An act relating to environmental regulation; amending s. 373.250, F.S.; deleting an obsolete provision; providing examples of reclaimed water use that may create an impact offset; revising the required provisions of the water resource implementation rule; amending s. 373.413, F.S.; directing the Department of Environmental Protection and water management districts to reissue the construction phase of an expired environmental resource permit under certain conditions; providing requirements for requesting reissuance of such permit; authorizing the department, in coordination with the water management districts, to adopt rules; amending s. 403.064, F.S.; encouraging the development of aquifer recharge for reuse implementation; requiring the department and water management districts to develop and enter into a memorandum of agreement providing for a coordinated review of any reclaimed water project requiring a reclaimed water facility permit, an underground injection control permit, and a consumptive use permit; specifying the required provisions of such memorandum; specifying the date by which the memorandum must be developed and executed; amending s. 403.706, F.S.; requiring counties and municipalities
to address contamination of recyclable material in
specified contracts; prohibiting counties and
municipalities from requiring the collection or
transport of contaminated recyclable material by
residential recycling collectors; defining the term
"residential recycling collector"; specifying required
contract provisions in residential recycling collector
and materials recovery facility contracts with
counties and municipalities; providing applicability;
amending s. 403.813, F.S.; prohibiting a local
government from requiring further department
verification for certain projects; revising the types
of dock and pier replacements and repairs that are
exempt from such verification and certain permitting
requirements; amending s. 373.4135, F.S.; providing an
exemption from certain requirements for mitigation
areas created by a local government under a permit
issued before a specified date and for certain
mitigation banks; amending s. 373.4598, F.S.; revising
requirements related to the operation of water storage
and use for Phase I and Phase II of the C-51 reservoir
project if state funds are appropriated for such
phases; authorizing the South Florida Water Management
District to enter into certain capacity allocation
agreements and to request a waiver for repayment of
certain loans; authorizing the Department of
Environmental Protection to waive such loan repayment
under certain conditions; providing that the district
is not responsible for repayment of such loans;
creating s. 403.1839, F.S.; providing definitions;
providing legislative findings; establishing the blue
star collection system assessment and maintenance
program and providing its purpose; requiring the
Department of Environmental Protection to adopt rules
and review and approve program applications for
certification; specifying the documentation utilities
must submit to qualify for certification; providing
for certification expiration and renewal; requiring
the department to publish an annual list of certified
blue star utilities; requiring the department to allow
public and private, nonprofit utilities to participate
in the Clean Water State Revolving Fund Program under
certain conditions; authorizing the department to
reduce penalties for sanitary sewer overflows at
certified utilities and for investments in certain
assessment and maintenance activities; amending s.
403.067, F.S.; creating a presumption of compliance
for certain total maximum daily load requirements for
certified utilities; amending s. 403.087, F.S.;
requiring the department to issue extended operating
permits to certified utilities under certain conditions; amending s. 403.161, F.S.; authorizing the department to reduce penalties based on certain system investments for permitted facilities; amending s. 403.1838, F.S.; authorizing additional recipients and uses of Small Community Sewer Construction grants; providing an effective date.

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

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

373.250  Reuse of reclaimed water.—
(5)(a)  No later than October 1, 2012, the department shall initiate rulemaking to adopt revisions to The water resource implementation rule, as defined in s. 373.019(25), must which shall include:

1. Criteria for the use of a proposed impact offset derived from the use of reclaimed water when a water management district evaluates an application for a consumptive use permit. As used in this subparagraph, the term "impact offset" means the use of reclaimed water to reduce or eliminate a harmful impact that has occurred or would otherwise occur as a result of other surface water or groundwater withdrawals. Examples of reclaimed water use that may create an impact offset include, but are not
limited to, the use of reclaimed water to:

a. Prevent or stop further saltwater intrusion;

b. Raise aquifer levels;

c. Improve the water quality of an aquifer; or

d. Augment surface water to increase the quantity of water

available for water supply.

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

3. Criteria by which an impact offset or substitution
credit may be applied to the issuance, renewal, or extension of
the utility's or another user's consumptive use permit or may be
used to address additional water resource constraints imposed
through the adoption of a recovery or prevention strategy under
s. 373.0421.
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(b) Within 60 days after the final adoption by the department of the revisions to the water resource implementation rule required under paragraph (a), each water management district must initiate rulemaking to incorporate those revisions by reference into the rules of the district.

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

373.413 Permits for construction or alteration.—
(7)(a) The governing board or department shall reissue the construction phase of an expired individual permit upon a demonstration by an applicant that:
1. The applicant could not reasonably be expected to complete the original permitted activity within the original permit period;
2. The applicant can meet the plans, terms, and conditions of the original permit for the duration of the reissued permit period;
3. The site conditions or significant information regarding the site or activity have not changed since the original permit was issued to an extent that the permitted activity would create additional adverse impacts; and
4. No more than 3 years have passed since the expiration of the original permit.
(b) A new property owner may apply for reissuance of the construction phase of an expired individual permit. The new
owner must demonstrate the criteria required in paragraph (a) and provide sufficient evidence of ownership pursuant to governing board or department rule.

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

1. The applicant's name and contact information;
2. The permit number;
3. A clear statement explaining why the permitted activity could not be completed within the original permit period; and
4. A certification from a professional registered in or licensed by the state and practicing under chapter 471, chapter 472, chapter 481, or chapter 492 that:
   a. The permitted activity remains consistent with plans, terms, and conditions of the original permit and the rules of the governing board or department that were in effect when the original permit was issued.
   b. The site conditions or significant information regarding the site or activity have not changed since the original permit was issued to an extent that the permitted activity would create additional adverse impacts.

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

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

403.064  Reuse of reclaimed water.—

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

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

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

403.706 Local government solid waste responsibilities.—

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

(a) A residential recycling collector may not be required to collect or transport contaminated recyclable material, except pursuant to a contract consistent with paragraph (c). As used in this subsection, the term "residential recycling collector" means a for-profit business entity that collects and transports residential recyclable material on behalf of a county or municipality.

(b) A recovered materials processing facility may not be required to process contaminated recyclable material, except pursuant to a contract consistent with paragraph (d).
(c) Each contract between a residential recycling collector and a county or municipality for the collection or transport of residential recyclable material, and each request for proposal or other solicitation for the collection of residential recyclable material, must define the term "contaminated recyclable material." The term should be defined in a manner that is appropriate for the local community, taking into consideration available markets for recyclable material, available waste composition studies, and other relevant factors. The contract and request for proposal or other solicitation must include:

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

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

3. The remedies authorized to be used if a container, cart, or bin contains contaminated recyclable material; and

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

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

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

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

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

(e) This subsection applies to each contract between a municipality or county and a residential recycling collector or recovered materials processing facility executed or renewed after July 1, 2018.

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

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

403.813 Permits issued at district centers; exceptions.—
(1) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, and a local government may not require a person claiming this exception to provide further department verification, for activities associated with the following types of projects; however, except as otherwise provided in this subsection, this subsection does not relieve an applicant from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or a water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

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

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

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

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

3. May not substantially impede the flow of water or create a navigational hazard;

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

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

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

(c) The installation and maintenance to design specifications of boat ramps on artificial bodies of water where navigational access to the proposed ramp exists or the installation of boat ramps open to the public in any waters of the state where navigational access to the proposed ramp exists and where the construction of the proposed ramp will be less than 30 feet wide and will involve the removal of less than 25 cubic yards of material from the waters of the state, and the maintenance to design specifications of such ramps; however, the material to be removed shall be placed upon a self-contained upland site so as to prevent the escape of the spoil material into the waters of the state.

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

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

(f) The performance of maintenance dredging of existing manmade canals, channels, intake and discharge structures, and previously dredged portions of natural water bodies within drainage rights-of-way or drainage easements which have been recorded in the public records of the county, where the spoil material is to be removed and deposited on a self-contained, upland spoil site which will prevent the escape of the spoil material into the waters of the state, provided that no more dredging is to be performed than is necessary to restore the canals, channels, and intake and discharge structures, and previously dredged portions of natural water bodies, to original design specifications or configurations, provided that the work

CODING: Words stricken are deletions; words underlined are additions.
is conducted in compliance with s. 379.2431(2)(d), provided that
no significant impacts occur to previously undisturbed natural
areas, and provided that control devices for return flow and
best management practices for erosion and sediment control are
utilized to prevent bank erosion and scouring and to prevent
turbidity, dredged material, and toxic or deleterious substances
from discharging into adjacent waters during maintenance
dredging. Further, for maintenance dredging of previously
dredged portions of natural water bodies within recorded
drainage rights-of-way or drainage easements, an entity that
seeks an exemption must notify the department or water
management district, as applicable, at least 30 days before
dredging and provide documentation of original design
specifications or configurations where such exist. This
exemption applies to all canals and previously dredged portions
of natural water bodies within recorded drainage rights-of-way
or drainage easements constructed before April 3, 1970,
and to those canals and previously dredged portions of natural
water bodies constructed on or after April 3, 1970, pursuant to
all necessary state permits. This exemption does not apply to
the removal of a natural or manmade barrier separating a canal
or canal system from adjacent waters. When no previous permit
has been issued by the Board of Trustees of the Internal
Improvement Trust Fund or the United States Army Corps of
Engineers for construction or maintenance dredging of the
existing manmade canal or intake or discharge structure, such
maintenance dredging shall be limited to a depth of no more than
5 feet below mean low water. The Board of Trustees of the
Internal Improvement Trust Fund may fix and recover from the
permittee an amount equal to the difference between the fair
market value and the actual cost of the maintenance dredging for
material removed during such maintenance dredging. However, no
charge shall be exacted by the state for material removed during
such maintenance dredging by a public port authority. The
removing party may subsequently sell such material; however,
proceeds from such sale that exceed the costs of maintenance
dredging shall be remitted to the state and deposited in the
Internal Improvement Trust Fund.

(g) The maintenance of existing insect control structures,
dikes, and irrigation and drainage ditches, provided that spoil
material is deposited on a self-contained, upland spoil site
which will prevent the escape of the spoil material into waters
of the state. In the case of insect control structures, if the
cost of using a self-contained upland spoil site is so
excessive, as determined by the Department of Health, pursuant
to s. 403.088(1), that it will inhibit proposed insect control,
then-existing spoil sites or dikes may be used, upon
notification to the department. In the case of insect control
where upland spoil sites are not used pursuant to this
exemption, turbidity control devices shall be used to confine
the spoil material discharge to that area previously disturbed
when the receiving body of water is used as a potable water
supply, is designated as shellfish harvesting waters, or
functions as a habitat for commercially or recreationally
important shellfish or finfish. In all cases, no more dredging
is to be performed than is necessary to restore the dike or
irrigation or drainage ditch to its original design
specifications.

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

  (i) The construction of private docks of 1,000 square feet
or less of over-water surface area and seawalls in artificially
created waterways where such construction will not violate
existing water quality standards, impede navigation, or affect
flood control. This exemption does not apply to the construction
of vertical seawalls in estuaries or lagoons unless the proposed
construction is within an existing manmade canal where the
shoreline is currently occupied in whole or part by vertical
seawalls.

  (j) The construction and maintenance of swales.

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

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

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

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

(o) The construction of private seawalls in wetlands or other surface waters where such construction is between and adjoins at both ends existing seawalls; follows a continuous and uniform seawall construction line with the existing seawalls; is no more than 150 feet in length; and does not violate existing water quality standards, impede navigation, or affect flood control. However, in estuaries and lagoons the construction of

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vertical seawalls is limited to the circumstances and purposes
directed in s. 373.414(5)(b)1. This paragraph does not affect
the permitting requirements of chapter 161, and department rules
must clearly indicate that this exception does not constitute an
exception from the permitting requirements of chapter 161.

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

(q) The construction, operation, or maintenance of
stormwater management facilities which are designed to serve
single-family residential projects, including duplexes,
triplexes, and quadruplexes, if they are less than 10 acres
total land and have less than 2 acres of impervious surface and
if the facilities:

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

2. Are not part of a larger common plan of development or
sale; and
3. Discharge into a stormwater discharge facility exempted or permitted by the department under this chapter which has sufficient capacity and treatment capability as specified in this chapter and is owned, maintained, or operated by a city, county, special district with drainage responsibility, or water management district; however, this exemption does not authorize discharge to a facility without the facility owner's prior written consent.

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

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

2. All material removed pursuant to this paragraph shall be deposited in an upland site in a manner that will prevent the reintroduction of the material into waters in the state except when spoil material is permitted to be used to create wildlife islands in freshwater bodies of the state when a governmental entity is permitted pursuant to s. 369.20 to create such islands as a part of a restoration or enhancement project;
3. All activities are performed in a manner consistent with state water quality standards; and

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

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

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

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

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

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

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

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

Structures that qualify for this exemption are relieved from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund and, with the exception of those structures attached to a bulkhead on a parcel of land where there is no docking structure, may not be subject to any more stringent permitting requirements, registration requirements, or other
regulation by any local government. Local governments may require either permitting or one-time registration of floating vessel platforms to be attached to a bulkhead on a parcel of land where there is no other docking structure as necessary to ensure compliance with local ordinances, codes, or regulations. Local governments may require either permitting or one-time registration of all other floating vessel platforms as necessary to ensure compliance with the exemption criteria in this section; to ensure compliance with local ordinances, codes, or regulations relating to building or zoning, which are no more stringent than the exemption criteria in this section or address subjects other than subjects addressed by the exemption criteria in this section; and to ensure proper installation, maintenance, and precautionary or evacuation action following a tropical storm or hurricane watch of a floating vessel platform or floating boat lift that is proposed to be attached to a bulkhead or parcel of land where there is no other docking structure. The exemption provided in this paragraph shall be in addition to the exemption provided in paragraph (b). The department shall adopt a general permit by rule for the construction, installation, operation, or maintenance of those floating vessel platforms or floating boat lifts that do not qualify for the exemption provided in this paragraph but do not cause significant adverse impacts to occur individually or cumulatively. The issuance of such general permit shall also constitute permission to use or
occupy lands owned by the Board of Trustees of the Internal
Improvement Trust Fund. No local government shall impose a more
stringent regulation, permitting requirement, registration
requirement, or other regulation covered by such general permit.
Local governments may require either permitting or one-time
registration of floating vessel platforms as necessary to ensure
compliance with the general permit in this section; to ensure
compliance with local ordinances, codes, or regulations relating
to building or zoning that are no more stringent than the
general permit in this section; and to ensure proper
installation and maintenance of a floating vessel platform or
floating boat lift that is proposed to be attached to a bulkhead
or parcel of land where there is no other docking structure.

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

1. The road and associated bridge were in existence and in
use as a public road or bridge, and were maintained by the
county as a public road or bridge on or before January 1, 2002;

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

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

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

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

6. No more dredging or filling of wetlands or water of the
state is performed than that which is reasonably necessary to
repair, stabilize, pave, or repave the road or to repair or
replace the bridge, in accordance with generally accepted
engineering standards; and

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

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

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

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

2. No filling or peat mining is allowed.

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

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

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

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

7. Replanting with a variety of aquatic plants native to the state shall occur in a minimum of 25 percent of the preexisting vegetated areas where organic detrital material is removed, except for areas where the material is removed to bare rocky substrate; however, an area may be maintained clear of vegetation as an access corridor. The access corridor width may
701 not exceed 50 percent of the property owner's frontage or 50
702 feet, whichever is less, and may be a sufficient length
703 waterward to create a corridor to allow access for a boat or
704 swimmer to reach open water. Replanting must be at a minimum
705 density of 2 feet on center and be completed within 90 days
706 after removal of existing aquatic vegetation, except that under
707 dewatered conditions replanting must be completed within 90 days
708 after reflooding. The area to be replanted must extend waterward
709 from the ordinary high water line to a point where normal water
710 depth would be 3 feet or the preexisting vegetation line,
711 whichever is less. Individuals are required to make a reasonable
712 effort to maintain planting density for a period of 6 months
713 after replanting is complete, and the plants, including
714 naturally recruited native aquatic plants, must be allowed to
715 expand and fill in the revegetation area. Native aquatic plants
716 to be used for revegetation must be salvaged from the
717 enhancement project site or obtained from an aquatic plant
718 nursery regulated by the Department of Agriculture and Consumer
719 Services. Plants that are not native to the state may not be
720 used for replanting.
721 8. No activity occurs any farther than 100 feet waterward
722 of the ordinary high water line, and all activities must be
723 designed and conducted in a manner that will not unreasonably
724 restrict or infringe upon the riparian rights of adjacent upland
725 riparian owners.
9. The person seeking this exemption notifies the applicable department district office in writing at least 30 days before commencing work and allows the department to conduct a preconstruction site inspection. Notice must include an organic-detrital-material removal and disposal plan and, if applicable, a vegetation-removal and revegetation plan.

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

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

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

2. Oceanographic instrument deployment, including temporary installation on the seabed of coastal and oceanographic data collection equipment.

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

Section 6. Paragraph (b) of subsection (1) of section 373.4135, Florida Statutes, is amended to read:
373.4135 Mitigation banks and offsite regional mitigation.—

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

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

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

2. Offsite regional mitigation areas established before December 31, 2011, under subsection (6) or, when credits are not available at a mitigation bank permitted under s. 373.4136, mitigation areas created by a local government which were awarded mitigation credits pursuant to the uniform mitigation assessment method as provided in chapter 62-345, Florida Administrative Code, under a permit issued before December 31, 2011;

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

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

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


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

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

Section 7. Paragraph (d) of subsection (9) of section 373.4598, Florida Statutes, is amended and paragraph (f) is added to that subsection to read:
373.4598 Water storage reservoirs.—

(9) C-51 RESERVOIR PROJECT.—

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

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

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

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

(f) The district may enter into a capacity allocation agreement with a water supply entity for a pro rata share of unreserved capacity in the water storage facility and may request the department to waive repayment of all or a portion of the loan issued pursuant to s. 373.475. The department may authorize such waiver if the department determines it has
received reasonable value for such waiver. The district is not responsible for repaying any portion of a loan issued pursuant to s. 373.475 which is waived pursuant to this paragraph.

Section 8. Section 403.1839, Florida Statutes, is created to read:

403.1839  Blue star collection system assessment and maintenance program.—

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

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

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

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

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

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

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

(b) The voluntary implementation of domestic wastewater collection system assessment and maintenance practices beyond those required by law has the potential to further limit
sanitary sewer overflows.

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

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

(4) APPROVAL AND STANDARDS.—

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

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

1. The implementation of periodic collection system and pump station structural condition assessments and the
performance of as-needed maintenance and replacements.

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

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

4. If the applicant is a public utility, a local law or building code requiring the private pump stations and lateral lines connecting to the public system to be free of:
   a. Cracks, holes, missing parts, or similar defects; and
   b. Direct stormwater connections that allow the direct inflow of stormwater into the private system and the public domestic wastewater collection system.

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

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

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

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

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

Section 9. Paragraph (c) of subsection (7) of section 403.067, Florida Statutes, is amended to read:

403.067 Establishment and implementation of total maximum daily loads.—

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

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

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

3. Where interim measures, best management practices, or other measures are adopted by rule, the effectiveness of such practices in achieving the levels of pollution reduction established in allocations developed by the department pursuant to subsection (6) and this subsection or in programs implemented pursuant to paragraph (12)(b) must be verified at representative sites by the department. The department shall use best professional judgment in making the initial verification that the best management practices are reasonably expected to be effective and, where applicable, must notify the appropriate water management district or the Department of Agriculture and Consumer Services of its initial verification before the adoption of a rule proposed pursuant to this paragraph. Implementation, in accordance with rules adopted under this paragraph, of practices that have been initially verified to be effective, or verified to be effective by monitoring at representative sites, by the department, shall provide a presumption of compliance with state water quality standards and
release from the provisions of s. 376.307(5) for those pollutants addressed by the practices, and the department is not authorized to institute proceedings against the owner of the source of pollution to recover costs or damages associated with the contamination of surface water or groundwater caused by those pollutants. Research projects funded by the department, a water management district, or the Department of Agriculture and Consumer Services to develop or demonstrate interim measures or best management practices shall be granted a presumption of compliance with state water quality standards and a release from the provisions of s. 376.307(5). The presumption of compliance and release is limited to the research site and only for those pollutants addressed by the interim measures or best management practices. Eligibility for the presumption of compliance and release is limited to research projects on sites where the owner or operator of the research site and the department, a water management district, or the Department of Agriculture and Consumer Services have entered into a contract or other agreement that, at a minimum, specifies the research objectives, the cost-share responsibilities of the parties, and a schedule that details the beginning and ending dates of the project.

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

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

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

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

Section 10. Subsection (11) is added to section 403.087,
Florida Statutes, to read:

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

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

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

(b) Does not have any pending enforcement action against
it by the United States Environmental Protection Agency, the
department, or a local program; and
(c) If applicable, has submitted annual program
implementation reports demonstrating progress in the
implementation of the program.
Section 11. Subsection (6) of section 403.161, Florida
Statutes, is renumbered as subsection (7), and a new subsection
(6) is added to that section, to read:
403.161 Prohibitions, violation, penalty, intent.—
(6) Notwithstanding any other law, the department may
reduce the amount of a penalty based on the person's investment
in the assessment, maintenance, rehabilitation, or expansion of
the permitted facility.
Section 12. Subsection (2) and paragraphs (a) and (b) of
subsection (3) of section 403.1838, Florida Statutes, are
amended to read:
403.1838 Small Community Sewer Construction Assistance
Act.—
(2) The department shall use funds specifically
appropriated to award grants under this section to assist
financially disadvantaged small communities with their needs for
adequate sewer facilities. The department may use funds
specifically appropriated to award grants under this section to
assist private, nonprofit utilities providing wastewater
services to financially disadvantaged small communities. For
purposes of this section, the term "financially disadvantaged small community" means a county, municipality, or special district that has a population of 10,000 or fewer, according to the latest decennial census, and a per capita annual income less than the state per capita annual income as determined by the United States Department of Commerce. For purposes of this subsection, the term "special district" has the same meaning as provided in s. 189.012 and includes only those special districts whose public purpose includes water and sewer services, utility systems and services, or wastewater systems and services. The department may waive the population requirement for an independent special district that serves fewer than 10,000 wastewater customers, is located within a watershed with an adopted total maximum daily load or basin management action plan for pollutants associated with domestic wastewater pursuant to s. 403.067, and is wholly located within a rural area of opportunity as defined in s. 288.0656.

(3)(a) In accordance with rules adopted by the Environmental Regulation Commission under this section, the department may provide grants, from funds specifically appropriated for this purpose, to financially disadvantaged small communities and to private, nonprofit utilities serving financially disadvantaged small communities for up to 100 percent of the costs of planning, assessing, designing, constructing, upgrading, or replacing wastewater collection,
transmission, treatment, disposal, and reuse facilities, including necessary legal and administrative expenses. Grants issued pursuant to this section may also be used for planning and implementing domestic wastewater collection system assessment programs to identify conditions that may cause sanitary sewer overflows or interruption of service to customers due to a physical condition or defect in the system.

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

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

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

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

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

5. Establish a system to determine the relative priority of grant applications. The system must consider public health
6. Establish requirements for competitive procurement of engineering and construction services, materials, and equipment.

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

Section 13. This act shall take effect upon becoming a law.