



594336

576-03905-20

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Criminal and Civil Justice)

A bill to be entitled

An act relating to environmental enforcement; amending s. 161.054, F.S.; revising administrative penalties for violations of certain provisions relating to beach and shore construction and activities; making technical changes; amending ss. 258.397, 258.46, and 376.25, F.S.; revising civil penalties for violations of certain provisions relating to the Biscayne Bay Aquatic Preserve, aquatic preserves, and the Clean Ocean Act, respectively; providing that each day that certain violations occur constitutes a separate offense; making technical changes; amending ss. 373.129, 373.209, 376.065, 376.071, 376.16, 377.37, 378.211, 403.086, 403.413, 403.7234, and 403.93345, F.S.; revising civil penalties for violations of certain provisions relating to water resources, artesian wells, terminal facilities, discharge contingency plans for vessels, the Pollutant Discharge Prevention and Control Act, regulation of oil and gas resources, the Phosphate Land Reclamation Act, sewage disposal facilities, dumping litter, small quantity generators, and coral reef protection, respectively; making technical changes; amending ss. 373.430 and 403.161, F.S.; revising criminal penalties for violations of certain provisions relating to pollution and the environment; making technical changes; amending s. 403.121, F.S.; revising civil and



594336

576-03905-20

28 administrative penalties for violations of certain
29 provisions relating to pollution and the environment;
30 providing that each day that certain violations occur
31 constitutes a separate offense; increasing the amount
32 of penalties that can be assessed administratively;
33 making technical changes; amending s. 403.141, F.S.;
34 revising civil penalties for violations of certain
35 provisions relating to pollution and the environment;
36 providing that each day that the cause of unauthorized
37 discharges of domestic wastewater is not addressed
38 constitutes a separate offense until the violation is
39 resolved by order or judgment; amending ss. 403.726
40 and 403.727, F.S.; revising civil penalties for
41 violations of certain provisions relating to hazardous
42 waste; making technical changes; creating ss. 125.569
43 and 166.0481, F.S.; defining the term "sanitary sewer
44 lateral"; encouraging counties and municipalities,
45 respectively, to establish a sanitary sewer lateral
46 inspection program by a specified date; providing
47 parameters for such a program; creating s. 689.301,
48 F.S.; requiring a seller of real property to disclose
49 any known defects in the property's sanitary sewer
50 lateral; defining the term "sanitary sewer lateral";
51 reenacting s. 823.11(5), F.S., to incorporate the
52 amendment made to s. 376.16, F.S., in a reference
53 thereto; reenacting ss. 403.077(5), 403.131(2),
54 403.4154(3)(d), and 403.860(5), F.S., to incorporate
55 the amendment made to s. 403.121, F.S., in references
56 thereto; reenacting ss. 403.708(10), 403.7191(7), and



594336

576-03905-20

57 403.811, F.S., to incorporate the amendment made to s.
58 403.141, F.S., in references thereto; reenacting s.
59 403.7255(2), F.S., to incorporate the amendment made
60 to s. 403.161, F.S., in a reference thereto;
61 reenacting s. 403.7186(8), F.S., to incorporate the
62 amendments made to ss. 403.141 and 403.161, F.S., in
63 references thereto; providing an effective date.
64

65 Be It Enacted by the Legislature of the State of Florida:
66

67 Section 1. Subsection (1) of section 161.054, Florida
68 Statutes, is amended to read:

69 161.054 Administrative fines; liability for damage; liens.—

70 (1) In addition to the penalties provided for in ss.
71 161.052, 161.053, and 161.121, any person, firm, corporation, or
72 governmental agency, or agent thereof, refusing to comply with
73 or willfully violating ~~any of the provisions of~~ s. 161.041, s.
74 161.052, or s. 161.053, or any rule or order prescribed by the
75 department thereunder, shall incur a fine for each offense in an
76 amount up to \$15,000 ~~\$10,000~~ to be fixed, imposed, and collected
77 by the department. Each day during any portion of which such
78 violation occurs constitutes a separate offense.

79 Section 2. Subsection (7) of section 258.397, Florida
80 Statutes, is amended to read:

81 258.397 Biscayne Bay Aquatic Preserve.—

82 (7) ENFORCEMENT. ~~The provisions of~~ This section may be
83 enforced in accordance with ~~the provisions of~~ s. 403.412. In
84 addition, the Department of Legal Affairs may ~~is authorized to~~
85 bring an action for civil penalties of \$7,500 ~~\$5,000~~ per day



594336

576-03905-20

86 against any person, natural or corporate, who violates ~~the~~
87 ~~provisions of~~ this section or any rule or regulation issued
88 hereunder. Each day during any portion of which such violation
89 occurs constitutes a separate offense. Enforcement of applicable
90 state regulations shall be supplemented by the Miami-Dade County
91 Department of Environmental Resources Management through the
92 creation of a full-time enforcement presence along the Miami
93 River.

94 Section 3. Section 258.46, Florida Statutes, is amended to
95 read:

96 258.46 Enforcement; violations; penalty. ~~The provisions of~~
97 This act may be enforced by the Board of Trustees of the
98 Internal Improvement Trust Fund or in accordance with ~~the~~
99 ~~provisions of~~ s. 403.412. However, any violation by any person,
100 natural or corporate, of ~~the provisions of~~ this act or any rule
101 or regulation issued hereunder is shall be further punishable by
102 a civil penalty of not less than \$750 ~~\$500~~ per day or more than
103 \$7,500 ~~\$5,000~~ per day of such violation. Each day during any
104 portion of which such violation occurs constitutes a separate
105 offense.

106 Section 4. Subsections (5) and (7) of section 373.129,
107 Florida Statutes, are amended to read:

108 373.129 Maintenance of actions.—The department, the
109 governing board of any water management district, any local
110 board, or a local government to which authority has been
111 delegated pursuant to s. 373.103(8), is authorized to commence
112 and maintain proper and necessary actions and proceedings in any
113 court of competent jurisdiction for any of the following
114 purposes:



594336

576-03905-20

115 (5) To recover a civil penalty for each offense in an
116 amount not to exceed \$15,000 ~~\$10,000~~ per offense. Each date
117 during which such violation occurs constitutes a separate
118 offense.

119 (a) A civil penalty recovered by a water management
120 district pursuant to this subsection shall be retained and used
121 exclusively by the water management district that collected the
122 money. A civil penalty recovered by the department pursuant to
123 this subsection must be deposited into the Water Quality
124 Assurance Trust Fund established under s. 376.307.

125 (b) A local government that is delegated authority pursuant
126 to s. 373.103(8) may deposit a civil penalty recovered pursuant
127 to this subsection into a local water pollution control program
128 trust fund, notwithstanding ~~the provisions of~~ paragraph (a).
129 However, civil penalties that are deposited in a local water
130 pollution control program trust fund and that are recovered for
131 violations of state water quality standards may be used only to
132 restore water quality in the area that was the subject of the
133 action, and civil penalties that are deposited in a local water
134 pollution control program trust fund and that are recovered for
135 violation of requirements relating to water quantity may be used
136 only to purchase lands and make capital improvements associated
137 with surface water management, or other purposes consistent with
138 the requirements of this chapter for the management and storage
139 of surface water.

140 (7) To ~~enforce the provisions of~~ part IV of this chapter in
141 the same manner and to the same extent as provided in ss.
142 373.430, 403.121(1) and (2), 403.131, 403.141, and 403.161.

143 Section 5. Subsection (3) of section 373.209, Florida



594336

576-03905-20

144 Statutes, is amended to read:

145 373.209 Artesian wells; penalties for violation.—

146 (3) Any person who violates ~~any provision of~~ this section
147 is ~~shall be~~ subject to either:

148 (a) The remedial measures provided for in s. 373.436; or

149 (b) A civil penalty of \$150 ~~\$100~~ a day for each and every
150 day of such violation and for each and every act of violation.

151 The civil penalty may be recovered by the water management board
152 of the water management district in which the well is located or
153 by the department in a suit in a court of competent jurisdiction
154 in the county where the defendant resides, in the county of
155 residence of any defendant if there is more than one defendant,
156 or in the county where the violation took place. The place of
157 suit shall be selected by the board or department, and the suit,
158 by direction of the board or department, shall be instituted and
159 conducted in the name of the board or department by appropriate
160 counsel. The payment of any such damages does not impair or
161 abridge any cause of action which any person may have against
162 the person violating ~~any provision of~~ this section.

163 Section 6. Subsections (2) through (5) of section 373.430,
164 Florida Statutes, are amended to read:

165 373.430 Prohibitions, violation, penalty, intent.—

166 (2) A person who ~~Whoever~~ commits a violation specified in
167 subsection (1) is liable for any damage caused and for civil
168 penalties as provided in s. 373.129.

169 (3) A ~~Any~~ person who willfully commits a violation
170 specified in paragraph (1)(a) commits ~~is guilty of~~ a felony of
171 the third degree, punishable as provided in ss. 775.082(3)(e)
172 and 775.083(1)(g), by a fine of not more than \$50,000 or by



594336

576-03905-20

173 imprisonment for 5 years, or by both, for each offense. Each day
174 during any portion of which such violation occurs constitutes a
175 separate offense.

176 (4) A ~~Any~~ person who commits a violation specified in
177 paragraph (1) (a) or paragraph (1) (b) due to reckless
178 indifference or gross careless disregard commits ~~is guilty of~~ a
179 misdemeanor of the second degree, punishable as provided in ss.
180 775.082(4) (b) and 775.083(1) (g), by a fine of not more than
181 \$10,000 ~~\$5,000~~ or 60 days in jail, or by both, for each offense.

182 (5) A ~~Any~~ person who willfully commits a violation
183 specified in paragraph (1) (b) or who commits a violation
184 specified in paragraph (1) (c) commits ~~is guilty of~~ a misdemeanor
185 of the first degree, punishable as provided in ss. 775.082(4) (a)
186 and 775.083(1) (g), by a fine of not more than \$10,000 or by 6
187 months in jail, or by both, for each offense.

188 Section 7. Paragraphs (a) and (e) of subsection (5) of
189 section 376.065, Florida Statutes, are amended to read:

190 376.065 Operation of terminal facility without discharge
191 prevention and response certificate prohibited; penalty.-

192 (5) (a) A person who violates this section or the terms and
193 requirements of such certification commits a noncriminal
194 infraction. The civil penalty for any such infraction shall be
195 \$750 ~~\$500~~, except as otherwise provided in this section.

196 (e) A person who elects to appear before the county court
197 or who is required to so appear waives the limitations of the
198 civil penalty specified in paragraph (a). The court, after a
199 hearing, shall make a determination as to whether an infraction
200 has been committed. If the commission of the infraction is
201 proved, the court shall impose a civil penalty of \$750 ~~\$500~~.



594336

576-03905-20

202 Section 8. Paragraphs (a) and (e) of subsection (2) of
203 section 376.071, Florida Statutes, are amended to read:

204 376.071 Discharge contingency plan for vessels.-

205 (2) (a) A master of a vessel that violates subsection (1)
206 commits a noncriminal infraction and shall be cited for such
207 infraction. The civil penalty for such an infraction shall be
208 \$7,500 ~~\$5,000~~, except as otherwise provided in this subsection.

209 (e) A person who elects to appear before the county court
210 or who is required to appear waives the limitations of the civil
211 penalty specified in paragraph (a). The court, after a hearing,
212 shall make a determination as to whether an infraction has been
213 committed. If the commission of the infraction is proved, the
214 court shall impose a civil penalty of \$7,500 ~~\$5,000~~.

215 Section 9. Section 376.16, Florida Statutes, is amended to
216 read:

217 376.16 Enforcement and penalties.-

218 (1) It is unlawful for any person to violate ~~any provision~~
219 ~~of~~ ss. 376.011-376.21 or any rule or order of the department
220 made pursuant to this act. A violation is shall be punishable by
221 a civil penalty of up to \$75,000 ~~\$50,000~~ per violation per day
222 to be assessed by the department. Each day during any portion of
223 which the violation occurs constitutes a separate offense. The
224 penalty provisions of this subsection do shall not apply to any
225 discharge promptly reported and removed by a person responsible,
226 in accordance with the rules and orders of the department, or to
227 any discharge of pollutants equal to or less than 5 gallons.

228 (2) In addition to the penalty provisions which may apply
229 under subsection (1), a person responsible for two or more
230 discharges of any pollutant reported pursuant to s. 376.12



594336

576-03905-20

231 within a 12-month period at the same facility commits a
232 noncriminal infraction and shall be cited by the department for
233 such infraction.

234 (a) For discharges of gasoline or diesel over 5 gallons,
235 the civil penalty for the second discharge shall be \$750 ~~\$500~~
236 and the civil penalty for each subsequent discharge within a 12-
237 month period shall be \$1,500 ~~\$1,000~~, except as otherwise
238 provided in this section.

239 (b) For discharges of any pollutant other than gasoline or
240 diesel, the civil penalty for a second discharge shall be \$3,750
241 ~~\$2,500~~ and the civil penalty for each subsequent discharge
242 within a 12-month period shall be \$7,500 ~~\$5,000~~, except as
243 otherwise provided in this section.

244 (3) A person responsible for two or more discharges of any
245 pollutant reported pursuant to s. 376.12 within a 12-month
246 period at the same facility commits a noncriminal infraction and
247 shall be cited by the department for such infraction.

248 (a) For discharges of gasoline or diesel equal to or less
249 than 5 gallons, the civil penalty shall be \$75 ~~\$50~~ for each
250 discharge subsequent to the first.

251 (b) For discharges of pollutants other than gasoline or
252 diesel equal to or less than 5 gallons, the civil penalty shall
253 be \$150 ~~\$100~~ for each discharge subsequent to the first.

254 (4) A person charged with a noncriminal infraction pursuant
255 to subsection (2) or subsection (3) may:

256 (a) Pay the civil penalty;

257 (b) Post a bond equal to the amount of the applicable civil
258 penalty; or

259 (c) Sign and accept a citation indicating a promise to



594336

576-03905-20

260 appear before the county court.

261

262 The department employee authorized to issue these citations may
263 indicate on the citation the time and location of the scheduled
264 hearing and shall indicate the applicable civil penalty.

265 (5) Any person who willfully refuses to post bond or accept
266 and sign a citation commits a misdemeanor of the second degree,
267 punishable as provided in s. 775.082 or s. 775.083.

268 (6) After compliance with paragraph (4) (b) or paragraph
269 (4) (c), any person charged with a noncriminal infraction under
270 subsection (2) or subsection (3) may:

271 (a) Pay the civil penalty, either by mail or in person,
272 within 30 days after the date of receiving the citation; or

273 (b) If the person has posted bond, forfeit the bond by not
274 appearing at the designated time and location.

275

276 A person cited for an infraction under this section who pays the
277 civil penalty or forfeits the bond has admitted the infraction
278 and waives the right to a hearing on the issue of commission of
279 the infraction. Such admission may not be used as evidence in
280 any other proceeding.

281 (7) Any person who elects to appear before the county court
282 or who is required to appear waives the limitations of the civil
283 penalties specified in subsection (2). The court, after a
284 hearing, shall make a determination as to whether an infraction
285 has been committed. If the commission of an infraction is
286 proved, the court may impose a civil penalty up to, but not
287 exceeding, \$750 ~~\$500~~ for the second discharge of gasoline or
288 diesel and a civil penalty up to, but not exceeding, \$1,500



594336

576-03905-20

289 ~~\$1,000~~ for each subsequent discharge of gasoline or diesel
290 within a 12-month period.

291 (8) Any person who elects to appear before the county court
292 or who is required to appear waives the limitations of the civil
293 penalties specified in subsection (2) or subsection (3). The
294 court, after a hearing, shall make a determination as to whether
295 an infraction has been committed. If the commission of an
296 infraction is proved, the court may impose a civil penalty up
297 to, but not exceeding, \$7,500 ~~\$5,000~~ for the second discharge of
298 pollutants other than gasoline or diesel and a civil penalty up
299 to, but not exceeding, \$15,000 ~~\$10,000~~ for each subsequent
300 discharge of pollutants other than gasoline or diesel within a
301 12-month period.

302 (9) At a hearing under this section, the commission of a
303 charged offense must be proved by the greater weight of the
304 evidence.

305 (10) A person who is found by a hearing official to have
306 committed an infraction may appeal that finding to the circuit
307 court.

308 (11) Any person who has not posted bond and who neither
309 pays the applicable civil penalty, as specified in subsection
310 (2) or subsection (3) within 30 days of receipt of the citation
311 nor appears before the court commits a misdemeanor of the second
312 degree, punishable as provided in s. 775.082 or s. 775.083.

313 (12) Any person who makes or causes to be made a false
314 statement that ~~which~~ the person does not believe to be true in
315 response to requirements of ~~the provisions of~~ ss. 376.011-376.21
316 commits a felony of the second degree, punishable as provided in
317 s. 775.082, s. 775.083, or s. 775.084.



594336

576-03905-20

318 Section 10. Paragraph (a) of subsection (6) of section
319 376.25, Florida Statutes, is amended to read:

320 376.25 Gambling vessels; registration; required and
321 prohibited releases.—

322 (6) PENALTIES.—

323 (a) A person who violates this section is subject to a
324 civil penalty of not more than \$75,000 ~~\$50,000~~ for each
325 violation. Each day during any portion of which such violation
326 occurs constitutes a separate offense.

327 Section 11. Paragraph (a) of subsection (1) of section
328 377.37, Florida Statutes, is amended to read:

329 377.37 Penalties.—

330 (1) (a) Any person who violates ~~any provision of~~ this law or
331 any rule, regulation, or order of the division made under this
332 chapter or who violates the terms of any permit to drill for or
333 produce oil, gas, or other petroleum products referred to in s.
334 377.242(1) or to store gas in a natural gas storage facility, or
335 any lessee, permitholder, or operator of equipment or facilities
336 used in the exploration for, drilling for, or production of oil,
337 gas, or other petroleum products, or storage of gas in a natural
338 gas storage facility, who refuses inspection by the division as
339 provided in this chapter, is liable to the state for any damage
340 caused to the air, waters, or property, including animal, plant,
341 or aquatic life, of the state and for reasonable costs and
342 expenses of the state in tracing the source of the discharge, in
343 controlling and abating the source and the pollutants, and in
344 restoring the air, waters, and property, including animal,
345 plant, and aquatic life, of the state. Furthermore, such person,
346 lessee, permitholder, or operator is subject to the judicial



594336

576-03905-20

347 imposition of a civil penalty in an amount of not more than
348 \$15,000 ~~\$10,000~~ for each offense. However, the court may receive
349 evidence in mitigation. Each day during any portion of which
350 such violation occurs constitutes a separate offense. This
351 section does not ~~Nothing herein shall~~ give the department the
352 right to bring an action on behalf of any private person.

353 Section 12. Subsection (2) of section 378.211, Florida
354 Statutes, is amended to read:

355 378.211 Violations; damages; penalties.—

356 (2) The department may institute a civil action in a court
357 of competent jurisdiction to impose and recover a civil penalty
358 for violation of this part or of any rule adopted or order
359 issued pursuant to this part. The penalty may ~~shall~~ not exceed
360 the following amounts, and the court shall consider evidence in
361 mitigation:

362 (a) For violations of a minor or technical nature, \$150
363 ~~\$100~~ per violation.

364 (b) For major violations by an operator on which a penalty
365 has not been imposed under this paragraph during the previous 5
366 years, \$1,500 ~~\$1,000~~ per violation.

367 (c) For major violations not covered by paragraph (b),
368 \$7,500 ~~\$5,000~~ per violation.

369
370 Subject to ~~the provisions of~~ subsection (4), each day or any
371 portion thereof in which the violation continues shall
372 constitute a separate violation.

373 Section 13. Subsection (2) of section 403.086, Florida
374 Statutes, is amended to read:

375 403.086 Sewage disposal facilities; advanced and secondary



594336

576-03905-20

376 waste treatment.-

377 (2) Any facilities for sanitary sewage disposal shall
378 provide for secondary waste treatment and, in addition thereto,
379 advanced waste treatment as deemed necessary and ordered by the
380 Department of Environmental Protection. Failure to conform shall
381 be punishable by a civil penalty of \$750 ~~\$500~~ for each 24-hour
382 day or fraction thereof that such failure is allowed to continue
383 thereafter.

384 Section 14. Section 403.121, Florida Statutes, is amended
385 to read:

386 403.121 Enforcement; procedure; remedies.-The department
387 shall have the following judicial and administrative remedies
388 available to it for violations of this chapter, as specified in
389 s. 403.161(1).

390 (1) Judicial remedies:

391 (a) The department may institute a civil action in a court
392 of competent jurisdiction to establish liability and to recover
393 damages for any injury to the air, waters, or property,
394 including animal, plant, and aquatic life, of the state caused
395 by any violation.

396 (b) The department may institute a civil action in a court
397 of competent jurisdiction to impose and to recover a civil
398 penalty for each violation in an amount of not more than \$15,000
399 ~~\$10,000~~ per offense. However, the court may receive evidence in
400 mitigation. Each day during any portion of which such violation
401 occurs constitutes a separate offense.

402 (c) Except as provided in paragraph (2)(c), it is ~~shall~~ not
403 ~~be~~ a defense to, or ground for dismissal of, these judicial
404 remedies for damages and civil penalties that the department has



594336

576-03905-20

405 failed to exhaust its administrative remedies, has failed to
406 serve a notice of violation, or has failed to hold an
407 administrative hearing prior to the institution of a civil
408 action.

409 (2) Administrative remedies:

410 (a) The department may institute an administrative
411 proceeding to establish liability and to recover damages for any
412 injury to the air, waters, or property, including animal, plant,
413 or aquatic life, of the state caused by any violation. The
414 department may order that the violator pay a specified sum as
415 damages to the state. Judgment for the amount of damages
416 determined by the department may be entered in any court having
417 jurisdiction thereof and may be enforced as any other judgment.

418 (b) If the department has reason to believe a violation has
419 occurred, it may institute an administrative proceeding to order
420 the prevention, abatement, or control of the conditions creating
421 the violation or other appropriate corrective action. Except for
422 violations involving hazardous wastes, asbestos, or underground
423 injection, the department shall proceed administratively in all
424 cases in which the department seeks administrative penalties
425 that do not exceed \$50,000 ~~\$10,000~~ per assessment as calculated
426 in accordance with subsections (3), (4), (5), (6), and (7).
427 Pursuant to 42 U.S.C. s. 300g-2, the administrative penalty
428 assessed pursuant to subsection (3), subsection (4), or
429 subsection (5) against a public water system serving a
430 population of more than 10,000 shall be not less than \$1,000 per
431 day per violation. The department may ~~shall~~ not impose
432 administrative penalties in excess of \$50,000 ~~\$10,000~~ in a
433 notice of violation. The department may ~~shall~~ not have more than



594336

576-03905-20

434 one notice of violation seeking administrative penalties pending
435 against the same party at the same time unless the violations
436 occurred at a different site or the violations were discovered
437 by the department subsequent to the filing of a previous notice
438 of violation.

439 (c) An administrative proceeding shall be instituted by the
440 department's serving of a written notice of violation upon the
441 alleged violator by certified mail. If the department is unable
442 to effect service by certified mail, the notice of violation may
443 be hand delivered or personally served in accordance with
444 chapter 48. The notice shall specify the ~~provision of the law,~~
445 rule, regulation, permit, certification, or order of the
446 department alleged to be violated and the facts alleged to
447 constitute a violation thereof. An order for corrective action,
448 penalty assessment, or damages may be included with the notice.
449 When the department is seeking to impose an administrative
450 penalty for any violation by issuing a notice of violation, any
451 corrective action needed to correct the violation or damages
452 caused by the violation must be pursued in the notice of
453 violation or they are waived. However, an ~~no~~ order is not ~~shall~~
454 ~~become~~ effective until after service and an administrative
455 hearing, if requested within 20 days after service. Failure to
456 request an administrative hearing within this time period
457 constitutes ~~shall constitute~~ a waiver thereof, unless the
458 respondent files a written notice with the department within
459 this time period opting out of the administrative process
460 initiated by the department to impose administrative penalties.
461 Any respondent choosing to opt out of the administrative process
462 initiated by the department in an action that seeks the



594336

576-03905-20

463 imposition of administrative penalties must file a written
464 notice with the department within 20 days after service of the
465 notice of violation opting out of the administrative process. A
466 respondent's decision to opt out of the administrative process
467 does not preclude the department from initiating a state court
468 action seeking injunctive relief, damages, and the judicial
469 imposition of civil penalties.

470 (d) If a person timely files a petition challenging a
471 notice of violation, that person will thereafter be referred to
472 as the respondent. The hearing requested by the respondent shall
473 be held within 180 days after the department has referred the
474 initial petition to the Division of Administrative Hearings
475 unless the parties agree to a later date. The department has the
476 burden of proving with the preponderance of the evidence that
477 the respondent is responsible for the violation. ~~No~~
478 Administrative penalties should not be imposed unless the
479 department satisfies that burden. Following the close of the
480 hearing, the administrative law judge shall issue a final order
481 on all matters, including the imposition of an administrative
482 penalty. When the department seeks to enforce that portion of a
483 final order imposing administrative penalties pursuant to s.
484 120.69, the respondent may ~~shall~~ not assert as a defense the
485 inappropriateness of the administrative remedy. The department
486 retains its final-order authority in all administrative actions
487 that do not request the imposition of administrative penalties.

488 (e) After filing a petition requesting a formal hearing in
489 response to a notice of violation in which the department
490 imposes an administrative penalty, a respondent may request that
491 a private mediator be appointed to mediate the dispute by



594336

576-03905-20

492 contacting the Florida Conflict Resolution Consortium within 10
493 days after receipt of the initial order from the administrative
494 law judge. The Florida Conflict Resolution Consortium shall pay
495 all of the costs of the mediator and for up to 8 hours of the
496 mediator's time per case at \$150 per hour. Upon notice from the
497 respondent, the Florida Conflict Resolution Consortium shall
498 provide to the respondent a panel of possible mediators from the
499 area in which the hearing on the petition would be heard. The
500 respondent shall select the mediator and notify the Florida
501 Conflict Resolution Consortium of the selection within 15 days
502 of receipt of the proposed panel of mediators. The Florida
503 Conflict Resolution Consortium shall provide all of the
504 administrative support for the mediation process. The mediation
505 must be completed at least 15 days before the final hearing date
506 set by the administrative law judge.

507 (f) In any administrative proceeding brought by the
508 department, the prevailing party shall recover all costs as
509 provided in ss. 57.041 and 57.071. The costs must be included in
510 the final order. The respondent is the prevailing party when an
511 order is entered awarding no penalties to the department and
512 such order has not been reversed on appeal or the time for
513 seeking judicial review has expired. The respondent is ~~shall be~~
514 entitled to an award of attorney's fees if the administrative
515 law judge determines that the notice of violation issued by the
516 department seeking the imposition of administrative penalties
517 was not substantially justified as defined in s. 57.111(3)(e).
518 An ~~No~~ award of attorney's fees as provided by this subsection
519 may not ~~shall~~ exceed \$15,000.

520 (g) Nothing herein shall be construed as preventing any



594336

576-03905-20

521 other legal or administrative action in accordance with law.
522 Nothing in this subsection shall limit the department's
523 authority provided in ss. 403.131, 403.141, and this section to
524 judicially pursue injunctive relief. When the department
525 exercises its authority to judicially pursue injunctive relief,
526 penalties in any amount up to the statutory maximum sought by
527 the department must be pursued as part of the state court action
528 and not by initiating a separate administrative proceeding. The
529 department retains the authority to judicially pursue penalties
530 in excess of \$50,000 ~~\$10,000~~ for violations not specifically
531 included in the administrative penalty schedule, or for multiple
532 or multiday violations alleged to exceed a total of \$50,000
533 ~~\$10,000~~. The department also retains the authority provided in
534 ss. 403.131, 403.141, and this section to judicially pursue
535 injunctive relief and damages, if a notice of violation seeking
536 the imposition of administrative penalties has not been issued.
537 The department has the authority to enter into a settlement,
538 either before or after initiating a notice of violation, and the
539 settlement may include a penalty amount different from the
540 administrative penalty schedule. Any case filed in state court
541 because it is alleged to exceed a total of \$50,000 ~~\$10,000~~ in
542 penalties may be settled in the court action for less than
543 \$50,000 ~~\$10,000~~.

544 (h) Chapter 120 applies ~~shall apply~~ to any administrative
545 action taken by the department or any delegated program pursuing
546 administrative penalties in accordance with this section.

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



594336

576-03905-20

550 (a) For a drinking water contamination violation, the
551 department shall assess a penalty of \$3,000 ~~\$2,000~~ for a Maximum
552 Containment Level (MCL) violation; plus \$1,500 ~~\$1,000~~ if the
553 violation is for a primary inorganic, organic, or radiological
554 Maximum Contaminant Level or it is a fecal coliform bacteria
555 violation; plus \$1,500 ~~\$1,000~~ if the violation occurs at a
556 community water system; and plus \$1,500 ~~\$1,000~~ if any Maximum
557 Contaminant Level is exceeded by more than 100 percent. For
558 failure to obtain a clearance letter prior to placing a drinking
559 water system into service when the system would not have been
560 eligible for clearance, the department shall assess a penalty of
561 \$4,500 ~~\$3,000~~.

562 (b) For failure to obtain a required wastewater permit,
563 other than a permit required for surface water discharge, the
564 department shall assess a penalty of \$1,500 ~~\$1,000~~. For a
565 domestic or industrial wastewater violation not involving a
566 surface water or groundwater quality violation, the department
567 shall assess a penalty of \$3,000 ~~\$2,000~~ for an unpermitted or
568 unauthorized discharge or effluent-limitation exceedance. For an
569 unpermitted or unauthorized discharge or effluent-limitation
570 exceedance that resulted in a surface water or groundwater
571 quality violation, the department shall assess a penalty of
572 \$7,500 ~~\$5,000~~. Each day the cause of an unauthorized discharge
573 of domestic wastewater is not addressed constitutes a separate
574 offense.

575 (c) For a dredge and fill or stormwater violation, the
576 department shall assess a penalty of \$1,500 ~~\$1,000~~ for
577 unpermitted or unauthorized dredging or filling or unauthorized
578 construction of a stormwater management system against the



594336

576-03905-20

579 person or persons responsible for the illegal dredging or
580 filling, or unauthorized construction of a stormwater management
581 system plus \$3,000 ~~\$2,000~~ if the dredging or filling occurs in
582 an aquatic preserve, an Outstanding Florida Water, a
583 conservation easement, or a Class I or Class II surface water,
584 plus \$1,500 ~~\$1,000~~ if the area dredged or filled is greater than
585 one-quarter acre but less than or equal to one-half acre, and
586 plus \$1,500 ~~\$1,000~~ if the area dredged or filled is greater than
587 one-half acre but less than or equal to one acre. The
588 administrative penalty schedule does ~~shall~~ not apply to a dredge
589 and fill violation if the area dredged or filled exceeds one
590 acre. The department retains the authority to seek the judicial
591 imposition of civil penalties for all dredge and fill violations
592 involving more than one acre. The department shall assess a
593 penalty of \$4,500 ~~\$3,000~~ for the failure to complete required
594 mitigation, failure to record a required conservation easement,
595 or for a water quality violation resulting from dredging or
596 filling activities, stormwater construction activities or
597 failure of a stormwater treatment facility. For stormwater
598 management systems serving less than 5 acres, the department
599 shall assess a penalty of \$3,000 ~~\$2,000~~ for the failure to
600 properly or timely construct a stormwater management system. In
601 addition to the penalties authorized in this subsection, the
602 department shall assess a penalty of \$7,500 ~~\$5,000~~ per violation
603 against the contractor or agent of the owner or tenant that
604 conducts unpermitted or unauthorized dredging or filling. For
605 purposes of this paragraph, the preparation or signing of a
606 permit application by a person currently licensed under chapter
607 471 to practice as a professional engineer does ~~shall~~ not make



594336

576-03905-20

608 that person an agent of the owner or tenant.

609 (d) For mangrove trimming or alteration violations, the
610 department shall assess a penalty of \$7,500 ~~\$5,000~~ per violation
611 against the contractor or agent of the owner or tenant that
612 conducts mangrove trimming or alteration without a permit as
613 required by s. 403.9328. For purposes of this paragraph, the
614 preparation or signing of a permit application by a person
615 currently licensed under chapter 471 to practice as a
616 professional engineer does ~~shall~~ not make that person an agent
617 of the owner or tenant.

618 (e) For solid waste violations, the department shall assess
619 a penalty of \$3,000 ~~\$2,000~~ for the unpermitted or unauthorized
620 disposal or storage of solid waste; plus \$1,000 if the solid
621 waste is Class I or Class III (excluding yard trash) or if the
622 solid waste is construction and demolition debris in excess of
623 20 cubic yards, plus \$1,500 ~~\$1,000~~ if the waste is disposed of
624 or stored in any natural or artificial body of water or within
625 500 feet of a potable water well, plus \$1,500 ~~\$1,000~~ if the
626 waste contains PCB at a concentration of 50 parts per million or
627 greater; untreated biomedical waste; friable asbestos greater
628 than 1 cubic meter which is not wetted, bagged, and covered;
629 used oil greater than 25 gallons; or 10 or more lead acid
630 batteries. The department shall assess a penalty of \$4,500
631 ~~\$3,000~~ for failure to properly maintain leachate control;
632 unauthorized burning; failure to have a trained spotter on duty
633 at the working face when accepting waste; or failure to provide
634 access control for three consecutive inspections. The department
635 shall assess a penalty of \$3,000 ~~\$2,000~~ for failure to construct
636 or maintain a required stormwater management system.



594336

576-03905-20

637 (f) For an air emission violation, the department shall
638 assess a penalty of \$1,500 ~~\$1,000~~ for an unpermitted or
639 unauthorized air emission or an air-emission-permit exceedance,
640 ~~plus \$1,000 if the emission results in an air quality violation,~~
641 plus \$4,500 ~~\$3,000~~ if the emission was from a major source and
642 the source was major for the pollutant in violation; plus \$1,500
643 ~~\$1,000~~ if the emission was more than 150 percent of the
644 allowable level.

645 (g) For storage tank system and petroleum contamination
646 violations, the department shall assess a penalty of \$7,500
647 ~~\$5,000~~ for failure to empty a damaged storage system as
648 necessary to ensure that a release does not occur until repairs
649 to the storage system are completed; when a release has occurred
650 from that storage tank system; for failure to timely recover
651 free product; or for failure to conduct remediation or
652 monitoring activities until a no-further-action or site-
653 rehabilitation completion order has been issued. The department
654 shall assess a penalty of \$4,500 ~~\$3,000~~ for failure to timely
655 upgrade a storage tank system. The department shall assess a
656 penalty of \$3,000 ~~\$2,000~~ for failure to conduct or maintain
657 required release detection; failure to timely investigate a
658 suspected release from a storage system; depositing motor fuel
659 into an unregistered storage tank system; failure to timely
660 assess or remediate petroleum contamination; or failure to
661 properly install a storage tank system. The department shall
662 assess a penalty of \$1,500 ~~\$1,000~~ for failure to properly
663 operate, maintain, or close a storage tank system.

664 (4) In an administrative proceeding, in addition to the
665 penalties that may be assessed under subsection (3), the



594336

576-03905-20

666 department shall assess administrative penalties according to
667 the following schedule:

668 (a) For failure to satisfy financial responsibility
669 requirements or for violation of s. 377.371(1), \$7,500 ~~\$5,000~~.

670 (b) For failure to install, maintain, or use a required
671 pollution control system or device, \$6,000 ~~\$4,000~~.

672 (c) For failure to obtain a required permit before
673 construction or modification, \$4,500 ~~\$3,000~~.

674 (d) For failure to conduct required monitoring or testing;
675 failure to conduct required release detection; or failure to
676 construct in compliance with a permit, \$3,000 ~~\$2,000~~.

677 (e) For failure to maintain required staff to respond to
678 emergencies; failure to conduct required training; failure to
679 prepare, maintain, or update required contingency plans; failure
680 to adequately respond to emergencies to bring an emergency
681 situation under control; or failure to submit required
682 notification to the department, \$1,500 ~~\$1,000~~.

683 (f) Except as provided in subsection (2) with respect to
684 public water systems serving a population of more than 10,000,
685 for failure to prepare, submit, maintain, or use required
686 reports or other required documentation, \$750 ~~\$500~~.

687 (5) Except as provided in subsection (2) with respect to
688 public water systems serving a population of more than 10,000,
689 for failure to comply with any other departmental regulatory
690 statute or rule requirement not otherwise identified in this
691 section, the department may assess a penalty of \$1,000 ~~\$500~~.

692 (6) For each additional day during which a violation
693 occurs, the administrative penalties in subsections ~~subsection~~
694 (3), ~~subsection~~ (4), and ~~subsection~~ (5) may be assessed per day



594336

576-03905-20

695 per violation.

696 (7) The history of noncompliance of the violator for any
697 previous violation resulting in an executed consent order, but
698 not including a consent order entered into without a finding of
699 violation, or resulting in a final order or judgment after the
700 effective date of this law involving the imposition of \$3,000
701 ~~\$2,000~~ or more in penalties shall be taken into consideration in
702 the following manner:

703 (a) One previous such violation within 5 years prior to the
704 filing of the notice of violation will result in a 25-percent
705 per day increase in the scheduled administrative penalty.

706 (b) Two previous such violations within 5 years prior to
707 the filing of the notice of violation will result in a 50-
708 percent per day increase in the scheduled administrative
709 penalty.

710 (c) Three or more previous such violations within 5 years
711 prior to the filing of the notice of violation will result in a
712 100-percent per day increase in the scheduled administrative
713 penalty.

714 (8) The direct economic benefit gained by the violator from
715 the violation, where consideration of economic benefit is
716 provided by Florida law or required by federal law as part of a
717 federally delegated or approved program, shall be added to the
718 scheduled administrative penalty. The total administrative
719 penalty, including any economic benefit added to the scheduled
720 administrative penalty, may ~~shall~~ not exceed \$15,000 ~~\$10,000~~.

721 (9) The administrative penalties assessed for any
722 particular violation may ~~shall~~ not exceed \$7,500 ~~\$5,000~~ against
723 any one violator, unless the violator has a history of



594336

576-03905-20

724 noncompliance, the economic benefit of the violation as
725 described in subsection (8) exceeds \$7,500 ~~\$5,000~~, or there are
726 multiday violations. The total administrative penalties may
727 ~~shall~~ not exceed \$50,000 ~~\$10,000~~ per assessment for all
728 violations attributable to a specific person in the notice of
729 violation.

730 (10) The administrative law judge may receive evidence in
731 mitigation. The penalties identified in subsections ~~subsection~~
732 (3), ~~subsection~~ (4), and ~~subsection~~ (5) may be reduced up to 50
733 percent by the administrative law judge for mitigating
734 circumstances, including good faith efforts to comply prior to
735 or after discovery of the violations by the department. Upon an
736 affirmative finding that the violation was caused by
737 circumstances beyond the reasonable control of the respondent
738 and could not have been prevented by respondent's due diligence,
739 the administrative law judge may further reduce the penalty.

740 (11) Penalties collected pursuant to this section shall be
741 deposited into the Water Quality Assurance Trust Fund or other
742 trust fund designated by statute and shall be used to fund the
743 restoration of ecosystems, or polluted areas of the state, as
744 defined by the department, to their condition before pollution
745 occurred. The Florida Conflict Resolution Consortium may use a
746 portion of the fund to administer the mediation process provided
747 in paragraph (2) (e) and to contract with private mediators for
748 administrative penalty cases.

749 (12) The purpose of the administrative penalty schedule and
750 process is to provide a more predictable and efficient manner
751 for individuals and businesses to resolve relatively minor
752 environmental disputes. Subsections (3)-(7) may ~~Subsection (3),~~



594336

576-03905-20

753 ~~subsection (4), subsection (5), subsection (6), or subsection~~
754 ~~(7) shall~~ not be construed as limiting a state court in the
755 assessment of damages. The administrative penalty schedule does
756 not apply to the judicial imposition of civil penalties in state
757 court as provided in this section.

758 Section 15. Subsection (1) of section 403.141, Florida
759 Statutes, is amended to read:

760 403.141 Civil liability; joint and several liability.—

761 (1) A person who ~~Whoever~~ commits a violation specified in
762 s. 403.161(1) is liable to the state for any damage caused to
763 the air, waters, or property, including animal, plant, or
764 aquatic life, of the state and for reasonable costs and expenses
765 of the state in tracing the source of the discharge, in
766 controlling and abating the source and the pollutants, and in
767 restoring the air, waters, and property, including animal,
768 plant, and aquatic life, of the state to their former condition,
769 and furthermore is subject to the judicial imposition of a civil
770 penalty for each offense in an amount of not more than \$15,000
771 ~~\$10,000~~ per offense. However, the court may receive evidence in
772 mitigation. Each day during any portion of which such violation
773 occurs constitutes a separate offense. If a violation is an
774 unauthorized discharge of domestic wastewater, each day the
775 cause of the violation is not addressed constitutes a separate
776 offense until the violation is resolved by order or judgment.
777 Nothing herein gives ~~shall give~~ the department the right to
778 bring an action on behalf of any private person.

779 Section 16. Subsections (2) through (5) of section 403.161,
780 Florida Statutes, are amended to read:

781 403.161 Prohibitions, violation, penalty, intent.—



594336

576-03905-20

782 (2) A person who ~~Whoever~~ commits a violation specified in
783 subsection (1) is liable to the state for any damage caused and
784 for civil penalties as provided in s. 403.141.

785 (3) A Any person who willfully commits a violation
786 specified in paragraph (1)(a) commits ~~is guilty of~~ a felony of
787 the third degree, punishable as provided in ss. 775.082(3)(e)
788 and 775.083(1)(g) by a fine of not more than \$50,000 or by
789 imprisonment for 5 years, or by both, for each offense. Each day
790 during any portion of which such violation occurs constitutes a
791 separate offense.

792 (4) A Any person who commits a violation specified in
793 paragraph (1)(a) or paragraph (1)(b) due to reckless
794 indifference or gross careless disregard commits ~~is guilty of~~ a
795 misdemeanor of the second degree, punishable as provided in ss.
796 775.082(4)(b) and 775.083(1)(g) by a fine of not more than
797 \$10,000 ~~\$5,000~~ or by 60 days in jail, or by both, for each
798 offense.

799 (5) A Any person who willfully commits a violation
800 specified in paragraph (1)(b) or who commits a violation
801 specified in paragraph (1)(c) commits ~~is guilty of~~ a misdemeanor
802 of the first degree punishable as provided in ss. 775.082(4)(a)
803 and 775.083(1)(g) by a fine of not more than \$10,000 or by 6
804 months in jail, or by both for each offense.

805 Section 17. Paragraph (a) of subsection (6) of section
806 403.413, Florida Statutes, is amended to read:

807 403.413 Florida Litter Law.—

808 (6) PENALTIES; ENFORCEMENT.—

809 (a) Any person who dumps litter in violation of subsection
810 (4) in an amount not exceeding 15 pounds in weight or 27 cubic



594336

576-03905-20

811 feet in volume and not for commercial purposes commits ~~is guilty~~
812 ~~of~~ a noncriminal infraction, punishable by a civil penalty of
813 \$150 ~~\$100~~, from which \$50 shall be deposited into the Solid
814 Waste Management Trust Fund to be used for the solid waste
815 management grant program pursuant to s. 403.7095. In addition,
816 the court may require the violator to pick up litter or perform
817 other labor commensurate with the offense committed.

818 Section 18. Subsection (5) of section 403.7234, Florida
819 Statutes, is amended to read:

820 403.7234 Small quantity generator notification and
821 verification program.—

822 (5) Any small quantity generator who does not comply with
823 the requirements of subsection (4) and who has received a
824 notification and survey in person or through one certified
825 letter from the county is subject to a fine of between \$75 ~~\$50~~
826 and \$150 ~~\$100~~ per day for a maximum of 100 days. The county may
827 collect such fines and deposit them in its general revenue fund.
828 Fines collected by the county shall be used to carry out the
829 notification and verification procedure established in this
830 section. If there are excess funds after the notification and
831 verification procedures have been completed, such funds shall be
832 used for hazardous and solid waste management purposes only.

833 Section 19. Subsection (3) of section 403.726, Florida
834 Statutes, is amended to read:

835 403.726 Abatement of imminent hazard caused by hazardous
836 substance.—

837 (3) An imminent hazard exists if any hazardous substance
838 creates an immediate and substantial danger to human health,
839 safety, or welfare or to the environment. The department may



594336

576-03905-20

840 institute action in its own name, using the procedures and
841 remedies of s. 403.121 or s. 403.131, to abate an imminent
842 hazard. However, the department is authorized to recover a civil
843 penalty of not more than \$37,500 ~~\$25,000~~ for each day of
844 continued violation. Whenever serious harm to human health,
845 safety, and welfare; the environment; or private or public
846 property may occur prior to completion of an administrative
847 hearing or other formal proceeding that ~~which~~ might be initiated
848 to abate the risk of serious harm, the department may obtain, ex
849 parte, an injunction without paying filing and service fees
850 prior to the filing and service of process.

851 Section 20. Paragraph (a) of subsection (3) of section
852 403.727, Florida Statutes, is amended to read:

853 403.727 Violations; defenses, penalties, and remedies.—

854 (3) Violations of the provisions of this act are punishable
855 as follows:

856 (a) Any person who violates ~~the provisions of~~ this act, the
857 rules or orders of the department, or the conditions of a permit
858 is liable to the state for any damages specified in s. 403.141
859 and for a civil penalty of not more than \$75,000 ~~\$50,000~~ for
860 each day of continued violation, except as otherwise provided
861 herein. The department may revoke any permit issued to the
862 violator. In any action by the department against a small
863 hazardous waste generator for the improper disposal of hazardous
864 wastes, a rebuttable presumption of improper disposal shall be
865 created if the generator was notified pursuant to s. 403.7234;
866 the generator shall then have the burden of proving that the
867 disposal was proper. If the generator was not so notified, the
868 burden of proving improper disposal shall be placed upon the



594336

576-03905-20

869 department.

870 Section 21. Subsection (8) of section 403.93345, Florida
871 Statutes, is amended to read:

872 403.93345 Coral reef protection.—

873 (8) In addition to the compensation described in subsection
874 (5), the department may assess, per occurrence, civil penalties
875 according to the following schedule:

876 (a) For any anchoring of a vessel on a coral reef or for
877 any other damage to a coral reef totaling less than or equal to
878 an area of 1 square meter, \$225 ~~\$150~~, provided that a
879 responsible party who has anchored a recreational vessel as
880 defined in s. 327.02 which is lawfully registered or exempt from
881 registration pursuant to chapter 328 is issued, at least once, a
882 warning letter in lieu of penalty; with aggravating
883 circumstances, an additional \$225 ~~\$150~~; occurring within a state
884 park or aquatic preserve, an additional \$225 ~~\$150~~.

885 (b) For damage totaling more than an area of 1 square meter
886 but less than or equal to an area of 10 square meters, \$450 ~~\$300~~
887 per square meter; with aggravating circumstances, an additional
888 \$450 ~~\$300~~ per square meter; occurring within a state park or
889 aquatic preserve, an additional \$450 ~~\$300~~ per square meter.

890 (c) For damage exceeding an area of 10 square meters,
891 \$1,500 ~~\$1,000~~ per square meter; with aggravating circumstances,
892 an additional \$1,500 ~~\$1,000~~ per square meter; occurring within a
893 state park or aquatic preserve, an additional \$1,500 ~~\$1,000~~ per
894 square meter.

895 (d) For a second violation, the total penalty may be
896 doubled.

897 (e) For a third violation, the total penalty may be



594336

576-03905-20

898 tripled.

899 (f) For any violation after a third violation, the total
900 penalty may be quadrupled.

901 (g) The total of penalties levied may not exceed \$375,000
902 ~~\$250,000~~ per occurrence.

903 Section 22. Section 125.569, Florida Statutes, is created
904 to read:

905 125.569 Sanitary sewer lateral inspection program.—

906 (1) As used in this section, the term "sanitary sewer
907 lateral" means a privately owned pipeline connecting a property
908 to the main sewer line which is maintained and repaired by the
909 property owner.

910 (2) By July 1, 2022, counties are encouraged to establish
911 an evaluation and rehabilitation program for sanitary sewer
912 laterals on residential and commercial properties within the
913 county's jurisdiction to identify and reduce extraneous flow
914 from leaking sanitary sewer laterals. At a minimum, the program
915 may do all of the following:

916 (a) Establish a system to identify defective, damaged, or
917 deteriorated sanitary sewer laterals on residential and
918 commercial properties within the jurisdiction of the county.

919 (b) Consider economical methods for a property owner to
920 repair or replace a defective, damaged, or deteriorated sanitary
921 sewer lateral.

922 (c) Establish and maintain a publicly accessible database
923 to store information concerning properties where a defective,
924 damaged, or deteriorated sanitary sewer lateral has been
925 identified. For each property, the database must include, but is
926 not limited to, the address of the property, the names of any



594336

576-03905-20

927 persons the county notified concerning the faulty sanitary sewer
928 lateral, and the date and method of such notification.

929 Section 23. Section 166.0481, Florida Statutes, is created
930 to read:

931 166.0481 Sanitary sewer lateral inspection program.-

932 (1) As used in this section, the term "sanitary sewer
933 lateral" means a privately owned pipeline connecting a property
934 to the main sewer line which is maintained and repaired by the
935 property owner.

936 (2) By July 1, 2022, municipalities are encouraged to
937 establish an evaluation and rehabilitation program for sanitary
938 sewer laterals on residential and commercial properties within
939 the municipality's jurisdiction to identify and reduce
940 extraneous flow from leaking sanitary sewer laterals. At a
941 minimum, the program may do all of the following:

942 (a) Establish a system to identify defective, damaged, or
943 deteriorated sanitary sewer laterals on residential and
944 commercial properties within the jurisdiction of the
945 municipality.

946 (b) Consider economical methods for a property owner to
947 repair or replace a defective, damaged, or deteriorated sanitary
948 sewer lateral.

949 (c) Establish and maintain a publicly accessible database
950 to store information concerning properties where a defective,
951 damaged, or deteriorated sanitary sewer lateral has been
952 identified. For each property, the database must include, but is
953 not limited to, the address of the property, the names of any
954 persons the municipality notified concerning the faulty sanitary
955 sewer lateral, and the date and method of such notification.



594336

576-03905-20

956 Section 24. Section 689.301, Florida Statutes, is created
957 to read:

958 689.301 Disclosure of known defects in sanitary sewer
959 laterals to prospective purchaser.—Before executing a contract
960 for sale, a seller of real property shall disclose to a
961 prospective purchaser any defects in the property's sanitary
962 sewer lateral which are known to the seller. As used in this
963 section, the term "sanitary sewer lateral" means the privately
964 owned pipeline connecting a property to the main sewer line.

965 Section 25. Subsection (5) of s. 823.11, Florida Statutes,
966 is reenacted for the purpose of incorporating the amendment made
967 by this act to s. 376.16, Florida Statutes, in a reference
968 thereto.

969 Section 26. Subsection (5) of s. 403.077, subsection (2) of
970 s. 403.131, paragraph (d) of subsection (3) of s. 403.4154, and
971 subsection (5) of s. 403.860, Florida Statutes, are reenacted
972 for the purpose of incorporating the amendment made by this act
973 to s. 403.121, Florida Statutes, in references thereto.

974 Section 27. Subsection (10) of s. 403.708, subsection (7)
975 of s. 403.7191, and s. 403.811, Florida Statutes, are reenacted
976 for the purpose of incorporating the amendment made by this act
977 to s. 403.141, Florida Statutes, in references thereto.

978 Section 28. Subsection (2) of s. 403.7255, Florida
979 Statutes, is reenacted for the purpose of incorporating the
980 amendment made by this act to s. 403.161, Florida Statutes, in a
981 reference thereto.

982 Section 29. Subsection (8) of s. 403.7186, Florida
983 Statutes, is reenacted for the purpose of incorporating the
984 amendments made by this act to ss. 403.141 and 403.161, Florida



594336

576-03905-20

985 Statutes, in references thereto.

986 Section 30. This act shall take effect July 1, 2020.