



1 A bill to be entitled
2 An act relating to environmental regulation; amending
3 s. 373.250, F.S.; deleting an obsolete provision;
4 providing examples of reclaimed water use that may
5 create an impact offset; revising the required
6 provisions of the water resource implementation rule;
7 amending s. 373.413, F.S.; directing the Department of
8 Environmental Protection and water management
9 districts to reissue the construction phase of an
10 expired environmental resource permit under certain
11 conditions; providing requirements for requesting
12 reissuance of such permit; authorizing the department,
13 in coordination with the water management districts,
14 to adopt rules; amending s. 403.064, F.S.; encouraging
15 the development of aquifer recharge for reuse
16 implementation; requiring the department and water
17 management districts to develop and enter into a
18 memorandum of agreement providing for a coordinated
19 review of any reclaimed water project requiring a
20 reclaimed water facility permit, an underground
21 injection control permit, and a consumptive use
22 permit; specifying the required provisions of such
23 memorandum; specifying the date by which the
24 memorandum must be developed and executed; amending s.
25 403.706, F.S.; requiring counties and municipalities



26 | to address contamination of recyclable material in
27 | specified contracts; prohibiting counties and
28 | municipalities from requiring the collection or
29 | transport of contaminated recyclable material by
30 | residential recycling collectors; defining the term
31 | "residential recycling collector"; specifying required
32 | contract provisions in residential recycling collector
33 | and materials recovery facility contracts with
34 | counties and municipalities; providing applicability;
35 | amending s. 403.813, F.S.; prohibiting a local
36 | government from requiring further department
37 | verification for certain projects; revising the types
38 | of dock and pier replacements and repairs that are
39 | exempt from such verification and certain permitting
40 | requirements; amending s. 373.414, F.S.; requiring
41 | that the Department of Environmental Protection and
42 | the St. Johns River Water Management District consider
43 | mitigation on specified land as meeting cumulative
44 | impact requirements under certain conditions; amending
45 | s. 373.4135, F.S.; providing an exemption from certain
46 | requirements for mitigation areas created by a local
47 | government under a permit issued before a specified
48 | date and for certain mitigation banks; amending s.
49 | 373.4598, F.S.; revising requirements related to the
50 | operation of water storage and use for Phase I and



51 Phase II of the C-51 reservoir project if state funds
52 are appropriated for such phases; authorizing the
53 South Florida Water Management District to enter into
54 certain capacity allocation agreements and to request
55 a waiver for repayment of certain loans; authorizing
56 the Department of Environmental Protection to waive
57 such loan repayment under certain conditions;
58 providing that the district is not responsible for
59 repayment of such loans; creating s. 403.1839, F.S.;
60 providing definitions; providing legislative findings;
61 establishing the blue star collection system
62 assessment and maintenance program and providing its
63 purpose; requiring the Department of Environmental
64 Protection to adopt rules and review and approve
65 program applications for certification; specifying the
66 documentation utilities must submit to qualify for
67 certification; providing for certification expiration
68 and renewal; requiring the department to publish an
69 annual list of certified blue star utilities;
70 requiring the department to allow public and private,
71 nonprofit utilities to participate in the Clean Water
72 State Revolving Fund Program under certain conditions;
73 authorizing the department to reduce penalties for
74 sanitary sewer overflows at certified utilities and
75 for investments in certain assessment and maintenance



76 activities; amending s. 403.067, F.S.; creating a
 77 presumption of compliance for certain total maximum
 78 daily load requirements for certified utilities;
 79 amending s. 403.087, F.S.; requiring the department to
 80 issue extended operating permits to certified
 81 utilities under certain conditions; amending s.
 82 403.161, F.S.; authorizing the department to reduce
 83 penalties based on certain system investments for
 84 permitted facilities; amending s. 403.1838, F.S.;
 85 authorizing additional recipients and uses of Small
 86 Community Sewer Construction grants; providing an
 87 effective date.

88

89 Be It Enacted by the Legislature of the State of Florida:

90

91 Section 1. Subsection (5) of section 373.250, Florida
 92 Statutes, is amended to read:

93 373.250 Reuse of reclaimed water.—

94 (5) (a) ~~No later than October 1, 2012, the department shall~~
 95 ~~initiate rulemaking to adopt revisions to~~ The water resource
 96 implementation rule, as defined in s. 373.019(25), must ~~which~~
 97 ~~shall~~ include:

98 1. Criteria for the use of a proposed impact offset
 99 derived from the use of reclaimed water when a water management
 100 district evaluates an application for a consumptive use permit.



101 As used in this subparagraph, the term "impact offset" means the
102 use of reclaimed water to reduce or eliminate a harmful impact
103 that has occurred or would otherwise occur as a result of other
104 surface water or groundwater withdrawals. Examples of reclaimed
105 water use that may create an impact offset include, but are not
106 limited to, the use of reclaimed water to:

- 107 a. Prevent or stop further saltwater intrusion;
108 b. Raise aquifer levels;
109 c. Improve the water quality of an aquifer; or
110 d. Augment surface water to increase the quantity of water
111 available for water supply.

112 2. Criteria for the use of substitution credits where a
113 water management district has adopted rules establishing
114 withdrawal limits from a specified water resource within a
115 defined geographic area. As used in this subparagraph, the term
116 "substitution credit" means the use of reclaimed water to
117 replace all or a portion of an existing permitted use of
118 resource-limited surface water or groundwater, allowing a
119 different user or use to initiate a withdrawal or increase its
120 withdrawal from the same resource-limited surface water or
121 groundwater source provided that the withdrawal creates no net
122 adverse impact on the limited water resource or creates a net
123 positive impact if required by water management district rule as
124 part of a strategy to protect or recover a water resource.

125 3. Criteria by which an impact offset or substitution



126 credit may be applied to the issuance, renewal, or extension of
127 the utility's or another user's consumptive use permit or may be
128 used to address additional water resource constraints imposed
129 through the adoption of a recovery or prevention strategy under
130 s. 373.0421.

131 (b) Within 60 days after the final adoption by the
132 department of the revisions to the water resource implementation
133 rule required under paragraph (a), each water management
134 district must ~~shall~~ initiate rulemaking to incorporate those
135 revisions by reference into the rules of the district.

136 Section 2. Subsection (7) is added to section 373.413,
137 Florida Statutes, to read:

138 373.413 Permits for construction or alteration.—

139 (7) (a) The governing board or department shall reissue the
140 construction phase of an expired individual permit upon a
141 demonstration by an applicant that:

142 1. The applicant could not reasonably be expected to
143 complete the original permitted activity within the original
144 permit period;

145 2. The applicant can meet the plans, terms, and conditions
146 of the original permit for the duration of the reissued permit
147 period;

148 3. The site conditions or significant information
149 regarding the site or activity have not changed since the



150 original permit was issued to an extent that the permitted
151 activity would create additional adverse impacts; and

152 4. No more than 3 years have passed since the expiration
153 of the original permit.

154 (b) A new property owner may apply for reissuance of the
155 construction phase of an expired individual permit. The new
156 owner must demonstrate the criteria required in paragraph (a)
157 and provide sufficient evidence of ownership pursuant to
158 governing board or department rule.

159 (c) An applicant for the reissuance of the construction
160 phase of an expired individual permit must submit to the
161 governing board or department, in writing or electronically:

162 1. The applicant's name and contact information;

163 2. The permit number;

164 3. A clear statement explaining why the permitted activity
165 could not be completed within the original permit period; and

166 4. A certification from a professional registered in or
167 licensed by the state and practicing under chapter 471, chapter
168 472, chapter 481, or chapter 492 that:

169 a. The permitted activity remains consistent with plans,
170 terms, and conditions of the original permit and the rules of
171 the governing board or department that were in effect when the
172 original permit was issued.

173 b. The site conditions or significant information
174 regarding the site or activity have not changed since the



175 original permit was issued to an extent that the permitted
176 activity would create additional adverse impacts.

177 (d) The department, in coordination with the water
178 management districts, may adopt rules to administer this
179 subsection.

180 Section 3. Subsection (1) of section 403.064, Florida
181 Statutes, is amended, and subsection (17) is added to that
182 section, to read:

183 403.064 Reuse of reclaimed water.—

184 (1) The encouragement and promotion of water conservation,
185 and reuse of reclaimed water, as defined by the department, are
186 state objectives and are considered to be in the public
187 interest. The Legislature finds that the reuse of reclaimed
188 water is a critical component of meeting the state's existing
189 and future water supply needs while sustaining natural systems.
190 The Legislature further finds that for those wastewater
191 treatment plants permitted and operated under an approved reuse
192 program by the department, the reclaimed water shall be
193 considered environmentally acceptable and not a threat to public
194 health and safety. The Legislature encourages the development of
195 aquifer recharge and incentive-based programs for reuse
196 implementation.

197 (17) The department and the water management districts
198 shall develop and enter into a memorandum of agreement providing
199 for a coordinated review of any reclaimed water project



200 requiring a reclaimed water facility permit, an underground
201 injection control permit, and a consumptive use permit. The
202 memorandum of agreement must provide that the coordinated review
203 is performed only if the applicant for such permits requests a
204 coordinated review. The goal of the coordinated review is to
205 share information, avoid requesting the applicant to submit
206 redundant information, and ensure, to the extent feasible, a
207 harmonized review of the reclaimed water project under these
208 various permitting programs, including the use of a proposed
209 impact offset or substitution credit in accordance with s.
210 373.250(5). The department and the water management districts
211 must develop and execute such memorandum of agreement no later
212 than December 1, 2018.

213 Section 4. Present subsection (22) of section 403.706,
214 Florida Statutes, is renumbered as subsection (23), and a new
215 subsection (22) is added to that section, to read:

216 403.706 Local government solid waste responsibilities.—

217 (22) Counties and municipalities must address the
218 contamination of recyclable material in contracts for the
219 collection, transportation, and processing of residential
220 recyclable material based upon the following:

221 (a) A residential recycling collector may not be required
222 to collect or transport contaminated recyclable material, except
223 pursuant to a contract consistent with paragraph (c). As used in
224 this subsection, the term "residential recycling collector"



225 means a for-profit business entity that collects and transports
226 residential recyclable material on behalf of a county or
227 municipality.

228 (b) A recovered materials processing facility may not be
229 required to process contaminated recyclable material, except
230 pursuant to a contract consistent with paragraph (d).

231 (c) Each contract between a residential recycling
232 collector and a county or municipality for the collection or
233 transport of residential recyclable material, and each request
234 for proposal or other solicitation for the collection of
235 residential recyclable material, must define the term
236 "contaminated recyclable material." The term should be defined
237 in a manner that is appropriate for the local community, taking
238 into consideration available markets for recyclable material,
239 available waste composition studies, and other relevant factors.
240 The contract and request for proposal or other solicitation must
241 include:

242 1. The respective strategies and obligations of the county
243 or municipality and the residential recycling collector to
244 reduce the amount of contaminated recyclable material being
245 collected;

246 2. The procedures for identifying, documenting, managing,
247 and rejecting residential recycling containers, truck loads,
248 carts, or bins that contain contaminated recyclable material;

249 3. The remedies authorized to be used if a container,



250 cart, or bin contains contaminated recyclable material; and

251 4. The education and enforcement measures that will be
252 used to reduce the amount of contaminated recyclable material.

253 (d) Each contract between a recovered materials processing
254 facility and a county or municipality for processing residential
255 recyclable material, and each request for proposal or other
256 solicitation for processing residential recyclable material,
257 must define the term "contaminated recyclable material." The
258 term should be defined in a manner that is appropriate for the
259 local community, taking into consideration available markets for
260 recyclable material, available waste composition studies, and
261 other relevant factors. The contract and request for proposal
262 must include:

263 1. The respective strategies and obligations of the county
264 or municipality and the facility to reduce the amount of
265 contaminated recyclable material being collected and processed;

266 2. The procedures for identifying, documenting, managing,
267 and rejecting residential recycling containers, truck loads,
268 carts, or bins that contain contaminated recyclable material;
269 and

270 3. The remedies authorized to be used if a container or
271 truck load contains contaminated recyclable material.

272 (e) This subsection applies to each contract between a
273 municipality or county and a residential recycling collector or
274 recovered materials processing facility executed or renewed



275 after July 1, 2018.

276 (f) This subsection applies only to the collection and
277 processing of material obtained from residential recycling
278 activities. As used in this subsection, the term "contaminated
279 recyclable material" refers only to recyclable material that is
280 comingled or mixed with solid waste or other nonhazardous
281 material. The term does not include contamination as that term
282 or a derivation of that term is used in chapter 376 and other
283 sections of chapter 403, including, but not limited to,
284 brownfield site cleanup, water quality remediation, dry cleaning
285 solvent contaminated site cleanup, petroleum contaminated site
286 cleanup, cattle dipping vat site cleanup, or other hazardous
287 waste remediation.

288 Section 5. Subsection (1) of section 403.813, Florida
289 Statutes, is amended to read:

290 403.813 Permits issued at district centers; exceptions.—

291 (1) A permit is not required under this chapter, chapter
292 373, chapter 61-691, Laws of Florida, or chapter 25214 or
293 chapter 25270, 1949, Laws of Florida, and a local government may
294 not require a person claiming this exception to provide further
295 department verification, for activities associated with the
296 following types of projects; however, except as otherwise
297 provided in this subsection, this subsection does not relieve an
298 applicant from any requirement to obtain permission to use or
299 occupy lands owned by the Board of Trustees of the Internal



300 Improvement Trust Fund or a water management district in its
301 governmental or proprietary capacity or from complying with
302 applicable local pollution control programs authorized under
303 this chapter or other requirements of county and municipal
304 governments:

305 (a) The installation of overhead transmission lines,
306 having ~~with~~ support structures that ~~which~~ are not constructed in
307 waters of the state and which do not create a navigational
308 hazard.

309 (b) The installation and repair of mooring pilings and
310 dolphins associated with private docking facilities or piers and
311 the installation of private docks, piers, and recreational
312 docking facilities, or piers and recreational docking facilities
313 of local governmental entities when the local governmental
314 entity's activities will not take place in any manatee habitat,
315 any of which docks:

316 1. Has 500 square feet or less of over-water surface area
317 for a dock ~~which is~~ located in an area designated as Outstanding
318 Florida Waters or 1,000 square feet or less of over-water
319 surface area for a dock ~~which is~~ located in an area that ~~which~~
320 is not designated as Outstanding Florida Waters;

321 2. Is constructed on or held in place by pilings or is a
322 floating dock ~~which is~~ constructed so as not to involve filling
323 or dredging other than that necessary to install the pilings;

324 3. May ~~Shall~~ not substantially impede the flow of water or



325 create a navigational hazard;

326 4. Is used for recreational, noncommercial activities
327 associated with the mooring or storage of boats and boat
328 paraphernalia; and

329 5. Is the sole dock constructed pursuant to this exemption
330 as measured along the shoreline for a distance of 65 feet,
331 unless the parcel of land or individual lot as platted is less
332 than 65 feet in length along the shoreline, in which case there
333 may be one exempt dock allowed per parcel or lot.

334

335 ~~Nothing in~~ This paragraph does not ~~shall~~ prohibit the department
336 from taking appropriate enforcement action pursuant to this
337 chapter to abate or prohibit any activity otherwise exempt from
338 permitting pursuant to this paragraph if the department can
339 demonstrate that the exempted activity has caused water
340 pollution in violation of this chapter.

341 (c) The installation and maintenance to design
342 specifications of boat ramps on artificial bodies of water where
343 navigational access to the proposed ramp exists or the
344 installation of boat ramps open to the public in any waters of
345 the state where navigational access to the proposed ramp exists
346 and where the construction of the proposed ramp will be less
347 than 30 feet wide and will involve the removal of less than 25
348 cubic yards of material from the waters of the state, and the
349 maintenance to design specifications of such ramps; however, the



350 material to be removed shall be placed upon a self-contained
351 upland site so as to prevent the escape of the spoil material
352 into the waters of the state.

353 (d) The replacement or repair of existing docks and piers,
354 except that fill material may not be used and the replacement or
355 repaired dock or pier must be within 5 feet of the same location
356 and no larger in size than the existing dock or pier, and no
357 additional aquatic resources may be adversely and permanently
358 impacted by such replacement or repair ~~in the same location and~~
359 ~~of the same configuration and dimensions as the dock or pier~~
360 ~~being replaced or repaired.~~ This does not preclude the use of
361 different construction materials or minor deviations to allow
362 upgrades to current structural and design standards.

363 (e) The restoration of seawalls at their previous
364 locations or upland of, or within 18 inches waterward of, their
365 previous locations. However, this may ~~shall~~ not affect the
366 permitting requirements of chapter 161, and department rules
367 shall clearly indicate that this exception does not constitute
368 an exception from the permitting requirements of chapter 161.

369 (f) The performance of maintenance dredging of existing
370 manmade canals, channels, intake and discharge structures, and
371 previously dredged portions of natural water bodies within
372 drainage rights-of-way or drainage easements which have been
373 recorded in the public records of the county, where the spoil
374 material is to be removed and deposited on a self-contained,



375 upland spoil site which will prevent the escape of the spoil
376 material into the waters of the state, provided that no more
377 dredging is to be performed than is necessary to restore the
378 canals, channels, and intake and discharge structures, and
379 previously dredged portions of natural water bodies, to original
380 design specifications or configurations, provided that the work
381 is conducted in compliance with s. 379.2431(2)(d), provided that
382 no significant impacts occur to previously undisturbed natural
383 areas, and provided that control devices for return flow and
384 best management practices for erosion and sediment control are
385 utilized to prevent bank erosion and scouring and to prevent
386 turbidity, dredged material, and toxic or deleterious substances
387 from discharging into adjacent waters during maintenance
388 dredging. Further, for maintenance dredging of previously
389 dredged portions of natural water bodies within recorded
390 drainage rights-of-way or drainage easements, an entity that
391 seeks an exemption must notify the department or water
392 management district, as applicable, at least 30 days before
393 ~~prior to~~ dredging and provide documentation of original design
394 specifications or configurations where such exist. This
395 exemption applies to all canals and previously dredged portions
396 of natural water bodies within recorded drainage rights-of-way
397 or drainage easements constructed before ~~prior to~~ April 3, 1970,
398 and to those canals and previously dredged portions of natural
399 water bodies constructed on or after April 3, 1970, pursuant to



400 all necessary state permits. This exemption does not apply to
401 the removal of a natural or manmade barrier separating a canal
402 or canal system from adjacent waters. When no previous permit
403 has been issued by the Board of Trustees of the Internal
404 Improvement Trust Fund or the United States Army Corps of
405 Engineers for construction or maintenance dredging of the
406 existing manmade canal or intake or discharge structure, such
407 maintenance dredging shall be limited to a depth of no more than
408 5 feet below mean low water. The Board of Trustees of the
409 Internal Improvement Trust Fund may fix and recover from the
410 permittee an amount equal to the difference between the fair
411 market value and the actual cost of the maintenance dredging for
412 material removed during such maintenance dredging. However, no
413 charge shall be exacted by the state for material removed during
414 such maintenance dredging by a public port authority. The
415 removing party may subsequently sell such material; however,
416 proceeds from such sale that exceed the costs of maintenance
417 dredging shall be remitted to the state and deposited in the
418 Internal Improvement Trust Fund.

419 (g) The maintenance of existing insect control structures,
420 dikes, and irrigation and drainage ditches, provided that spoil
421 material is deposited on a self-contained, upland spoil site
422 which will prevent the escape of the spoil material into waters
423 of the state. In the case of insect control structures, if the
424 cost of using a self-contained upland spoil site is so



425 excessive, as determined by the Department of Health, pursuant
426 to s. 403.088(1), that it will inhibit proposed insect control,
427 then-existing spoil sites or dikes may be used, upon
428 notification to the department. In the case of insect control
429 where upland spoil sites are not used pursuant to this
430 exemption, turbidity control devices shall be used to confine
431 the spoil material discharge to that area previously disturbed
432 when the receiving body of water is used as a potable water
433 supply, is designated as shellfish harvesting waters, or
434 functions as a habitat for commercially or recreationally
435 important shellfish or finfish. In all cases, no more dredging
436 is to be performed than is necessary to restore the dike or
437 irrigation or drainage ditch to its original design
438 specifications.

439 (h) The repair or replacement of existing functional pipes
440 or culverts the purpose of which is the discharge or conveyance
441 of stormwater. In all cases, the invert elevation, the diameter,
442 and the length of the culvert may ~~shall~~ not be changed. However,
443 the material used for the culvert may be different from the
444 original.

445 (i) The construction of private docks of 1,000 square feet
446 or less of over-water surface area and seawalls in artificially
447 created waterways where such construction will not violate
448 existing water quality standards, impede navigation, or affect
449 flood control. This exemption does not apply to the construction



450 of vertical seawalls in estuaries or lagoons unless the proposed
451 construction is within an existing manmade canal where the
452 shoreline is currently occupied in whole or part by vertical
453 seawalls.

454 (j) The construction and maintenance of swales.

455 (k) The installation of aids to navigation and buoys
456 associated with such aids, provided the devices are marked
457 pursuant to s. 327.40.

458 (l) The replacement or repair of existing open-trestle
459 foot bridges and vehicular bridges that are 100 feet or less in
460 length and two lanes or less in width, provided that no more
461 dredging or filling of submerged lands is performed other than
462 that which is necessary to replace or repair pilings and that
463 the structure to be replaced or repaired is the same length, the
464 same configuration, and in the same location as the original
465 bridge. No debris from the original bridge shall be allowed to
466 remain in the waters of the state.

467 (m) The installation of subaqueous transmission and
468 distribution lines laid on, or embedded in, the bottoms of
469 waters in the state, except in Class I and Class II waters and
470 aquatic preserves, provided no dredging or filling is necessary.

471 (n) The replacement or repair of subaqueous transmission
472 and distribution lines laid on, or embedded in, the bottoms of
473 waters of the state.

474 (o) The construction of private seawalls in wetlands or



475 | other surface waters where such construction is between and
476 | adjoins at both ends existing seawalls; follows a continuous and
477 | uniform seawall construction line with the existing seawalls; is
478 | no more than 150 feet in length; and does not violate existing
479 | water quality standards, impede navigation, or affect flood
480 | control. However, in estuaries and lagoons the construction of
481 | vertical seawalls is limited to the circumstances and purposes
482 | stated in s. 373.414(5)(b)1.-4. This paragraph does not affect
483 | the permitting requirements of chapter 161, and department rules
484 | must clearly indicate that this exception does not constitute an
485 | exception from the permitting requirements of chapter 161.

486 | (p) The restoration of existing insect control impoundment
487 | dikes which are less than 100 feet in length. Such impoundments
488 | shall be connected to tidally influenced waters for 6 months
489 | each year beginning September 1 and ending February 28 if
490 | feasible or operated in accordance with an impoundment
491 | management plan approved by the department. A dike restoration
492 | may involve no more dredging than is necessary to restore the
493 | dike to its original design specifications. For the purposes of
494 | this paragraph, restoration does not include maintenance of
495 | impoundment dikes of operating insect control impoundments.

496 | (q) The construction, operation, or maintenance of
497 | stormwater management facilities which are designed to serve
498 | single-family residential projects, including duplexes,
499 | triplexes, and quadruplexes, if they are less than 10 acres



500 total land and have less than 2 acres of impervious surface and
501 if the facilities:

502 1. Comply with all regulations or ordinances applicable to
503 stormwater management and adopted by a city or county;

504 2. Are not part of a larger common plan of development or
505 sale; and

506 3. Discharge into a stormwater discharge facility exempted
507 or permitted by the department under this chapter which has
508 sufficient capacity and treatment capability as specified in
509 this chapter and is owned, maintained, or operated by a city,
510 county, special district with drainage responsibility, or water
511 management district; however, this exemption does not authorize
512 discharge to a facility without the facility owner's prior
513 written consent.

514 (r) The removal of aquatic plants, the removal of
515 tussocks, the associated replanting of indigenous aquatic
516 plants, and the associated removal from lakes of organic
517 detrital material when such planting or removal is performed and
518 authorized by permit or exemption granted under s. 369.20 or s.
519 369.25, provided that:

520 1. Organic detrital material that exists on the surface of
521 natural mineral substrate shall be allowed to be removed to a
522 depth of 3 feet or to the natural mineral substrate, whichever
523 is less;

524 2. All material removed pursuant to this paragraph shall



525 | be deposited in an upland site in a manner that will prevent the
526 | reintroduction of the material into waters in the state except
527 | when spoil material is permitted to be used to create wildlife
528 | islands in freshwater bodies of the state when a governmental
529 | entity is permitted pursuant to s. 369.20 to create such islands
530 | as a part of a restoration or enhancement project;

531 | 3. All activities are performed in a manner consistent
532 | with state water quality standards; and

533 | 4. No activities under this exemption are conducted in
534 | wetland areas, as defined in s. 373.019(27), which are supported
535 | by a natural soil as shown in applicable United States
536 | Department of Agriculture county soil surveys, except when a
537 | governmental entity is permitted pursuant to s. 369.20 to
538 | conduct such activities as a part of a restoration or
539 | enhancement project.

540 |

541 | The department may not adopt implementing rules for this
542 | paragraph, notwithstanding any other provision of law.

543 | (s) The construction, installation, operation, or
544 | maintenance of floating vessel platforms or floating boat lifts,
545 | provided that such structures:

546 | 1. Float at all times in the water for the sole purpose of
547 | supporting a vessel so that the vessel is out of the water when
548 | not in use;

549 | 2. Are wholly contained within a boat slip previously



550 permitted under ss. 403.91-403.929, 1984 Supplement to the
551 Florida Statutes 1983, as amended, or part IV of chapter 373, or
552 do not exceed a combined total of 500 square feet, or 200 square
553 feet in an Outstanding Florida Water, when associated with a
554 dock that is exempt under this subsection or associated with a
555 permitted dock with no defined boat slip or attached to a
556 bulkhead on a parcel of land where there is no other docking
557 structure;

558 3. Are not used for any commercial purpose or for mooring
559 vessels that remain in the water when not in use, and do not
560 substantially impede the flow of water, create a navigational
561 hazard, or unreasonably infringe upon the riparian rights of
562 adjacent property owners, as defined in s. 253.141;

563 4. Are constructed and used so as to minimize adverse
564 impacts to submerged lands, wetlands, shellfish areas, aquatic
565 plant and animal species, and other biological communities,
566 including locating such structures in areas where seagrasses are
567 least dense adjacent to the dock or bulkhead; and

568 5. Are not constructed in areas specifically prohibited
569 for boat mooring under conditions of a permit issued in
570 accordance with ss. 403.91-403.929, 1984 Supplement to the
571 Florida Statutes 1983, as amended, or part IV of chapter 373, or
572 other form of authorization issued by a local government.

573
574 Structures that qualify for this exemption are relieved from any



575 requirement to obtain permission to use or occupy lands owned by
576 the Board of Trustees of the Internal Improvement Trust Fund
577 and, with the exception of those structures attached to a
578 bulkhead on a parcel of land where there is no docking
579 structure, may ~~shall~~ not be subject to any more stringent
580 permitting requirements, registration requirements, or other
581 regulation by any local government. Local governments may
582 require either permitting or one-time registration of floating
583 vessel platforms to be attached to a bulkhead on a parcel of
584 land where there is no other docking structure as necessary to
585 ensure compliance with local ordinances, codes, or regulations.
586 Local governments may require either permitting or one-time
587 registration of all other floating vessel platforms as necessary
588 to ensure compliance with the exemption criteria in this
589 section; to ensure compliance with local ordinances, codes, or
590 regulations relating to building or zoning, which are no more
591 stringent than the exemption criteria in this section or address
592 subjects other than subjects addressed by the exemption criteria
593 in this section; and to ensure proper installation, maintenance,
594 and precautionary or evacuation action following a tropical
595 storm or hurricane watch of a floating vessel platform or
596 floating boat lift that is proposed to be attached to a bulkhead
597 or parcel of land where there is no other docking structure. The
598 exemption provided in this paragraph shall be in addition to the
599 exemption provided in paragraph (b). The department shall adopt



600 a general permit by rule for the construction, installation,
601 operation, or maintenance of those floating vessel platforms or
602 floating boat lifts that do not qualify for the exemption
603 provided in this paragraph but do not cause significant adverse
604 impacts to occur individually or cumulatively. The issuance of
605 such general permit shall also constitute permission to use or
606 occupy lands owned by the Board of Trustees of the Internal
607 Improvement Trust Fund. No local government shall impose a more
608 stringent regulation, permitting requirement, registration
609 requirement, or other regulation covered by such general permit.
610 Local governments may require either permitting or one-time
611 registration of floating vessel platforms as necessary to ensure
612 compliance with the general permit in this section; to ensure
613 compliance with local ordinances, codes, or regulations relating
614 to building or zoning that are no more stringent than the
615 general permit in this section; and to ensure proper
616 installation and maintenance of a floating vessel platform or
617 floating boat lift that is proposed to be attached to a bulkhead
618 or parcel of land where there is no other docking structure.

619 (t) The repair, stabilization, or paving of existing
620 county maintained roads and the repair or replacement of bridges
621 that are part of the roadway, within the Northwest Florida Water
622 Management District and the Suwannee River Water Management
623 District, provided:

624 1. The road and associated bridge were in existence and in



625 use as a public road or bridge, and were maintained by the
626 county as a public road or bridge on or before January 1, 2002;

627 2. The construction activity does not realign the road or
628 expand the number of existing traffic lanes of the existing
629 road; however, the work may include the provision of safety
630 shoulders, clearance of vegetation, and other work reasonably
631 necessary to repair, stabilize, pave, or repave the road,
632 provided that the work is constructed by generally accepted
633 engineering standards;

634 3. The construction activity does not expand the existing
635 width of an existing vehicular bridge in excess of that
636 reasonably necessary to properly connect the bridge with the
637 road being repaired, stabilized, paved, or repaved to safely
638 accommodate the traffic expected on the road, which may include
639 expanding the width of the bridge to match the existing
640 connected road. However, no debris from the original bridge
641 shall be allowed to remain in waters of the state, including
642 wetlands;

643 4. Best management practices for erosion control shall be
644 employed as necessary to prevent water quality violations;

645 5. Roadside swales or other effective means of stormwater
646 treatment must be incorporated as part of the project;

647 6. No more dredging or filling of wetlands or water of the
648 state is performed than that which is reasonably necessary to
649 repair, stabilize, pave, or repave the road or to repair or



650 replace the bridge, in accordance with generally accepted
651 engineering standards; and

652 7. Notice of intent to use the exemption is provided to
653 the department, if the work is to be performed within the
654 Northwest Florida Water Management District, or to the Suwannee
655 River Water Management District, if the work is to be performed
656 within the Suwannee River Water Management District, 30 days
657 before ~~prior to~~ performing any work under the exemption.

658
659 Within 30 days after this act becomes a law, the department
660 shall initiate rulemaking to adopt a no fee general permit for
661 the repair, stabilization, or paving of existing roads that are
662 maintained by the county and the repair or replacement of
663 bridges that are part of the roadway where such activities do
664 not cause significant adverse impacts to occur individually or
665 cumulatively. The general permit shall apply statewide and, with
666 no additional rulemaking required, apply to qualified projects
667 reviewed by the Suwannee River Water Management District, the
668 St. Johns River Water Management District, the Southwest Florida
669 Water Management District, and the South Florida Water
670 Management District under the division of responsibilities
671 contained in the operating agreements applicable to part IV of
672 chapter 373. Upon adoption, this general permit shall, pursuant
673 to ~~the provisions of~~ subsection (2), supersede and replace the
674 exemption in this paragraph.



675 (u) Notwithstanding any provision to the contrary in this
676 subsection, a permit or other authorization under chapter 253,
677 chapter 369, chapter 373, or this chapter is not required for an
678 individual residential property owner for the removal of organic
679 detrital material from freshwater rivers or lakes that have a
680 natural sand or rocky substrate and that are not Aquatic
681 Preserves or for the associated removal and replanting of
682 aquatic vegetation for the purpose of environmental enhancement,
683 providing that:

684 1. No activities under this exemption are conducted in
685 wetland areas, as defined in s. 373.019(27), which are supported
686 by a natural soil as shown in applicable United States
687 Department of Agriculture county soil surveys.

688 2. No filling or peat mining is allowed.

689 3. No removal of native wetland trees, including, but not
690 limited to, ash, bay, cypress, gum, maple, or tupelo, occurs.

691 4. When removing organic detrital material, no portion of
692 the underlying natural mineral substrate or rocky substrate is
693 removed.

694 5. Organic detrital material and plant material removed is
695 deposited in an upland site in a manner that will not cause
696 water quality violations.

697 6. All activities are conducted in such a manner, and with
698 appropriate turbidity controls, so as to prevent any water
699 quality violations outside the immediate work area.



700 7. Replanting with a variety of aquatic plants native to
701 the state shall occur in a minimum of 25 percent of the
702 preexisting vegetated areas where organic detrital material is
703 removed, except for areas where the material is removed to bare
704 rocky substrate; however, an area may be maintained clear of
705 vegetation as an access corridor. The access corridor width may
706 not exceed 50 percent of the property owner's frontage or 50
707 feet, whichever is less, and may be a sufficient length
708 waterward to create a corridor to allow access for a boat or
709 swimmer to reach open water. Replanting must be at a minimum
710 density of 2 feet on center and be completed within 90 days
711 after removal of existing aquatic vegetation, except that under
712 dewatered conditions replanting must be completed within 90 days
713 after reflooding. The area to be replanted must extend waterward
714 from the ordinary high water line to a point where normal water
715 depth would be 3 feet or the preexisting vegetation line,
716 whichever is less. Individuals are required to make a reasonable
717 effort to maintain planting density for a period of 6 months
718 after replanting is complete, and the plants, including
719 naturally recruited native aquatic plants, must be allowed to
720 expand and fill in the revegetation area. Native aquatic plants
721 to be used for revegetation must be salvaged from the
722 enhancement project site or obtained from an aquatic plant
723 nursery regulated by the Department of Agriculture and Consumer
724 Services. Plants that are not native to the state may not be



725 used for replanting.

726 8. No activity occurs any farther than 100 feet waterward
727 of the ordinary high water line, and all activities must be
728 designed and conducted in a manner that will not unreasonably
729 restrict or infringe upon the riparian rights of adjacent upland
730 riparian owners.

731 9. The person seeking this exemption notifies the
732 applicable department district office in writing at least 30
733 days before commencing work and allows the department to conduct
734 a preconstruction site inspection. Notice must include an
735 organic-detrital-material removal and disposal plan and, if
736 applicable, a vegetation-removal and revegetation plan.

737 10. The department is provided written certification of
738 compliance with the terms and conditions of this paragraph
739 within 30 days after completion of any activity occurring under
740 this exemption.

741 (v) Notwithstanding any other provision in this chapter,
742 chapter 373, or chapter 161, a permit or other authorization is
743 not required for the following exploratory activities associated
744 with beach restoration and nourishment projects and inlet
745 management activities:

746 1. The collection of geotechnical, geophysical, and
747 cultural resource data, including surveys, mapping, acoustic
748 soundings, benthic and other biologic sampling, and coring.

749 2. Oceanographic instrument deployment, including



750 temporary installation on the seabed of coastal and
751 oceanographic data collection equipment.

752 3. Incidental excavation associated with any of the
753 activities listed under subparagraph 1. or subparagraph 2.

754 Section 6. Subsection (20) is added to section 373.414,
755 Florida Statutes, to read:

756 373.414 Additional criteria for activities in surface
757 waters and wetlands.—

758 (20) If land located within sections 2 through 5, 8
759 through 11, 14 through 17, and 21 through 28 of Township 26
760 South, Range 32 East, in Osceola County, contiguous with Lake
761 Conlin or within the Cat Island Swamp, is used for mitigation of
762 adverse impacts within drainage basin 18, St. Johns River
763 (Canaveral Marshes to Wekiva), or within drainage basin 19,
764 Econlockhatchee River nested in basin 18, as depicted in figure
765 10.2.8-2 of the "Environmental Resource Permit Applicant's
766 Handbook, Volume I (General and Environmental)" as incorporated
767 by reference in rule 62-330.010, Florida Administrative Code,
768 and if the mitigation offsets the adverse impacts within the
769 drainage basin, the department and the St. Johns River Water
770 Management District shall consider the activity regulated under
771 part IV of chapter 373 in order to meet the cumulative impact
772 requirements of paragraph (8)(a).

773 Section 7. Paragraph (b) of subsection (1) of section
774 373.4135, Florida Statutes, is amended to read:



775 | 373.4135 Mitigation banks and offsite regional mitigation.—
776 | (1) The Legislature finds that the adverse impacts of
777 | activities regulated under this part may be offset by the
778 | creation, maintenance, and use of mitigation banks and offsite
779 | regional mitigation. Mitigation banks and offsite regional
780 | mitigation can enhance the certainty of mitigation and provide
781 | ecological value due to the improved likelihood of environmental
782 | success associated with their proper construction, maintenance,
783 | and management. Therefore, the department and the water
784 | management districts are directed to participate in and
785 | encourage the establishment of private and public mitigation
786 | banks and offsite regional mitigation. Mitigation banks and
787 | offsite regional mitigation should emphasize the restoration and
788 | enhancement of degraded ecosystems and the preservation of
789 | uplands and wetlands as intact ecosystems rather than alteration
790 | of landscapes to create wetlands. This is best accomplished
791 | through restoration of ecological communities that were
792 | historically present.

793 | (b) Notwithstanding the provisions of this section, a
794 | governmental entity may not create or provide mitigation for a
795 | project other than its own unless the governmental entity uses
796 | land that was not previously purchased for conservation and
797 | unless the governmental entity provides the same financial
798 | assurances as required for mitigation banks permitted under s.
799 | 373.4136. This paragraph does not apply to:



800 1. Mitigation banks permitted before December 31, 2011,
801 under s. 373.4136;

802 2. Mitigation areas created by a local government which
803 were awarded mitigation credits under a permit issued before
804 December 31, 2011, when such mitigation credits were awarded
805 pursuant to the uniform mitigation assessment method as provided
806 in chapter 62-345, Florida Administrative Code, and when credits
807 are not available at:

808 a. A mitigation bank permitted under s. 373.4136; or
809 b. An offsite regional mitigation area ~~areas~~ established
810 before December 31, 2011, under subsection (6);

811 3. Mitigation for transportation projects under ss.
812 373.4137 and 373.4139;

813 4. Mitigation for impacts from mining activities under s.
814 373.41492;

815 5. Mitigation provided for single-family lots or
816 homeowners under subsection (7);

817 6. Entities authorized in chapter 98-492, Laws of Florida;

818 7. Mitigation provided for electric utility impacts
819 certified under part II of chapter 403; or

820 8. Mitigation provided on sovereign submerged lands under
821 subsection (6).

822 Section 8. Paragraph (d) of subsection (9) of section
823 373.4598, Florida Statutes, is amended and paragraph (f) is
824 added to that subsection to read:



825 | 373.4598 Water storage reservoirs.—

826 | (9) C-51 RESERVOIR PROJECT.—

827 | (d) If state funds are appropriated for Phase I or Phase
828 | II of the C-51 reservoir project:

829 | 1. The district, to the extent practicable, must ~~shall~~
830 | operate either Phase I or Phase II of the reservoir project to
831 | maximize the reduction of high-volume Lake Okeechobee regulatory
832 | releases to the St. Lucie or Caloosahatchee estuaries, in
833 | addition to maximizing the reduction of harmful discharges
834 | ~~providing relief~~ to the Lake Worth Lagoon. However, the
835 | operation of Phase I of the C-51 reservoir project must be in
836 | accordance with any operation and maintenance agreement adopted
837 | by the district;

838 | 2. Water made available by Phase I or Phase II of the
839 | reservoir must ~~shall~~ be used for natural systems in addition to
840 | any permitted ~~allocated~~ amounts for water supply; and

841 | 3. ~~Any~~ Water received from Lake Okeechobee may only ~~not~~ be
842 | available to support consumptive use permits if such use is in
843 | accordance with district rules.

844 | (f) The district may enter into a capacity allocation
845 | agreement with a water supply entity for a pro rata share of
846 | unreserved capacity in the water storage facility and may
847 | request the department to waive repayment of all or a portion of
848 | the loan issued pursuant to s. 373.475. The department may
849 | authorize such waiver if the department determines it has



850 received reasonable value for such waiver. The district is not
851 responsible for repaying any portion of a loan issued pursuant
852 to s. 373.475 which is waived pursuant to this paragraph.

853 Section 9. Section 403.1839, Florida Statutes, is created
854 to read:

855 403.1839 Blue star collection system assessment and
856 maintenance program.—

857 (1) DEFINITIONS.—As used in this section, the term:

858 (a) "Domestic wastewater" has the same meaning as provided
859 in s. 367.021.

860 (b) "Domestic wastewater collection system" has the same
861 meaning as provided in s. 403.866.

862 (c) "Program" means the blue star collection system
863 assessment and maintenance program.

864 (d) "Sanitary sewer overflow" means the unauthorized
865 overflow, spill, release, discharge or diversion of untreated or
866 partially treated domestic wastewater.

867 (2) LEGISLATIVE FINDINGS.—The Legislature finds that:

868 (a) The implementation of domestic wastewater collection
869 system assessment and maintenance practices has been shown to
870 effectively limit sanitary sewer overflows and the unauthorized
871 discharge of pathogens.

872 (b) The voluntary implementation of domestic wastewater
873 collection system assessment and maintenance practices beyond
874 those required by law has the potential to further limit



875 sanitary sewer overflows.

876 (c) The unique geography, community, growth, size, and age
877 of domestic wastewater collection systems across the state
878 require diverse responses, using the best professional judgment
879 of local utility operators, to ensure that programs designed to
880 limit sanitary sewer overflows are effective.

881 (3) ESTABLISHMENT AND PURPOSE.—There is established in the
882 department a blue star collection system assessment and
883 maintenance program. The purpose of this voluntary incentive
884 program is to assist public and private utilities in limiting
885 sanitary sewer overflows and the unauthorized discharge of
886 pathogens.

887 (4) APPROVAL AND STANDARDS.—

888 (a) The department shall adopt rules to administer the
889 program, including the certification standards for the program
890 in paragraph (b), and shall review and approve public and
891 private domestic wastewater utilities that apply for
892 certification or renewal under the program and that demonstrate
893 maintenance of program certification pursuant to paragraph (c)
894 based upon the certification standards.

895 (b) A utility must provide reasonable documentation of the
896 following certification standards in order to be certified under
897 the program:

898 1. The implementation of periodic collection system and
899 pump station structural condition assessments and the



900 performance of as-needed maintenance and replacements.

901 2. The rate of reinvestment determined necessary by the
902 utility for its collection system and pump station structural
903 condition assessment and maintenance and replacement program.

904 3. The implementation of a program designed to limit the
905 presence of fats, roots, oils, and grease in the collection
906 system.

907 4. If the applicant is a public utility, a local law or
908 building code requiring the private pump stations and lateral
909 lines connecting to the public system to be free of:

910 a. Cracks, holes, missing parts, or similar defects; and

911 b. Direct stormwater connections that allow the direct
912 inflow of stormwater into the private system and the public
913 domestic wastewater collection system.

914 5. A power outage contingency plan that addresses
915 mitigation of the impacts of power outages on the utility's
916 collection system and pump stations.

917 (c) Program certifications shall expire after 5 years. A
918 utility shall document its implementation of the program on an
919 annual basis with the department and must demonstrate that the
920 utility meets all program standards in order to maintain its
921 program certification. The approval of an application for
922 renewal certification must be based on the utility demonstrating
923 maintenance of program standards. A utility applying for renewal
924 certification must demonstrate maintenance of program standards



925 and progress in implementing the program.

926 (5) PUBLICATION.—The department shall annually publish on
927 its website a list of certified blue star utilities beginning on
928 January 1, 2020.

929 (6) FEDERAL PROGRAM PARTICIPATION.—The department shall
930 allow public and private, nonprofit utilities to participate in
931 the Clean Water State Revolving Fund Program for any purpose of
932 the program that is consistent with federal requirements for
933 participating in the Clean Water State Revolving Fund Program.

934 (7) REDUCED PENALTIES.—In the calculation of penalties
935 pursuant to s. 403.161 for a sanitary sewer overflow, the
936 department may reduce the penalty based on a utility's status as
937 a certified blue star utility in accordance with this section.
938 The department may also reduce a penalty based on a certified
939 blue star utility's investment in assessment and maintenance
940 activities to identify and address conditions that may cause
941 sanitary sewer overflows or interruption of service to customers
942 due to a physical condition or defect in the system.

943 Section 10. Paragraph (c) of subsection (7) of section
944 403.067, Florida Statutes, is amended to read:

945 403.067 Establishment and implementation of total maximum
946 daily loads.—

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

949 (c) *Best management practices.*—



950 1. The department, in cooperation with the water
951 management districts and other interested parties, as
952 appropriate, may develop suitable interim measures, best
953 management practices, or other measures necessary to achieve the
954 level of pollution reduction established by the department for
955 nonagricultural nonpoint pollutant sources in allocations
956 developed pursuant to subsection (6) and this subsection. These
957 practices and measures may be adopted by rule by the department
958 and the water management districts and, where adopted by rule,
959 shall be implemented by those parties responsible for
960 nonagricultural nonpoint source pollution.

961 2. The Department of Agriculture and Consumer Services may
962 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54
963 suitable interim measures, best management practices, or other
964 measures necessary to achieve the level of pollution reduction
965 established by the department for agricultural pollutant sources
966 in allocations developed pursuant to subsection (6) and this
967 subsection or for programs implemented pursuant to paragraph
968 (12) (b). These practices and measures may be implemented by
969 those parties responsible for agricultural pollutant sources and
970 the department, the water management districts, and the
971 Department of Agriculture and Consumer Services shall assist
972 with implementation. In the process of developing and adopting
973 rules for interim measures, best management practices, or other
974 measures, the Department of Agriculture and Consumer Services



975 shall consult with the department, the Department of Health, the
976 water management districts, representatives from affected
977 farming groups, and environmental group representatives. Such
978 rules must also incorporate provisions for a notice of intent to
979 implement the practices and a system to assure the
980 implementation of the practices, including site inspection and
981 recordkeeping requirements.

982 3. Where interim measures, best management practices, or
983 other measures are adopted by rule, the effectiveness of such
984 practices in achieving the levels of pollution reduction
985 established in allocations developed by the department pursuant
986 to subsection (6) and this subsection or in programs implemented
987 pursuant to paragraph (12)(b) must be verified at representative
988 sites by the department. The department shall use best
989 professional judgment in making the initial verification that
990 the best management practices are reasonably expected to be
991 effective and, where applicable, must notify the appropriate
992 water management district or the Department of Agriculture and
993 Consumer Services of its initial verification before the
994 adoption of a rule proposed pursuant to this paragraph.
995 Implementation, in accordance with rules adopted under this
996 paragraph, of practices that have been initially verified to be
997 effective, or verified to be effective by monitoring at
998 representative sites, by the department, shall provide a
999 presumption of compliance with state water quality standards and



1000 release from the provisions of s. 376.307(5) for those
1001 pollutants addressed by the practices, and the department is not
1002 authorized to institute proceedings against the owner of the
1003 source of pollution to recover costs or damages associated with
1004 the contamination of surface water or groundwater caused by
1005 those pollutants. Research projects funded by the department, a
1006 water management district, or the Department of Agriculture and
1007 Consumer Services to develop or demonstrate interim measures or
1008 best management practices shall be granted a presumption of
1009 compliance with state water quality standards and a release from
1010 the provisions of s. 376.307(5). The presumption of compliance
1011 and release is limited to the research site and only for those
1012 pollutants addressed by the interim measures or best management
1013 practices. Eligibility for the presumption of compliance and
1014 release is limited to research projects on sites where the owner
1015 or operator of the research site and the department, a water
1016 management district, or the Department of Agriculture and
1017 Consumer Services have entered into a contract or other
1018 agreement that, at a minimum, specifies the research objectives,
1019 the cost-share responsibilities of the parties, and a schedule
1020 that details the beginning and ending dates of the project.

1021 4. Where water quality problems are demonstrated, despite
1022 the appropriate implementation, operation, and maintenance of
1023 best management practices and other measures required by rules
1024 adopted under this paragraph, the department, a water management



1025 | district, or the Department of Agriculture and Consumer
1026 | Services, in consultation with the department, shall institute a
1027 | reevaluation of the best management practice or other measure.
1028 | Should the reevaluation determine that the best management
1029 | practice or other measure requires modification, the department,
1030 | a water management district, or the Department of Agriculture
1031 | and Consumer Services, as appropriate, shall revise the rule to
1032 | require implementation of the modified practice within a
1033 | reasonable time period as specified in the rule.

1034 | 5. Agricultural records relating to processes or methods
1035 | of production, costs of production, profits, or other financial
1036 | information held by the Department of Agriculture and Consumer
1037 | Services pursuant to subparagraphs 3. and 4. or pursuant to any
1038 | rule adopted pursuant to subparagraph 2. are confidential and
1039 | exempt from s. 119.07(1) and s. 24(a), Art. I of the State
1040 | Constitution. Upon request, records made confidential and exempt
1041 | pursuant to this subparagraph shall be released to the
1042 | department or any water management district provided that the
1043 | confidentiality specified by this subparagraph for such records
1044 | is maintained.

1045 | 6. The provisions of subparagraphs 1. and 2. do not
1046 | preclude the department or water management district from
1047 | requiring compliance with water quality standards or with
1048 | current best management practice requirements set forth in any
1049 | applicable regulatory program authorized by law for the purpose



1050 of protecting water quality. Additionally, subparagraphs 1. and
1051 2. are applicable only to the extent that they do not conflict
1052 with any rules adopted by the department that are necessary to
1053 maintain a federally delegated or approved program.

1054 7. The department must provide a domestic wastewater
1055 utility with a presumption of compliance with state water
1056 quality standards for pathogens when the utility demonstrates a
1057 history of compliance with wastewater disinfection requirements
1058 incorporated in the utility's operating permit for any discharge
1059 into the impaired surface water, and the utility implements and
1060 maintains a program as a certified blue star utility in
1061 accordance with s. 403.1839.

1062 Section 11. Subsection (11) is added to section 403.087,
1063 Florida Statutes, to read:

1064 403.087 Permits; general issuance; denial; revocation;
1065 prohibition; penalty.—

1066 (11) Subject to the permit duration limits for a utility
1067 permitted pursuant to s. 403.0885, a blue star utility certified
1068 pursuant to s. 403.1839 shall be issued a 10-year permit for the
1069 same fee and under the same conditions as a 5-year permit upon
1070 approval of its application for permit renewal by the department
1071 if the certified blue star utility demonstrates that it:

1072 (a) Is in compliance with any consent order or an
1073 accompanying administrative order to its permit;

1074 (b) Does not have any pending enforcement action against



1075 it by the United States Environmental Protection Agency, the
1076 department, or a local program; and

1077 (c) If applicable, has submitted annual program
1078 implementation reports demonstrating progress in the
1079 implementation of the program.

1080 Section 12. Subsection (6) of section 403.161, Florida
1081 Statutes, is renumbered as subsection (7), and a new subsection
1082 (6) is added to that section, to read:

1083 403.161 Prohibitions, violation, penalty, intent.—

1084 (6) Notwithstanding any other law, the department may
1085 reduce the amount of a penalty based on the person's investment
1086 in the assessment, maintenance, rehabilitation, or expansion of
1087 the permitted facility.

1088 Section 13. Subsection (2) and paragraphs (a) and (b) of
1089 subsection (3) of section 403.1838, Florida Statutes, are
1090 amended to read:

1091 403.1838 Small Community Sewer Construction Assistance
1092 Act.—

1093 (2) The department shall use funds specifically
1094 appropriated to award grants under this section to assist
1095 financially disadvantaged small communities with their needs for
1096 adequate sewer facilities. The department may use funds
1097 specifically appropriated to award grants under this section to
1098 assist private, nonprofit utilities providing wastewater
1099 services to financially disadvantaged small communities. For



1100 purposes of this section, the term "financially disadvantaged
1101 small community" means a county, municipality, or special
1102 district that has a population of 10,000 or fewer, according to
1103 the latest decennial census, and a per capita annual income less
1104 than the state per capita annual income as determined by the
1105 United States Department of Commerce. For purposes of this
1106 subsection, the term "special district" has the same meaning as
1107 provided in s. 189.012 and includes only those special districts
1108 whose public purpose includes water and sewer services, utility
1109 systems and services, or wastewater systems and services. The
1110 department may waive the population requirement for an
1111 independent special district that serves fewer than 10,000
1112 wastewater customers, is located within a watershed with an
1113 adopted total maximum daily load or basin management action plan
1114 for pollutants associated with domestic wastewater pursuant to
1115 s. 403.067, and is wholly located within a rural area of
1116 opportunity as defined in s. 288.0656.

1117 (3) (a) In accordance with rules adopted by the
1118 Environmental Regulation Commission under this section, the
1119 department may provide grants, from funds specifically
1120 appropriated for this purpose, to financially disadvantaged
1121 small communities and to private, nonprofit utilities serving
1122 financially disadvantaged small communities for up to 100
1123 percent of the costs of planning, assessing, designing,
1124 constructing, upgrading, or replacing wastewater collection,



1125 transmission, treatment, disposal, and reuse facilities,
1126 including necessary legal and administrative expenses. Grants
1127 issued pursuant to this section may also be used for planning
1128 and implementing domestic wastewater collection system
1129 assessment programs to identify conditions that may cause
1130 sanitary sewer overflows or interruption of service to customers
1131 due to a physical condition or defect in the system.

1132 (b) The rules of the Environmental Regulation Commission
1133 must:

1134 1. Require that projects to plan, assess, design,
1135 construct, upgrade, or replace wastewater collection,
1136 transmission, treatment, disposal, and reuse facilities be cost-
1137 effective, environmentally sound, permittable, and
1138 implementable.

1139 2. Require appropriate user charges, connection fees, and
1140 other charges sufficient to ensure the long-term operation,
1141 maintenance, and replacement of the facilities constructed under
1142 each grant.

1143 3. Require grant applications to be submitted on
1144 appropriate forms with appropriate supporting documentation, and
1145 require records to be maintained.

1146 4. Establish a system to determine eligibility of grant
1147 applications.

1148 5. Establish a system to determine the relative priority
1149 of grant applications. The system must consider public health



1150 protection and water pollution abatement.

1151 6. Establish requirements for competitive procurement of

1152 engineering and construction services, materials, and equipment.

1153 7. Provide for termination of grants when program

1154 requirements are not met.

1155 Section 14. This act shall take effect upon becoming a

1156 law.