 university. The report must:

1941 (a) Evaluate the water quality monitoring prescribed for  
1942 each basin management action plan to determine if it is  
1943 sufficient to detect changes in water quality caused by the

2020712er

1944 implementation of a project.

1945 (b) Identify gaps in water quality monitoring.

1946 (c) Recommend water quality monitoring needs.

1947 (3) Beginning January 1, 2022, and each January 1

1948 thereafter, the department shall submit to the Office of

1949 Economic and Demographic Research the cost estimates for

1950 projects required in s. 403.067(7)(a)9. The office shall include

1951 the project cost estimates in its annual assessment conducted

1952 pursuant to s. 403.928.

1953 Section 15. Section 403.0673, Florida Statutes, is created  
1954 to read:

1955 403.0673 Wastewater grant program.—A wastewater grant  
1956 program is established within the Department of Environmental  
1957 Protection.

1958 (1) Subject to the appropriation of funds by the  
1959 Legislature, the department may provide grants for the following  
1960 projects within a basin management action plan, an alternative  
1961 restoration plan adopted by final order, or a rural area of  
1962 opportunity under s. 288.0656 which will individually or  
1963 collectively reduce excess nutrient pollution:

1964 (a) Projects to retrofit onsite sewage treatment and  
1965 disposal systems to upgrade such systems to enhanced nutrient-  
1966 reducing onsite sewage treatment and disposal systems.

1967 (b) Projects to construct, upgrade, or expand facilities to  
1968 provide advanced waste treatment, as defined in s. 403.086(4).

1969 (c) Projects to connect onsite sewage treatment and  
1970 disposal systems to central sewer facilities.

1971 (2) In allocating such funds, priority must be given to  
1972 projects that subsidize the connection of onsite sewage

2020712er

1973 treatment and disposal systems to wastewater treatment  
1974 facilities. First priority must be given to subsidize the  
1975 connection of onsite sewage treatment and disposal systems to  
1976 existing infrastructure. Second priority must be given to any  
1977 expansion of a collection or transmission system that promotes  
1978 efficiency by planning the installation of wastewater  
1979 transmission facilities to be constructed concurrently with  
1980 other construction projects occurring within or along a  
1981 transportation facility right-of-way. Third priority must be  
1982 given to all other connections of onsite sewage treatment and  
1983 disposal systems to wastewater treatment facilities. The  
1984 department shall consider the estimated reduction in nutrient  
1985 load per project; project readiness; the cost-effectiveness of  
1986 the project; the overall environmental benefit of a project; the  
1987 location of a project; the availability of local matching funds;  
1988 and projected water savings or quantity improvements associated  
1989 with a project.

1990 (3) Each grant for a project described in subsection (1)  
1991 must require a minimum of a 50 percent local match of funds.  
1992 However, the department may, at its discretion, waive, in whole  
1993 or in part, this consideration of the local contribution for  
1994 proposed projects within an area designated as a rural area of  
1995 opportunity under s. 288.0656.

1996 (4) The department shall coordinate with each water  
1997 management district, as necessary, to identify grant recipients  
1998 in each district.

1999 (5) Beginning January 1, 2021, and each January 1  
2000 thereafter, the department shall submit a report regarding the  
2001 projects funded pursuant to this section to the Governor, the

2020712er

2002 President of the Senate, and the Speaker of the House of  
2003 Representatives.

2004 Section 16. Section 403.0855, Florida Statutes, is created  
2005 to read:

2006 403.0855 Biosolids management.—

2007 (1) The Legislature finds that it is in the best interest  
2008 of this state to regulate biosolids management in order to  
2009 minimize the migration of nutrients that impair water bodies.  
2010 The Legislature further finds that permitting according to site-  
2011 specific application conditions, an increased inspection rate,  
2012 groundwater and surface water monitoring protocols, and nutrient  
2013 management research will improve biosolids management and assist  
2014 in protecting this state's water resources and water quality.

2015 (2) The department shall adopt rules for biosolids  
2016 management. Rules adopted by the department pursuant to this  
2017 section may not take effect until ratified by the Legislature.

2018 (3) For a new land application site permit or a permit  
2019 renewal issued after July 1, 2020, the permittee of a biosolids  
2020 land application site shall:

2021 (a) Ensure a minimum unsaturated soil depth of 2 feet  
2022 between the depth of biosolids placement and the water table  
2023 level at the time the Class A or Class B biosolids are applied  
2024 to the soil. Biosolids may not be applied on soils that have a  
2025 seasonal high-water table less than 6 inches from the soil  
2026 surface or within 6 inches of the intended depth of biosolids  
2027 placement, unless a department-approved nutrient management plan  
2028 and water quality monitoring plan provide reasonable assurances  
2029 that the land application of biosolids at the site will not  
2030 cause or contribute to a violation of the state's surface water

2020712er

2031 quality standards or groundwater standards. As used in this  
2032 subsection, the term "seasonal high water" means the elevation  
2033 to which the ground and surface water may be expected to rise  
2034 due to a normal wet season.

2035 (b) Be enrolled in the Department of Agriculture and  
2036 Consumer Service's best management practices program or be  
2037 within an agricultural operation enrolled in the program for the  
2038 applicable commodity type.

2039 (4) All permits shall comply with the requirements of  
2040 subsection (3) by July 1, 2022.

2041 (5) New or renewed biosolids land application site or  
2042 facility permits issued after July 1, 2020, must comply with  
2043 this section and include a permit condition that requires the  
2044 permit to be reopened to insert a compliance date of no later  
2045 than 1 year after the effective date of the rules adopted  
2046 pursuant to subsection (2). All permits must meet the  
2047 requirements of the rules adopted pursuant to subsection (2) no  
2048 later than 2 years after the effective date of such rules.

2049 (6) A municipality or county may enforce or extend a local  
2050 ordinance, regulation, resolution, rule, moratorium, or policy,  
2051 any of which was adopted before November 1, 2019, relating to  
2052 the land application of Class A or Class B biosolids until the  
2053 ordinance, regulation, resolution, rule, moratorium, or policy  
2054 is repealed by the municipality or county.

2055 Section 17. Present subsections (7) through (10) of section  
2056 403.086, Florida Statutes, are redesignated as subsections (8)  
2057 through (11), respectively, subsections (1) and (2) are amended,  
2058 and a new subsection (7) is added to that section, to read:

2059 403.086 Sewage disposal facilities; advanced and secondary

2020712er

2060 waste treatment.—

2061 (1) (a) ~~Neither~~ The Department of Health or ~~nor~~ any other  
2062 state agency, county, special district, or municipality may not  
2063 ~~shall~~ approve construction of any sewage disposal facilities ~~for~~  
2064 ~~sanitary sewage disposal~~ which do not provide for secondary  
2065 waste treatment and, ~~in addition thereto,~~ advanced waste  
2066 treatment as deemed necessary and ordered by the department.

2067 (b) Sewage disposal ~~No~~ facilities ~~for sanitary sewage~~  
2068 ~~disposal~~ constructed after June 14, 1978, may not ~~shall~~ dispose  
2069 of any wastes by deep well injection without providing for  
2070 secondary waste treatment and, ~~in addition thereto,~~ advanced  
2071 waste treatment deemed necessary by the department to protect  
2072 adequately the beneficial use of the receiving waters.

2073 (c) Notwithstanding ~~any other provisions of~~ this chapter or  
2074 chapter 373, sewage disposal facilities ~~for sanitary sewage~~  
2075 ~~disposal~~ may not dispose of any wastes into Old Tampa Bay, Tampa  
2076 Bay, Hillsborough Bay, Boca Ciega Bay, St. Joseph Sound,  
2077 Clearwater Bay, Sarasota Bay, Little Sarasota Bay, Roberts Bay,  
2078 Lemon Bay, ~~or~~ Charlotte Harbor Bay, or, beginning July 1, 2025,  
2079 Indian River Lagoon, or into any river, stream, channel, canal,  
2080 bay, bayou, sound, or other water tributary thereto, without  
2081 providing advanced waste treatment, as defined in subsection  
2082 (4), approved by the department. This paragraph does ~~shall~~ not  
2083 apply to facilities which were permitted by February 1, 1987,  
2084 and which discharge secondary treated effluent, followed by  
2085 water hyacinth treatment, to tributaries of tributaries of the  
2086 named waters; or to facilities permitted to discharge to the  
2087 nontidally influenced portions of the Peace River.

2088 (d) By December 31, 2020, the department, in consultation



2020712er

2089 with the water management districts and sewage disposal  
2090 facilities, shall submit to the Governor, the President of the  
2091 Senate, and the Speaker of the House of Representatives a  
2092 progress report on the status of upgrades made by each facility  
2093 to meet the advanced waste treatment requirements under  
2094 paragraph (c). The report must include a list of sewage disposal  
2095 facilities required to upgrade to advanced waste treatment, the  
2096 preliminary cost estimates for the upgrades, and a projected  
2097 timeline of the dates by which the upgrades will begin and be  
2098 completed and the date by which operations of the upgraded  
2099 facility will begin.

2100 (2) All sewage disposal ~~Any~~ ~~facilities for sanitary sewage~~  
2101 ~~disposal~~ shall provide for secondary waste treatment, a power  
2102 outage contingency plan that mitigates the impacts of power  
2103 outages on the utility's collection system and pump stations,  
2104 ~~and, in addition thereto,~~ advanced waste treatment as deemed  
2105 necessary and ordered by the Department of Environmental  
2106 Protection. Failure to conform is shall be punishable by a civil  
2107 penalty of \$500 for each 24-hour day or fraction thereof that  
2108 such failure is allowed to continue thereafter.

2109 (7) All sewage disposal facilities under subsection (2)  
2110 which control a collection or transmission system of pipes and  
2111 pumps to collect and transmit wastewater from domestic or  
2112 industrial sources to the facility shall take steps to prevent  
2113 sanitary sewer overflows or underground pipe leaks and ensure  
2114 that collected wastewater reaches the facility for appropriate  
2115 treatment. Facilities must use inflow and infiltration studies  
2116 and leakage surveys to develop pipe assessment, repair, and  
2117 replacement action plans with a 5-year planning horizon that

2020712er

2118 comply with department rule to limit, reduce, and eliminate  
2119 leaks, seepages, or inputs into wastewater treatment systems'  
2120 underground pipes. The pipe assessment, repair, and replacement  
2121 action plans must be reported to the department. The facility  
2122 action plans must include information regarding the annual  
2123 expenditures dedicated to the inflow and infiltration studies  
2124 and the required replacement action plans; expenditures that are  
2125 dedicated to pipe assessment, repair, and replacement; and  
2126 expenditures designed to limit the presence of fats, roots,  
2127 oils, and grease in the facility's collection system. The  
2128 department shall adopt rules regarding the implementation of  
2129 inflow and infiltration studies and leakage surveys; however,  
2130 such rules may not fix or revise utility rates or budgets. A  
2131 utility or an operating entity subject to this subsection and s.  
2132 403.061(14) may submit one report to comply with both  
2133 requirements. Substantial compliance with this subsection is  
2134 evidence in mitigation for the purposes of assessing penalties  
2135 pursuant to ss. 403.121 and 403.141.

2136 Section 18. Present subsections (4) through (10) of section  
2137 403.087, Florida Statutes, are redesignated as subsections (5)  
2138 through (11), respectively, and a new subsection (4) is added to  
2139 that section, to read:

2140 403.087 Permits; general issuance; denial; revocation;  
2141 prohibition; penalty.-

2142 (4) The department shall issue an operation permit for a  
2143 domestic wastewater treatment facility other than a facility  
2144 regulated under the National Pollutant Discharge Elimination  
2145 System Program under s. 403.0885 for a term of up to 10 years if  
2146 the facility is meeting the stated goals in its action plan

2020712er

2147 adopted pursuant to s. 403.086(7).

2148 Section 19. Present subsections (3) and (4) of section  
2149 403.088, Florida Statutes, are redesignated as subsections (4)  
2150 and (5), respectively, paragraph (c) of subsection (2) is  
2151 amended, and a new subsection (3) is added to that section, to  
2152 read:

2153 403.088 Water pollution operation permits; conditions.—

2154 (2)

2155 (c) A permit shall:

2156 1. Specify the manner, nature, volume, and frequency of the  
2157 discharge permitted;

2158 2. Require proper operation and maintenance of any  
2159 pollution abatement facility by qualified personnel in  
2160 accordance with standards established by the department;

2161 3. Require a deliberate, proactive approach to  
2162 investigating or surveying a significant percentage of the  
2163 domestic wastewater collection system throughout the duration of  
2164 the permit to determine pipe integrity, which must be  
2165 accomplished in an economically feasible manner. The permittee  
2166 shall submit an annual report to the department which details  
2167 facility revenues and expenditures in a manner prescribed by  
2168 department rule. The report must detail any deviation of annual  
2169 expenditures from identified system needs related to inflow and  
2170 infiltration studies; model plans for pipe assessment, repair,  
2171 and replacement; and pipe assessment, repair, and replacement  
2172 required under s. 403.086(7). Substantial compliance with this  
2173 subsection is evidence in mitigation for the purposes of  
2174 assessing penalties pursuant to ss. 403.121 and 403.141;

2175 4.3- Contain such additional conditions, requirements, and

2020712er

2176 restrictions as the department deems necessary to preserve and  
2177 protect the quality of the receiving waters;

2178 ~~5.4.~~ Be valid for the period of time specified therein; and

2179 ~~6.5.~~ Constitute the state National Pollutant Discharge  
2180 Elimination System permit when issued pursuant to the authority  
2181 in s. 403.0885.

2182 (3) No later than March 1 of each year, the department  
2183 shall submit a report to the Governor, the President of the  
2184 Senate, and the Speaker of the House of Representatives which  
2185 identifies all domestic wastewater treatment facilities that  
2186 experienced a sanitary sewer overflow in the preceding calendar  
2187 year. The report must identify the name of the utility or  
2188 responsible operating entity, permitted capacity in annual  
2189 average gallons per day, number of overflows, type of water  
2190 discharged, total volume of sewage released, and, to the extent  
2191 known and available, volume of sewage recovered, volume of  
2192 sewage discharged to surface waters, and cause of the sanitary  
2193 sewer overflow, including whether the overflow was caused by a  
2194 third party. The department shall include with this report the  
2195 annual report specified under subparagraph (2)(c)3. for each  
2196 utility that experienced an overflow.

2197 Section 20. Subsection (6) of section 403.0891, Florida  
2198 Statutes, is amended to read:

2199 403.0891 State, regional, and local stormwater management  
2200 plans and programs.—The department, the water management  
2201 districts, and local governments shall have the responsibility  
2202 for the development of mutually compatible stormwater management  
2203 programs.

2204 (6) The department and the Department of Economic

2020712er

2205 Opportunity, in cooperation with local governments in the  
2206 coastal zone, shall develop a model stormwater management  
2207 program that could be adopted by local governments. The model  
2208 program must contain model ordinances that target nutrient  
2209 reduction practices and use green infrastructure. The model  
2210 program shall contain dedicated funding options, including a  
2211 stormwater utility fee system based upon an equitable unit cost  
2212 approach. Funding options shall be designed to generate capital  
2213 to retrofit existing stormwater management systems, build new  
2214 treatment systems, operate facilities, and maintain and service  
2215 debt.

2216 Section 21. Paragraphs (b) and (g) of subsection (2),  
2217 paragraph (b) of subsection (3), and subsections (8) and (9) of  
2218 section 403.121, Florida Statutes, are amended to read:

2219 403.121 Enforcement; procedure; remedies.—The department  
2220 shall have the following judicial and administrative remedies  
2221 available to it for violations of this chapter, as specified in  
2222 s. 403.161(1).

2223 (2) Administrative remedies:

2224 (b) If the department has reason to believe a violation has  
2225 occurred, it may institute an administrative proceeding to order  
2226 the prevention, abatement, or control of the conditions creating  
2227 the violation or other appropriate corrective action. Except for  
2228 violations involving hazardous wastes, asbestos, or underground  
2229 injection, the department shall proceed administratively in all  
2230 cases in which the department seeks administrative penalties  
2231 that do not exceed \$50,000 ~~\$10,000~~ per assessment as calculated  
2232 in accordance with subsections (3), (4), (5), (6), and (7).

2233 Pursuant to 42 U.S.C. s. 300g-2, the administrative penalty

2020712er

2234 assessed pursuant to subsection (3), subsection (4), or  
2235 subsection (5) against a public water system serving a  
2236 population of more than 10,000 may not ~~shall~~ be ~~not~~ less than  
2237 \$1,000 per day per violation. The department may ~~shall~~ not  
2238 impose administrative penalties in excess of \$50,000 ~~\$10,000~~ in  
2239 a notice of violation. The department may ~~shall~~ not have more  
2240 than one notice of violation seeking administrative penalties  
2241 pending against the same party at the same time unless the  
2242 violations occurred at a different site or the violations were  
2243 discovered by the department subsequent to the filing of a  
2244 previous notice of violation.

2245 (g) This subsection does not prevent ~~Nothing herein shall~~  
2246 ~~be construed as preventing~~ any other legal or administrative  
2247 action in accordance with law and does not. ~~Nothing in this~~  
2248 ~~subsection shall~~ limit the department's authority provided in s.  
2249 ~~ss.~~ 403.131, s. 403.141, and this section to judicially pursue  
2250 injunctive relief. When the department exercises its authority  
2251 to judicially pursue injunctive relief, penalties in any amount  
2252 up to the statutory maximum sought by the department must be  
2253 pursued as part of the state court action and not by initiating  
2254 a separate administrative proceeding. The department retains the  
2255 authority to judicially pursue penalties in excess of \$50,000  
2256 ~~\$10,000~~ for violations not specifically included in the  
2257 administrative penalty schedule, or for multiple or multiday  
2258 violations alleged to exceed a total of \$50,000 ~~\$10,000~~. The  
2259 department also retains the authority provided in ss. 403.131,  
2260 403.141, and this section to judicially pursue injunctive relief  
2261 and damages, if a notice of violation seeking the imposition of  
2262 administrative penalties has not been issued. The department has

2020712er

2263 the authority to enter into a settlement, ~~either~~ before or after  
2264 initiating a notice of violation, and the settlement may include  
2265 a penalty amount different from the administrative penalty  
2266 schedule. Any case filed in state court because it is alleged to  
2267 exceed a total of \$50,000 ~~\$10,000~~ in penalties may be settled in  
2268 the court action for less than \$50,000 ~~\$10,000~~.

2269 (3) Except for violations involving hazardous wastes,  
2270 asbestos, or underground injection, administrative penalties  
2271 must be calculated according to the following schedule:

2272 (b) For failure to obtain a required wastewater permit,  
2273 other than a permit required for surface water discharge, the  
2274 department shall assess a penalty of \$2,000 ~~\$1,000~~. For a  
2275 domestic or industrial wastewater violation not involving a  
2276 surface water or groundwater quality violation, the department  
2277 shall assess a penalty of \$4,000 ~~\$2,000~~ for an unpermitted or  
2278 unauthorized discharge or effluent-limitation exceedance or for  
2279 failure to comply with s. 403.061(14) or s. 403.086(7) or rules  
2280 adopted thereunder. For an unpermitted or unauthorized discharge  
2281 or effluent-limitation exceedance that resulted in a surface  
2282 water or groundwater quality violation, the department shall  
2283 assess a penalty of \$10,000 ~~\$5,000~~.

2284 (8) The direct economic benefit gained by the violator from  
2285 the violation, where consideration of economic benefit is  
2286 provided by Florida law or required by federal law as part of a  
2287 federally delegated or approved program, must ~~shall~~ be added to  
2288 the scheduled administrative penalty. The total administrative  
2289 penalty, including any economic benefit added to the scheduled  
2290 administrative penalty, may ~~shall~~ not exceed \$10,000.

2291 (9) The administrative penalties assessed for any

2020712er

2292 particular violation may ~~shall~~ not exceed \$10,000 ~~\$5,000~~ against  
2293 any one violator, unless the violator has a history of  
2294 noncompliance, the economic benefit of the violation as  
2295 described in subsection (8) exceeds \$10,000 ~~\$5,000~~, or there are  
2296 multiday violations. The total administrative penalties may  
2297 ~~shall~~ not exceed \$50,000 ~~\$10,000~~ per assessment for all  
2298 violations attributable to a specific person in the notice of  
2299 violation.

2300 Section 22. Subsection (7) of section 403.1835, Florida  
2301 Statutes, is amended to read:

2302 403.1835 Water pollution control financial assistance.—

2303 (7) Eligible projects must be given priority according to  
2304 the extent each project is intended to remove, mitigate, or  
2305 prevent adverse effects on surface or ground water quality and  
2306 public health. The relative costs of achieving environmental and  
2307 public health benefits must be taken into consideration during  
2308 the department's assignment of project priorities. The  
2309 department shall adopt a priority system by rule. In developing  
2310 the priority system, the department shall give priority to  
2311 projects that:

2312 (a) Eliminate public health hazards;

2313 (b) Enable compliance with laws requiring the elimination  
2314 of discharges to specific water bodies, including the  
2315 requirements of s. 403.086(10) ~~s. 403.086(9)~~ regarding domestic  
2316 wastewater ocean outfalls;

2317 (c) Assist in the implementation of total maximum daily  
2318 loads adopted under s. 403.067;

2319 (d) Enable compliance with other pollution control  
2320 requirements, including, but not limited to, toxics control,



2020712er

2321 wastewater residuals management, and reduction of nutrients and  
2322 bacteria;

2323 (e) Assist in the implementation of surface water  
2324 improvement and management plans and pollutant load reduction  
2325 goals developed under state water policy;

2326 (f) Promote reclaimed water reuse;

2327 (g) Eliminate failing onsite sewage treatment and disposal  
2328 systems or those that are causing environmental damage; ~~or~~

2329 (h) Reduce pollutants to and otherwise promote the  
2330 restoration of Florida's surface and ground waters; ~~or~~

2331 (i) Implement the requirements of s. 403.086(7) or s.  
2332 403.088(2)(c); or

2333 (j) Promote efficiency by planning for the installation of  
2334 wastewater transmission facilities to be constructed  
2335 concurrently with other construction projects occurring within  
2336 or along a transportation facility right-of-way.

2337 Section 23. Paragraph (b) of subsection (3) of section  
2338 403.1838, Florida Statutes, is amended to read:

2339 403.1838 Small Community Sewer Construction Assistance  
2340 Act.—

2341 (3)

2342 (b) The rules of the Environmental Regulation Commission  
2343 must:

2344 1. Require that projects to plan, design, construct,  
2345 upgrade, or replace wastewater collection, transmission,  
2346 treatment, disposal, and reuse facilities be cost-effective,  
2347 environmentally sound, permittable, and implementable.

2348 2. Require appropriate user charges, connection fees, and  
2349 other charges sufficient to ensure the long-term operation,

2020712er

2350 maintenance, and replacement of the facilities constructed under  
2351 each grant.

2352 3. Require grant applications to be submitted on  
2353 appropriate forms with appropriate supporting documentation, and  
2354 require records to be maintained.

2355 4. Establish a system to determine eligibility of grant  
2356 applications.

2357 5. Establish a system to determine the relative priority of  
2358 grant applications. The system must consider public health  
2359 protection and water pollution prevention or abatement and must  
2360 prioritize projects that plan for the installation of wastewater  
2361 transmission facilities to be constructed concurrently with  
2362 other construction projects occurring within or along a  
2363 transportation facility right-of-way.

2364 6. Establish requirements for competitive procurement of  
2365 engineering and construction services, materials, and equipment.

2366 7. Provide for termination of grants when program  
2367 requirements are not met.

2368 Section 24. Subsection (9) is added to section 403.412,  
2369 Florida Statutes, to read:

2370 403.412 Environmental Protection Act.—

2371 (9) (a) A local government regulation, ordinance, code,  
2372 rule, comprehensive plan, charter, or any other provision of law  
2373 may not recognize or grant any legal rights to a plant, an  
2374 animal, a body of water, or any other part of the natural  
2375 environment that is not a person or political subdivision as  
2376 defined in s. 1.01(8) or grant such person or political  
2377 subdivision any specific rights relating to the natural  
2378 environment not otherwise authorized in general law or

2020712er

2379 specifically granted in the State Constitution.

2380 (b) This subsection does not limit the power of an  
2381 adversely affected party to challenge the consistency of a  
2382 development order with a comprehensive plan as provided in s.  
2383 163.3215 or to file an action for injunctive relief to enforce  
2384 the terms of a development agreement or challenge compliance of  
2385 the agreement as provided in s. 163.3243.

2386 (c) This subsection does not limit the standing of the  
2387 Department of Legal Affairs, a political subdivision or  
2388 municipality of the state, or a citizen of the state to maintain  
2389 an action for injunctive relief as provided in this section.

2390 Section 25. The Legislature determines and declares that  
2391 this act fulfills an important state interest.

2392 Section 26. Effective July 1, 2021, subsection (5) of  
2393 section 153.54, Florida Statutes, is amended to read:

2394 153.54 Preliminary report by county commissioners with  
2395 respect to creation of proposed district.—Upon receipt of a  
2396 petition duly signed by not less than 25 qualified electors who  
2397 are also freeholders residing within an area proposed to be  
2398 incorporated into a water and sewer district pursuant to this  
2399 law and describing in general terms the proposed boundaries of  
2400 such proposed district, the board of county commissioners if it  
2401 shall deem it necessary and advisable to create and establish  
2402 such proposed district for the purpose of constructing,  
2403 establishing or acquiring a water system or a sewer system or  
2404 both in and for such district (herein called "improvements"),  
2405 shall first cause a preliminary report to be made which such  
2406 report together with any other relevant or pertinent matters,  
2407 shall include at least the following:

2020712er

2408 (5) For the construction of a new proposed central sewerage  
2409 system or the extension of an existing sewerage system that was  
2410 not previously approved, the report shall include a study that  
2411 includes the available information from the Department of  
2412 Environmental Protection ~~Health~~ on the history of onsite sewage  
2413 treatment and disposal systems currently in use in the area and  
2414 a comparison of the projected costs to the owner of a typical  
2415 lot or parcel of connecting to and using the proposed sewerage  
2416 system versus installing, operating, and properly maintaining an  
2417 onsite sewage treatment and disposal system that is approved by  
2418 the Department of Environmental Protection ~~Health~~ and that  
2419 provides for the comparable level of environmental and health  
2420 protection as the proposed central sewerage system;  
2421 consideration of the local authority's obligations or reasonably  
2422 anticipated obligations for water body cleanup and protection  
2423 under state or federal programs, including requirements for  
2424 water bodies listed under s. 303(d) of the Clean Water Act, Pub.  
2425 L. No. 92-500, 33 U.S.C. ss. 1251 et seq.; and other factors  
2426 deemed relevant by the local authority.

2427  
2428 Such report shall be filed in the office of the clerk of the  
2429 circuit court and shall be open for the inspection of any  
2430 taxpayer, property owner, qualified elector or any other  
2431 interested or affected person.

2432 Section 27. Effective July 1, 2021, paragraph (c) of  
2433 subsection (2) of section 153.73, Florida Statutes, is amended  
2434 to read:

2435 153.73 Assessable improvements; levy and payment of special  
2436 assessments.—Any district may provide for the construction or

2020712er

2437 reconstruction of assessable improvements as defined in s.  
2438 153.52, and for the levying of special assessments upon  
2439 benefited property for the payment thereof, under ~~the provisions~~  
2440 ~~of~~ this section.

2441 (2)

2442 (c) For the construction of a new proposed central sewerage  
2443 system or the extension of an existing sewerage system that was  
2444 not previously approved, the report shall include a study that  
2445 includes the available information from the Department of  
2446 Environmental Protection ~~Health~~ on the history of onsite sewage  
2447 treatment and disposal systems currently in use in the area and  
2448 a comparison of the projected costs to the owner of a typical  
2449 lot or parcel of connecting to and using the proposed sewerage  
2450 system versus installing, operating, and properly maintaining an  
2451 onsite sewage treatment and disposal system that is approved by  
2452 the Department of Environmental Protection ~~Health~~ and that  
2453 provides for the comparable level of environmental and health  
2454 protection as the proposed central sewerage system;  
2455 consideration of the local authority's obligations or reasonably  
2456 anticipated obligations for water body cleanup and protection  
2457 under state or federal programs, including requirements for  
2458 water bodies listed under s. 303(d) of the Clean Water Act, Pub.  
2459 L. No. 92-500, 33 U.S.C. ss. 1251 et seq.; and other factors  
2460 deemed relevant by the local authority.

2461 Section 28. Effective July 1, 2021, subsection (2) of  
2462 section 163.3180, Florida Statutes, is amended to read:  
2463 163.3180 Concurrency.—

2464 (2) Consistent with public health and safety, sanitary  
2465 sewer, solid waste, drainage, adequate water supplies, and

2020712er

2466 potable water facilities shall be in place and available to  
2467 serve new development no later than the issuance by the local  
2468 government of a certificate of occupancy or its functional  
2469 equivalent. Prior to approval of a building permit or its  
2470 functional equivalent, the local government shall consult with  
2471 the applicable water supplier to determine whether adequate  
2472 water supplies to serve the new development will be available no  
2473 later than the anticipated date of issuance by the local  
2474 government of a certificate of occupancy or its functional  
2475 equivalent. A local government may meet the concurrency  
2476 requirement for sanitary sewer through the use of onsite sewage  
2477 treatment and disposal systems approved by the Department of  
2478 Environmental Protection ~~Health~~ to serve new development.

2479 Section 29. Effective July 1, 2021, subsection (3) of  
2480 section 180.03, Florida Statutes, is amended to read:

2481 180.03 Resolution or ordinance proposing construction or  
2482 extension of utility; objections to same.-

2483 (3) For the construction of a new proposed central sewerage  
2484 system or the extension of an existing central sewerage system  
2485 that was not previously approved, the report shall include a  
2486 study that includes the available information from the  
2487 Department of Environmental Protection ~~Health~~ on the history of  
2488 onsite sewage treatment and disposal systems currently in use in  
2489 the area and a comparison of the projected costs to the owner of  
2490 a typical lot or parcel of connecting to and using the proposed  
2491 central sewerage system versus installing, operating, and  
2492 properly maintaining an onsite sewage treatment and disposal  
2493 system that is approved by the Department of Environmental  
2494 Protection ~~Health~~ and that provides for the comparable level of

2020712er

2495 environmental and health protection as the proposed central  
2496 sewerage system; consideration of the local authority's  
2497 obligations or reasonably anticipated obligations for water body  
2498 cleanup and protection under state or federal programs,  
2499 including requirements for water bodies listed under s. 303(d)  
2500 of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251  
2501 et seq.; and other factors deemed relevant by the local  
2502 authority. The results of such a study shall be included in the  
2503 resolution or ordinance required under subsection (1).

2504 Section 30. Subsections (2), (3), and (6) of section  
2505 311.105, Florida Statutes, are amended to read:

2506 311.105 Florida Seaport Environmental Management Committee;  
2507 permitting; mitigation.—

2508 (2) Each application for a permit authorized pursuant to s.  
2509 403.061(38) ~~s. 403.061(37)~~ must include:

2510 (a) A description of maintenance dredging activities to be  
2511 conducted and proposed methods of dredged-material management.

2512 (b) A characterization of the materials to be dredged and  
2513 the materials within dredged-material management sites.

2514 (c) A description of dredged-material management sites and  
2515 plans.

2516 (d) A description of measures to be undertaken, including  
2517 environmental compliance monitoring, to minimize adverse  
2518 environmental effects of maintenance dredging and dredged-  
2519 material management.

2520 (e) Such scheduling information as is required to  
2521 facilitate state supplementary funding of federal maintenance  
2522 dredging and dredged-material management programs consistent  
2523 with beach restoration criteria of the Department of

2020712er

2524 Environmental Protection.

2525 (3) Each application for a permit authorized pursuant to s.  
2526 403.061(39) ~~s. 403.061(38)~~ must include the provisions of  
2527 paragraphs (2)(b)-(e) and the following:

2528 (a) A description of dredging and dredged-material  
2529 management and other related activities associated with port  
2530 development, including the expansion of navigation channels,  
2531 dredged-material management sites, port harbors, turning basins,  
2532 harbor berths, and associated facilities.

2533 (b) A discussion of environmental mitigation as is proposed  
2534 for dredging and dredged-material management for port  
2535 development, including the expansion of navigation channels,  
2536 dredged-material management sites, port harbors, turning basins,  
2537 harbor berths, and associated facilities.

2538 (6) Dredged-material management activities authorized  
2539 pursuant to s. 403.061(38) ~~s. 403.061(37)~~ or s. 403.061(39) ~~(38)~~  
2540 shall be incorporated into port master plans developed pursuant  
2541 to s. 163.3178(2)(k).

2542 Section 31. Paragraph (d) of subsection (1) of section  
2543 327.46, Florida Statutes, is amended to read:

2544 327.46 Boating-restricted areas.—

2545 (1) Boating-restricted areas, including, but not limited  
2546 to, restrictions of vessel speeds and vessel traffic, may be  
2547 established on the waters of this state for any purpose  
2548 necessary to protect the safety of the public if such  
2549 restrictions are necessary based on boating accidents,  
2550 visibility, hazardous currents or water levels, vessel traffic  
2551 congestion, or other navigational hazards or to protect  
2552 seagrasses on privately owned submerged lands.



2020712er

2553 (d) Owners of private submerged lands that are adjacent to  
2554 Outstanding Florida Waters, as defined in s. 403.061(28) ~~s.~~  
2555 ~~403.061(27)~~, or an aquatic preserve established under ss.  
2556 258.39-258.399 may request that the commission establish  
2557 boating-restricted areas solely to protect any seagrass and  
2558 contiguous seagrass habitat within their private property  
2559 boundaries from seagrass scarring due to propeller dredging.  
2560 Owners making a request pursuant to this paragraph must  
2561 demonstrate to the commission clear ownership of the submerged  
2562 lands. The commission shall adopt rules to implement this  
2563 paragraph, including, but not limited to, establishing an  
2564 application process and criteria for meeting the requirements of  
2565 this paragraph. Each approved boating-restricted area shall be  
2566 established by commission rule. For marking boating-restricted  
2567 zones established pursuant to this paragraph, owners of  
2568 privately submerged lands shall apply to the commission for a  
2569 uniform waterway marker permit in accordance with ss. 327.40 and  
2570 327.41, and shall be responsible for marking the boating-  
2571 restricted zone in accordance with the terms of the permit.

2572 Section 32. Paragraph (d) of subsection (3) of section  
2573 373.250, Florida Statutes, is amended to read:

2574 373.250 Reuse of reclaimed water.—

2575 (3)

2576 (d) The South Florida Water Management District shall  
2577 require the use of reclaimed water made available by the  
2578 elimination of wastewater ocean outfall discharges as provided  
2579 for in s. 403.086(10) ~~s. 403.086(9)~~ in lieu of surface water or  
2580 groundwater when the use of reclaimed water is available; is  
2581 environmentally, economically, and technically feasible; and is

2020712er

2582 of such quality and reliability as is necessary to the user.  
2583 Such reclaimed water may also be required in lieu of other  
2584 alternative sources. In determining whether to require such  
2585 reclaimed water in lieu of other alternative sources, the water  
2586 management district shall consider existing infrastructure  
2587 investments in place or obligated to be constructed by an  
2588 executed contract or similar binding agreement as of July 1,  
2589 2011, for the development of other alternative sources.

2590 Section 33. Subsection (9) of section 373.414, Florida  
2591 Statutes, is amended to read:

2592 373.414 Additional criteria for activities in surface  
2593 waters and wetlands.—

2594 (9) The department and the governing boards, on or before  
2595 July 1, 1994, shall adopt rules to incorporate ~~the provisions of~~  
2596 this section, relying primarily on the existing rules of the  
2597 department and the water management districts, into the rules  
2598 governing the management and storage of surface waters. Such  
2599 rules shall seek to achieve a statewide, coordinated and  
2600 consistent permitting approach to activities regulated under  
2601 this part. Variations in permitting criteria in the rules of  
2602 individual water management districts or the department shall  
2603 only be provided to address differing physical or natural  
2604 characteristics. Such rules adopted pursuant to this subsection  
2605 shall include the special criteria adopted pursuant to s.  
2606 403.061(30) ~~s. 403.061(29)~~ and may include the special criteria  
2607 adopted pursuant to s. 403.061(35) ~~s. 403.061(34)~~. Such rules  
2608 shall include a provision requiring that a notice of intent to  
2609 deny or a permit denial based upon this section shall contain an  
2610 explanation of the reasons for such denial and an explanation,

2020712er

2611 in general terms, of what changes, if any, are necessary to  
2612 address such reasons for denial. Such rules may establish  
2613 exemptions and general permits, if such exemptions and general  
2614 permits do not allow significant adverse impacts to occur  
2615 individually or cumulatively. Such rules may require submission  
2616 of proof of financial responsibility which may include the  
2617 posting of a bond or other form of surety prior to the  
2618 commencement of construction to provide reasonable assurance  
2619 that any activity permitted pursuant to this section, including  
2620 any mitigation for such permitted activity, will be completed in  
2621 accordance with the terms and conditions of the permit once the  
2622 construction is commenced. Until rules adopted pursuant to this  
2623 subsection become effective, existing rules adopted under this  
2624 part and rules adopted pursuant to the authority of ss. 403.91-  
2625 403.929 shall be deemed authorized under this part and shall  
2626 remain in full force and effect. Neither the department nor the  
2627 governing boards are limited or prohibited from amending any  
2628 such rules.

2629 Section 34. Paragraph (b) of subsection (4) of section  
2630 373.705, Florida Statutes, is amended to read:

2631 373.705 Water resource development; water supply  
2632 development.—

2633 (4)

2634 (b) Water supply development projects that meet the  
2635 criteria in paragraph (a) and that meet one or more of the  
2636 following additional criteria shall be given first consideration  
2637 for state or water management district funding assistance:

2638 1. The project brings about replacement of existing sources  
2639 in order to help implement a minimum flow or minimum water

2020712er

2640 level;

2641 2. The project implements reuse that assists in the  
2642 elimination of domestic wastewater ocean outfalls as provided in  
2643 s. 403.086(10) ~~s. 403.086(9)~~; or

2644 3. The project reduces or eliminates the adverse effects of  
2645 competition between legal users and the natural system.

2646 Section 35. Paragraph (f) of subsection (8) of section  
2647 373.707, Florida Statutes, is amended to read:

2648 373.707 Alternative water supply development.—

2649 (8)

2650 (f) The governing boards shall determine those projects  
2651 that will be selected for financial assistance. The governing  
2652 boards may establish factors to determine project funding;  
2653 however, significant weight shall be given to the following  
2654 factors:

2655 1. Whether the project provides substantial environmental  
2656 benefits by preventing or limiting adverse water resource  
2657 impacts.

2658 2. Whether the project reduces competition for water  
2659 supplies.

2660 3. Whether the project brings about replacement of  
2661 traditional sources in order to help implement a minimum flow or  
2662 level or a reservation.

2663 4. Whether the project will be implemented by a consumptive  
2664 use permittee that has achieved the targets contained in a goal-  
2665 based water conservation program approved pursuant to s.  
2666 373.227.

2667 5. The quantity of water supplied by the project as  
2668 compared to its cost.

2020712er

2669           6. Projects in which the construction and delivery to end  
2670 users of reuse water is a major component.

2671           7. Whether the project will be implemented by a  
2672 multijurisdictional water supply entity or regional water supply  
2673 authority.

2674           8. Whether the project implements reuse that assists in the  
2675 elimination of domestic wastewater ocean outfalls as provided in  
2676 s. 403.086(10) ~~s. 403.086(9)~~.

2677           9. Whether the county or municipality, or the multiple  
2678 counties or municipalities, in which the project is located has  
2679 implemented a high-water recharge protection tax assessment  
2680 program as provided in s. 193.625.

2681           Section 36. Subsection (4) of section 373.709, Florida  
2682 Statutes, is amended to read:

2683           373.709 Regional water supply planning.—

2684           (4) The South Florida Water Management District shall  
2685 include in its regional water supply plan water resource and  
2686 water supply development projects that promote the elimination  
2687 of wastewater ocean outfalls as provided in s. 403.086(10) ~~s.~~  
2688 ~~403.086(9)~~.

2689           Section 37. Effective July 1, 2021, subsection (3) of  
2690 section 373.807, Florida Statutes, is amended to read:

2691           373.807 Protection of water quality in Outstanding Florida  
2692 Springs.—By July 1, 2016, the department shall initiate  
2693 assessment, pursuant to s. 403.067(3), of Outstanding Florida  
2694 Springs or spring systems for which an impairment determination  
2695 has not been made under the numeric nutrient standards in effect  
2696 for spring vents. Assessments must be completed by July 1, 2018.

2697           (3) As part of a basin management action plan that includes

2020712er

2698 an Outstanding Florida Spring, the department, ~~the Department of~~  
2699 ~~Health,~~ relevant local governments, and relevant local public  
2700 and private wastewater utilities shall develop an onsite sewage  
2701 treatment and disposal system remediation plan for a spring if  
2702 the department determines onsite sewage treatment and disposal  
2703 systems within a priority focus area contribute at least 20  
2704 percent of nonpoint source nitrogen pollution or if the  
2705 department determines remediation is necessary to achieve the  
2706 total maximum daily load. The plan shall identify cost-effective  
2707 and financially feasible projects necessary to reduce the  
2708 nutrient impacts from onsite sewage treatment and disposal  
2709 systems and shall be completed and adopted as part of the basin  
2710 management action plan no later than the first 5-year milestone  
2711 required by subparagraph (1)(b)8. The department is the lead  
2712 agency in coordinating the preparation of and the adoption of  
2713 the plan. The department shall:

2714 (a) Collect and evaluate credible scientific information on  
2715 the effect of nutrients, particularly forms of nitrogen, on  
2716 springs and springs systems; and

2717 (b) Develop a public education plan to provide area  
2718 residents with reliable, understandable information about onsite  
2719 sewage treatment and disposal systems and springs.

2720  
2721 In addition to the requirements in s. 403.067, the plan shall  
2722 include options for repair, upgrade, replacement, drainfield  
2723 modification, addition of effective nitrogen reducing features,  
2724 connection to a central sewerage system, or other action for an  
2725 onsite sewage treatment and disposal system or group of systems  
2726 within a priority focus area that contribute at least 20 percent

2020712er

2727 of nonpoint source nitrogen pollution or if the department  
2728 determines remediation is necessary to achieve a total maximum  
2729 daily load. For these systems, the department shall include in  
2730 the plan a priority ranking for each system or group of systems  
2731 that requires remediation and shall award funds to implement the  
2732 remediation projects contingent on an appropriation in the  
2733 General Appropriations Act, which may include all or part of the  
2734 costs necessary for repair, upgrade, replacement, drainfield  
2735 modification, addition of effective nitrogen reducing features,  
2736 initial connection to a central sewerage system, or other  
2737 action. In awarding funds, the department may consider expected  
2738 nutrient reduction benefit per unit cost, size and scope of  
2739 project, relative local financial contribution to the project,  
2740 and the financial impact on property owners and the community.  
2741 The department may waive matching funding requirements for  
2742 proposed projects within an area designated as a rural area of  
2743 opportunity under s. 288.0656.

2744 Section 38. Paragraph (k) of subsection (1) of section  
2745 376.307, Florida Statutes, is amended to read:

2746 376.307 Water Quality Assurance Trust Fund.—

2747 (1) The Water Quality Assurance Trust Fund is intended to  
2748 serve as a broad-based fund for use in responding to incidents  
2749 of contamination that pose a serious danger to the quality of  
2750 groundwater and surface water resources or otherwise pose a  
2751 serious danger to the public health, safety, or welfare. Moneys  
2752 in this fund may be used:

2753 (k) For funding activities described in s. 403.086(10) ~~s.~~  
2754 ~~403.086(9)~~ which are authorized for implementation under the  
2755 Leah Schad Memorial Ocean Outfall Program.

2020712er

2756 Section 39. Paragraph (i) of subsection (2), paragraph (b)  
2757 of subsection (4), paragraph (j) of subsection (7), and  
2758 paragraph (a) of subsection (9) of section 380.0552, Florida  
2759 Statutes, are amended to read:

2760 380.0552 Florida Keys Area; protection and designation as  
2761 area of critical state concern.—

2762 (2) LEGISLATIVE INTENT.—It is the intent of the Legislature  
2763 to:

2764 (i) Protect and improve the nearshore water quality of the  
2765 Florida Keys through federal, state, and local funding of water  
2766 quality improvement projects, including the construction and  
2767 operation of wastewater management facilities that meet the  
2768 requirements of ss. 381.0065(4)(1) and 403.086(11) ~~403.086(10)~~,  
2769 as applicable.

2770 (4) REMOVAL OF DESIGNATION.—

2771 (b) Beginning November 30, 2010, the state land planning  
2772 agency shall annually submit a written report to the  
2773 Administration Commission describing the progress of the Florida  
2774 Keys Area toward completing the work program tasks specified in  
2775 commission rules. The land planning agency shall recommend  
2776 removing the Florida Keys Area from being designated as an area  
2777 of critical state concern to the commission if it determines  
2778 that:

2779 1. All of the work program tasks have been completed,  
2780 including construction of, operation of, and connection to  
2781 central wastewater management facilities pursuant to s.  
2782 403.086(11) ~~s. 403.086(10)~~ and upgrade of onsite sewage  
2783 treatment and disposal systems pursuant to s. 381.0065(4)(1);

2784 2. All local comprehensive plans and land development



2020712er

2785 regulations and the administration of such plans and regulations  
2786 are adequate to protect the Florida Keys Area, fulfill the  
2787 legislative intent specified in subsection (2), and are  
2788 consistent with and further the principles guiding development;  
2789 and

2790 3. A local government has adopted a resolution at a public  
2791 hearing recommending the removal of the designation.

2792 (7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional,  
2793 and local agencies and units of government in the Florida Keys  
2794 Area shall coordinate their plans and conduct their programs and  
2795 regulatory activities consistent with the principles for guiding  
2796 development as specified in chapter 27F-8, Florida  
2797 Administrative Code, as amended effective August 23, 1984, which  
2798 is adopted and incorporated herein by reference. For the  
2799 purposes of reviewing the consistency of the adopted plan, or  
2800 any amendments to that plan, with the principles for guiding  
2801 development, and any amendments to the principles, the  
2802 principles shall be construed as a whole and specific provisions  
2803 may not be construed or applied in isolation from the other  
2804 provisions. However, the principles for guiding development are  
2805 repealed 18 months from July 1, 1986. After repeal, any plan  
2806 amendments must be consistent with the following principles:

2807 (j) Ensuring the improvement of nearshore water quality by  
2808 requiring the construction and operation of wastewater  
2809 management facilities that meet the requirements of ss.  
2810 381.0065(4)(1) and 403.086(11) ~~403.086(10)~~, as applicable, and  
2811 by directing growth to areas served by central wastewater  
2812 treatment facilities through permit allocation systems.

2813 (9) MODIFICATION TO PLANS AND REGULATIONS.—

2020712er

2814 (a) Any land development regulation or element of a local  
2815 comprehensive plan in the Florida Keys Area may be enacted,  
2816 amended, or rescinded by a local government, but the enactment,  
2817 amendment, or rescission becomes effective only upon approval by  
2818 the state land planning agency. The state land planning agency  
2819 shall review the proposed change to determine if it is in  
2820 compliance with the principles for guiding development specified  
2821 in chapter 27F-8, Florida Administrative Code, as amended  
2822 effective August 23, 1984, and must approve or reject the  
2823 requested changes within 60 days after receipt. Amendments to  
2824 local comprehensive plans in the Florida Keys Area must also be  
2825 reviewed for compliance with the following:

2826 1. Construction schedules and detailed capital financing  
2827 plans for wastewater management improvements in the annually  
2828 adopted capital improvements element, and standards for the  
2829 construction of wastewater treatment and disposal facilities or  
2830 collection systems that meet or exceed the criteria in s.  
2831 403.086(11) ~~s. 403.086(10)~~ for wastewater treatment and disposal  
2832 facilities or s. 381.0065(4)(l) for onsite sewage treatment and  
2833 disposal systems.

2834 2. Goals, objectives, and policies to protect public safety  
2835 and welfare in the event of a natural disaster by maintaining a  
2836 hurricane evacuation clearance time for permanent residents of  
2837 no more than 24 hours. The hurricane evacuation clearance time  
2838 shall be determined by a hurricane evacuation study conducted in  
2839 accordance with a professionally accepted methodology and  
2840 approved by the state land planning agency.

2841 Section 40. Effective July 1, 2021, subsections (7) and  
2842 (18) of section 381.006, Florida Statutes, are amended to read:

2020712er

2843           381.006 Environmental health.—The department shall conduct  
2844 an environmental health program as part of fulfilling the  
2845 state’s public health mission. The purpose of this program is to  
2846 detect and prevent disease caused by natural and manmade factors  
2847 in the environment. The environmental health program shall  
2848 include, but not be limited to:

2849           ~~(7) An onsite sewage treatment and disposal function.~~

2850           (17)~~(18)~~ A food service inspection function for domestic  
2851 violence centers that are certified by the Department of  
2852 Children and Families and monitored by the Florida Coalition  
2853 Against Domestic Violence under part XII of chapter 39 and group  
2854 care homes as described in subsection (15) ~~(16)~~, which shall be  
2855 conducted annually and be limited to the requirements in  
2856 department rule applicable to community-based residential  
2857 facilities with five or fewer residents.

2858  
2859 The department may adopt rules to carry out the provisions of  
2860 this section.

2861           Section 41. Effective July 1, 2021, subsection (1) of  
2862 section 381.0061, Florida Statutes, is amended to read:

2863           381.0061 Administrative fines.—

2864           (1) In addition to any administrative action authorized by  
2865 chapter 120 or by other law, the department may impose a fine,  
2866 which may ~~shall~~ not exceed \$500 for each violation, for a  
2867 violation of s. 381.006(15) ~~s. 381.006(16)~~, s. 381.0065, s.  
2868 381.0066, s. 381.0072, or part III of chapter 489, for a  
2869 violation of any rule adopted under this chapter, or for a  
2870 violation of ~~any of the provisions of~~ chapter 386. Notice of  
2871 intent to impose such fine shall be given by the department to

2020712er

2872 the alleged violator. Each day that a violation continues may  
2873 constitute a separate violation.

2874 Section 42. Effective July 1, 2021, subsection (1) of  
2875 section 381.0064, Florida Statutes, is amended to read:

2876 381.0064 Continuing education courses for persons  
2877 installing or servicing septic tanks.—

2878 (1) The Department of Environmental Protection ~~Health~~ shall  
2879 establish a program for continuing education which meets the  
2880 purposes of ss. 381.0101 and 489.554 regarding the public health  
2881 and environmental effects of onsite sewage treatment and  
2882 disposal systems and any other matters the department determines  
2883 desirable for the safe installation and use of onsite sewage  
2884 treatment and disposal systems. The department may charge a fee  
2885 to cover the cost of such program.

2886 Section 43. Effective July 1, 2021, paragraph (d) of  
2887 subsection (7), subsection (8), and paragraphs (b), (c), and (d)  
2888 of subsection (9) of section 381.00651, Florida Statutes, are  
2889 amended to read:

2890 381.00651 Periodic evaluation and assessment of onsite  
2891 sewage treatment and disposal systems.—

2892 (7) The following procedures shall be used for conducting  
2893 evaluations:

2894 (d) *Assessment procedure.*—All evaluation procedures used by  
2895 a qualified contractor shall be documented in the environmental  
2896 health database of the Department of Environmental Protection  
2897 ~~Health~~. The qualified contractor shall provide a copy of a  
2898 written, signed evaluation report to the property owner upon  
2899 completion of the evaluation and to the county health department  
2900 within 30 days after the evaluation. The report must ~~shall~~

2020712er

2901 contain the name and license number of the company providing the  
2902 report. A copy of the evaluation report shall be retained by the  
2903 local county health department for a minimum of 5 years and  
2904 until a subsequent inspection report is filed. The front cover  
2905 of the report must identify any system failure and include a  
2906 clear and conspicuous notice to the owner that the owner has a  
2907 right to have any remediation of the failure performed by a  
2908 qualified contractor other than the contractor performing the  
2909 evaluation. The report must further identify any crack, leak,  
2910 improper fit, or other defect in the tank, manhole, or lid, and  
2911 any other damaged or missing component; any sewage or effluent  
2912 visible on the ground or discharging to a ditch or other surface  
2913 water body; any downspout, stormwater, or other source of water  
2914 directed onto or toward the system; and any other maintenance  
2915 need or condition of the system at the time of the evaluation  
2916 which, in the opinion of the qualified contractor, would  
2917 possibly interfere with or restrict any future repair or  
2918 modification to the existing system. The report shall conclude  
2919 with an overall assessment of the fundamental operational  
2920 condition of the system.

2921 (8) The county health department, in coordination with the  
2922 department, shall administer any evaluation program on behalf of  
2923 a county, or a municipality within the county, that has adopted  
2924 an evaluation program pursuant to this section. In order to  
2925 administer the evaluation program, the county or municipality,  
2926 in consultation with the county health department, may develop a  
2927 reasonable fee schedule to be used solely to pay for the costs  
2928 of administering the evaluation program. Such a fee schedule  
2929 shall be identified in the ordinance that adopts the evaluation

2020712er

2930 program. When arriving at a reasonable fee schedule, the  
2931 estimated annual revenues to be derived from fees may not exceed  
2932 reasonable estimated annual costs of the program. Fees shall be  
2933 assessed to the system owner during an inspection and separately  
2934 identified on the invoice of the qualified contractor. Fees  
2935 shall be remitted by the qualified contractor to the county  
2936 health department. The county health department's administrative  
2937 responsibilities include the following:

2938 (a) Providing a notice to the system owner at least 60 days  
2939 before the system is due for an evaluation. The notice may  
2940 include information on the proper maintenance of onsite sewage  
2941 treatment and disposal systems.

2942 (b) In consultation with the department ~~of Health,~~  
2943 providing uniform disciplinary procedures and penalties for  
2944 qualified contractors who do not comply with the requirements of  
2945 the adopted ordinance, including, but not limited to, failure to  
2946 provide the evaluation report as required in this subsection to  
2947 the system owner and the county health department. Only the  
2948 county health department may assess penalties against system  
2949 owners for failure to comply with the adopted ordinance,  
2950 consistent with existing requirements of law.

2951 (9)

2952 (b) Upon receipt of the notice under paragraph (a), the  
2953 department ~~of Environmental Protection~~ shall, within existing  
2954 resources, notify the county or municipality of the potential  
2955 use of, and access to, program funds under the Clean Water State  
2956 Revolving Fund or s. 319 of the Clean Water Act, provide  
2957 guidance in the application process to receive such moneys, and  
2958 provide advice and technical assistance to the county or

2020712er

2959 municipality on how to establish a low-interest revolving loan  
2960 program or how to model a revolving loan program after the low-  
2961 interest loan program of the Clean Water State Revolving Fund.  
2962 This paragraph does not obligate the department ~~of Environmental~~  
2963 ~~Protection~~ to provide any county or municipality with money to  
2964 fund such programs.

2965 (c) The department ~~of Health~~ may not adopt any rule that  
2966 alters ~~the provisions of~~ this section.

2967 (d) The department ~~of Health~~ must allow county health  
2968 departments and qualified contractors access to the  
2969 environmental health database to track relevant information and  
2970 assimilate data from assessment and evaluation reports of the  
2971 overall condition of onsite sewage treatment and disposal  
2972 systems. The environmental health database must be used by  
2973 contractors to report each service and evaluation event and by a  
2974 county health department to notify owners of onsite sewage  
2975 treatment and disposal systems when evaluations are due. Data  
2976 and information must be recorded and updated as service and  
2977 evaluations are conducted and reported.

2978 Section 44. Effective July 1, 2021, paragraph (g) of  
2979 subsection (1) of section 381.0101, Florida Statutes, is amended  
2980 to read:

2981 381.0101 Environmental health professionals.—

2982 (1) DEFINITIONS.—As used in this section:

2983 (g) "Primary environmental health program" means those  
2984 programs determined by the department to be essential for  
2985 providing basic environmental and sanitary protection to the  
2986 public. At a minimum, these programs shall include food  
2987 protection program work ~~and onsite sewage treatment and disposal~~

2020712er

2988 ~~system evaluations.~~

2989 Section 45. Section 403.08601, Florida Statutes, is amended  
2990 to read:

2991 403.08601 Leah Schad Memorial Ocean Outfall Program.—The  
2992 Legislature declares that as funds become available the state  
2993 may assist the local governments and agencies responsible for  
2994 implementing the Leah Schad Memorial Ocean Outfall Program  
2995 pursuant to s. 403.086(10) ~~s. 403.086(9)~~. Funds received from  
2996 other sources provided for in law, the General Appropriations  
2997 Act, from gifts designated for implementation of the plan from  
2998 individuals, corporations, or other entities, or federal funds  
2999 appropriated by Congress for implementation of the plan, may be  
3000 deposited into an account of the Water Quality Assurance Trust  
3001 Fund.

3002 Section 46. Section 403.0871, Florida Statutes, is amended  
3003 to read:

3004 403.0871 Florida Permit Fee Trust Fund.—There is  
3005 established within the department a nonlapsing trust fund to be  
3006 known as the "Florida Permit Fee Trust Fund." All funds received  
3007 from applicants for permits pursuant to ss. 161.041, 161.053,  
3008 161.0535, 403.087(7) ~~403.087(6)~~, and 403.861(7) (a) shall be  
3009 deposited in the Florida Permit Fee Trust Fund and shall be used  
3010 by the department with the advice and consent of the Legislature  
3011 to supplement appropriations and other funds received by the  
3012 department for the administration of its responsibilities under  
3013 this chapter and chapter 161. In no case shall funds from the  
3014 Florida Permit Fee Trust Fund be used for salary increases  
3015 without the approval of the Legislature.

3016 Section 47. Paragraph (a) of subsection (11) of section



2020712er

3017 403.0872, Florida Statutes, is amended to read:

3018       403.0872 Operation permits for major sources of air  
3019 pollution; annual operation license fee.—Provided that program  
3020 approval pursuant to 42 U.S.C. s. 7661a has been received from  
3021 the United States Environmental Protection Agency, beginning  
3022 January 2, 1995, each major source of air pollution, including  
3023 electrical power plants certified under s. 403.511, must obtain  
3024 from the department an operation permit for a major source of  
3025 air pollution under this section. This operation permit is the  
3026 only department operation permit for a major source of air  
3027 pollution required for such source; provided, at the applicant's  
3028 request, the department shall issue a separate acid rain permit  
3029 for a major source of air pollution that is an affected source  
3030 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits  
3031 for major sources of air pollution, except general permits  
3032 issued pursuant to s. 403.814, must be issued in accordance with  
3033 the procedures contained in this section and in accordance with  
3034 chapter 120; however, to the extent that chapter 120 is  
3035 inconsistent with ~~the provisions of~~ this section, the procedures  
3036 contained in this section prevail.

3037       (11) Each major source of air pollution permitted to  
3038 operate in this state must pay between January 15 and April 1 of  
3039 each year, upon written notice from the department, an annual  
3040 operation license fee in an amount determined by department  
3041 rule. The annual operation license fee shall be terminated  
3042 immediately in the event the United States Environmental  
3043 Protection Agency imposes annual fees solely to implement and  
3044 administer the major source air-operation permit program in  
3045 Florida under 40 C.F.R. s. 70.10(d).

2020712er

3046 (a) The annual fee must be assessed based upon the source's  
3047 previous year's emissions and must be calculated by multiplying  
3048 the applicable annual operation license fee factor times the  
3049 tons of each regulated air pollutant actually emitted, as  
3050 calculated in accordance with the department's emissions  
3051 computation and reporting rules. The annual fee shall only apply  
3052 to those regulated pollutants, except carbon monoxide and  
3053 greenhouse gases, for which an allowable numeric emission  
3054 limiting standard is specified in the source's most recent  
3055 construction or operation permit; provided, however, that:

3056 1. The license fee factor is \$25 or another amount  
3057 determined by department rule which ensures that the revenue  
3058 provided by each year's operation license fees is sufficient to  
3059 cover all reasonable direct and indirect costs of the major  
3060 stationary source air-operation permit program established by  
3061 this section. The license fee factor may be increased beyond \$25  
3062 only if the secretary of the department affirmatively finds that  
3063 a shortage of revenue for support of the major stationary source  
3064 air-operation permit program will occur in the absence of a fee  
3065 factor adjustment. The annual license fee factor may never  
3066 exceed \$35.

3067 2. The amount of each regulated air pollutant in excess of  
3068 4,000 tons per year emitted by any source, or group of sources  
3069 belonging to the same Major Group as described in the Standard  
3070 Industrial Classification Manual, 1987, may not be included in  
3071 the calculation of the fee. Any source, or group of sources,  
3072 which does not emit any regulated air pollutant in excess of  
3073 4,000 tons per year, is allowed a one-time credit not to exceed  
3074 25 percent of the first annual licensing fee for the prorated

2020712er

3075 portion of existing air-operation permit application fees  
3076 remaining upon commencement of the annual licensing fees.

3077 3. If the department has not received the fee by March 1 of  
3078 the calendar year, the permittee must be sent a written warning  
3079 of the consequences for failing to pay the fee by April 1. If  
3080 the fee is not postmarked by April 1 of the calendar year, the  
3081 department shall impose, in addition to the fee, a penalty of 50  
3082 percent of the amount of the fee, plus interest on such amount  
3083 computed in accordance with s. 220.807. The department may not  
3084 impose such penalty or interest on any amount underpaid,  
3085 provided that the permittee has timely remitted payment of at  
3086 least 90 percent of the amount determined to be due and remits  
3087 full payment within 60 days after receipt of notice of the  
3088 amount underpaid. The department may waive the collection of  
3089 underpayment and may ~~shall~~ not be required to refund overpayment  
3090 of the fee, if the amount due is less than 1 percent of the fee,  
3091 up to \$50. The department may revoke any major air pollution  
3092 source operation permit if it finds that the permitholder has  
3093 failed to timely pay any required annual operation license fee,  
3094 penalty, or interest.

3095 4. Notwithstanding the computational provisions of this  
3096 subsection, the annual operation license fee for any source  
3097 subject to this section may ~~shall~~ not be less than \$250, except  
3098 that the annual operation license fee for sources permitted  
3099 solely through general permits issued under s. 403.814 may ~~shall~~  
3100 not exceed \$50 per year.

3101 5. Notwithstanding s. 403.087(7)(a)5.a., which authorizes  
3102 ~~the provisions of s. 403.087(6)(a)5.a., authorizing air~~  
3103 pollution construction permit fees, the department may not

2020712er

3104 require such fees for changes or additions to a major source of  
3105 air pollution permitted pursuant to this section, unless the  
3106 activity triggers permitting requirements under Title I, Part C  
3107 or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-  
3108 7514a. Costs to issue and administer such permits shall be  
3109 considered direct and indirect costs of the major stationary  
3110 source air-operation permit program under s. 403.0873. The  
3111 department shall, however, require fees pursuant to s.  
3112 403.087(7)(a)5.a. ~~the provisions of s. 403.087(6)(a)5.a.~~ for the  
3113 construction of a new major source of air pollution that will be  
3114 subject to the permitting requirements of this section once  
3115 constructed and for activities triggering permitting  
3116 requirements under Title I, Part C or Part D, of the federal  
3117 Clean Air Act, 42 U.S.C. ss. 7470-7514a.

3118 Section 48. Paragraph (d) of subsection (3) of section  
3119 403.707, Florida Statutes, is amended to read:

3120 403.707 Permits.—

3121 (3)

3122 (d) The department may adopt rules to administer this  
3123 subsection. However, the department is not required to submit  
3124 such rules to the Environmental Regulation Commission for  
3125 approval. Notwithstanding the limitations of s. 403.087(7)(a) ~~s.~~  
3126 ~~403.087(6)(a)~~, permit fee caps for solid waste management  
3127 facilities shall be prorated to reflect the extended permit term  
3128 authorized by this subsection.

3129 Section 49. Subsections (8) and (21) of section 403.861,  
3130 Florida Statutes, are amended to read:

3131 403.861 Department; powers and duties.—The department shall  
3132 have the power and the duty to carry out the provisions and

2020712er

3133 purposes of this act and, for this purpose, to:

3134 (8) Initiate rulemaking to increase each drinking water  
3135 permit application fee authorized under s. 403.087(7) ~~s.~~  
3136 ~~403.087(6)~~ and this part and adopted by rule to ensure that such  
3137 fees are increased to reflect, at a minimum, any upward  
3138 adjustment in the Consumer Price Index compiled by the United  
3139 States Department of Labor, or similar inflation indicator,  
3140 since the original fee was established or most recently revised.

3141 (a) The department shall establish by rule the inflation  
3142 index to be used for this purpose. The department shall review  
3143 the drinking water permit application fees authorized under s.  
3144 403.087(7) ~~s. 403.087(6)~~ and this part at least once every 5  
3145 years and shall adjust the fees upward, as necessary, within the  
3146 established fee caps to reflect changes in the Consumer Price  
3147 Index or similar inflation indicator. In the event of deflation,  
3148 the department shall consult with the Executive Office of the  
3149 Governor and the Legislature to determine whether downward fee  
3150 adjustments are appropriate based on the current budget and  
3151 appropriation considerations. The department shall also review  
3152 the drinking water operation license fees established pursuant  
3153 to paragraph (7)(b) at least once every 5 years to adopt, as  
3154 necessary, the same inflationary adjustments provided for in  
3155 this subsection.

3156 (b) The minimum fee amount shall be the minimum fee  
3157 prescribed in this section, and such fee amount shall remain in  
3158 effect until the effective date of fees adopted by rule by the  
3159 department.

3160 (21) (a) Upon issuance of a construction permit to construct  
3161 a new public water system drinking water treatment facility to

2020712er

3162 provide potable water supply using a surface water that, at the  
3163 time of the permit application, is not being used as a potable  
3164 water supply, and the classification of which does not include  
3165 potable water supply as a designated use, the department shall  
3166 add treated potable water supply as a designated use of the  
3167 surface water segment in accordance with s. 403.061(30)(b) ~~s.~~  
3168 ~~403.061(29)(b)~~.

3169 (b) For existing public water system drinking water  
3170 treatment facilities that use a surface water as a treated  
3171 potable water supply, which surface water classification does  
3172 not include potable water supply as a designated use, the  
3173 department shall add treated potable water supply as a  
3174 designated use of the surface water segment in accordance with  
3175 s. 403.061(30)(b) ~~s. 403.061(29)(b)~~.

3176 Section 50. Effective July 1, 2021, subsection (1) of  
3177 section 489.551, Florida Statutes, is amended to read:

3178 489.551 Definitions.—As used in this part:

3179 (1) "Department" means the Department of Environmental  
3180 Protection Health.

3181 Section 51. Paragraph (b) of subsection (10) of section  
3182 590.02, Florida Statutes, is amended to read:

3183 590.02 Florida Forest Service; powers, authority, and  
3184 duties; liability; building structures; Withlacoochee Training  
3185 Center.—

3186 (10)

3187 (b) The Florida Forest Service may delegate to a county,  
3188 municipality, or special district its authority:

3189 1. As delegated by the Department of Environmental  
3190 Protection pursuant to ss. 403.061(29) ~~ss. 403.061(28)~~ and

2020712er

3191 403.081, to manage and enforce regulations pertaining to the  
3192 burning of yard trash in accordance with s. 590.125(6).

3193 2. To manage the open burning of land clearing debris in  
3194 accordance with s. 590.125.

3195 Section 52. The Division of Law Revision is directed to  
3196 replace the phrase "before the rules identified in paragraph (e)  
3197 take effect" as it is used in the amendment made by this act to  
3198 s. 381.0065(4)(f), Florida Statutes, with the date such rules  
3199 are adopted, as provided by the Department of Environmental  
3200 Protection pursuant to s. 381.0065(4)(e), Florida Statutes, as  
3201 amended by this act.

3202 Section 53. Except as otherwise expressly provided in this  
3203 act, this act shall take effect July 1, 2020.