A bill to be entitled
An act relating to water quality improvements;
requiring the Department of Health to provide a report
regarding the Onsite Sewage Program to the Governor
and Legislature by a specified date; directing the
Department of Health and the Department of
Environmental Protection to submit recommendations
regarding the transfer of the program to the Governor
and Legislature by a specified date; requiring the
departments to enter into an interagency agreement
that meets certain requirements by a specified date;
transferring the Onsite Sewage Program in the
Department of Health to the Department of
Environmental Protection; providing that certain
employees retain and transfer certain types of leave
upon the transfer; amending s. 373.036, F.S.;
directing water management districts to submit
consolidated annual reports to the Office of Economic
and Demographic Research; requiring such reports to
include connection and conversion projects for onsite
sewage treatment and disposal systems; amending s.
373.4131, F.S.; requiring the Department of
Environmental Protection to include stormwater
structural control inspections as part of its regular
staff training; requiring the department and the water
management districts to adopt rules regarding
stormwater design and operation by a specified date;
requiring the department to evaluate data relating to
self-certification and provide the Legislature with
recommendation amending s. 373.811, F.S.; providing
criteria for calculating lot size within priority
focus areas for Outstanding Florida Springs; amending
s. 381.0065, F.S.; requiring the department to adopt
rules for the location of onsite sewage treatment and
disposal systems and complete such rulemaking by a
specified date; requiring the department to evaluate
certain data relating to the self-certification
process for statewide environmental resource permits
and provide the Legislature with recommendations by a
specified date; providing that certain provisions
relating to existing setback requirements are
applicable to permits only until the adoption of
certain rules by the department; directing the
Department of Health to determine that a hardship
exists for certain onsite sewage treatment and
disposal system variance requests and to allow the use
of specified nutrient removing onsite sewage treatment
and disposal systems to meet water quality protection
and restoration requirements; providing a definition;
conforming provisions to changes made by the act;

CODING: Words **stricken** are deletions; words __underlined__ are additions.
removing provisions requiring certain onsite sewage treatment and disposal system research projects to be approved by a Department of Health technical review and advisory panel; removing provisions prohibiting the award of research projects to certain entities; removing provisions establishing a Department of Health onsite sewage treatment and disposal system research review and advisory committee; amending s. 381.00651, F.S.; directing county health departments to coordinate with the Department of Environmental Protection to administer onsite sewage treatment and disposal system evaluation and assessment programs; conforming provisions to changes made by the act; creating s. 381.00652, F.S.; authorizing the Department of Environmental Protection, in consultation with the Department of Health, to appoint an onsite sewage treatment and disposal systems technical advisory committee; providing for committee purpose, membership, and expiration; requiring the committee to submit its recommendations to the Governor and Legislature; repealing s. 381.0068, F.S., relating to the Department of Health onsite sewage treatment and disposal systems technical review and advisory panel; amending s. 403.061, F.S.; requiring the department to adopt rules relating to the
underground pipes of wastewater collection systems;
requiring the department to adopt rules to require
public utilities or their affiliated companies that
hold or are seeking a wastewater discharge permit to
file certain reports and data with the department;
creating s. 403.0616, F.S.; requiring the department,
subject to legislative appropriation, to establish a
real-time water quality monitoring program;
encouraging the formation of public-private
partnerships; amending s. 403.067, F.S.; requiring
basin management action plans for nutrient total
maximum daily loads to include wastewater treatment
and onsite sewage treatment and disposal system
remediation plans that meet certain requirements;
requiring the Department of Agriculture and Consumer
Services to collect fertilization and nutrient records
from certain agricultural producers and provide the
information to the department annually by a specified
date; requiring the Department of Agriculture and
Consumer Services to perform onsite inspections of the
agricultural producers at specified intervals;
authorizing certain entities to develop research plans
and legislative budget requests relating to best
management practices by a specified date; requiring
the University of Florida Institute of Food and
Agricultural Sciences to submit such plans to the department and the Department of Agriculture and Consumer Services by a specific date; creating s. 403.0671, F.S.; directing the Department of Environmental Protection, in coordination with the county health departments, wastewater treatment facilities, and other governmental entities, to submit a report to the Governor and Legislature by a specified date and to submit certain wastewater project cost estimates to the Office of Economic and Demographic Research; creating s. 403.0673, F.S.; establishing a wastewater grant program within the Department of Environmental Protection; authorizing the department to distribute appropriated funds for certain projects; providing requirements for the distribution; requiring the department to coordinate with each water management district to identify grant recipients; requiring an annual report to the Governor and Legislature by a specified date; creating s. 403.0855, F.S.; providing legislative findings regarding the regulation of biosolids management in this state; requiring the department to adopt rules for biosolids management; providing that such rules are not effective until ratified by the Legislature; amending s. 403.086, F.S.; prohibiting sewage disposal
facilities from disposing waste into the Indian River Lagoon beginning on a specified date without certain advanced waste treatment; directing the Department of Environmental Protection, in consultation with the water management districts and sewage disposal facilities, to submit a report to the Governor and Legislature by a specified date; requiring sewage disposal facilities to have a power outage contingency plan, to take steps to prevent overflows and leaks and ensure that the wastewater reaches the facility for appropriate treatment, and to provide the Department of Environmental Protection with certain information; requiring the department to adopt rules; providing that specified compliance is evidence in mitigation for assessment of certain penalties; amending s. 403.087, F.S.; requiring the department to issue operation permits for certain domestic wastewater treatment facilities under certain circumstances; amending s. 403.088, F.S.; revising the permit conditions for a water pollution operation permit; requiring the department to submit a report identifying all wastewater utilities that experienced sanitary sewer overflows to the Governor and Legislature by a specified date; amending s. 403.0891, F.S.; requiring model stormwater management programs
to contain model ordinances for nutrient reduction practices and green infrastructure; amending s. 403.121, F.S.; providing a civil penalty for failure to conduct certain surveys of wastewater collection systems and to take steps to reduce overflows, pipe leaks, and inflow and infiltration; amending s. 403.885, F.S.; requiring the department to give certain domestic wastewater utilities funding priority within the Water Projects Grant Program; providing a determination and declaration of important state interest; amending ss. 153.54, 153.73, 163.3180, 180.03, 311.105, 327.46, 373.250, 373.414, 373.705, 373.707, 373.709, 373.807, 376.307, 380.0552, 381.006, 381.0061, 381.0064, 403.08601, 403.0871, 403.0872, 403.1835, 403.707, 403.861, 489.551, and 590.02, F.S.; conforming cross-references and provisions to changes made by the act; providing effective dates.

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

Section 1. (1) By July 1, 2020, the Department of Health must provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives detailing the following information regarding the Onsite Sewage Program:
(a) The average number of permits issued each year;
(b) The number of department employees conducting work on
or related to the program each year; and
(c) The program's costs and expenditures, including, but
not limited to, salaries and benefits, equipment costs, and
contracting costs.

(2) By December 31, 2020, the Department of Health and the
Department of Environmental Protection shall submit
recommendations to the Governor, the President of the Senate,
and the Speaker of the House of Representatives regarding the
type two transfer of the Onsite Sewage Program in subsection
(4). The recommendations must address all aspects of the type
two transfer, including the continued role of the county health
departments in the permitting, inspection, and tracking of
onsite sewage treatment and disposal systems under the direction
of the Department of Environmental Protection.

(3) By June 30, 2021, the Department of Health and the
Department of Environmental Protection shall enter into an
interagency agreement based on the recommendations required
under subsection (2) and on recommendations from a plan that
must address all agency cooperation for a period of not less
than 5 years after the transfer, including:
(a) The continued role of the county health departments in
the permitting, inspection, data management, and tracking of
onsite sewage treatment and disposal systems under the direction
of the Department of Environmental Protection.

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

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

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

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

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

Section 2. Paragraphs (a) and (b) of subsection (7) of section 373.036, Florida Statutes, are amended to read:

373.036 Florida water plan; district water management plans.—
(7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.—

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

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

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

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

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

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


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

8. Information on all projects related to water quality or water quantity as part of a 5-year work program, including:
   a. A list of all specific projects identified to implement a basin management action plan, including any projects to connect onsite sewage treatment and disposal systems to central sewerage systems and convert onsite sewage treatment and disposal systems to advanced nutrient removing onsite sewage treatment and disposal systems, or a recovery or prevention strategy;
   b. A priority ranking for each listed project for which state funding through the water resources development work program is requested, which must be made available to the public for comment at least 30 days before submission of the consolidated annual report;
   c. The estimated cost for each listed project;
   d. The estimated completion date for each listed project;
   e. The source and amount of financial assistance to be made available by the department, a water management district,
or other entity for each listed project; and

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

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

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

373.4131 Statewide environmental resource permitting rules.—

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

(6) By January 1, 2021:
(a) The department and the water management districts shall initiate rulemaking to update the stormwater design and operation regulations using the most recent scientific information available; and

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

Section 4. Effective July 1, 2020, paragraph (h) of subsection (4) of section 381.0065, Florida Statutes, is amended, and subsection (7) is added to that section, to read:

381.0065 Onsite sewage treatment and disposal systems; regulation.—(4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not construct, repair, modify, abandon, or operate an onsite sewage treatment and disposal system without first obtaining a permit approved by the department. The department may issue permits to carry out this section, but shall not make the issuance of such permits contingent upon prior approval by the Department of Environmental Protection, except that the issuance of a permit for work seaward of the coastal construction control line established under s. 161.053 shall be contingent upon receipt of any required coastal construction control line permit from the Department of Environmental Protection. A construction
permit is valid for 18 months from the issuance date and may be extended by the department for one 90-day period under rules adopted by the department. A repair permit is valid for 90 days from the date of issuance. An operating permit must be obtained prior to the use of any aerobic treatment unit or if the establishment generates commercial waste. Buildings or establishments that use an aerobic treatment unit or generate commercial waste shall be inspected by the department at least annually to assure compliance with the terms of the operating permit. The operating permit for a commercial wastewater system is valid for 1 year from the date of issuance and must be renewed annually. The operating permit for an aerobic treatment unit is valid for 2 years from the date of issuance and must be renewed every 2 years. If all information pertaining to the siting, location, and installation conditions or repair of an onsite sewage treatment and disposal system remains the same, a construction or repair permit for the onsite sewage treatment and disposal system may be transferred to another person, if the transferee files, within 60 days after the transfer of ownership, an amended application providing all corrected information and proof of ownership of the property. There is no fee associated with the processing of this supplemental information. A person may not contract to construct, modify, alter, repair, service, abandon, or maintain any portion of an onsite sewage treatment and disposal system without being
registered under part III of chapter 489. A property owner who personally performs construction, maintenance, or repairs to a system serving his or her own owner-occupied single-family residence is exempt from registration requirements for performing such construction, maintenance, or repairs on that residence, but is subject to all permitting requirements. A municipality or political subdivision of the state may not issue a building or plumbing permit for any building that requires the use of an onsite sewage treatment and disposal system unless the owner or builder has received a construction permit for such system from the department. A building or structure may not be occupied and a municipality, political subdivision, or any state or federal agency may not authorize occupancy until the department approves the final installation of the onsite sewage treatment and disposal system. A municipality or political subdivision of the state may not approve any change in occupancy or tenancy of a building that uses an onsite sewage treatment and disposal system until the department has reviewed the use of the system with the proposed change, approved the change, and amended the operating permit.

(h)1. The department may grant variances in hardship cases which may be less restrictive than the provisions specified in this section. If a variance is granted and the onsite sewage treatment and disposal system construction permit has been issued, the variance may be transferred with the system.
construction permit, if the transferee files, within 60 days after the transfer of ownership, an amended construction permit application providing all corrected information and proof of ownership of the property and if the same variance would have been required for the new owner of the property as was originally granted to the original applicant for the variance. A

There is no fee is not associated with the processing of this supplemental information. A variance may not be granted under this section until the department is satisfied that:

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

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

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

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

2. The department shall determine that a hardship exists when an applicant for a variance demonstrates that the lot
subject to the variance request is at least 0.85 acres and that
other lots in the immediate proximity average at least 1 acre.
For purposes of this subparagraph, the term "immediate
proximity" means within the same unit or phase of a subdivision
as, adjacent or contiguous to, or across the road from, the lot
subject to the variance request.

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

a. The State Surgeon General or his or her designee.
b. A representative from the county health departments.
c. A representative from the home building industry
recommended by the Florida Home Builders Association.
d. A representative from the septic tank industry
recommended by the Florida Onsite Wastewater Association.
e. A representative from the Department of Environmental
f. A representative from the real estate industry who is also a developer in this state who develops lots using onsite sewage treatment and disposal systems, recommended by the Florida Association of Realtors.

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

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

(7) USE OF NUTRIENT REMOVING ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS.—In addition to allowing the use of other department-approved nutrient removing onsite sewage treatment and disposal systems to meet the requirements of a total maximum daily load or basin management action plan adopted pursuant to s. 403.067, a reasonable assurance plan, or other water quality protection and restoration requirements, the department shall allow the use of American National Standards Institute 245 systems approved by the National Sanitation Foundation International before July 1, 2020.

Section 5. Paragraphs (d) and (e) and (g) through (q) of subsection (2) of section 381.0065, Florida Statutes, are

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redesignated as paragraphs (e) and (g) and (h) through (r), respectively, paragraph (j) of subsection (3) and subsection (4), as amended by this act, are amended, and a new paragraph (d) is added to subsection (2) of that section, to read:

381.0065 Onsite sewage treatment and disposal systems; regulation.—

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

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

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

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

(4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not construct, repair, modify, abandon, or operate an onsite sewage treatment and disposal system without first obtaining a permit approved by the department. The department may issue permits to carry out this section, but may not make the issuance of such permits contingent upon prior approval by the department of Environmental Protection, except that the issuance of a permit for work seaward of the coastal construction control line established under s. 161.053 shall be contingent upon receipt of any required coastal construction control line permit from the department of Environmental Protection. A construction permit is valid for 18 months after the date of issuance and may be extended by the department for one 90-day period under rules adopted by the department. A repair permit is valid for 90 days after the date of issuance. An operating permit...
must be obtained before prior to the use of any aerobic treatment unit or if the establishment generates commercial waste. Buildings or establishments that use an aerobic treatment unit or generate commercial waste shall be inspected by the department at least annually to assure compliance with the terms of the operating permit. The operating permit for a commercial wastewater system is valid for 1 year after from the date of issuance and must be renewed annually. The operating permit for an aerobic treatment unit is valid for 2 years after from the date of issuance and must be renewed every 2 years. If all information pertaining to the siting, location, and installation conditions or repair of an onsite sewage treatment and disposal system remains the same, a construction or repair permit for the onsite sewage treatment and disposal system may be transferred to another person, if the transferee files, within 60 days after the transfer of ownership, an amended application providing all corrected information and proof of ownership of the property. A fee is not associated with the processing of this supplemental information. A person may not contract to construct, modify, alter, repair, service, abandon, or maintain any portion of an onsite sewage treatment and disposal system without being registered under part III of chapter 489. A property owner who personally performs construction, maintenance, or repairs to a system serving his or her own owner-occupied single-family residence is exempt from registration requirements for
performing such construction, maintenance, or repairs on that
residence, but is subject to all permitting requirements. A
municipality or political subdivision of the state may not issue
a building or plumbing permit for any building that requires the
use of an onsite sewage treatment and disposal system unless the
owner or builder has received a construction permit for such
system from the department. A building or structure may not be
occupied and a municipality, political subdivision, or any state
or federal agency may not authorize occupancy until the
department approves the final installation of the onsite sewage
treatment and disposal system. A municipality or political
subdivision of the state may not approve any change in occupancy
or tenancy of a building that uses an onsite sewage treatment
and disposal system until the department has reviewed the use of
the system with the proposed change, approved the change, and
amended the operating permit.

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

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

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

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

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

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

1. Seventy-five feet from a private potable well.
2. Two hundred feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of greater than 2,000 gallons per day.
3. One hundred feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of less than or equal to 2,000 gallons per day.
4. Fifty feet from any nonpotable well.
5. Ten feet from any storm sewer pipe, to the maximum extent possible, but in no instance shall the setback be less than 5 feet.
6. Seventy-five feet from the mean high-water line of a tidally influenced surface water body.
7. Seventy-five feet from the mean annual flood line of a permanent nontidal surface water body.
8. Fifteen feet from the design high-water line of retention areas, detention areas, or swales designed to contain standing or flowing water for less than 72 hours after a rainfall or the design high-water level of normally dry drainage ditches or normally dry individual lot stormwater retention areas.

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

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

1. Any residential lot that was platted and recorded on or
after January 1, 1972, or that is part of a residential
subdivision that was approved by the appropriate permitting
agency on or after January 1, 1972, and that was eligible for an
onsite sewage treatment and disposal system construction permit
on the date of such platting and recording or approval shall be
eligible for an onsite sewage treatment and disposal system
construction permit, regardless of when the application for a
permit is made. If rules in effect at the time the permit
application is filed cannot be met, residential lots platted and
recorded or approved on or after January 1, 1972, shall, to the
maximum extent possible, comply with the rules in effect at the
time the permit application is filed. At a minimum, however,
those residential lots platted and recorded or approved on or
after January 1, 1972, but before January 1, 1983, shall comply
with those rules in effect on January 1, 1983, and those
residential lots platted and recorded or approved on or after
January 1, 1983, shall comply with those rules in effect at the
time of such platting and recording or approval. In determining
the maximum extent of compliance with current rules that is possible, the department shall allow structures and appurtenances thereto which were authorized at the time such lots were platted and recorded or approved.

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

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

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

(h)1. The department may grant variances in hardship cases which may be less restrictive than the provisions specified in this section. If a variance is granted and the onsite sewage treatment and disposal system construction permit has been issued, the variance may be transferred with the system construction permit, if the transferee files, within 60 days after the transfer of ownership, an amended construction permit application providing all corrected information and proof of ownership of the property and if the same variance would have been required for the new owner of the property as was originally granted to the original applicant for the variance. A fee is not associated with the processing of this supplemental...
information. A variance may not be granted under this section until the department is satisfied that:

   a. The hardship was not caused intentionally by the action of the applicant;
   
   b. A reasonable alternative, taking into consideration factors such as cost, does not exist for the treatment of the sewage; and
   
   c. The discharge from the onsite sewage treatment and disposal system will not adversely affect the health of the applicant or the public or significantly degrade the groundwater or surface waters.

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

2. The department shall determine that a hardship exists when an applicant for a variance demonstrates that the lot subject to the variance request is at least 0.85 acres and that other lots in the immediate proximity average at least 1 acre. For purposes of this subparagraph, the term "immediate proximity" means within the same unit or phase of a subdivision as, adjacent or contiguous to, or across the road from, the lot subject to the variance request.

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

a. The Secretary of Environmental Protection or his or her designee.

b. A representative from the county health departments.

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

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

e. A representative from the Department of Environmental Protection.

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

g. A representative from the engineering profession
Members shall be appointed for a term of 3 years, with such appointments being staggered so that the terms of no more than two members expire in any one year. Members shall serve without remuneration, but if requested, shall be reimbursed for per diem and travel expenses as provided in s. 112.061.

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

1. A building located in an area zoned or used for industrial or manufacturing purposes, or its equivalent, when such building is served by an onsite sewage treatment and disposal system, must not be occupied until the owner or tenant has obtained written approval from the department. The

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department \textit{may shall} not grant approval when the proposed use of the system is to dispose of toxic, hazardous, or industrial wastewater or toxic or hazardous chemicals.

2. Each person who owns or operates a business or facility in an area zoned or used for industrial or manufacturing purposes, or its equivalent, or who owns or operates a business that has the potential to generate toxic, hazardous, or industrial wastewater or toxic or hazardous chemicals, and uses an onsite sewage treatment and disposal system that is installed on or after July 5, 1989, must obtain an annual system operating permit from the department. A person who owns or operates a business that uses an onsite sewage treatment and disposal system that was installed and approved before July 5, 1989, \textit{does not need to} \textit{not} obtain a system operating permit. However, upon change of ownership or tenancy, the new owner or operator must notify the department of the change, and the new owner or operator must obtain an annual system operating permit, regardless of the date that the system was installed or approved.

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

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

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

2. A person electing to use an engineer-designed system shall, upon completion of the system design, submit such design, certified by a registered professional engineer, to the
county health department. The county health department may use an outside consultant to review the engineer-designed system, with the actual cost of such review to be borne by the applicant. Within 5 working days after receiving an engineer-designed system permit application, the county health department shall request additional information if the application is not complete. Within 15 working days after receiving a complete application for an engineer-designed system, the county health department shall issue the permit or, if it determines that the system does not comply with the performance criteria, shall notify the applicant of that determination and refer the application to the department for a determination as to whether the system should be approved, disapproved, or approved with modification. The department engineer's determination shall prevail over the action of the county health department. The applicant shall be notified in writing of the department's determination and of the applicant's rights to pursue a variance or seek review under the provisions of chapter 120.

3. The owner of an engineer-designed performance-based system must maintain a current maintenance service agreement with a maintenance entity permitted by the department. The maintenance entity shall inspect each system at least twice each year and shall report quarterly to the department on the number of systems inspected and serviced. The reports may be submitted electronically.
4. The property owner of an owner-occupied, single-family residence may be approved and permitted by the department as a maintenance entity for his or her own performance-based treatment system upon written certification from the system manufacturer's approved representative that the property owner has received training on the proper installation and service of the system. The maintenance service agreement must conspicuously disclose that the property owner has the right to maintain his or her own system and is exempt from contractor registration requirements for performing construction, maintenance, or repairs on the system but is subject to all permitting requirements.

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

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

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

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

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

2. Onsite sewage treatment and disposal systems must cease
discharge by December 31, 2015, or must comply with department
rules and provide the level of treatment which, on a permitted
annual average basis, produces an effluent that contains no more 
than the following concentrations:
   a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
   b. Suspended Solids of 10 mg/l.
   c. Total Nitrogen, expressed as N, of 10 mg/l or a 
      reduction in nitrogen of at least 70 percent. A system that has 
      been tested and certified to reduce nitrogen concentrations by 
      at least 70 percent shall be deemed to be in compliance with 
      this standard.
   d. Total Phosphorus, expressed as P, of 1 mg/l.

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

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

4. In areas scheduled to be served by a central sewage 
   system by December 31, 2015, if the property owner has 
paid a connection fee or assessment for connection to the 
central sewage system, the property owner may install a 
holding tank with a high water alarm or an onsite sewage 
treatment and disposal system that meets the following minimum 
standards:
a. The existing tanks must be pumped and inspected and certified as being watertight and free of defects in accordance with department rule; and
   b. A sand-lined drainfield or injection well in accordance with department rule must be installed.

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

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

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

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

(m) A product sold in the state for use in onsite sewage treatment and disposal systems may not contain any
substance in concentrations or amounts that would interfere with
or prevent the successful operation of such system, or that
would cause discharges from such systems to violate applicable
water quality standards. The department shall publish criteria
for products known or expected to meet the conditions of this
paragraph. If in the event a product does not meet such
criteria, such product may be sold if the manufacturer
satisfactorily demonstrates to the department that the
conditions of this paragraph are met.

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

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

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

2. A representative from the septic tank industry.

3. A representative from the home building industry.

4. A representative from an environmental interest group.

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

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

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

8. A representative from the real estate profession.

9. A representative from the restaurant industry.

10. A consumer.

Members shall be appointed for a term of 3 years, with the appointments being staggered so that the terms of no more than four members expire in any one year. Members shall serve without remuneration, but are entitled to reimbursement for per diem and travel expenses as provided in s. 112.061.
An application for an onsite sewage treatment and disposal system permit shall be completed in full, signed by the owner or the owner's authorized representative, or by a contractor licensed under chapter 489, and shall be accompanied by all required exhibits and fees. Specific documentation of property ownership shall be required as a prerequisite to the review of an application or the issuance of a permit. The issuance of a permit does not constitute determination by the department of property ownership.

The department may not require any form of subdivision analysis of property by an owner, developer, or subdivider before submission of an application for an onsite sewage treatment and disposal system.

Nothing in this section does not limit the power of a municipality or county to enforce other laws for the protection of the public health and safety.

In the siting of onsite sewage treatment and disposal systems, including drainfields, shoulders, and slopes, guttering shall not be required on single-family residential dwelling units for systems located greater than 5 feet from the roof drip line of the house. If guttering is used on residential dwelling units, the downspouts shall be directed away from the drainfield.

Notwithstanding the provisions of subparagraph (g)1., onsite sewage treatment and disposal systems located in

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floodways of the Suwannee and Aucilla Rivers must adhere to the following requirements:

1. The absorption surface of the drainfield may shall not be subject to flooding based on 10-year flood elevations.

Provided, however, for lots or parcels created by the subdivision of land in accordance with applicable local government regulations before prior to January 17, 1990, if an applicant cannot construct a drainfield system with the absorption surface of the drainfield at an elevation equal to or above 10-year flood elevation, the department shall issue a permit for an onsite sewage treatment and disposal system within the 10-year floodplain of rivers, streams, and other bodies of flowing water if all of the following criteria are met:

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

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

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

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

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

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

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

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

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

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

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

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

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

b. The system is not a sanitary nuisance; and

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

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

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abandoned.

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

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

Section 6. Paragraph (d) of subsection (7) and subsections (8) and (9) of section 381.00651, Florida Statutes, are amended to read:

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

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

(d) Assessment procedure.—All evaluation procedures used by a qualified contractor shall be documented in the environmental health database of the department of Health. The qualified contractor shall provide a copy of a written, signed evaluation report to the property owner upon completion of the evaluation and to the county health department within 30 days after the evaluation. The report shall contain the name and license number of the company providing the report. A copy of the evaluation report shall be retained by the local county...
health department for a minimum of 5 years and until a subsequent inspection report is filed. The front cover of the report must identify any system failure and include a clear and conspicuous notice to the owner that the owner has a right to have any remediation of the failure performed by a qualified contractor other than the contractor performing the evaluation. The report must further identify any crack, leak, improper fit, or other defect in the tank, manhole, or lid, and any other damaged or missing component; any sewage or effluent visible on the ground or discharging to a ditch or other surface water body; any downspout, stormwater, or other source of water directed onto or toward the system; and any other maintenance need or condition of the system at the time of the evaluation which, in the opinion of the qualified contractor, would possibly interfere with or restrict any future repair or modification to the existing system. The report shall conclude with an overall assessment of the fundamental operational condition of the system.

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

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

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

(9)(a) A county or municipality that adopts an onsite sewage treatment and disposal system evaluation and assessment
program pursuant to this section shall notify the Secretary of Environmental Protection, the Department of Health, and the applicable county health department upon the adoption of its ordinance establishing the program.

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

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

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

Section 7. Effective July 1, 2020, section 381.00652, Florida Statutes, is created to read:

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

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

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

(b) Consider and recommend regulatory options, such as fast-track approval, prequalification, or expedited permitting, to facilitate the introduction and use of nutrient removing onsite sewage treatment and disposal systems that have been reviewed and approved by a national agency or organization, such as the American National Standards Institute 245 systems approved by the National Sanitation Foundation International.

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

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

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

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

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

(4) By January 1, 2022, the committee shall submit its recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives.
Section 8. Section 381.0068, Florida Statutes, is repealed.

Section 9. Paragraphs (g) of subsection (1) of section 381.0101, Florida Statutes, is amended to read:

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

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

Section 10. Subsections (14) through (44) of section 403.061, Florida Statutes, are renumbered as subsections (15) through (45), respectively, subsection (7) is amended, and a new subsection (14) is added to that section, to read:

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

(7) Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this act. Any rule adopted pursuant to this act must be consistent with the provisions of federal law, if any, relating to control of emissions from motor
vehicles, effluent limitations, pretreatment requirements, or
standards of performance. A county, municipality, or
political subdivision may not adopt or enforce any local
ordinance, special law, or local regulation requiring the
installation of Stage II vapor recovery systems, as currently
defined by department rule, unless such county, municipality, or
political subdivision is or has been in the past designated by
federal regulation as a moderate, serious, or severe ozone
nonattainment area. Rules adopted pursuant to this act may not
require dischargers of waste into waters of the state to
improve natural background conditions. The department shall
adopt rules to reasonably limit, reduce, and eliminate leaks,
seepages, or inputs into the underground pipes of wastewater
collection systems. Discharges from steam electric generating
plants existing or licensed under this chapter on July 1, 1984,
may not be required to be treated to a greater extent than
may be necessary to assure that the quality of nonthermal
components of discharges from nonrecirculated cooling water
systems is as high as the quality of the makeup waters; that the
quality of nonthermal components of discharges from recirculated
cooling water systems is no lower than is allowed for blowdown
from such systems; or that the quality of noncooling system
discharges which receive makeup water from a receiving body of
water which does not meet applicable department water quality
standards is as high as the quality of the receiving body of

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water. The department may not adopt standards more stringent than federal regulations, except as provided in s. 403.804.

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

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

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

403.0616 Real-time water quality monitoring program.—
(1) Subject to appropriation, the department shall establish a real-time water quality monitoring program to assist in the restoration, preservation, and enhancement of impaired
water bodies and coastal resources.

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

Section 12. 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.—

(a) Basin management action plans.—

1. In developing and implementing the total maximum daily load for a water body, the department, or the department in conjunction with a water management district, may develop a basin management action plan that addresses some or all of the watersheds and basins tributary to the water body. Such plan must integrate the appropriate management strategies available to the state through existing water quality protection programs to achieve the total maximum daily loads and may provide for phased implementation of these management strategies to promote timely, cost-effective actions as provided for in s. 403.151. The plan must establish a schedule implementing the management strategies, establish a basis for evaluating the plan's
effectiveness, and identify feasible funding strategies for implementing the plan's management strategies. The management strategies may include regional treatment systems or other public works, when appropriate, and voluntary trading of water quality credits to achieve the needed pollutant load reductions.

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

3. The basin management action planning process is intended to involve the broadest possible range of interested parties, with the objective of encouraging the greatest amount of cooperation and consensus possible. In developing a basin management action plan, the department shall assure that key
stakeholders, including, but not limited to, applicable local
governments, water management districts, the Department of
Agriculture and Consumer Services, other appropriate state
agencies, local soil and water conservation districts,
environmental groups, regulated interests, and affected
pollution sources, are invited to participate in the process.
The department shall hold at least one public meeting in the
vicinity of the watershed or basin to discuss and receive
comments during the planning process and shall otherwise
encourage public participation to the greatest practicable
extent. Notice of the public meeting must be published in a
newspaper of general circulation in each county in which the
watershed or basin lies at least not less than 5 days, but not
more than 15 days, before the public meeting. A basin
management action plan does not supplant or otherwise alter any
assessment made under subsection (3) or subsection (4) or any
calculation or initial allocation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) Identify onsite sewage treatment and disposal systems
that would be eliminated through connection to existing or
future central wastewater infrastructure, that would be replaced
with or upgraded to enhanced nutrient removing systems, or that
would remain on conventional onsite sewage treatment and disposal systems;

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

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

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

10. When identifying wastewater projects in a basin management action plan, the department may not require the higher cost option if it achieves the same nutrient load reduction as a lower cost option. A regulated entity may choose a different cost option if it provides additional benefits or meets other water quality or water supply requirements.

(b) Total maximum daily load implementation.—

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

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

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

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

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

e. Public works including capital facilities; or

f. Land acquisition.

2. For a basin management action plan adopted pursuant to paragraph (a), any management strategies and pollutant reduction requirements associated with a pollutant of concern for which a total maximum daily load has been developed, including effluent limits set forth for a discharger subject to NPDES permitting, if any, must be included in a timely manner in subsequent NPDES permits or permit modifications for that discharger. The department may not impose limits or conditions implementing an adopted total maximum daily load in an NPDES permit until the
permit expires, the discharge is modified, or the permit is reopened pursuant to an adopted basin management action plan.
   a. Absent a detailed allocation, total maximum daily loads must be implemented through NPDES permit conditions that provide for a compliance schedule. In such instances, a facility's NPDES permit must allow time for the issuance of an order adopting the basin management action plan. The time allowed for the issuance of an order adopting the plan may not exceed 5 years. Upon issuance of an order adopting the plan, the permit must be reopened or renewed, as necessary, and permit conditions consistent with the plan must be established. Notwithstanding the other provisions of this subparagraph, upon request by an NPDES permittee, the department as part of a permit issuance, renewal, or modification may establish individual allocations before the adoption of a basin management action plan.
   b. For holders of NPDES municipal separate storm sewer system permits and other stormwater sources, implementation of a total maximum daily load or basin management action plan must be achieved, to the maximum extent practicable, through the use of best management practices or other management measures.
   c. The basin management action plan does not relieve the discharger from any requirement to obtain, renew, or modify an NPDES permit or to abide by other requirements of the permit.
   d. Management strategies set forth in a basin management action plan to be implemented by a discharger subject to
permitting by the department must be completed pursuant to the schedule set forth in the basin management action plan. This implementation schedule may extend beyond the 5-year term of an NPDES permit.

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

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

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

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

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

(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. When 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, when where applicable, shall 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. When 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. If the reevaluation determines 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. Subject to the provisions of subparagraph 6., the Department of Agriculture and Consumer Services shall provide to the department information obtained pursuant to subparagraph (d)3.

6. Agricultural records relating to processes or methods of production, and costs of production, profits, or other financial information held by the Department of Agriculture and Consumer Services pursuant to subparagraphs 3.-5. 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.

7. 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.

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

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

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

2. No later than January 1, 2017:
   a. The department, in consultation with the water management districts and the Department of Agriculture and Consumer Services, shall initiate rulemaking to adopt procedures to verify implementation of water quality monitoring required in lieu of implementation of best management practices or other measures pursuant to sub-subparagraph (b)2.g.;
   b. The department, in consultation with the water management districts and the Department of Agriculture and Consumer Services, shall initiate rulemaking to adopt procedures to verify implementation of nonagricultural interim measures, best management practices, or other measures adopted by rule pursuant to subparagraph (c)1.; and
   c. The Department of Agriculture and Consumer Services, in consultation with the water management districts and the department, shall initiate rulemaking to adopt procedures to verify implementation of agricultural interim measures, best management practices, or other measures adopted by rule pursuant...
to subparagraph (c)2.

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

3. At least every 2 years, the Department of Agriculture and Consumer Services shall perform onsite inspections of each agricultural producer that enrolls in a best management practice to ensure that such practice is being properly implemented. Such verification must include a review of the best management practice documentation required by rules adopted pursuant to subparagraph (c)2., including, but not limited to, nitrogen and phosphorus fertilizer application records, which must be collected and retained pursuant to subparagraph (c)5.

(e) Data collection and research.—

1. The University of Florida Institute of Food and Agricultural Sciences, in cooperation with the Department of Agriculture and Consumer Services, shall develop research plans and legislative budget requests to:

   a. Evaluate and suggest enhancements to the existing adopted agricultural best management practices to reduce nutrients;
   
   b. Develop new best management practices that, if proven
effective, the Department of Agriculture and Consumer Services may adopt by rule pursuant to paragraph (c)2.; and

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

2. To be considered for funding, the University of Florida Institute of Food and Agricultural Sciences must submit such plans to the department and the Department of Agriculture and Consumer Services by August 1 of each year.

Section 13. Effective July 1, 2020, section 403.0671, Florida Statutes, is created to read:

403.0671 Basin management action plan wastewater reports.—

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

(a) Projects to:

1. Replace onsite sewage treatment and disposal systems with enhanced nutrient removing onsite sewage treatment and disposal systems.
2. Install or retrofit onsite sewage treatment and disposal systems with enhanced nutrient removing technologies.
3. Construct, upgrade, or expand domestic wastewater treatment facilities to meet the wastewater treatment plan required under s. 403.067(7)(a)9.
4. Connect onsite sewage treatment and disposal systems to domestic wastewater treatment facilities;

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

(c) The estimated implementation timeline for each project;

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

(e) The projected costs of installing enhanced nutrient removing onsite sewage treatment and disposal systems on buildable lots in priority focus areas to comply with s.
(2) By July 1, 2021, the department shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives that provides an assessment of the water quality monitoring being conducted for each basin management action plan implementing a nutrient total maximum daily load. In developing the report, the department may coordinate with water management districts and any applicable university. The report must:

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

(b) Identify gaps in water quality monitoring.

(c) Recommend water quality monitoring needs.

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

Section 14. Section 403.0673, Florida Statutes, is created to read:

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

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

(a) Projects to retrofit onsite sewage treatment and disposal systems to upgrade such systems to enhanced nutrient removing onsite sewage treatment and disposal systems.

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

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

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

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

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

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

Section 15. Section 403.0855, Florida Statutes, is created to read:

403.0855 Biosolids management.—The Legislature finds that it is in the best interest of this state to regulate biosolids management in order to minimize the migration of nutrients that impair water bodies. The Legislature further finds that permitting according to site-specific application conditions, an increased inspection rate, groundwater and surface water monitoring protocols, and nutrient management research, will improve biosolids management and assist in protecting this state's water resources and water quality. The department shall adopt rules for biosolids management. Rules adopted by the
department pursuant to this section may not take effect until
ratified by the Legislature.

Section 16. Subsections (7) through (10) of section
403.086, Florida Statutes, are renumbered as subsections (8)
through (11), respectively, subsections (1) and (2), and
paragraph (h) of subsection (9) are amended, and a new
subsection (7) is added to that section, to read:

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

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

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

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

(d) By July 1, 2020, the department, in consultation with
the water management districts and sewage disposal facilities,
shall submit to the Governor, the President of the Senate, and
the Speaker of the House of Representatives a progress report on
the status of upgrades made by each facility to meet the
advanced waste treatment requirements under paragraph (c). The
report must include a list of sewage disposal facilities
required to upgrade to advanced waste treatment, the preliminary
cost estimates for the upgrades, and a projected timeline of the
dates by which the upgrades will begin and be completed and the
date by which operations of the upgraded facility will begin.

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

(7) All sewage disposal facilities under subsection (2) which control a collection or transmission system of pipes and pumps to collect and transmit wastewater from domestic or industrial sources to the facility shall take steps to prevent sanitary sewer overflows or underground pipe leaks and ensure that collected wastewater reaches the facility for appropriate treatment. Facilities must use inflow and infiltration studies and leakage surveys to develop pipe assessment, repair, and replacement action plans that comply with department rule to limit, reduce, and eliminate leaks, seepages, or inputs into wastewater treatment systems' underground pipes. The pipe assessment, repair, and replacement action plans must be reported to the department. The facility report must include information regarding the annual expenditures dedicated to the inflow and infiltration studies and the required replacement action plans, as well as expenditures that are dedicated to pipe assessment, repair, and replacement. The department shall adopt rules regarding the implementation of inflow and infiltration studies and leakage surveys. Substantial compliance with this
subsection is evidence in mitigation for the purposes of assessing penalties pursuant to ss. 403.121 and 403.141.

Section 17. Subsections (4) through (10) of section 403.087, Florida Statutes, are renumbered as subsections (5) through (11), respectively, and a new subsection (4) is added to that section to read:

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

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

Section 18. Subsections (3) and (4) of section 403.088, Florida Statutes, are renumbered as subsections (4) and (5), respectively, paragraph (c) of subsection (2) is amended, and a new subsection (3) is added to that section, to read:

> 403.088 Water pollution operation permits; conditions.—

> (2)

> (c) A permit shall:

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

> 2. Require proper operation and maintenance of any pollution abatement facility by qualified personnel in
accordance with standards established by the department;
3. Require a deliberate, proactive approach to investigating or surveying a significant percentage of the wastewater collection system throughout the duration of the permit to determine pipe integrity, which must be accomplished in an economically feasible manner. The permittee shall submit an annual report to the department which details facility revenues and expenditures in a manner prescribed by department rule. The report must detail any deviation from annual expenditures related to inflow and infiltration studies; model plans for pipe assessment, repair, and replacement; and pipe assessment, repair, and replacement required under s. 403.086(7). Substantial compliance with this subsection is evidence in mitigation for the purposes of assessing penalties pursuant to ss. 403.121 and 403.141;
4. Contain such additional conditions, requirements, and restrictions as the department deems necessary to preserve and protect the quality of the receiving waters;
5. Be valid for the period of time specified therein; and
6. Constitute the state National Pollutant Discharge Elimination System permit when issued pursuant to the authority in s. 403.0885.
(3) No later than March 1 of each year, the department shall submit a report to the Governor, the President of the
Senate, and the Speaker of the House of Representatives which identifies all wastewater treatment facilities that experienced a sanitary sewer overflow in the preceding calendar year. The report must identify the utility name, operator, number of overflows, and total quantity of discharge released. The department shall include with this report the annual report specified under s. 403.088(2)(c)3. for each utility that experienced an overflow.

Section 19. Subsection (6) of section 403.0891, Florida Statutes, is amended to read:

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

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

Section 20. Paragraph (b) of subsection (3) of section 403.121, Florida Statutes, is amended to read:

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

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

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

Section 21. Subsection (3) is added to section 403.885,
Florida Statutes, to read:

403.885 Water Projects Grant Program.—

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

Section 22. The Legislature determines and declares that this act fulfills an important state interest.

Section 23. Subsection (5) of section 153.54, Florida Statutes, is amended to read:

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

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

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

Section 24. Paragraph (c) of subsection (2) of section
153.73, Florida Statutes, is amended to read:

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

(2)

c) For the construction of a new proposed central sewerage system or the extension of an existing central sewerage system that was not previously approved, the report shall include a study that includes the available information from the Department of Environmental Protection Health on the history of onsite sewage treatment and disposal systems currently in use in the area and a comparison of the projected costs to the owner of a typical lot or parcel of connecting to and using the proposed central sewerage system versus installing, operating, and properly maintaining an onsite sewage treatment and disposal system that is approved by the Department of Environmental Protection Health and that provides for the comparable level of environmental and health protection as the proposed central sewerage system; consideration of the local authority's obligations or reasonably anticipated obligations for water body cleanup and protection under state or federal programs, including requirements for water bodies listed under s. 303(d)
Section 25. Subsection (2) of section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.—
(2) Consistent with public health and safety, sanitary sewer, solid waste, drainage, adequate water supplies, and potable water facilities shall be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent. Before Prior to approval of a building permit or its functional equivalent, the local government shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent. A local government may meet the concurrency requirement for sanitary sewer through the use of onsite sewage treatment and disposal systems approved by the Department of Environmental Protection Health to serve new development.

Section 26. Subsection (3) of section 180.03, Florida Statutes, is amended to read:

180.03 Resolution or ordinance proposing construction or extension of utility; objections to same.—
(3) For the construction of a new proposed central sewerage system or the extension of an existing central sewerage system that was not previously approved, the report shall include a study that includes the available information from the Department of Environmental Protection Health on the history of onsite sewage treatment and disposal systems currently in use in the area and a comparison of the projected costs to the owner of a typical lot or parcel of connecting to and using the proposed central sewerage system versus installing, operating, and properly maintaining an onsite sewage treatment and disposal system that is approved by the Department of Environmental Protection Health and that provides for the comparable level of environmental and health protection as the proposed central sewerage system; consideration of the local authority's obligations or reasonably anticipated obligations for water body cleanup and protection under state or federal programs, including requirements for water bodies listed under s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.; and other factors deemed relevant by the local authority. The results of the such a study shall be included in the resolution or ordinance required under subsection (1).

Section 32. Subsections (2), (3), and (6) of section 311.105, Florida Statutes, are amended to read:

311.105 Florida Seaport Environmental Management Committee; permitting; mitigation.
(2) Each application for a permit authorized pursuant to s. 403.061(38) must include:

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

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

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

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

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

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

(a) A description of dredging and dredged-material management and other related activities associated with port development, including the expansion of navigation channels, dredged-material management sites, port harbors, turning basins, harbor berths, and associated facilities.
(b) A discussion of environmental mitigation as is proposed for dredging and dredged-material management for port development, including the expansion of navigation channels, dredged-material management sites, port harbors, turning basins, harbor berths, and associated facilities.

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

Section 27. Paragraph (d) of subsection (1) of section 327.46, Florida Statutes, is amended to read:

327.46 Boating-restricted areas.—

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

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

Section 28. Paragraph (d) of subsection (3) of section 373.250, Florida Statutes, is amended to read:

373.250  Reuse of reclaimed water.—

(3)  
(d)  The South Florida Water Management District shall require the use of reclaimed water made available by the elimination of wastewater ocean outfall discharges as provided for in s. 403.086(10) s. 403.086(9) in lieu of surface water or groundwater when the use of reclaimed water is available; is environmentally, economically, and technically feasible; and is of such quality and reliability as is necessary to the user.
Such reclaimed water may also be required in lieu of other alternative sources. In determining whether to require such reclaimed water in lieu of other alternative sources, the water management district shall consider existing infrastructure investments in place or obligated to be constructed by an executed contract or similar binding agreement as of July 1, 2011, for the development of other alternative sources.

Section 29. Subsection (9) of section 373.414, Florida Statutes, is amended to read:

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

(9) The department and the governing boards, on or before July 1, 1994, shall adopt rules to incorporate the provisions of this section, relying primarily on the existing rules of the department and the water management districts, into the rules governing the management and storage of surface waters. Such rules shall seek to achieve a statewide, coordinated and consistent permitting approach to activities regulated under this part. Variations in permitting criteria in the rules of individual water management districts or the department shall only be provided to address differing physical or natural characteristics. Such rules adopted pursuant to this subsection shall include the special criteria adopted pursuant to s. 403.061(30), s. 403.061(29), and may include the special criteria adopted pursuant to s. 403.061(35), s. 403.061(34). Such rules
shall include a provision requiring that a notice of intent to
deny or a permit denial based upon this section shall contain an
explanation of the reasons for such denial and an explanation,
in general terms, of what changes, if any, are necessary to
address such reasons for denial. Such rules may establish
exemptions and general permits, if such exemptions and general
permits do not allow significant adverse impacts to occur
individually or cumulatively. Such rules may require submission
of proof of financial responsibility which may include the
posting of a bond or other form of surety prior to the
commencement of construction to provide reasonable assurance
that any activity permitted pursuant to this section, including
any mitigation for such permitted activity, will be completed in
accordance with the terms and conditions of the permit once the
construction is commenced. Until rules adopted pursuant to this
subsection become effective, existing rules adopted under this
part and rules adopted pursuant to the authority of ss. 403.91-
403.929 shall be deemed authorized under this part and shall
remain in full force and effect. Neither the department nor the
governing boards are limited or prohibited from amending any
such rules.

Section 30. Paragraph (f) of subsection (8) of section
373.707, Florida Statutes, is amended to read:
373.707 Alternative water supply development.—
(8)
(f) The governing boards shall determine those projects that will be selected for financial assistance. The governing boards may establish factors to determine project funding; however, significant weight shall be given to the following factors:

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

2. Whether the project reduces competition for water supplies.

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

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

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

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

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

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

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

Section 31. Paragraph (b) of subsection (4) of section 373.705, Florida Statutes, is amended to read:

373.705 Water resource development; water supply development.—

(4)

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

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

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

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

Section 32. Subsection (4) of section 373.709, Florida Statutes, is amended to read:
373.709 Regional water supply planning.—

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

Section 33. Subsection (3) of section 373.807, Florida Statutes, is amended to read:

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

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

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

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

In addition to the requirements in s. 403.067, the plan shall include options for repair, upgrade, replacement, drainfield modification, addition of effective nitrogen reducing features, connection to a central sewerage system, or other action for an onsite sewage treatment and disposal system or group of systems within a priority focus area that contribute at least 20 percent of nonpoint source nitrogen pollution or if the department determines remediation is necessary to achieve a total maximum daily load. For these systems, the department shall include in the plan a priority ranking for each system or group of systems that requires remediation and shall award funds to implement the remediation projects contingent on an appropriation in the
General Appropriations Act, which may include all or part of the costs necessary for repair, upgrade, replacement, drainfield modification, addition of effective nitrogen reducing features, initial connection to a central sewerage system, or other action. In awarding funds, the department may consider expected nutrient reduction benefit per unit cost, size and scope of project, relative local financial contribution to the project, and the financial impact on property owners and the community. The department may waive matching funding requirements for proposed projects within an area designated as a rural area of opportunity under s. 288.0656.

Section 34. Paragraph (k) of subsection (1) of section 376.307, Florida Statutes, is amended to read:

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

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

Section 35. Paragraph (i) of subsection (2), paragraph (b) of subsection (4), paragraph (j) of subsection (7), and
paragraph (a) of subsection (9) of section 380.0552, Florida Statutes, are amended to read:

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

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

(i) Protect and improve the nearshore water quality of the Florida Keys through federal, state, and local funding of water quality improvement projects, including the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(4)(l) and 403.086(11), as applicable.

(4) REMOVAL OF DESIGNATION.—

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

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

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

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

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

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

(9) MODIFICATION TO PLANS AND REGULATIONS.—

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

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

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

Section 36. Section 381.006, Florida Statutes, is amended to read:

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

(1) A drinking water function.

(2) An environmental health surveillance function which shall collect, compile, and correlate information on public health and exposure to hazardous substances through sampling and testing of water, air, or foods. Environmental health surveillance shall include a comprehensive assessment of drinking water under the department's supervision and an indoor air quality testing and monitoring program to assess health risks from exposure to chemical, physical, and biological agents.
in the indoor environment.

(3) A toxicology and hazard assessment function which shall conduct toxicological and human health risk assessments of exposure to toxic agents, for the purposes of:

(a) Supporting determinations by the State Health Officer of safe levels of contaminants in water, air, or food if applicable standards or criteria have not been adopted. These determinations shall include issuance of health advisories to protect the health and safety of the public at risk from exposure to toxic agents.

(b) Provision of human toxicological health risk assessments to the public and other governmental agencies to characterize the risks to the public from exposure to contaminants in air, water, or food.

(c) Consultation and technical assistance to the Department of Environmental Protection and other governmental agencies on actions necessary to ameliorate exposure to toxic agents, including the emergency provision by the Department of Environmental Protection of drinking water in cases of drinking water contamination that present an imminent and substantial threat to the public's health, as required by s. 376.30(3)(c)1.a.

(d) Monitoring and reporting the body burden of toxic agents to estimate past exposure to these toxic agents, predict future health effects, and decrease the incidence of poisoning.
by identifying and eliminating exposure.

(4) A sanitary nuisance function, as that term is defined in chapter 386.

(5) A migrant labor function.

(6) A public facilities function, including sanitary practices relating to state, county, municipal, and private institutions serving the public; jointly with the Department of Education, publicly and privately owned schools; all places used for the incarceration of prisoners and inmates of state institutions for the mentally ill; toilets and washrooms in all public places and places of employment; any other condition, place, or establishment necessary for the control of disease or the protection and safety of public health.

(7) An onsite sewage treatment and disposal function.

(7) (8) A biohazardous waste control function.

(8) (9) A function to control diseases transmitted from animals to humans, including the segregation, quarantine, and destruction of domestic pets and wild animals having or suspected of having such diseases.

(9) (10) An environmental epidemiology function which shall investigate food-borne disease, waterborne disease, and other diseases of environmental causation, whether of chemical, radiological, or microbiological origin. A $10 surcharge for this function shall be assessed upon all persons permitted under chapter 500. This function shall include an educational program.
for physicians and health professionals designed to promote surveillance and reporting of environmental diseases, and to further the dissemination of knowledge about the relationship between toxic substances and human health which will be useful in the formulation of public policy and will be a source of information for the public.

(10) Mosquito and pest control functions as provided in chapters 388 and 482.

(11) A radiation control function as provided in chapter 404 and part IV of chapter 468.

(12) A public swimming and bathing facilities function as provided in chapter 514.

(13) A mobile home park, lodging park, recreational vehicle park, and recreational camp function as provided in chapter 513.

(14) A sanitary facilities function, which shall include minimum standards for the maintenance and sanitation of sanitary facilities; public access to sanitary facilities; and fixture ratios for special or temporary events and for homeless shelters.

(15) A group-care-facilities function. As used in this subsection, the term "group care facility" means any public or private school, assisted living facility, adult family-care home, adult day care center, short-term residential treatment center, residential treatment facility, home for special
services, transitional living facility, crisis stabilization unit, hospice, prescribed pediatric extended care center, intermediate care facility for persons with developmental disabilities, or boarding school. The department may adopt rules necessary to protect the health and safety of residents, staff, and patrons of group care facilities. Rules related to public and private schools shall be developed by the Department of Education in consultation with the department. Rules adopted under this subsection may include definitions of terms; provisions relating to operation and maintenance of facilities, buildings, grounds, equipment, furnishings, and occupant-space requirements; lighting; heating, cooling, and ventilation; food service; water supply and plumbing; sewage; sanitary facilities; insect and rodent control; garbage; safety; personnel health, hygiene, and work practices; and other matters the department finds are appropriate or necessary to protect the safety and health of the residents, staff, students, faculty, or patrons. The department may not adopt rules that conflict with rules adopted by the licensing or certifying agency. The department may enter and inspect at reasonable hours to determine compliance with applicable statutes or rules. In addition to any sanctions that the department may impose for violations of rules adopted under this section, the department shall also report such violations to any agency responsible for licensing or certifying the group care facility. The licensing or certifying
agency may also impose any sanction based solely on the findings of the department.

(16) (17) A function for investigating elevated levels of lead in blood. Each participating county health department may expend funds for federally mandated certification or recertification fees related to conducting investigations of elevated levels of lead in blood.

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

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

Section 37. Subsection (1) of section 381.0061, Florida Statutes, is amended to read:

381.0061 Administrative fines.—

(1) In addition to any administrative action authorized by chapter 120 or by other law, the department may impose a fine, which shall not exceed $500 for each violation, for a violation of s. 381.006(15), s. 381.006(16), s. 381.0065, s. 381.0066, s. 381.0067, s. 381.0068, s. 381.0069, s.
381.0072, or part III of chapter 489, for a violation of any rule adopted under this chapter, or for a violation of any of the provisions of chapter 386. Notice of intent to impose such fine shall be given by the department to the alleged violator. Each day that a violation continues may constitute a separate violation.

Section 38. Subsection (1) of section 381.0064, Florida Statutes, is amended to read:

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

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

Section 39. Section 403.08601, Florida Statutes, is amended to read:

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

Section 40. Section 403.0871, Florida Statutes, is amended
to read:

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

Section 41. Paragraph (a) of subsection (11) of section
403.0872, Florida Statutes, is amended to read:

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

(11) Each major source of air pollution permitted to operate in this state must pay between January 15 and April 1 of each year, upon written notice from the department, an annual operation license fee in an amount determined by department rule. The annual operation license fee shall be terminated immediately in the event the United States Environmental Protection Agency imposes annual fees solely to implement and administer the major source air-operation permit program in Florida under 40 C.F.R. s. 70.10(d).
(a) The annual fee must be assessed based upon the source's previous year's emissions and must be calculated by multiplying the applicable annual operation license fee factor times the tons of each regulated air pollutant actually emitted, as calculated in accordance with the department's emissions computation and reporting rules. The annual fee shall only apply to those regulated pollutants, except carbon monoxide and greenhouse gases, for which an allowable numeric emission limiting standard is specified in the source's most recent construction or operation permit; provided, however, that:

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

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

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

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

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

Section 42. Paragraph (b) of subsection (7) of section
403.1835, Florida Statutes, is amended to read:

403.1835 Water pollution control financial assistance.—
(7) Eligible projects must be given priority according to the extent each project is intended to remove, mitigate, or prevent adverse effects on surface or ground water quality and public health. The relative costs of achieving environmental and public health benefits must be taken into consideration during the department's assignment of project priorities. The department shall adopt a priority system by rule. In developing the priority system, the department shall give priority to projects that:

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

43. Paragraph (d) of subsection (3) of section 403.707, Florida Statutes, is amended to read:

403.707 Permits.—

(3)

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

44. Subsections (8) and (21) of section 403.861,
Florida Statutes, are amended to read:

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

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

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

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

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

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

Section 45. Effective July 1, 2021, subsection (1) of section 489.551, Florida Statutes, is amended to read:

489.551 Definitions.—As used in this part:

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

Section 46. Paragraph (b) of subsection (10) of section 590.02, Florida Statutes, is amended to read:

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

(10)

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

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

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

Section 47. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2021.