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576-02463-20

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Agriculture, Environment, and
General Government)

1 A bill to be entitled
2 An act relating to water quality improvements;
3 providing a short title; requiring the Department of
4 Health to provide a specified report to the Governor
5 and the Legislature by a specified date; requiring the
6 Department of Health and the Department of
7 Environmental Protection to submit to the Governor and
8 the Legislature, by a specified date, certain
9 recommendations relating to the transfer of the Onsite
10 Sewage Program; requiring the departments to enter
11 into an interagency agreement that meets certain
12 requirements by a specified date; transferring the
13 Onsite Sewage Program within the Department of Health
14 to the Department of Environmental Protection by a
15 type two transfer by a specified date; providing that
16 certain employees retain and transfer certain types of
17 leave upon the transfer; amending s. 373.4131, F.S.;
18 requiring the Department of Environmental Protection
19 to include stormwater structural controls inspections
20 as part of its regular staff training; requiring the
21 department and the water management districts to adopt
22 rules regarding stormwater design and operation by a
23 specified date; amending s. 381.0065, F.S.; conforming
24 provisions to changes made by the act; requiring the
25 department to adopt rules for the location of onsite
26 sewage treatment and disposal systems and complete



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27 such rulemaking by a specified date; requiring the
28 department to evaluate certain data relating to the
29 self-certification program and provide the Legislature
30 with recommendations by a specified date; providing
31 that certain provisions relating to existing setback
32 requirements are applicable to permits only until the
33 adoption of certain rules by the department; creating
34 s. 381.00652, F.S.; creating an onsite sewage
35 treatment and disposal systems technical advisory
36 committee within the department; providing the duties
37 and membership of the committee; requiring the
38 committee to submit a report to the Governor and the
39 Legislature by a specified date; providing for the
40 expiration of the committee; repealing s. 381.0068,
41 F.S., relating to a technical review and advisory
42 panel; amending s. 403.061, F.S.; requiring the
43 department to adopt rules relating to the underground
44 pipes of wastewater collection systems; requiring
45 public utilities or their affiliated companies that
46 hold or are seeking a wastewater discharge permit to
47 file certain reports and data with the department;
48 creating s. 403.0616, F.S.; requiring the department,
49 subject to legislative appropriation, to establish a
50 real-time water quality monitoring program;
51 encouraging the formation of public-private
52 partnerships; amending s. 403.067, F.S.; requiring
53 basin management action plans for nutrient total
54 maximum daily loads to include wastewater treatment
55 and onsite sewage treatment and disposal system



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56 remediation plans that meet certain requirements;
57 requiring the Department of Agriculture and Consumer
58 Services to collect fertilization and nutrient records
59 from certain agricultural producers and provide the
60 information to the department annually by a specified
61 date; requiring the Department of Agriculture and
62 Consumer Services to perform onsite inspections of the
63 agricultural producers at specified intervals;
64 authorizing certain entities to develop research plans
65 and legislative budget requests relating to best
66 management practices by a specified date; creating s.
67 403.0673, F.S.; establishing a wastewater grant
68 program within the Department of Environmental
69 Protection; authorizing the department to distribute
70 appropriated funds for certain projects; providing
71 requirements for the distribution; requiring the
72 department to coordinate with each water management
73 district to identify grant recipients; requiring an
74 annual report to the Governor and the Legislature by a
75 specified date; creating s. 403.0855, F.S.; providing
76 legislative findings regarding the regulation of
77 biosolids management in this state; requiring the
78 department to adopt rules for biosolids management;
79 exempting the rules from a specified statutory
80 requirement; amending s. 403.086, F.S.; prohibiting
81 facilities for sanitary sewage disposal from disposing
82 of any waste in the Indian River Lagoon beginning on a
83 specified date without first providing advanced waste
84 treatment; requiring facilities for sanitary sewage



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85 disposal to have a power outage contingency plan;
86 requiring the facilities to take steps to prevent
87 overflows and leaks and ensure that the water reaches
88 the appropriate facility for treatment; requiring the
89 facilities to provide the Department of Environmental
90 Protection with certain information; requiring the
91 department to adopt rules; amending s. 403.087, F.S.;

92 requiring the department to issue operation permits
93 for domestic wastewater treatment facilities to
94 certain facilities under certain circumstances;
95 amending s. 403.088, F.S.; revising the permit
96 conditions for a water pollution operation permit;
97 requiring the department to submit a report to the
98 Governor and the Legislature by a specified date
99 identifying all wastewater utilities that experienced
100 sanitary sewer overflows within a specified timeframe;
101 amending s. 403.0891, F.S.; requiring model stormwater
102 management programs to contain model ordinances for
103 nutrient reduction practices and green infrastructure;
104 amending s. 403.121, F.S.; increasing and providing
105 administrative penalties; amending s. 403.1835, F.S.;

106 conforming a cross-reference; requiring the department
107 to give priority for water pollution control financial
108 assistance to projects that implement certain
109 provisions and that promote efficiency; amending s.
110 403.1838, F.S.; revising requirements for the
111 prioritization of grant applications within the Small
112 Community Sewer Construction Assistance Act; providing
113 a declaration of important state interest; amending



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114 ss. 153.54, 153.73, 163.3180, 180.03, 311.105, 327.46,
115 373.250, 373.414, 373.705, 373.707, 373.709, 373.807,
116 376.307, 380.0552, 381.006, 381.0061, 381.0064,
117 381.00651, 381.0101, 403.08601, 403.0871, 403.0872,
118 403.707, 403.861, 489.551, and 590.02, F.S.;
119 conforming cross-references and provisions to changes
120 made by the act; providing a directive to the Division
121 of Law Revision upon the adoption of certain rules by
122 the Department of Environmental Protection; providing
123 effective dates.

124
125 WHEREAS, nutrients negatively impact groundwater and
126 surface waters in this state and cause the proliferation of
127 algal blooms, and

128 WHEREAS, onsite sewage treatment and disposal systems were
129 designed to manage human waste and are permitted by the
130 Department of Health for that purpose, and

131 WHEREAS, conventional onsite sewage treatment and disposal
132 systems contribute nutrients to groundwater and surface waters
133 across this state which can cause harmful blue-green algal
134 blooms, and

135 WHEREAS, many stormwater systems are designed primarily to
136 divert and control stormwater rather than to remove pollutants,
137 and

138 WHEREAS, most existing stormwater system design criteria
139 fail to consistently meet either the 80 percent or 95 percent
140 target pollutant reduction goals established by the Department
141 of Environmental Protection, and

142 WHEREAS, other significant pollutants often can be removed



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143 from stormwater more easily than nutrients and, as a result,
144 design criteria that provide the desired removal efficiencies
145 for nutrients will likely achieve equal or better removal
146 efficiencies for other constituents, and

147 WHEREAS, the Department of Environmental Protection has
148 found that the major causes of sanitary sewer overflows during
149 storm events are infiltration, inflow, and acute power failures,
150 and

151 WHEREAS, the Department of Environmental Protection lacks
152 statutory authority to regulate infiltration and inflow or to
153 require that all lift stations constructed prior to 2003 have
154 emergency backup power, and

155 WHEREAS, sanitary sewer overflows and leaking
156 infrastructure create both a human health concern and a nutrient
157 pollution problem, and

158 WHEREAS, the agricultural sector is a significant
159 contributor to the excess delivery of nutrients to surface
160 waters throughout this state and has been identified as the
161 dominant source of both phosphorus and nitrogen within the Lake
162 Okeechobee watershed and a number of other basin management
163 action plan areas, and

164 WHEREAS, only 75 percent of eligible agricultural parties
165 within the Lake Okeechobee Basin Management Action Plan area are
166 enrolled in an appropriate best management practice and
167 enrollment numbers are considerably less in other basin
168 management action plan areas, and

169 WHEREAS, although agricultural best management practices,
170 by design, should be technically feasible and economically
171 viable, that does not imply that their adoption and full



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172 implementation, alone, will alleviate downstream water quality
173 impairments, NOW, THEREFORE,

174

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

176

177 Section 1. This act may be cited as the "Clean Waterways
178 Act."

179 Section 2. (1) By July 1, 2020, the Department of Health
180 must provide a report to the Governor, the President of the
181 Senate, and the Speaker of the House of Representatives
182 detailing the following information regarding the Onsite Sewage
183 Program:

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

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

187 (c) The program's costs and expenditures, including, but
188 not limited to, salaries and benefits, equipment costs, and
189 contracting costs.

190 (2) By December 31, 2020, the Department of Health and the
191 Department of Environmental Protection shall submit
192 recommendations to the Governor, the President of the Senate,
193 and the Speaker of the House of Representatives regarding the
194 transfer of the Onsite Sewage Program from the Department of
195 Health to the Department of Environmental Protection. The
196 recommendations must address all aspects of the transfer,
197 including the continued role of the county health departments in
198 the permitting, inspection, data management, and tracking of
199 onsite sewage treatment and disposal systems under the direction
200 of the Department of Environmental Protection.



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

207 (a) The continued role of the county health departments in
208 the permitting, inspection, data management, and tracking of
209 onsite sewage treatment and disposal systems under the direction
210 of the Department of Environmental Protection.

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

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

222 (d) Any operating budget adjustments that are necessary to
223 implement the requirements of this act. Adjustments made to the
224 operating budgets of the agencies in the implementation of this
225 act must be made in consultation with the appropriate
226 substantive and fiscal committees of the Senate and the House of
227 Representatives. The revisions to the approved operating budgets
228 for the 2021-2022 fiscal year which are necessary to reflect the
229 organizational changes made by this act must be implemented



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230 pursuant to s. 216.292(4)(d), Florida Statutes, and are subject
231 to s. 216.177, Florida Statutes. Subsequent adjustments between
232 the Department of Health and the Department of Environmental
233 Protection which are determined necessary by the respective
234 agencies and approved by the Executive Office of the Governor
235 are authorized and subject to s. 216.177, Florida Statutes. The
236 appropriate substantive committees of the Senate and the House
237 of Representatives must also be notified of the proposed
238 revisions to ensure their consistency with legislative policy
239 and intent.

240 (4) Effective July 1, 2021, all powers, duties, functions,
241 records, offices, personnel, associated administrative support
242 positions, property, pending issues, existing contracts,
243 administrative authority, administrative rules, and unexpended
244 balances of appropriations, allocations, and other funds for the
245 regulation of onsite sewage treatment and disposal systems
246 relating to the Onsite Sewage Program in the Department of
247 Health are transferred by a type two transfer, as defined in s.
248 20.06(2), Florida Statutes, to the Department of Environmental
249 Protection.

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

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



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259 373.4131 Statewide environmental resource permitting
260 rules.—

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

270 (6) By January 1, 2021:

271 (a) The department and the water management districts shall
272 initiate rulemaking to update the stormwater design and
273 operation regulations using the most recent scientific
274 information available; and

275 (b) The department shall evaluate inspection data relating
276 to compliance by those entities that self-certify under s.
277 403.814(12) and provide the Legislature with recommendations for
278 improvements to the self-certification program.

279 Section 4. Effective July 1, 2021, present paragraphs (d)
280 through (q) of subsection (2) of section 381.0065, Florida
281 Statutes, are redesignated as paragraphs (e) through (r),
282 respectively, a new paragraph (d) is added to that subsection,
283 and subsections (3) and (4) of that section are amended, to
284 read:

285 381.0065 Onsite sewage treatment and disposal systems;
286 regulation.—

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



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288 term:

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

291 (3) DUTIES AND POWERS OF THE DEPARTMENT ~~OF HEALTH.~~—The
292 department shall:

293 (a) Adopt rules to administer ss. 381.0065-381.0067,
294 including definitions that are consistent with the definitions
295 in this section, ~~decreases to setback requirements where no~~
296 ~~health hazard exists,~~ increases for the lot-flow allowance for
297 performance-based systems, requirements for separation from
298 water table elevation during the wettest season, requirements
299 for the design and construction of any component part of an
300 onsite sewage treatment and disposal system, application and
301 permit requirements for persons who maintain an onsite sewage
302 treatment and disposal system, requirements for maintenance and
303 service agreements for aerobic treatment units and performance-
304 based treatment systems, and recommended standards, including
305 disclosure requirements, for voluntary system inspections to be
306 performed by individuals who are authorized by law to perform
307 such inspections and who shall inform a person having ownership,
308 control, or use of an onsite sewage treatment and disposal
309 system of the inspection standards and of that person's
310 authority to request an inspection based on all or part of the
311 standards.

312 (b) Perform application reviews and site evaluations, issue
313 permits, and conduct inspections and complaint investigations
314 associated with the construction, installation, maintenance,
315 modification, abandonment, operation, use, or repair of an
316 onsite sewage treatment and disposal system for a residence or



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317 establishment with an estimated domestic sewage flow of 10,000
318 gallons or less per day, or an estimated commercial sewage flow
319 of 5,000 gallons or less per day, which is not currently
320 regulated under chapter 403.

321 (c) Develop a comprehensive program to ensure that onsite
322 sewage treatment and disposal systems regulated by the
323 department are sized, designed, constructed, installed, sited,
324 repaired, modified, abandoned, used, operated, and maintained in
325 compliance with this section and rules adopted under this
326 section to prevent groundwater contamination, including impacts
327 from nutrient pollution, and surface water contamination and to
328 preserve the public health. The department is the final
329 administrative interpretive authority regarding rule
330 interpretation. In the event of a conflict regarding rule
331 interpretation, the secretary of the department ~~State Surgeon~~
332 ~~General,~~ or his or her designee, shall timely assign a staff
333 person to resolve the dispute.

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

336 (e) Permit the use of a limited number of innovative
337 systems for a specific period of time, when there is compelling
338 evidence that the system will function properly and reliably to
339 meet the requirements of this section and rules adopted under
340 this section.

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

342 (g) Establish and collect fees as established under s.
343 381.0066 for services provided with respect to onsite sewage
344 treatment and disposal systems.

345 (h) Conduct enforcement activities, including imposing



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346 fines, issuing citations, suspensions, revocations, injunctions,
347 and emergency orders for violations of this section, part I of
348 chapter 386, or part III of chapter 489 or for a violation of
349 any rule adopted under this section, part I of chapter 386, or
350 part III of chapter 489.

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

354 (j) Supervise research on, demonstration of, and training
355 on the performance, environmental impact, and public health
356 impact of onsite sewage treatment and disposal systems within
357 this state. Research fees collected under s. 381.0066(2)(k) must
358 be used to develop and fund hands-on training centers designed
359 to provide practical information about onsite sewage treatment
360 and disposal systems to septic tank contractors, master septic
361 tank contractors, contractors, inspectors, engineers, and the
362 public and must also be used to fund research projects which
363 focus on improvements of onsite sewage treatment and disposal
364 systems, including use of performance-based standards and
365 reduction of environmental impact. Research projects shall be
366 initially approved by the technical review and advisory panel
367 and shall be applicable to and reflect the soil conditions
368 specific to Florida. Such projects shall be awarded through
369 competitive negotiation, using the procedures provided in s.
370 287.055, to public or private entities that have experience in
371 onsite sewage treatment and disposal systems in Florida and that
372 are principally located in Florida. Research projects may ~~shall~~
373 not be awarded to firms or entities that employ or are
374 associated with persons who serve on either the technical review



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375 and advisory panel or the research review and advisory
376 committee.

377 (k) Approve the installation of individual graywater
378 disposal systems in which blackwater is treated by a central
379 sewerage system.

380 (l) Regulate and permit the sanitation, handling,
381 treatment, storage, reuse, and disposal of byproducts from any
382 system regulated under this chapter and not regulated by the
383 Department of Environmental Protection.

384 (m) Permit and inspect portable or temporary toilet
385 services and holding tanks. The department shall review
386 applications, perform site evaluations, and issue permits for
387 the temporary use of holding tanks, privies, portable toilet
388 services, or any other toilet facility that is intended for use
389 on a permanent or nonpermanent basis, including facilities
390 placed on construction sites when workers are present. The
391 department may specify standards for the construction,
392 maintenance, use, and operation of any such facility for
393 temporary use.

394 (n) Regulate and permit maintenance entities for
395 performance-based treatment systems and aerobic treatment unit
396 systems. To ensure systems are maintained and operated according
397 to manufacturer's specifications and designs, the department
398 shall establish by rule minimum qualifying criteria for
399 maintenance entities. The criteria shall include: training,
400 access to approved spare parts and components, access to
401 manufacturer's maintenance and operation manuals, and service
402 response time. The maintenance entity shall employ a contractor
403 licensed under s. 489.105(3)(m), or part III of chapter 489, or



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404 a state-licensed wastewater plant operator, who is responsible
405 for maintenance and repair of all systems under contract.

406 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not
407 construct, repair, modify, abandon, or operate an onsite sewage
408 treatment and disposal system without first obtaining a permit
409 approved by the department. The department may issue permits to
410 carry out this section, ~~but shall not make the issuance of such~~
411 ~~permits contingent upon prior approval by the Department of~~
412 ~~Environmental Protection, except that~~ The issuance of a permit
413 for work seaward of the coastal construction control line
414 established under s. 161.053 shall be contingent upon receipt of
415 any required coastal construction control line permit from the
416 department ~~of Environmental Protection~~. A construction permit is
417 valid for 18 months from the issuance date and may be extended
418 by the department for one 90-day period under rules adopted by
419 the department. A repair permit is valid for 90 days from the
420 date of issuance. An operating permit must be obtained before
421 ~~prior to~~ the use of any aerobic treatment unit or if the
422 establishment generates commercial waste. Buildings or
423 establishments that use an aerobic treatment unit or generate
424 commercial waste shall be inspected by the department at least
425 annually to assure compliance with the terms of the operating
426 permit. The operating permit for a commercial wastewater system
427 is valid for 1 year from the date of issuance and must be
428 renewed annually. The operating permit for an aerobic treatment
429 unit is valid for 2 years from the date of issuance and must be
430 renewed every 2 years. If all information pertaining to the
431 siting, location, and installation conditions or repair of an
432 onsite sewage treatment and disposal system remains the same, a



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433 construction or repair permit for the onsite sewage treatment
434 and disposal system may be transferred to another person, if the
435 transferee files, within 60 days after the transfer of
436 ownership, an amended application providing all corrected
437 information and proof of ownership of the property. There is no
438 fee associated with the processing of this supplemental
439 information. A person may not contract to construct, modify,
440 alter, repair, service, abandon, or maintain any portion of an
441 onsite sewage treatment and disposal system without being
442 registered under part III of chapter 489. A property owner who
443 personally performs construction, maintenance, or repairs to a
444 system serving his or her own owner-occupied single-family
445 residence is exempt from registration requirements for
446 performing such construction, maintenance, or repairs on that
447 residence, but is subject to all permitting requirements. A
448 municipality or political subdivision of the state may not issue
449 a building or plumbing permit for any building that requires the
450 use of an onsite sewage treatment and disposal system unless the
451 owner or builder has received a construction permit for such
452 system from the department. A building or structure may not be
453 occupied and a municipality, political subdivision, or any state
454 or federal agency may not authorize occupancy until the
455 department approves the final installation of the onsite sewage
456 treatment and disposal system. A municipality or political
457 subdivision of the state may not approve any change in occupancy
458 or tenancy of a building that uses an onsite sewage treatment
459 and disposal system until the department has reviewed the use of
460 the system with the proposed change, approved the change, and
461 amended the operating permit.



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462 (a) Subdivisions and lots in which each lot has a minimum
463 area of at least one-half acre and either a minimum dimension of
464 100 feet or a mean of at least 100 feet of the side bordering
465 the street and the distance formed by a line parallel to the
466 side bordering the street drawn between the two most distant
467 points of the remainder of the lot may be developed with a water
468 system regulated under s. 381.0062 and onsite sewage treatment
469 and disposal systems, provided the projected daily sewage flow
470 does not exceed an average of 1,500 gallons per acre per day,
471 and provided satisfactory drinking water can be obtained and all
472 distance and setback, soil condition, water table elevation, and
473 other related requirements of this section and rules adopted
474 under this section can be met.

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

483 (c) Notwithstanding paragraphs (a) and (b), for
484 subdivisions platted of record on or before October 1, 1991,
485 when a developer or other appropriate entity has previously made
486 or makes provisions, including financial assurances or other
487 commitments, acceptable to the Department ~~of Health~~, that a
488 central water system will be installed by a regulated public
489 utility based on a density formula, private potable wells may be
490 used with onsite sewage treatment and disposal systems until the



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491 agreed-upon densities are reached. In a subdivision regulated by
492 this paragraph, the average daily sewage flow may not exceed
493 2,500 gallons per acre per day. This section does not affect the
494 validity of existing prior agreements. After October 1, 1991,
495 the exception provided under this paragraph is not available to
496 a developer or other appropriate entity.

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

504 (e) The department shall adopt rules to locate onsite
505 sewage treatment and disposal systems, including establishing
506 setback distances, to prevent groundwater contamination and
507 surface water contamination and to preserve the public health.
508 The rulemaking process for such rules must be completed by July
509 1, 2022, and the department shall notify the Division of Law
510 Revision of the date such rules are adopted. The rules must
511 consider conventional and enhanced nutrient-reducing onsite
512 sewage treatment and disposal system designs, impaired or
513 degraded water bodies, domestic wastewater and drinking water
514 infrastructure, potable water sources, nonpotable wells,
515 stormwater infrastructure, the onsite sewage treatment and
516 disposal system remediation plans developed pursuant to s.
517 403.067(7)(a)9.b., nutrient pollution, and the recommendations
518 of the onsite sewage treatment and disposal systems technical
519 advisory committee established pursuant to s. 381.00652.



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520 (f)~~(e)~~ Onsite sewage treatment and disposal systems that
521 are permitted before adoption of the rules identified in
522 paragraph (e) may ~~must~~ not be placed closer than:

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

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

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

530 4. Fifty feet from any nonpotable well.

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

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

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

538 8. Fifteen feet from the design high-water line of
539 retention areas, detention areas, or swales designed to contain
540 standing or flowing water for less than 72 hours after a
541 rainfall or the design high-water level of normally dry drainage
542 ditches or normally dry individual lot stormwater retention
543 areas.

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

548 (g) All provisions of this section and rules adopted under



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

552 1. Any residential lot that was platted and recorded on or
553 after January 1, 1972, or that is part of a residential
554 subdivision that was approved by the appropriate permitting
555 agency on or after January 1, 1972, and that was eligible for an
556 onsite sewage treatment and disposal system construction permit
557 on the date of such platting and recording or approval shall be
558 eligible for an onsite sewage treatment and disposal system
559 construction permit, regardless of when the application for a
560 permit is made. If rules in effect at the time the permit
561 application is filed cannot be met, residential lots platted and
562 recorded or approved on or after January 1, 1972, shall, to the
563 maximum extent possible, comply with the rules in effect at the
564 time the permit application is filed. At a minimum, however,
565 those residential lots platted and recorded or approved on or
566 after January 1, 1972, but before January 1, 1983, shall comply
567 with those rules in effect on January 1, 1983, and those
568 residential lots platted and recorded or approved on or after
569 January 1, 1983, shall comply with those rules in effect at the
570 time of such platting and recording or approval. In determining
571 the maximum extent of compliance with current rules that is
572 possible, the department shall allow structures and
573 appurtenances thereto which were authorized at the time such
574 lots were platted and recorded or approved.

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



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578 treatment and disposal systems for lots platted before 1972 may
579 not exceed:

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

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

584 (h)1. The department may grant variances in hardship cases
585 which may be less restrictive than ~~the provisions~~ specified in
586 this section. If a variance is granted and the onsite sewage
587 treatment and disposal system construction permit has been
588 issued, the variance may be transferred with the system
589 construction permit, if the transferee files, within 60 days
590 after the transfer of ownership, an amended construction permit
591 application providing all corrected information and proof of
592 ownership of the property and if the same variance would have
593 been required for the new owner of the property as was
594 originally granted to the original applicant for the variance.
595 There is no fee associated with the processing of this
596 supplemental information. A variance may not be granted under
597 this section until the department is satisfied that:

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

600 b. No reasonable alternative, taking into consideration
601 factors such as cost, exists for the treatment of the sewage;
602 and

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



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607
608 Where soil conditions, water table elevation, and setback
609 provisions are determined by the department to be satisfactory,
610 special consideration must be given to those lots platted before
611 1972.

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

624 a. The Secretary of Environmental Protection ~~State Surgeon~~
625 ~~General~~ or his or her designee.

626 b. A representative from the county health departments.

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

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

631 e. A representative from the Department of Health
632 ~~Environmental Protection~~.

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



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636 Florida Association of Realtors.

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

639
640 Members shall be appointed for a term of 3 years, with such
641 appointments being staggered so that the terms of no more than
642 two members expire in any one year. Members shall serve without
643 remuneration, but if requested, shall be reimbursed for per diem
644 and travel expenses as provided in s. 112.061.

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

658 1. A building located in an area zoned or used for
659 industrial or manufacturing purposes, or its equivalent, when
660 such building is served by an onsite sewage treatment and
661 disposal system, must not be occupied until the owner or tenant
662 has obtained written approval from the department. The
663 department may ~~shall~~ not grant approval when the proposed use of
664 the system is to dispose of toxic, hazardous, or industrial



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665 wastewater or toxic or hazardous chemicals.

666 2. Each person who owns or operates a business or facility
667 in an area zoned or used for industrial or manufacturing
668 purposes, or its equivalent, or who owns or operates a business
669 that has the potential to generate toxic, hazardous, or
670 industrial wastewater or toxic or hazardous chemicals, and uses
671 an onsite sewage treatment and disposal system that is installed
672 on or after July 5, 1989, must obtain an annual system operating
673 permit from the department. A person who owns or operates a
674 business that uses an onsite sewage treatment and disposal
675 system that was installed and approved before July 5, 1989, need
676 not obtain a system operating permit. However, upon change of
677 ownership or tenancy, the new owner or operator must notify the
678 department of the change, and the new owner or operator must
679 obtain an annual system operating permit, regardless of the date
680 that the system was installed or approved.

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

692 (j) An onsite sewage treatment and disposal system designed
693 by a professional engineer registered in the state and certified



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694 by such engineer as complying with performance criteria adopted
695 by the department must be approved by the department subject to
696 the following:

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

709 2. A person electing to utilize an engineer-designed system
710 shall, upon completion of the system design, submit such design,
711 certified by a registered professional engineer, to the county
712 health department. The county health department may utilize an
713 outside consultant to review the engineer-designed system, with
714 the actual cost of such review to be borne by the applicant.
715 Within 5 working days after receiving an engineer-designed
716 system permit application, the county health department shall
717 request additional information if the application is not
718 complete. Within 15 working days after receiving a complete
719 application for an engineer-designed system, the county health
720 department either shall issue the permit or, if it determines
721 that the system does not comply with the performance criteria,
722 shall notify the applicant of that determination and refer the



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723 application to the department for a determination as to whether
724 the system should be approved, disapproved, or approved with
725 modification. The department engineer's determination shall
726 prevail over the action of the county health department. The
727 applicant shall be notified in writing of the department's
728 determination and of the applicant's rights to pursue a variance
729 or seek review under ~~the provisions of~~ chapter 120.

730 3. The owner of an engineer-designed performance-based
731 system must maintain a current maintenance service agreement
732 with a maintenance entity permitted by the department. The
733 maintenance entity shall inspect each system at least twice each
734 year and shall report quarterly to the department on the number
735 of systems inspected and serviced. The reports may be submitted
736 electronically.

737 4. The property owner of an owner-occupied, single-family
738 residence may be approved and permitted by the department as a
739 maintenance entity for his or her own performance-based
740 treatment system upon written certification from the system
741 manufacturer's approved representative that the property owner
742 has received training on the proper installation and service of
743 the system. The maintenance service agreement must conspicuously
744 disclose that the property owner has the right to maintain his
745 or her own system and is exempt from contractor registration
746 requirements for performing construction, maintenance, or
747 repairs on the system but is subject to all permitting
748 requirements.

749 5. The property owner shall obtain a biennial system
750 operating permit from the department for each system. The
751 department shall inspect the system at least annually, or on



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752 such periodic basis as the fee collected permits, and may
753 collect system-effluent samples if appropriate to determine
754 compliance with the performance criteria. The fee for the
755 biennial operating permit shall be collected beginning with the
756 second year of system operation.

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

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

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

777 1. The county, each municipality, and those special
778 districts established for the purpose of the collection,
779 transmission, treatment, or disposal of sewage shall ensure, in
780 accordance with the specific schedules adopted by the



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781 Administration Commission under s. 380.0552, the completion of
782 onsite sewage treatment and disposal system upgrades to meet the
783 requirements of this paragraph.

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

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

790 b. Suspended Solids of 10 mg/l.

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

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

797

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

801 3. In areas not scheduled to be served by a central sewer,
802 onsite sewage treatment and disposal systems must, by December
803 31, 2015, comply with department rules and provide the level of
804 treatment described in subparagraph 2.

805 4. In areas scheduled to be served by central sewer by
806 December 31, 2015, if the property owner has paid a connection
807 fee or assessment for connection to the central sewer system,
808 the property owner may install a holding tank with a high water
809 alarm or an onsite sewage treatment and disposal system that



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810 meets the following minimum standards:

811 a. The existing tanks must be pumped and inspected and
812 certified as being watertight and free of defects in accordance
813 with department rule; and

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

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

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

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

828 8. Notwithstanding any other ~~provision of~~ law, an onsite
829 sewage treatment and disposal system installed after July 1,
830 2010, in unincorporated Monroe County, excluding special
831 wastewater districts, that complies with the standards in
832 subparagraph 2. is not required to connect to a central sewer
833 system until December 31, 2020.

834 (m) No product sold in the state for use in onsite sewage
835 treatment and disposal systems may contain any substance in
836 concentrations or amounts that would interfere with or prevent
837 the successful operation of such system, or that would cause
838 discharges from such systems to violate applicable water quality



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839 standards. The department shall publish criteria for products
840 known or expected to meet the conditions of this paragraph. In
841 the event a product does not meet such criteria, such product
842 may be sold if the manufacturer satisfactorily demonstrates to
843 the department that the conditions of this paragraph are met.

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

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

- 863 1. A representative of the Secretary of Environmental
864 Protection ~~State Surgeon General~~, or his or her designee.
865 2. A representative from the septic tank industry.
866 3. A representative from the home building industry.
867 4. A representative from an environmental interest group.



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

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

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

875 8. A representative from the real estate profession.

876 9. A representative from the restaurant industry.

877 10. A consumer.

878

879 Members shall be appointed for a term of 3 years, with the
880 appointments being staggered so that the terms of no more than
881 four members expire in any one year. Members shall serve without
882 remuneration, but are entitled to reimbursement for per diem and
883 travel expenses as provided in s. 112.061.

884 (p) An application for an onsite sewage treatment and
885 disposal system permit shall be completed in full, signed by the
886 owner or the owner's authorized representative, or by a
887 contractor licensed under chapter 489, and shall be accompanied
888 by all required exhibits and fees. No specific documentation of
889 property ownership shall be required as a prerequisite to the
890 review of an application or the issuance of a permit. The
891 issuance of a permit does not constitute determination by the
892 department of property ownership.

893 (q) The department may not require any form of subdivision
894 analysis of property by an owner, developer, or subdivider prior
895 to submission of an application for an onsite sewage treatment
896 and disposal system.



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897 (r) Nothing in this section limits the power of a
898 municipality or county to enforce other laws for the protection
899 of the public health and safety.

900 (s) In the siting of onsite sewage treatment and disposal
901 systems, including drainfields, shoulders, and slopes, guttering
902 ~~may shall~~ not be required on single-family residential dwelling
903 units for systems located greater than 5 feet from the roof drip
904 line of the house. If guttering is used on residential dwelling
905 units, the downspouts shall be directed away from the
906 drainfield.

907 (t) Notwithstanding ~~the provisions of~~ subparagraph (g)1.,
908 onsite sewage treatment and disposal systems located in
909 floodways of the Suwannee and Aucilla Rivers must adhere to the
910 following requirements:

911 1. The absorption surface of the drainfield ~~may shall~~ not
912 be subject to flooding based on 10-year flood elevations.
913 Provided, however, for lots or parcels created by the
914 subdivision of land in accordance with applicable local
915 government regulations prior to January 17, 1990, if an
916 applicant cannot construct a drainfield system with the
917 absorption surface of the drainfield at an elevation equal to or
918 above 10-year flood elevation, the department shall issue a
919 permit for an onsite sewage treatment and disposal system within
920 the 10-year floodplain of rivers, streams, and other bodies of
921 flowing water if all of the following criteria are met:

- 922 a. The lot is at least one-half acre in size;
923 b. The bottom of the drainfield is at least 36 inches above
924 the 2-year flood elevation; and
925 c. The applicant installs either: a waterless,



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

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

949 (u)1. The owner of an aerobic treatment unit system shall
950 maintain a current maintenance service agreement with an aerobic
951 treatment unit maintenance entity permitted by the department.
952 The maintenance entity shall inspect each aerobic treatment unit
953 system at least twice each year and shall report quarterly to
954 the department on the number of aerobic treatment unit systems



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955 inspected and serviced. The reports may be submitted
956 electronically.

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

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

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



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984 performance criteria established by rule of the department.

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

990 (w) Any permit issued and approved by the department for
991 the installation, modification, or repair of an onsite sewage
992 treatment and disposal system shall transfer with the title to
993 the property in a real estate transaction. A title may not be
994 encumbered at the time of transfer by new permit requirements by
995 a governmental entity for an onsite sewage treatment and
996 disposal system which differ from the permitting requirements in
997 effect at the time the system was permitted, modified, or
998 repaired. An inspection of a system may not be mandated by a
999 governmental entity at the point of sale in a real estate
1000 transaction. This paragraph does not affect a septic tank phase-
1001 out deferral program implemented by a consolidated government as
1002 defined in s. 9, Art. VIII of the State Constitution (1885).

1003 (x) A governmental entity, including a municipality,
1004 county, or statutorily created commission, may not require an
1005 engineer-designed performance-based treatment system, excluding
1006 a passive engineer-designed performance-based treatment system,
1007 before the completion of the Florida Onsite Sewage Nitrogen
1008 Reduction Strategies Project. This paragraph does not apply to a
1009 governmental entity, including a municipality, county, or
1010 statutorily created commission, which adopted a local law,
1011 ordinance, or regulation on or before January 31, 2012.
1012 Notwithstanding this paragraph, an engineer-designed



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1013 performance-based treatment system may be used to meet the
1014 requirements of the variance review and advisory committee
1015 recommendations.

1016 (y)1. An onsite sewage treatment and disposal system is not
1017 considered abandoned if the system is disconnected from a
1018 structure that was made unusable or destroyed following a
1019 disaster and if the system was properly functioning at the time
1020 of disconnection and was not adversely affected by the disaster.
1021 The onsite sewage treatment and disposal system may be
1022 reconnected to a rebuilt structure if:

1023 a. The reconnection of the system is to the same type of
1024 structure which contains the same number of bedrooms or fewer,
1025 if the square footage of the structure is less than or equal to
1026 110 percent of the original square footage of the structure that
1027 existed before the disaster;

1028 b. The system is not a sanitary nuisance; and

1029 c. The system has not been altered without prior
1030 authorization.

1031 2. An onsite sewage treatment and disposal system that
1032 serves a property that is foreclosed upon is not considered
1033 abandoned.

1034 (z) If an onsite sewage treatment and disposal system
1035 permittee receives, relies upon, and undertakes construction of
1036 a system based upon a validly issued construction permit under
1037 rules applicable at the time of construction but a change to a
1038 rule occurs within 5 years after the approval of the system for
1039 construction but before the final approval of the system, the
1040 rules applicable and in effect at the time of construction
1041 approval apply at the time of final approval if fundamental site



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1042 conditions have not changed between the time of construction
1043 approval and final approval.

1044 (aa) An existing-system inspection or evaluation and
1045 assessment, or a modification, replacement, or upgrade of an
1046 onsite sewage treatment and disposal system is not required for
1047 a remodeling addition or modification to a single-family home if
1048 a bedroom is not added. However, a remodeling addition or
1049 modification to a single-family home may not cover any part of
1050 the existing system or encroach upon a required setback or the
1051 unobstructed area. To determine if a setback or the unobstructed
1052 area is impacted, the local health department shall review and
1053 verify a floor plan and site plan of the proposed remodeling
1054 addition or modification to the home submitted by a remodeler
1055 which shows the location of the system, including the distance
1056 of the remodeling addition or modification to the home from the
1057 onsite sewage treatment and disposal system. The local health
1058 department may visit the site or otherwise determine the best
1059 means of verifying the information submitted. A verification of
1060 the location of a system is not an inspection or evaluation and
1061 assessment of the system. The review and verification must be
1062 completed within 7 business days after receipt by the local
1063 health department of a floor plan and site plan. If the review
1064 and verification is not completed within such time, the
1065 remodeling addition or modification to the single-family home,
1066 for the purposes of this paragraph, is approved.

1067 Section 5. Section 381.00652, Florida Statutes, is created
1068 to read:

1069 381.00652 Onsite sewage treatment and disposal systems
1070 technical advisory committee.-



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1071 (1) An onsite sewage treatment and disposal systems
1072 technical advisory committee, a committee as defined in s.
1073 20.03(8), is created within the department. The committee shall:

1074 (a) Provide recommendations to increase the availability in
1075 the marketplace of enhanced nutrient-reducing onsite sewage
1076 treatment and disposal systems, including systems that are cost-
1077 effective, low-maintenance, and reliable.

1078 (b) Consider and recommend regulatory options, such as
1079 fast-track approval, prequalification, or expedited permitting,
1080 to facilitate the introduction and use of enhanced nutrient-
1081 reducing onsite sewage treatment and disposal systems that have
1082 been reviewed and approved by a national agency or organization,
1083 such as the American National Standards Institute 245 systems
1084 approved by the NSF International.

1085 (c) Provide recommendations for appropriate setback
1086 distances for onsite sewage treatment and disposal systems from
1087 surface water, groundwater, and wells.

1088 (2) The department shall use existing and available
1089 resources to administer and support the activities of the
1090 committee.

1091 (3)(a) By August 1, 2021, the department, in consultation
1092 with the Department of Health, shall appoint no more than nine
1093 members to the committee, including, but not limited to, the
1094 following:

- 1095 1. A professional engineer.
- 1096 2. A septic tank contractor.
- 1097 3. A representative from the home building industry.
- 1098 4. A representative from the real estate industry.
- 1099 5. A representative from the onsite sewage treatment and



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1100 disposal system industry.

1101 6. A representative from local government.

1102 7. Two representatives from the environmental community.

1103 8. A representative of the scientific and technical
1104 community who has substantial expertise in the areas of the fate
1105 and transport of water pollutants, toxicology, epidemiology,
1106 geology, biology, or environmental sciences.

1107 (b) Members shall serve without compensation and are not
1108 entitled to reimbursement for per diem or travel expenses.

1109 (4) By January 1, 2022, the committee shall submit its
1110 recommendations to the Governor, the President of the Senate,
1111 and the Speaker of the House of Representatives.

1112 (5) This section expires August 15, 2022.

1113 (6) For purposes of this section, the term "department"
1114 means the Department of Environmental Protection.

1115 Section 6. Effective July 1, 2021, section 381.0068,
1116 Florida Statutes, is repealed.

1117 Section 7. Present subsections (14) through (44) of section
1118 403.061, Florida Statutes, are redesignated as subsections (15)
1119 through (45), respectively, a new subsection (14) is added to
1120 that section, and subsection (7) of that section is amended, to
1121 read:

1122 403.061 Department; powers and duties.—The department shall
1123 have the power and the duty to control and prohibit pollution of
1124 air and water in accordance with the law and rules adopted and
1125 promulgated by it and, for this purpose, to:

1126 (7) Adopt rules pursuant to ss. 120.536(1) and 120.54 to
1127 implement ~~the provisions of~~ this act. Any rule adopted pursuant
1128 to this act must ~~shall~~ be consistent with the provisions of



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1129 federal law, if any, relating to control of emissions from motor
1130 vehicles, effluent limitations, pretreatment requirements, or
1131 standards of performance. A ~~No~~ county, municipality, or
1132 political subdivision may not ~~shall~~ adopt or enforce any local
1133 ordinance, special law, or local regulation requiring the
1134 installation of Stage II vapor recovery systems, as currently
1135 defined by department rule, unless such county, municipality, or
1136 political subdivision is or has been in the past designated by
1137 federal regulation as a moderate, serious, or severe ozone
1138 nonattainment area. Rules adopted pursuant to this act may ~~shall~~
1139 not require dischargers of waste into waters of the state to
1140 improve natural background conditions. The department shall
1141 adopt rules to reasonably limit, reduce, and eliminate domestic
1142 wastewater collection and transmission system pipe leakages and
1143 inflow and infiltration. Discharges from steam electric
1144 generating plants existing or licensed under this chapter on
1145 July 1, 1984, may ~~shall~~ not be required to be treated to a
1146 greater extent than may be necessary to assure that the quality
1147 of nonthermal components of discharges from nonrecirculated
1148 cooling water systems is as high as the quality of the makeup
1149 waters; that the quality of nonthermal components of discharges
1150 from recirculated cooling water systems is no lower than is
1151 allowed for blowdown from such systems; or that the quality of
1152 noncooling system discharges which receive makeup water from a
1153 receiving body of water which does not meet applicable
1154 department water quality standards is as high as the quality of
1155 the receiving body of water. The department may not adopt
1156 standards more stringent than federal regulations, except as
1157 provided in s. 403.804.



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1158 (14) In order to promote resilient utilities, require
1159 public utilities or their affiliated companies holding, applying
1160 for, or renewing a domestic wastewater discharge permit to file
1161 annual reports and other data regarding transactions or
1162 allocations of common costs and expenditures on pollution
1163 mitigation and prevention among the utility's permitted systems,
1164 including, but not limited to, the prevention of sanitary sewer
1165 overflows, collection and transmission system pipe leakages, and
1166 inflow and infiltration. The department shall adopt rules to
1167 implement this subsection.

1168
1169 The department shall implement such programs in conjunction with
1170 its other powers and duties and shall place special emphasis on
1171 reducing and eliminating contamination that presents a threat to
1172 humans, animals or plants, or to the environment.

1173 Section 8. Section 403.0616, Florida Statutes, is created
1174 to read:

1175 403.0616 Real-time water quality monitoring program.-

1176 (1) Subject to appropriation, the department shall
1177 establish a real-time water quality monitoring program to assist
1178 in the restoration, preservation, and enhancement of impaired
1179 waterbodies and coastal resources.

1180 (2) In order to expedite the creation and implementation of
1181 the program, the department is encouraged to form public-private
1182 partnerships with established scientific entities that have
1183 proven existing real-time water quality monitoring equipment and
1184 experience in deploying the equipment.

1185 Section 9. Subsection (7) of section 403.067, Florida
1186 Statutes, is amended to read:



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1187 403.067 Establishment and implementation of total maximum
1188 daily loads.—

1189 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
1190 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

1191 (a) *Basin management action plans.*—

1192 1. In developing and implementing the total maximum daily
1193 load for a water body, the department, or the department in
1194 conjunction with a water management district, may develop a
1195 basin management action plan that addresses some or all of the
1196 watersheds and basins tributary to the water body. Such plan
1197 must integrate the appropriate management strategies available
1198 to the state through existing water quality protection programs
1199 to achieve the total maximum daily loads and may provide for
1200 phased implementation of these management strategies to promote
1201 timely, cost-effective actions as provided for in s. 403.151.
1202 The plan must establish a schedule implementing the management
1203 strategies, establish a basis for evaluating the plan's
1204 effectiveness, and identify feasible funding strategies for
1205 implementing the plan's management strategies. The management
1206 strategies may include regional treatment systems or other
1207 public works, where appropriate, and voluntary trading of water
1208 quality credits to achieve the needed pollutant load reductions.

1209 2. A basin management action plan must equitably allocate,
1210 pursuant to paragraph (6) (b), pollutant reductions to individual
1211 basins, as a whole to all basins, or to each identified point
1212 source or category of nonpoint sources, as appropriate. For
1213 nonpoint sources for which best management practices have been
1214 adopted, the initial requirement specified by the plan must be
1215 those practices developed pursuant to paragraph (c). When ~~Where~~



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1216 appropriate, the plan may take into account the benefits of
1217 pollutant load reduction achieved by point or nonpoint sources
1218 that have implemented management strategies to reduce pollutant
1219 loads, including best management practices, before the
1220 development of the basin management action plan. The plan must
1221 also identify the mechanisms that will address potential future
1222 increases in pollutant loading.

1223 3. The basin management action planning process is intended
1224 to involve the broadest possible range of interested parties,
1225 with the objective of encouraging the greatest amount of
1226 cooperation and consensus possible. In developing a basin
1227 management action plan, the department shall assure that key
1228 stakeholders, including, but not limited to, applicable local
1229 governments, water management districts, the Department of
1230 Agriculture and Consumer Services, other appropriate state
1231 agencies, local soil and water conservation districts,
1232 environmental groups, regulated interests, and affected
1233 pollution sources, are invited to participate in the process.
1234 The department shall hold at least one public meeting in the
1235 vicinity of the watershed or basin to discuss and receive
1236 comments during the planning process and shall otherwise
1237 encourage public participation to the greatest practicable
1238 extent. Notice of the public meeting must be published in a
1239 newspaper of general circulation in each county in which the
1240 watershed or basin lies at least not less than 5 days, but not
1241 ~~not~~ more than 15 days, before the public meeting. A basin
1242 management action plan does not supplant or otherwise alter any
1243 assessment made under subsection (3) or subsection (4) or any
1244 calculation or initial allocation.



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- 1245 4. Each new or revised basin management action plan shall
1246 include:
- 1247 a. The appropriate management strategies available through
1248 existing water quality protection programs to achieve total
1249 maximum daily loads, which may provide for phased implementation
1250 to promote timely, cost-effective actions as provided for in s.
1251 403.151;
- 1252 b. A description of best management practices adopted by
1253 rule;
- 1254 c. A list of projects in priority ranking with a planning-
1255 level cost estimate and estimated date of completion for each
1256 listed project;
- 1257 d. The source and amount of financial assistance to be made
1258 available by the department, a water management district, or
1259 other entity for each listed project, if applicable; and
- 1260 e. A planning-level estimate of each listed project's
1261 expected load reduction, if applicable.
- 1262 5. The department shall adopt all or any part of a basin
1263 management action plan and any amendment to such plan by
1264 secretarial order pursuant to chapter 120 to implement ~~the~~
1265 ~~provisions of~~ this section.
- 1266 6. The basin management action plan must include milestones
1267 for implementation and water quality improvement, and an
1268 associated water quality monitoring component sufficient to
1269 evaluate whether reasonable progress in pollutant load
1270 reductions is being achieved over time. An assessment of
1271 progress toward these milestones shall be conducted every 5
1272 years, and revisions to the plan shall be made as appropriate.
1273 Revisions to the basin management action plan shall be made by



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1274 the department in cooperation with basin stakeholders. Revisions
1275 to the management strategies required for nonpoint sources must
1276 follow the procedures set forth in subparagraph (c)4. Revised
1277 basin management action plans must be adopted pursuant to
1278 subparagraph 5.

1279 7. In accordance with procedures adopted by rule under
1280 paragraph (9) (c), basin management action plans, and other
1281 pollution control programs under local, state, or federal
1282 authority as provided in subsection (4), may allow point or
1283 nonpoint sources that will achieve greater pollutant reductions
1284 than required by an adopted total maximum daily load or
1285 wasteload allocation to generate, register, and trade water
1286 quality credits for the excess reductions to enable other
1287 sources to achieve their allocation; however, the generation of
1288 water quality credits does not remove the obligation of a source
1289 or activity to meet applicable technology requirements or
1290 adopted best management practices. Such plans must allow trading
1291 between NPDES permittees, and trading that may or may not
1292 involve NPDES permittees, where the generation or use of the
1293 credits involve an entity or activity not subject to department
1294 water discharge permits whose owner voluntarily elects to obtain
1295 department authorization for the generation and sale of credits.

1296 8. ~~The provisions of~~ The department's rule relating to the
1297 equitable abatement of pollutants into surface waters do not
1298 apply to water bodies or water body segments for which a basin
1299 management plan that takes into account future new or expanded
1300 activities or discharges has been adopted under this section.

1301 9. In order to promote resilient utilities, if the
1302 department identifies domestic wastewater facilities or onsite



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1303 sewage treatment and disposal systems as contributors of at
1304 least 20 percent of point source or nonpoint source nutrient
1305 pollution or if the department determines remediation is
1306 necessary to achieve the total maximum daily load, a basin
1307 management action plan for a nutrient total maximum daily load
1308 must include the following:

1309 a. A wastewater treatment plan that addresses domestic
1310 wastewater developed by each local government in cooperation
1311 with the department, the water management district, and the
1312 public and private domestic wastewater facilities within the
1313 jurisdiction of the local government. The wastewater treatment
1314 plan must:

1315 (I) Provide for construction, expansion, or upgrades
1316 necessary to achieve the total maximum daily load requirements
1317 applicable to the domestic wastewater facility.

1318 (II) Include the permitted capacity in average annual
1319 gallons per day for the domestic wastewater facility; the
1320 average nutrient concentration and the estimated average
1321 nutrient load of the domestic wastewater; a timeline of the
1322 dates by which the construction of any facility improvements
1323 will begin and be completed and the date by which operations of
1324 the improved facility will begin; the estimated cost of the
1325 improvements; and the identity of responsible parties.

1326
1327 The wastewater treatment plan must be adopted as part of the
1328 basin management action plan no later than July 1, 2025. A local
1329 government that does not have a domestic wastewater treatment
1330 facility in its jurisdiction is not required to develop a
1331 wastewater treatment plan unless there is a demonstrated need to



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1332 establish a domestic wastewater treatment facility within its
1333 jurisdiction to improve water quality necessary to achieve a
1334 total maximum daily load. A local government is not responsible
1335 for a private domestic wastewater facility's compliance with a
1336 basin management action plan.

1337 b. An onsite sewage treatment and disposal system
1338 remediation plan developed by each local government in
1339 cooperation with the department, the Department of Health, water
1340 management districts, and public and private domestic wastewater
1341 facilities.

1342 (I) The onsite sewage treatment and disposal system
1343 remediation plan must identify cost-effective and financially
1344 feasible projects necessary to achieve the nutrient load
1345 reductions required for onsite sewage treatment and disposal
1346 systems. To identify cost-effective and financially feasible
1347 projects for remediation of onsite sewage treatment and disposal
1348 systems, the local government shall:

1349 (A) Include an inventory of onsite sewage treatment and
1350 disposal systems based on the best information available;

1351 (B) Identify onsite sewage treatment and disposal systems
1352 that would be eliminated through connection to existing or
1353 future central domestic wastewater infrastructure in the
1354 jurisdiction or domestic wastewater service area of the local
1355 government, that would be replaced with or upgraded to enhanced
1356 nutrient-reducing systems, or that would remain on conventional
1357 onsite sewage treatment and disposal systems;

1358 (C) Estimate the costs of potential onsite sewage treatment
1359 and disposal systems connections, upgrades, or replacements; and

1360 (D) Identify deadlines and interim milestones for the



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1361 planning, design, and construction of projects.

1362 (II) The department shall adopt the onsite sewage treatment
1363 and disposal system remediation plan as part of the basin
1364 management action plan no later than July 1, 2025, or as
1365 required for Outstanding Florida Springs under s. 373.807.

1366 10. When identifying wastewater projects in a basin
1367 management action plan, the department may not require the
1368 higher cost option if it achieves the same nutrient load
1369 reduction as a lower cost option.

1370 (b) *Total maximum daily load implementation.*—

1371 1. The department shall be the lead agency in coordinating
1372 the implementation of the total maximum daily loads through
1373 existing water quality protection programs. Application of a
1374 total maximum daily load by a water management district must be
1375 consistent with this section and does not require the issuance
1376 of an order or a separate action pursuant to s. 120.536(1) or s.
1377 120.54 for the adoption of the calculation and allocation
1378 previously established by the department. Such programs may
1379 include, but are not limited to:

1380 a. Permitting and other existing regulatory programs,
1381 including water-quality-based effluent limitations;

1382 b. Nonregulatory and incentive-based programs, including
1383 best management practices, cost sharing, waste minimization,
1384 pollution prevention, agreements established pursuant to s.
1385 403.061(22) ~~s. 403.061(21)~~, and public education;

1386 c. Other water quality management and restoration
1387 activities, for example surface water improvement and management
1388 plans approved by water management districts or basin management
1389 action plans developed pursuant to this subsection;



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1390 d. Trading of water quality credits or other equitable
1391 economically based agreements;
1392 e. Public works including capital facilities; or
1393 f. Land acquisition.
1394 2. For a basin management action plan adopted pursuant to
1395 paragraph (a), any management strategies and pollutant reduction
1396 requirements associated with a pollutant of concern for which a
1397 total maximum daily load has been developed, including effluent
1398 limits set forth for a discharger subject to NPDES permitting,
1399 if any, must be included in a timely manner in subsequent NPDES
1400 permits or permit modifications for that discharger. The
1401 department may not impose limits or conditions implementing an
1402 adopted total maximum daily load in an NPDES permit until the
1403 permit expires, the discharge is modified, or the permit is
1404 reopened pursuant to an adopted basin management action plan.
1405 a. Absent a detailed allocation, total maximum daily loads
1406 must be implemented through NPDES permit conditions that provide
1407 for a compliance schedule. In such instances, a facility's NPDES
1408 permit must allow time for the issuance of an order adopting the
1409 basin management action plan. The time allowed for the issuance
1410 of an order adopting the plan may not exceed 5 years. Upon
1411 issuance of an order adopting the plan, the permit must be
1412 reopened or renewed, as necessary, and permit conditions
1413 consistent with the plan must be established. Notwithstanding
1414 the other provisions of this subparagraph, upon request by an
1415 NPDES permittee, the department as part of a permit issuance,
1416 renewal, or modification may establish individual allocations
1417 before the adoption of a basin management action plan.
1418 b. For holders of NPDES municipal separate storm sewer



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1419 system permits and other stormwater sources, implementation of a
1420 total maximum daily load or basin management action plan must be
1421 achieved, to the maximum extent practicable, through the use of
1422 best management practices or other management measures.

1423 c. The basin management action plan does not relieve the
1424 discharger from any requirement to obtain, renew, or modify an
1425 NPDES permit or to abide by other requirements of the permit.

1426 d. Management strategies set forth in a basin management
1427 action plan to be implemented by a discharger subject to
1428 permitting by the department must be completed pursuant to the
1429 schedule set forth in the basin management action plan. This
1430 implementation schedule may extend beyond the 5-year term of an
1431 NPDES permit.

1432 e. Management strategies and pollution reduction
1433 requirements set forth in a basin management action plan for a
1434 specific pollutant of concern are not subject to challenge under
1435 chapter 120 at the time they are incorporated, in an identical
1436 form, into a subsequent NPDES permit or permit modification.

1437 f. For nonagricultural pollutant sources not subject to
1438 NPDES permitting but permitted pursuant to other state,
1439 regional, or local water quality programs, the pollutant
1440 reduction actions adopted in a basin management action plan must
1441 be implemented to the maximum extent practicable as part of
1442 those permitting programs.

1443 g. A nonpoint source discharger included in a basin
1444 management action plan must demonstrate compliance with the
1445 pollutant reductions established under subsection (6) by
1446 implementing the appropriate best management practices
1447 established pursuant to paragraph (c) or conducting water



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1448 quality monitoring prescribed by the department or a water
1449 management district. A nonpoint source discharger may, in
1450 accordance with department rules, supplement the implementation
1451 of best management practices with water quality credit trades in
1452 order to demonstrate compliance with the pollutant reductions
1453 established under subsection (6).

1454 h. A nonpoint source discharger included in a basin
1455 management action plan may be subject to enforcement action by
1456 the department or a water management district based upon a
1457 failure to implement the responsibilities set forth in sub-
1458 subparagraph g.

1459 i. A landowner, discharger, or other responsible person who
1460 is implementing applicable management strategies specified in an
1461 adopted basin management action plan may not be required by
1462 permit, enforcement action, or otherwise to implement additional
1463 management strategies, including water quality credit trading,
1464 to reduce pollutant loads to attain the pollutant reductions
1465 established pursuant to subsection (6) and shall be deemed to be
1466 in compliance with this section. This subparagraph does not
1467 limit the authority of the department to amend a basin
1468 management action plan as specified in subparagraph (a)6.

1469 (c) *Best management practices.*—

1470 1. The department, in cooperation with the water management
1471 districts and other interested parties, as appropriate, may
1472 develop suitable interim measures, best management practices, or
1473 other measures necessary to achieve the level of pollution
1474 reduction established by the department for nonagricultural
1475 nonpoint pollutant sources in allocations developed pursuant to
1476 subsection (6) and this subsection. These practices and measures



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1477 may be adopted by rule by the department and the water
1478 management districts and, where adopted by rule, shall be
1479 implemented by those parties responsible for nonagricultural
1480 nonpoint source pollution.

1481 2. The Department of Agriculture and Consumer Services may
1482 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54
1483 suitable interim measures, best management practices, or other
1484 measures necessary to achieve the level of pollution reduction
1485 established by the department for agricultural pollutant sources
1486 in allocations developed pursuant to subsection (6) and this
1487 subsection or for programs implemented pursuant to paragraph
1488 (12) (b). These practices and measures may be implemented by
1489 those parties responsible for agricultural pollutant sources and
1490 the department, the water management districts, and the
1491 Department of Agriculture and Consumer Services shall assist
1492 with implementation. In the process of developing and adopting
1493 rules for interim measures, best management practices, or other
1494 measures, the Department of Agriculture and Consumer Services
1495 shall consult with the department, the Department of Health, the
1496 water management districts, representatives from affected
1497 farming groups, and environmental group representatives. Such
1498 rules must also incorporate provisions for a notice of intent to
1499 implement the practices and a system to assure the
1500 implementation of the practices, including site inspection and
1501 recordkeeping requirements.

1502 3. Where interim measures, best management practices, or
1503 other measures are adopted by rule, the effectiveness of such
1504 practices in achieving the levels of pollution reduction
1505 established in allocations developed by the department pursuant



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1506 to subsection (6) and this subsection or in programs implemented
1507 pursuant to paragraph (12) (b) must be verified at representative
1508 sites by the department. The department shall use best
1509 professional judgment in making the initial verification that
1510 the best management practices are reasonably expected to be
1511 effective and, where applicable, must notify the appropriate
1512 water management district or the Department of Agriculture and
1513 Consumer Services of its initial verification before the
1514 adoption of a rule proposed pursuant to this paragraph.
1515 Implementation, in accordance with rules adopted under this
1516 paragraph, of practices that have been initially verified to be
1517 effective, or verified to be effective by monitoring at
1518 representative sites, by the department, shall provide a
1519 presumption of compliance with state water quality standards and
1520 release from ~~the provisions of~~ s. 376.307(5) for those
1521 pollutants addressed by the practices, and the department is not
1522 authorized to institute proceedings against the owner of the
1523 source of pollution to recover costs or damages associated with
1524 the contamination of surface water or groundwater caused by
1525 those pollutants. Research projects funded by the department, a
1526 water management district, or the Department of Agriculture and
1527 Consumer Services to develop or demonstrate interim measures or
1528 best management practices shall be granted a presumption of
1529 compliance with state water quality standards and a release from
1530 ~~the provisions of~~ s. 376.307(5). The presumption of compliance
1531 and release is limited to the research site and only for those
1532 pollutants addressed by the interim measures or best management
1533 practices. Eligibility for the presumption of compliance and
1534 release is limited to research projects on sites where the owner



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1535 or operator of the research site and the department, a water
1536 management district, or the Department of Agriculture and
1537 Consumer Services have entered into a contract or other
1538 agreement that, at a minimum, specifies the research objectives,
1539 the cost-share responsibilities of the parties, and a schedule
1540 that details the beginning and ending dates of the project.

1541 4. Where water quality problems are demonstrated, despite
1542 the appropriate implementation, operation, and maintenance of
1543 best management practices and other measures required by rules
1544 adopted under this paragraph, the department, a water management
1545 district, or the Department of Agriculture and Consumer
1546 Services, in consultation with the department, shall institute a
1547 reevaluation of the best management practice or other measure.
1548 Should the reevaluation determine that the best management
1549 practice or other measure requires modification, the department,
1550 a water management district, or the Department of Agriculture
1551 and Consumer Services, as appropriate, shall revise the rule to
1552 require implementation of the modified practice within a
1553 reasonable time period as specified in the rule.

1554 5. Subject to subparagraph 6., the Department of
1555 Agriculture and Consumer Services shall provide to the
1556 department information that it obtains pursuant to subparagraph
1557 (d) 3.

1558 6. Agricultural records relating to processes or methods of
1559 production, costs of production, profits, or other financial
1560 information held by the Department of Agriculture and Consumer
1561 Services pursuant to subparagraphs 3., ~~and 4.~~, and 5. or
1562 pursuant to any rule adopted pursuant to subparagraph 2. are
1563 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I



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1564 of the State Constitution. Upon request, records made
1565 confidential and exempt pursuant to this subparagraph shall be
1566 released to the department or any water management district
1567 provided that the confidentiality specified by this subparagraph
1568 for such records is maintained.

1569 ~~7.6. The provisions of~~ Subparagraphs 1. and 2. do not
1570 preclude the department or water management district from
1571 requiring compliance with water quality standards or with
1572 current best management practice requirements set forth in any
1573 applicable regulatory program authorized by law for the purpose
1574 of protecting water quality. Additionally, subparagraphs 1. and
1575 2. are applicable only to the extent that they do not conflict
1576 with any rules adopted by the department that are necessary to
1577 maintain a federally delegated or approved program.

1578 (d) *Enforcement and verification of basin management action*
1579 *plans and management strategies.*—

1580 1. Basin management action plans are enforceable pursuant
1581 to this section and ss. 403.121, 403.141, and 403.161.

1582 Management strategies, including best management practices and
1583 water quality monitoring, are enforceable under this chapter.

1584 2. No later than January 1, 2017:

1585 a. The department, in consultation with the water
1586 management districts and the Department of Agriculture and
1587 Consumer Services, shall initiate rulemaking to adopt procedures
1588 to verify implementation of water quality monitoring required in
1589 lieu of implementation of best management practices or other
1590 measures pursuant to sub-subparagraph (b)2.g.;

1591 b. The department, in consultation with the water
1592 management districts and the Department of Agriculture and



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1593 Consumer Services, shall initiate rulemaking to adopt procedures
1594 to verify implementation of nonagricultural interim measures,
1595 best management practices, or other measures adopted by rule
1596 pursuant to subparagraph (c)1.; and

1597 c. The Department of Agriculture and Consumer Services, in
1598 consultation with the water management districts and the
1599 department, shall initiate rulemaking to adopt procedures to
1600 verify implementation of agricultural interim measures, best
1601 management practices, or other measures adopted by rule pursuant
1602 to subparagraph (c)2.

1603
1604 The rules required under this subparagraph shall include
1605 enforcement procedures applicable to the landowner, discharger,
1606 or other responsible person required to implement applicable
1607 management strategies, including best management practices or
1608 water quality monitoring as a result of noncompliance.

1609 3. At least every 2 years, the Department of Agriculture
1610 and Consumer Services shall perform onsite inspections of each
1611 agricultural producer that enrolls in a best management practice
1612 to ensure that such practice is being properly implemented. Such
1613 verification must include a review of the best management
1614 practice documentation required by rule adopted in accordance
1615 with subparagraph (c)2., including, but not limited to, nitrogen
1616 and phosphorous fertilizer application records, which must be
1617 collected and retained pursuant to subparagraphs (c)3., 4., and
1618 6.

1619 (e) Data collection and research.—

1620 1. The Department of Agriculture and Consumer Services, the
1621 University of Florida Institute of Food and Agricultural



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1622 Sciences, and other state universities and Florida College
1623 System institutions with agricultural research programs may
1624 annually develop research plans and legislative budget requests
1625 to:

1626 a. Evaluate and suggest enhancements to the existing
1627 adopted agricultural best management practices to reduce
1628 nutrients;

1629 b. Develop new best management practices that, if proven
1630 effective, the Department of Agriculture and Consumer Services
1631 may adopt by rule pursuant to paragraph (c); and

1632 c. Develop agricultural nutrient reduction projects that
1633 willing participants could implement on a site-specific,
1634 cooperative basis, in addition to best management practices. The
1635 department may consider these projects for inclusion in a basin
1636 management action plan. These nutrient reduction projects must
1637 reduce the nutrient impacts from agricultural operations on
1638 water quality when evaluated with the projects and management
1639 strategies currently included in the basin management action
1640 plan.

1641 2. To be considered for funding, the University of Florida
1642 Institute of Food and Agricultural Sciences and other state
1643 universities and Florida College System institutions that have
1644 agricultural research programs must submit such plans to the
1645 department and the Department of Agriculture and Consumer
1646 Services by August 1 of each year.

1647 Section 10. Section 403.0673, Florida Statutes, is created
1648 to read:

1649 403.0673 Wastewater grant program.—A wastewater grant
1650 program is established within the Department of Environmental



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1651 Protection.

1652 (1) Subject to the appropriation of funds by the
1653 Legislature, the department may provide grants for the following
1654 projects within a basin management action plan, an alternative
1655 restoration plan adopted by final order, or a rural area of
1656 opportunity under s. 288.0656 which will individually or
1657 collectively reduce excess nutrient pollution:

1658 (a) Projects to retrofit onsite sewage treatment and
1659 disposal systems to upgrade them to enhanced nutrient-reducing
1660 onsite sewage treatment and disposal systems.

1661 (b) Projects to construct, upgrade, or expand facilities to
1662 provide advanced waste treatment, as defined in s. 403.086(4).

1663 (c) Projects to connect onsite sewage treatment and
1664 disposal systems to central sewer facilities.

1665 (2) In allocating such funds, priority must be given to
1666 projects that subsidize the connection of onsite sewage
1667 treatment and disposal systems to wastewater treatment plants.
1668 First priority must be given to subsidize connection to existing
1669 infrastructure. Second priority must be given to any expansion
1670 of a collection or transmission system that promotes efficiency
1671 by planning the installation of wastewater transmission
1672 facilities to be constructed concurrently with other
1673 construction projects occurring within or along a transportation
1674 facility right-of-way. Third priority must be given to all other
1675 connection of onsite sewage treatment and disposal systems to a
1676 wastewater treatment plants. The department shall consider the
1677 estimated reduction in nutrient load per project; project
1678 readiness; cost-effectiveness of the project; overall
1679 environmental benefit of a project; the location of a project;



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1680 the availability of local matching funds; and projected water
1681 savings or quantity improvements associated with a project.

1682 (3) Each grant for a project described in subsection (1)
1683 must require a minimum of a 50 percent local match of funds.
1684 However, the department may, at its discretion, waive, in whole
1685 or in part, this consideration of the local contribution for
1686 proposed projects within an area designated as a rural area of
1687 opportunity under s. 288.0656.

1688 (4) The department shall coordinate with each water
1689 management district, as necessary, to identify grant recipients
1690 in each district.

1691 (5) Beginning January 1, 2021, and each January 1
1692 thereafter, the department shall submit a report regarding the
1693 projects funded pursuant to this section to the Governor, the
1694 President of the Senate, and the Speaker of the House of
1695 Representatives.

1696 Section 11. Section 403.0855, Florida Statutes, is created
1697 to read:

1698 403.0855 Biosolids management.—The Legislature finds that
1699 it is in the best interest of this state to regulate biosolids
1700 management in order to minimize the migration of nutrients that
1701 impair waterbodies. The Legislature further finds that the
1702 expedited implementation of the recommendations of the Biosolids
1703 Technical Advisory Committee, including permitting according to
1704 site-specific application conditions, an increased inspection
1705 rate, groundwater and surface water monitoring protocols, and
1706 nutrient management research, will improve biosolids management
1707 and assist in protecting this state's water resources and water
1708 quality. The department shall adopt rules for biosolids



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1709 management. Rules adopted by the department pursuant to this
1710 section before the 2021 regular legislative session are not
1711 subject to s. 120.541(3). A municipality or county may enforce
1712 or extend an ordinance, a regulation, a resolution, a rule, a
1713 moratorium, or a policy, any of which was adopted before
1714 November 1, 2019, relating to the land application of Class B
1715 biosolids until the ordinance, regulation, resolution, rule,
1716 moratorium, or policy is repealed by the municipality or county.

1717 Section 12. Present subsections (7) through (10) of section
1718 403.086, Florida Statutes, are redesignated as subsections (8)
1719 through (11), respectively, a new subsection (7) is added to
1720 that section, and paragraph (c) of subsection (1) and subsection
1721 (2) of that section are amended, to read:

1722 403.086 Sewage disposal facilities; advanced and secondary
1723 waste treatment.—

1724 (1)

1725 (c) Notwithstanding any other provisions of this chapter or
1726 chapter 373, facilities for sanitary sewage disposal may not
1727 dispose of any wastes into Old Tampa Bay, Tampa Bay,
1728 Hillsborough Bay, Boca Ciega Bay, St. Joseph Sound, Clearwater
1729 Bay, Sarasota Bay, Little Sarasota Bay, Roberts Bay, Lemon Bay,
1730 or Charlotte Harbor Bay, Indian River Lagoon beginning July 1,
1731 2025, or into any river, stream, channel, canal, bay, bayou,
1732 sound, or other water tributary thereto, without providing
1733 advanced waste treatment, as defined in subsection (4), approved
1734 by the department. This paragraph shall not apply to facilities
1735 which were permitted by February 1, 1987, and which discharge
1736 secondary treated effluent, followed by water hyacinth
1737 treatment, to tributaries of tributaries of the named waters; or



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1738 to facilities permitted to discharge to the nontidally
1739 influenced portions of the Peace River.

1740 (2) Any facilities for sanitary sewage disposal shall
1741 provide for secondary waste treatment, a power outage
1742 contingency plan that mitigates the impacts of power outages on
1743 the utility's collection system and pump stations, and, ~~in~~
1744 addition thereto, advanced waste treatment as deemed necessary
1745 and ordered by the Department of Environmental Protection.
1746 Failure to conform is ~~shall be~~ punishable by a civil penalty of
1747 \$500 for each 24-hour day or fraction thereof that such failure
1748 is allowed to continue thereafter.

1749 (7) All facilities for sanitary sewage under subsection (2)
1750 which control a collection or transmission system of pipes and
1751 pumps to collect and transmit wastewater from domestic or
1752 industrial sources to the facility shall take steps to prevent
1753 sanitary sewer overflows or underground pipe leaks and ensure
1754 that collected wastewater reaches the facility for appropriate
1755 treatment. Facilities must use inflow and infiltration studies
1756 and leakage surveys to develop pipe assessment, repair, and
1757 replacement action plans that comply with department rule to
1758 limit, reduce, and eliminate leaks, seepages, or inputs into
1759 wastewater treatment systems' underground pipes. The pipe
1760 assessment, repair, and replacement action plans must be
1761 reported to the department. The facility action plan must
1762 include information regarding the annual expenditures dedicated
1763 to the inflow and infiltration studies and the required
1764 replacement action plans, as well as expenditures that are
1765 dedicated to pipe assessment, repair, and replacement. The
1766 department shall adopt rules regarding the implementation of



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1767 inflow and infiltration studies and leakage surveys; however,
1768 such department rules may not fix or revise utility rates or
1769 budgets. Any entity subject to this subsection and s.
1770 403.061(14) may submit one report to comply with both
1771 provisions. Substantial compliance with this subsection is
1772 evidence in mitigation for the purposes of assessing penalties
1773 pursuant to ss. 403.121 and 403.141.

1774 Section 13. Present subsections (4) through (10) of section
1775 403.087, Florida Statutes, are redesignated as subsections (5)
1776 through (11), respectively, and a new subsection (4) is added to
1777 that section, to read:

1778 403.087 Permits; general issuance; denial; revocation;
1779 prohibition; penalty.-

1780 (4) The department shall issue an operation permit for a
1781 domestic wastewater treatment facility other than a facility
1782 regulated under the National Pollutant Discharge Elimination
1783 System Program under s. 403.0885 for a term of up to 10 years if
1784 the facility is meeting the stated goals in its action plan
1785 adopted pursuant to s. 403.086(7).

1786 Section 14. Present subsections (3) and (4) of section
1787 403.088, Florida Statutes, are redesignated as subsections (4)
1788 and (5), respectively, a new subsection (3) is added to that
1789 section, and paragraph (c) of subsection (2) of that section is
1790 amended, to read:

1791 403.088 Water pollution operation permits; conditions.-

1792 (2)

1793 (c) A permit shall:

1794 1. Specify the manner, nature, volume, and frequency of the
1795 discharge permitted;



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1796 2. Require proper operation and maintenance of any
1797 pollution abatement facility by qualified personnel in
1798 accordance with standards established by the department;

1799 3. Require a deliberate, proactive approach to
1800 investigating or surveying a significant percentage of the
1801 domestic wastewater collection system throughout the duration of
1802 the permit to determine pipe integrity, which must be
1803 accomplished in an economically feasible manner. The permittee
1804 shall submit an annual report to the department which details
1805 facility revenues and expenditures in a manner prescribed by
1806 department rule. The report must detail any deviation of annual
1807 expenditures from identified system needs related to inflow and
1808 infiltration studies; model plans for pipe assessment, repair,
1809 and replacement; and pipe assessment, repair, and replacement
1810 required under s. 403.086(7). Substantial compliance with this
1811 subsection is evidence in mitigation for the purposes of
1812 assessing penalties pursuant to ss. 403.121 and 403.141;

1813 4. Contain such additional conditions, requirements, and
1814 restrictions as the department deems necessary to preserve and
1815 protect the quality of the receiving waters;

1816 ~~5.4.~~ Be valid for the period of time specified therein; and

1817 ~~6.5.~~ Constitute the state National Pollutant Discharge
1818 Elimination System permit when issued pursuant to the authority
1819 in s. 403.0885.

1820 (3) No later than March 1 of each year, the department
1821 shall submit a report to the Governor, the President of the
1822 Senate, and the Speaker of the House of Representatives which
1823 identifies all domestic wastewater treatment facilities that
1824 experienced a sanitary sewer overflow in the preceding calendar



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1825 year. The report must identify the utility name, operator,
1826 permitted capacity in annual average gallons per day, the number
1827 of overflows, and the total volume of sewage released, and, to
1828 the extent known and available, the volume of sewage recovered,
1829 the volume of sewage discharged to surface waters, and the cause
1830 of the sanitary sewer overflow, including whether it was caused
1831 by a third party. The department shall include with this report
1832 the annual report specified under subparagraph (2)(c)3. for each
1833 utility that experienced an overflow.

1834 Section 15. Subsection (6) of section 403.0891, Florida
1835 Statutes, is amended to read:

1836 403.0891 State, regional, and local stormwater management
1837 plans and programs.—The department, the water management
1838 districts, and local governments shall have the responsibility
1839 for the development of mutually compatible stormwater management
1840 programs.

1841 (6) The department and the Department of Economic
1842 Opportunity, in cooperation with local governments in the
1843 coastal zone, shall develop a model stormwater management
1844 program that could be adopted by local governments. The model
1845 program must contain model ordinances that target nutrient
1846 reduction practices and use green infrastructure. The model
1847 program shall contain dedicated funding options, including a
1848 stormwater utility fee system based upon an equitable unit cost
1849 approach. Funding options shall be designed to generate capital
1850 to retrofit existing stormwater management systems, build new
1851 treatment systems, operate facilities, and maintain and service
1852 debt.

1853 Section 16. Paragraphs (b) and (g) of subsection (2),



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1854 paragraph (b) of subsection (3), and subsections (8) and (9) of
1855 section 403.121, Florida Statutes, are amended to read:

1856 403.121 Enforcement; procedure; remedies.—The department
1857 shall have the following judicial and administrative remedies
1858 available to it for violations of this chapter, as specified in
1859 s. 403.161(1).

1860 (2) Administrative remedies:

1861 (b) If the department has reason to believe a violation has
1862 occurred, it may institute an administrative proceeding to order
1863 the prevention, abatement, or control of the conditions creating
1864 the violation or other appropriate corrective action. Except for
1865 violations involving hazardous wastes, asbestos, or underground
1866 injection, the department shall proceed administratively in all
1867 cases in which the department seeks administrative penalties
1868 that do not exceed \$50,000 ~~\$10,000~~ per assessment as calculated
1869 in accordance with subsections (3), (4), (5), (6), and (7).
1870 Pursuant to 42 U.S.C. s. 300g-2, the administrative penalty
1871 assessed pursuant to subsection (3), subsection (4), or
1872 subsection (5) against a public water system serving a
1873 population of more than 10,000 shall be not less than \$1,000 per
1874 day per violation. The department shall not impose
1875 administrative penalties in excess of \$50,000 ~~\$10,000~~ in a
1876 notice of violation. The department shall not have more than one
1877 notice of violation seeking administrative penalties pending
1878 against the same party at the same time unless the violations
1879 occurred at a different site or the violations were discovered
1880 by the department subsequent to the filing of a previous notice
1881 of violation.

1882 (g) Nothing herein shall be construed as preventing any



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1883 other legal or administrative action in accordance with law.
1884 Nothing in this subsection shall limit the department's
1885 authority provided in ss. 403.131, 403.141, and this section to
1886 judicially pursue injunctive relief. When the department
1887 exercises its authority to judicially pursue injunctive relief,
1888 penalties in any amount up to the statutory maximum sought by
1889 the department must be pursued as part of the state court action
1890 and not by initiating a separate administrative proceeding. The
1891 department retains the authority to judicially pursue penalties
1892 in excess of \$50,000 ~~\$10,000~~ for violations not specifically
1893 included in the administrative penalty schedule, or for multiple
1894 or multiday violations alleged to exceed a total of \$50,000
1895 ~~\$10,000~~. The department also retains the authority provided in
1896 ss. 403.131, 403.141, and this section to judicially pursue
1897 injunctive relief and damages, if a notice of violation seeking
1898 the imposition of administrative penalties has not been issued.
1899 The department has the authority to enter into a settlement,
1900 either before or after initiating a notice of violation, and the
1901 settlement may include a penalty amount different from the
1902 administrative penalty schedule. Any case filed in state court
1903 because it is alleged to exceed a total of \$50,000 ~~\$10,000~~ in
1904 penalties may be settled in the court action for less than
1905 \$50,000 ~~\$10,000~~.

1906 (3) Except for violations involving hazardous wastes,
1907 asbestos, or underground injection, administrative penalties
1908 must be calculated according to the following schedule:

1909 (b) For failure to obtain a required wastewater permit,
1910 other than a permit required for surface water discharge, the
1911 department shall assess a penalty of \$2,000 ~~\$1,000~~. For a



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1912 domestic or industrial wastewater violation not involving a
1913 surface water or groundwater quality violation, the department
1914 shall assess a penalty of \$4,000 ~~\$2,000~~ for an unpermitted or
1915 unauthorized discharge or effluent-limitation exceedance or
1916 failure to comply with s. 403.061(14) or s. 403.086(7) or rules
1917 adopted thereunder. For an unpermitted or unauthorized discharge
1918 or effluent-limitation exceedance that resulted in a surface
1919 water or groundwater quality violation, the department shall
1920 assess a penalty of \$10,000 ~~\$5,000~~.

1921 (8) The direct economic benefit gained by the violator from
1922 the violation, where consideration of economic benefit is
1923 provided by Florida law or required by federal law as part of a
1924 federally delegated or approved program, shall be added to the
1925 scheduled administrative penalty. The total administrative
1926 penalty, including any economic benefit added to the scheduled
1927 administrative penalty, shall not exceed \$20,000 ~~\$10,000~~.

1928 (9) The administrative penalties assessed for any
1929 particular violation shall not exceed \$10,000 ~~\$5,000~~ against any
1930 one violator, unless the violator has a history of
1931 noncompliance, the economic benefit of the violation as
1932 described in subsection (8) exceeds \$10,000 ~~\$5,000~~, or there are
1933 multiday violations. The total administrative penalties shall
1934 not exceed \$50,000 ~~\$10,000~~ per assessment for all violations
1935 attributable to a specific person in the notice of violation.

1936 Section 17. Subsection (7) of section 403.1835, Florida
1937 Statutes, is amended to read:

1938 403.1835 Water pollution control financial assistance.—

1939 (7) Eligible projects must be given priority according to
1940 the extent each project is intended to remove, mitigate, or



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1941 prevent adverse effects on surface or ground water quality and
1942 public health. The relative costs of achieving environmental and
1943 public health benefits must be taken into consideration during
1944 the department's assignment of project priorities. The
1945 department shall adopt a priority system by rule. In developing
1946 the priority system, the department shall give priority to
1947 projects that:

1948 (a) Eliminate public health hazards;

1949 (b) Enable compliance with laws requiring the elimination
1950 of discharges to specific water bodies, including the
1951 requirements of s. 403.086(10) ~~s. 403.086(9)~~ regarding domestic
1952 wastewater ocean outfalls;

1953 (c) Assist in the implementation of total maximum daily
1954 loads adopted under s. 403.067;

1955 (d) Enable compliance with other pollution control
1956 requirements, including, but not limited to, toxics control,
1957 wastewater residuals management, and reduction of nutrients and
1958 bacteria;

1959 (e) Assist in the implementation of surface water
1960 improvement and management plans and pollutant load reduction
1961 goals developed under state water policy;

1962 (f) Promote reclaimed water reuse;

1963 (g) Eliminate failing onsite sewage treatment and disposal
1964 systems or those that are causing environmental damage; or

1965 (h) Reduce pollutants to and otherwise promote the
1966 restoration of Florida's surface and ground waters.

1967 (i) Implement the requirements of ss. 403.086(7) and
1968 403.088(2)(c).

1969 (j) Promote efficiency by planning for the installation of



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1970 wastewater transmission facilities to be constructed
1971 concurrently with other construction projects occurring within
1972 or along a transportation facility right-of-way.

1973 Section 18. Paragraph (b) of subsection (3) of section
1974 403.1838, Florida Statutes, is amended to read:

1975 403.1838 Small Community Sewer Construction Assistance
1976 Act.—

1977 (3)

1978 (b) The rules of the Environmental Regulation Commission
1979 must:

1980 1. Require that projects to plan, design, construct,
1981 upgrade, or replace wastewater collection, transmission,
1982 treatment, disposal, and reuse facilities be cost-effective,
1983 environmentally sound, permittable, and implementable.

1984 2. Require appropriate user charges, connection fees, and
1985 other charges sufficient to ensure the long-term operation,
1986 maintenance, and replacement of the facilities constructed under
1987 each grant.

1988 3. Require grant applications to be submitted on
1989 appropriate forms with appropriate supporting documentation, and
1990 require records to be maintained.

1991 4. Establish a system to determine eligibility of grant
1992 applications.

1993 5. Establish a system to determine the relative priority of
1994 grant applications. The system must consider public health
1995 protection and water pollution prevention or abatement and must
1996 prioritize projects that plan for the installation of wastewater
1997 transmission facilities to be constructed concurrently with
1998 other construction projects occurring within or along a



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1999 transportation facility right-of-way.

2000 6. Establish requirements for competitive procurement of
2001 engineering and construction services, materials, and equipment.

2002 7. Provide for termination of grants when program
2003 requirements are not met.

2004 Section 19. The Legislature determines and declares that
2005 this act fulfills an important state interest.

2006 Section 20. Effective July 1, 2021, subsection (5) of
2007 section 153.54, Florida Statutes, is amended to read:

2008 153.54 Preliminary report by county commissioners with
2009 respect to creation of proposed district.—Upon receipt of a
2010 petition duly signed by not less than 25 qualified electors who
2011 are also freeholders residing within an area proposed to be
2012 incorporated into a water and sewer district pursuant to this
2013 law and describing in general terms the proposed boundaries of
2014 such proposed district, the board of county commissioners if it
2015 shall deem it necessary and advisable to create and establish
2016 such proposed district for the purpose of constructing,
2017 establishing or acquiring a water system or a sewer system or
2018 both in and for such district (herein called "improvements"),
2019 shall first cause a preliminary report to be made which such
2020 report together with any other relevant or pertinent matters,
2021 shall include at least the following:

2022 (5) For the construction of a new proposed central sewerage
2023 system or the extension of an existing sewerage system that was
2024 not previously approved, the report shall include a study that
2025 includes the available information from the Department of
2026 Environmental Protection ~~Health~~ on the history of onsite sewage
2027 treatment and disposal systems currently in use in the area and



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2028 a comparison of the projected costs to the owner of a typical
2029 lot or parcel of connecting to and using the proposed sewerage
2030 system versus installing, operating, and properly maintaining an
2031 onsite sewage treatment and disposal system that is approved by
2032 the Department of Environmental Protection ~~Health~~ and that
2033 provides for the comparable level of environmental and health
2034 protection as the proposed central sewerage system;
2035 consideration of the local authority's obligations or reasonably
2036 anticipated obligations for water body cleanup and protection
2037 under state or federal programs, including requirements for
2038 water bodies listed under s. 303(d) of the Clean Water Act, Pub.
2039 L. No. 92-500, 33 U.S.C. ss. 1251 et seq.; and other factors
2040 deemed relevant by the local authority.

2041
2042 Such report shall be filed in the office of the clerk of the
2043 circuit court and shall be open for the inspection of any
2044 taxpayer, property owner, qualified elector or any other
2045 interested or affected person.

2046 Section 21. Effective July 1, 2021, paragraph (c) of
2047 subsection (2) of section 153.73, Florida Statutes, is amended
2048 to read:

2049 153.73 Assessable improvements; levy and payment of special
2050 assessments.—Any district may provide for the construction or
2051 reconstruction of assessable improvements as defined in s.
2052 153.52, and for the levying of special assessments upon
2053 benefited property for the payment thereof, under ~~the provisions~~
2054 ~~of~~ this section.

2055 (2)

2056 (c) For the construction of a new proposed central sewerage



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2057 system or the extension of an existing sewerage system that was
2058 not previously approved, the report shall include a study that
2059 includes the available information from the Department of
2060 Environmental Protection ~~Health~~ on the history of onsite sewage
2061 treatment and disposal systems currently in use in the area and
2062 a comparison of the projected costs to the owner of a typical
2063 lot or parcel of connecting to and using the proposed sewerage
2064 system versus installing, operating, and properly maintaining an
2065 onsite sewage treatment and disposal system that is approved by
2066 the Department of Environmental Protection ~~Health~~ and that
2067 provides for the comparable level of environmental and health
2068 protection as the proposed central sewerage system;
2069 consideration of the local authority's obligations or reasonably
2070 anticipated obligations for water body cleanup and protection
2071 under state or federal programs, including requirements for
2072 water bodies listed under s. 303(d) of the Clean Water Act, Pub.
2073 L. No. 92-500, 33 U.S.C. ss. 1251 et seq.; and other factors
2074 deemed relevant by the local authority.

2075 Section 22. Effective July 1, 2021, subsection (2) of
2076 section 163.3180, Florida Statutes, is amended to read:

2077 163.3180 Concurrency.—

2078 (2) Consistent with public health and safety, sanitary
2079 sewer, solid waste, drainage, adequate water supplies, and
2080 potable water facilities shall be in place and available to
2081 serve new development no later than the issuance by the local
2082 government of a certificate of occupancy or its functional
2083 equivalent. Prior to approval of a building permit or its
2084 functional equivalent, the local government shall consult with
2085 the applicable water supplier to determine whether adequate



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2086 water supplies to serve the new development will be available no
2087 later than the anticipated date of issuance by the local
2088 government of a certificate of occupancy or its functional
2089 equivalent. A local government may meet the concurrency
2090 requirement for sanitary sewer through the use of onsite sewage
2091 treatment and disposal systems approved by the Department of
2092 Environmental Protection Health to serve new development.

2093 Section 23. Effective July 1, 2021, subsection (3) of
2094 section 180.03, Florida Statutes, is amended to read:

2095 180.03 Resolution or ordinance proposing construction or
2096 extension of utility; objections to same.-

2097 (3) For the construction of a new proposed central sewerage
2098 system or the extension of an existing central sewerage system
2099 that was not previously approved, the report shall include a
2100 study that includes the available information from the
2101 Department of Environmental Protection Health on the history of
2102 onsite sewage treatment and disposal systems currently in use in
2103 the area and a comparison of the projected costs to the owner of
2104 a typical lot or parcel of connecting to and using the proposed
2105 central sewerage system versus installing, operating, and
2106 properly maintaining an onsite sewage treatment and disposal
2107 system that is approved by the Department of Environmental
2108 Protection Health and that provides for the comparable level of
2109 environmental and health protection as the proposed central
2110 sewerage system; consideration of the local authority's
2111 obligations or reasonably anticipated obligations for water body
2112 cleanup and protection under state or federal programs,
2113 including requirements for water bodies listed under s. 303(d)
2114 of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251



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2115 et seq.; and other factors deemed relevant by the local
2116 authority. The results of such a study shall be included in the
2117 resolution or ordinance required under subsection (1).

2118 Section 24. Subsections (2), (3), and (6) of section
2119 311.105, Florida Statutes, are amended to read:

2120 311.105 Florida Seaport Environmental Management Committee;
2121 permitting; mitigation.-

2122 (2) Each application for a permit authorized pursuant to s.
2123 403.061(38) ~~s. 403.061(37)~~ must include:

2124 (a) A description of maintenance dredging activities to be
2125 conducted and proposed methods of dredged-material management.

2126 (b) A characterization of the materials to be dredged and
2127 the materials within dredged-material management sites.

2128 (c) A description of dredged-material management sites and
2129 plans.

2130 (d) A description of measures to be undertaken, including
2131 environmental compliance monitoring, to minimize adverse
2132 environmental effects of maintenance dredging and dredged-
2133 material management.

2134 (e) Such scheduling information as is required to
2135 facilitate state supplementary funding of federal maintenance
2136 dredging and dredged-material management programs consistent
2137 with beach restoration criteria of the Department of
2138 Environmental Protection.

2139 (3) Each application for a permit authorized pursuant to s.
2140 403.061(39) ~~s. 403.061(38)~~ must include ~~the provisions of~~
2141 paragraphs (2) (b)-(e) and the following:

2142 (a) A description of dredging and dredged-material
2143 management and other related activities associated with port



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2144 development, including the expansion of navigation channels,
2145 dredged-material management sites, port harbors, turning basins,
2146 harbor berths, and associated facilities.

2147 (b) A discussion of environmental mitigation as is proposed
2148 for dredging and dredged-material management for port
2149 development, including the expansion of navigation channels,
2150 dredged-material management sites, port harbors, turning basins,
2151 harbor berths, and associated facilities.

2152 (6) Dredged-material management activities authorized
2153 pursuant to s. 403.061(38) ~~s. 403.061(37)~~ or s. 403.061(39) ~~(38)~~
2154 shall be incorporated into port master plans developed pursuant
2155 to s. 163.3178(2)(k).

2156 Section 25. Paragraph (d) of subsection (1) of section
2157 327.46, Florida Statutes, is amended to read:

2158 327.46 Boating-restricted areas.—

2159 (1) Boating-restricted areas, including, but not limited
2160 to, restrictions of vessel speeds and vessel traffic, may be
2161 established on the waters of this state for any purpose
2162 necessary to protect the safety of the public if such
2163 restrictions are necessary based on boating accidents,
2164 visibility, hazardous currents or water levels, vessel traffic
2165 congestion, or other navigational hazards or to protect
2166 seagrasses on privately owned submerged lands.

2167 (d) Owners of private submerged lands that are adjacent to
2168 Outstanding Florida Waters, as defined in s. 403.061(28) ~~s.~~
2169 ~~403.061(27)~~, or an aquatic preserve established under ss.
2170 258.39-258.399 may request that the commission establish
2171 boating-restricted areas solely to protect any seagrass and
2172 contiguous seagrass habitat within their private property



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2173 boundaries from seagrass scarring due to propeller dredging.
2174 Owners making a request pursuant to this paragraph must
2175 demonstrate to the commission clear ownership of the submerged
2176 lands. The commission shall adopt rules to implement this
2177 paragraph, including, but not limited to, establishing an
2178 application process and criteria for meeting the requirements of
2179 this paragraph. Each approved boating-restricted area shall be
2180 established by commission rule. For marking boating-restricted
2181 zones established pursuant to this paragraph, owners of
2182 privately submerged lands shall apply to the commission for a
2183 uniform waterway marker permit in accordance with ss. 327.40 and
2184 327.41, and shall be responsible for marking the boating-
2185 restricted zone in accordance with the terms of the permit.

2186 Section 26. Paragraph (d) of subsection (3) of section
2187 373.250, Florida Statutes, is amended to read:

2188 373.250 Reuse of reclaimed water.-

2189 (3)

2190 (d) The South Florida Water Management District shall
2191 require the use of reclaimed water made available by the
2192 elimination of wastewater ocean outfall discharges as provided
2193 for in s. 403.086(10) ~~s. 403.086(9)~~ in lieu of surface water or
2194 groundwater when the use of reclaimed water is available; is
2195 environmentally, economically, and technically feasible; and is
2196 of such quality and reliability as is necessary to the user.
2197 Such reclaimed water may also be required in lieu of other
2198 alternative sources. In determining whether to require such
2199 reclaimed water in lieu of other alternative sources, the water
2200 management district shall consider existing infrastructure
2201 investments in place or obligated to be constructed by an



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2202 executed contract or similar binding agreement as of July 1,
2203 2011, for the development of other alternative sources.

2204 Section 27. Subsection (9) of section 373.414, Florida
2205 Statutes, is amended to read:

2206 373.414 Additional criteria for activities in surface
2207 waters and wetlands.—

2208 (9) The department and the governing boards, on or before
2209 July 1, 1994, shall adopt rules to incorporate ~~the provisions of~~
2210 this section, relying primarily on the existing rules of the
2211 department and the water management districts, into the rules
2212 governing the management and storage of surface waters. Such
2213 rules shall seek to achieve a statewide, coordinated and
2214 consistent permitting approach to activities regulated under
2215 this part. Variations in permitting criteria in the rules of
2216 individual water management districts or the department shall
2217 only be provided to address differing physical or natural
2218 characteristics. Such rules adopted pursuant to this subsection
2219 shall include the special criteria adopted pursuant to s.
2220 403.061(30) ~~s. 403.061(29)~~ and may include the special criteria
2221 adopted pursuant to s. 403.061(35) ~~s. 403.061(34)~~. Such rules
2222 shall include a provision requiring that a notice of intent to
2223 deny or a permit denial based upon this section shall contain an
2224 explanation of the reasons for such denial and an explanation,
2225 in general terms, of what changes, if any, are necessary to
2226 address such reasons for denial. Such rules may establish
2227 exemptions and general permits, if such exemptions and general
2228 permits do not allow significant adverse impacts to occur
2229 individually or cumulatively. Such rules may require submission
2230 of proof of financial responsibility which may include the



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2231 posting of a bond or other form of surety prior to the
2232 commencement of construction to provide reasonable assurance
2233 that any activity permitted pursuant to this section, including
2234 any mitigation for such permitted activity, will be completed in
2235 accordance with the terms and conditions of the permit once the
2236 construction is commenced. Until rules adopted pursuant to this
2237 subsection become effective, existing rules adopted under this
2238 part and rules adopted pursuant to the authority of ss. 403.91-
2239 403.929 shall be deemed authorized under this part and shall
2240 remain in full force and effect. Neither the department nor the
2241 governing boards are limited or prohibited from amending any
2242 such rules.

2243 Section 28. Paragraph (b) of subsection (4) of section
2244 373.705, Florida Statutes, is amended to read:

2245 373.705 Water resource development; water supply
2246 development.—

2247 (4)

2248 (b) Water supply development projects that meet the
2249 criteria in paragraph (a) and that meet one or more of the
2250 following additional criteria shall be given first consideration
2251 for state or water management district funding assistance:

2252 1. The project brings about replacement of existing sources
2253 in order to help implement a minimum flow or minimum water
2254 level;

2255 2. The project implements reuse that assists in the
2256 elimination of domestic wastewater ocean outfalls as provided in
2257 s. 403.086(10) ~~s. 403.086(9)~~; or

2258 3. The project reduces or eliminates the adverse effects of
2259 competition between legal users and the natural system.



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2260 Section 29. Paragraph (f) of subsection (8) of section
2261 373.707, Florida Statutes, is amended to read:

2262 373.707 Alternative water supply development.—

2263 (8)

2264 (f) The governing boards shall determine those projects
2265 that will be selected for financial assistance. The governing
2266 boards may establish factors to determine project funding;
2267 however, significant weight shall be given to the following
2268 factors:

2269 1. Whether the project provides substantial environmental
2270 benefits by preventing or limiting adverse water resource
2271 impacts.

2272 2. Whether the project reduces competition for water
2273 supplies.

2274 3. Whether the project brings about replacement of
2275 traditional sources in order to help implement a minimum flow or
2276 level or a reservation.

2277 4. Whether the project will be implemented by a consumptive
2278 use permittee that has achieved the targets contained in a goal-
2279 based water conservation program approved pursuant to s.
2280 373.227.

2281 5. The quantity of water supplied by the project as
2282 compared to its cost.

2283 6. Projects in which the construction and delivery to end
2284 users of reuse water is a major component.

2285 7. Whether the project will be implemented by a
2286 multijurisdictional water supply entity or regional water supply
2287 authority.

2288 8. Whether the project implements reuse that assists in the



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2289 elimination of domestic wastewater ocean outfalls as provided in
2290 s. 403.086(10) ~~s. 403.086(9)~~.

2291 9. Whether the county or municipality, or the multiple
2292 counties or municipalities, in which the project is located has
2293 implemented a high-water recharge protection tax assessment
2294 program as provided in s. 193.625.

2295 Section 30. Subsection (4) of section 373.709, Florida
2296 Statutes, is amended to read:

2297 373.709 Regional water supply planning.—

2298 (4) The South Florida Water Management District shall
2299 include in its regional water supply plan water resource and
2300 water supply development projects that promote the elimination
2301 of wastewater ocean outfalls as provided in s. 403.086(10) ~~s.~~
2302 ~~403.086(9)~~.

2303 Section 31. Effective July 1, 2021, subsection (3) of
2304 section 373.807, Florida Statutes, is amended to read:

2305 373.807 Protection of water quality in Outstanding Florida
2306 Springs.—By July 1, 2016, the department shall initiate
2307 assessment, pursuant to s. 403.067(3), of Outstanding Florida
2308 Springs or spring systems for which an impairment determination
2309 has not been made under the numeric nutrient standards in effect
2310 for spring vents. Assessments must be completed by July 1, 2018.

2311 (3) As part of a basin management action plan that includes
2312 an Outstanding Florida Spring, the department, ~~the Department of~~
2313 ~~Health~~, relevant local governments, and relevant local public
2314 and private wastewater utilities shall develop an onsite sewage
2315 treatment and disposal system remediation plan for a spring if
2316 the department determines onsite sewage treatment and disposal
2317 systems within a priority focus area contribute at least 20



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2318 percent of nonpoint source nitrogen pollution or if the
2319 department determines remediation is necessary to achieve the
2320 total maximum daily load. The plan shall identify cost-effective
2321 and financially feasible projects necessary to reduce the
2322 nutrient impacts from onsite sewage treatment and disposal
2323 systems and shall be completed and adopted as part of the basin
2324 management action plan no later than the first 5-year milestone
2325 required by subparagraph (1)(b)8. The department is the lead
2326 agency in coordinating the preparation of and the adoption of
2327 the plan. The department shall:

2328 (a) Collect and evaluate credible scientific information on
2329 the effect of nutrients, particularly forms of nitrogen, on
2330 springs and springs systems; and

2331 (b) Develop a public education plan to provide area
2332 residents with reliable, understandable information about onsite
2333 sewage treatment and disposal systems and springs.

2334

2335 In addition to the requirements in s. 403.067, the plan shall
2336 include options for repair, upgrade, replacement, drainfield
2337 modification, addition of effective nitrogen reducing features,
2338 connection to a central sewerage system, or other action for an
2339 onsite sewage treatment and disposal system or group of systems
2340 within a priority focus area that contribute at least 20 percent
2341 of nonpoint source nitrogen pollution or if the department
2342 determines remediation is necessary to achieve a total maximum
2343 daily load. For these systems, the department shall include in
2344 the plan a priority ranking for each system or group of systems
2345 that requires remediation and shall award funds to implement the
2346 remediation projects contingent on an appropriation in the



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2347 General Appropriations Act, which may include all or part of the
2348 costs necessary for repair, upgrade, replacement, drainfield
2349 modification, addition of effective nitrogen reducing features,
2350 initial connection to a central sewerage system, or other
2351 action. In awarding funds, the department may consider expected
2352 nutrient reduction benefit per unit cost, size and scope of
2353 project, relative local financial contribution to the project,
2354 and the financial impact on property owners and the community.
2355 The department may waive matching funding requirements for
2356 proposed projects within an area designated as a rural area of
2357 opportunity under s. 288.0656.

2358 Section 32. Paragraph (k) of subsection (1) of section
2359 376.307, Florida Statutes, is amended to read:

2360 376.307 Water Quality Assurance Trust Fund.—

2361 (1) The Water Quality Assurance Trust Fund is intended to
2362 serve as a broad-based fund for use in responding to incidents
2363 of contamination that pose a serious danger to the quality of
2364 groundwater and surface water resources or otherwise pose a
2365 serious danger to the public health, safety, or welfare. Moneys
2366 in this fund may be used:

2367 (k) For funding activities described in s. 403.086(10) ~~s.~~
2368 ~~403.086(9)~~ which are authorized for implementation under the
2369 Leah Schad Memorial Ocean Outfall Program.

2370 Section 33. Paragraph (i) of subsection (2), paragraph (b)
2371 of subsection (4), paragraph (j) of subsection (7), and
2372 paragraph (a) of subsection (9) of section 380.0552, Florida
2373 Statutes, are amended to read:

2374 380.0552 Florida Keys Area; protection and designation as
2375 area of critical state concern.—



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2376 (2) LEGISLATIVE INTENT.—It is the intent of the Legislature
2377 to:

2378 (i) Protect and improve the nearshore water quality of the
2379 Florida Keys through federal, state, and local funding of water
2380 quality improvement projects, including the construction and
2381 operation of wastewater management facilities that meet the
2382 requirements of ss. 381.0065(4)(1) and 403.086(11) ~~403.086(10)~~,
2383 as applicable.

2384 (4) REMOVAL OF DESIGNATION.—

2385 (b) Beginning November 30, 2010, the state land planning
2386 agency shall annually submit a written report to the
2387 Administration Commission describing the progress of the Florida
2388 Keys Area toward completing the work program tasks specified in
2389 commission rules. The land planning agency shall recommend
2390 removing the Florida Keys Area from being designated as an area
2391 of critical state concern to the commission if it determines
2392 that:

2393 1. All of the work program tasks have been completed,
2394 including construction of, operation of, and connection to
2395 central wastewater management facilities pursuant to s.
2396 403.086(11) ~~s. 403.086(10)~~ and upgrade of onsite sewage
2397 treatment and disposal systems pursuant to s. 381.0065(4)(1);

2398 2. All local comprehensive plans and land development
2399 regulations and the administration of such plans and regulations
2400 are adequate to protect the Florida Keys Area, fulfill the
2401 legislative intent specified in subsection (2), and are
2402 consistent with and further the principles guiding development;
2403 and

2404 3. A local government has adopted a resolution at a public



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2405 hearing recommending the removal of the designation.

2406 (7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional,
2407 and local agencies and units of government in the Florida Keys
2408 Area shall coordinate their plans and conduct their programs and
2409 regulatory activities consistent with the principles for guiding
2410 development as specified in chapter 27F-8, Florida
2411 Administrative Code, as amended effective August 23, 1984, which
2412 is adopted and incorporated herein by reference. For the
2413 purposes of reviewing the consistency of the adopted plan, or
2414 any amendments to that plan, with the principles for guiding
2415 development, and any amendments to the principles, the
2416 principles shall be construed as a whole and specific provisions
2417 may not be construed or applied in isolation from the other
2418 provisions. However, the principles for guiding development are
2419 repealed 18 months from July 1, 1986. After repeal, any plan
2420 amendments must be consistent with the following principles:

2421 (j) Ensuring the improvement of nearshore water quality by
2422 requiring the construction and operation of wastewater
2423 management facilities that meet the requirements of ss.
2424 381.0065(4)(l) and s. 403.086(11) ~~403.086(10)~~, as applicable,
2425 and by directing growth to areas served by central wastewater
2426 treatment facilities through permit allocation systems.

2427 (9) MODIFICATION TO PLANS AND REGULATIONS.—

2428 (a) Any land development regulation or element of a local
2429 comprehensive plan in the Florida Keys Area may be enacted,
2430 amended, or rescinded by a local government, but the enactment,
2431 amendment, or rescission becomes effective only upon approval by
2432 the state land planning agency. The state land planning agency
2433 shall review the proposed change to determine if it is in



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2434 compliance with the principles for guiding development specified
2435 in chapter 27F-8, Florida Administrative Code, as amended
2436 effective August 23, 1984, and must approve or reject the
2437 requested changes within 60 days after receipt. Amendments to
2438 local comprehensive plans in the Florida Keys Area must also be
2439 reviewed for compliance with the following:

2440 1. Construction schedules and detailed capital financing
2441 plans for wastewater management improvements in the annually
2442 adopted capital improvements element, and standards for the
2443 construction of wastewater treatment and disposal facilities or
2444 collection systems that meet or exceed the criteria in s.
2445 403.086(11) ~~s. 403.086(10)~~ for wastewater treatment and disposal
2446 facilities or s. 381.0065(4)(l) for onsite sewage treatment and
2447 disposal systems.

2448 2. Goals, objectives, and policies to protect public safety
2449 and welfare in the event of a natural disaster by maintaining a
2450 hurricane evacuation clearance time for permanent residents of
2451 no more than 24 hours. The hurricane evacuation clearance time
2452 shall be determined by a hurricane evacuation study conducted in
2453 accordance with a professionally accepted methodology and
2454 approved by the state land planning agency.

2455 Section 34. Effective July 1, 2021, subsections (7) and
2456 (18) of section 381.006, Florida Statutes, are amended to read:

2457 381.006 Environmental health.—The department shall conduct
2458 an environmental health program as part of fulfilling the
2459 state's public health mission. The purpose of this program is to
2460 detect and prevent disease caused by natural and manmade factors
2461 in the environment. The environmental health program shall
2462 include, but not be limited to:



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2463 ~~(7) An onsite sewage treatment and disposal function.~~
2464 (17)~~(18)~~ A food service inspection function for domestic
2465 violence centers that are certified by the Department of
2466 Children and Families and monitored by the Florida Coalition
2467 Against Domestic Violence under part XII of chapter 39 and group
2468 care homes as described in subsection (15) ~~(16)~~, which shall be
2469 conducted annually and be limited to the requirements in
2470 department rule applicable to community-based residential
2471 facilities with five or fewer residents.

2472
2473 The department may adopt rules to carry out the provisions of
2474 this section.

2475 Section 35. Effective July 1, 2021, subsection (1) of
2476 section 381.0061, Florida Statutes, is amended to read:

2477 381.0061 Administrative fines.—

2478 (1) In addition to any administrative action authorized by
2479 chapter 120 or by other law, the department may impose a fine,
2480 which may ~~shall~~ not exceed \$500 for each violation, for a
2481 violation of s. 381.006(15) ~~s. 381.006(16)~~, s. 381.0065, s.
2482 381.0066, s. 381.0072, or part III of chapter 489, for a
2483 violation of any rule adopted under this chapter, or for a
2484 violation of ~~any of the provisions of~~ chapter 386. Notice of
2485 intent to impose such fine shall be given by the department to
2486 the alleged violator. Each day that a violation continues may
2487 constitute a separate violation.

2488 Section 36. Effective July 1, 2021, subsection (1) of
2489 section 381.0064, Florida Statutes, is amended to read:

2490 381.0064 Continuing education courses for persons
2491 installing or servicing septic tanks.—



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2492 (1) The Department of Environmental Protection ~~Health~~ shall
2493 establish a program for continuing education which meets the
2494 purposes of ss. 381.0101 and 489.554 regarding the public health
2495 and environmental effects of onsite sewage treatment and
2496 disposal systems and any other matters the department determines
2497 desirable for the safe installation and use of onsite sewage
2498 treatment and disposal systems. The department may charge a fee
2499 to cover the cost of such program.

2500 Section 37. Effective July 1, 2021, paragraph (d) of
2501 subsection (7), subsection (8), and paragraphs (b), (c), and (d)
2502 of subsection (9) of section 381.00651, Florida Statutes, are
2503 amended to read:

2504 381.00651 Periodic evaluation and assessment of onsite
2505 sewage treatment and disposal systems.-

2506 (7) The following procedures shall be used for conducting
2507 evaluations:

2508 (d) *Assessment procedure.*-All evaluation procedures used by
2509 a qualified contractor shall be documented in the environmental
2510 health database of the Department of Environmental Protection
2511 ~~Health~~. The qualified contractor shall provide a copy of a
2512 written, signed evaluation report to the property owner upon
2513 completion of the evaluation and to the county health department
2514 within 30 days after the evaluation. The report must ~~shall~~
2515 contain the name and license number of the company providing the
2516 report. A copy of the evaluation report shall be retained by the
2517 local county health department for a minimum of 5 years and
2518 until a subsequent inspection report is filed. The front cover
2519 of the report must identify any system failure and include a
2520 clear and conspicuous notice to the owner that the owner has a



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2521 right to have any remediation of the failure performed by a
2522 qualified contractor other than the contractor performing the
2523 evaluation. The report must further identify any crack, leak,
2524 improper fit, or other defect in the tank, manhole, or lid, and
2525 any other damaged or missing component; any sewage or effluent
2526 visible on the ground or discharging to a ditch or other surface
2527 water body; any downspout, stormwater, or other source of water
2528 directed onto or toward the system; and any other maintenance
2529 need or condition of the system at the time of the evaluation
2530 which, in the opinion of the qualified contractor, would
2531 possibly interfere with or restrict any future repair or
2532 modification to the existing system. The report shall conclude
2533 with an overall assessment of the fundamental operational
2534 condition of the system.

2535 (8) The county health department, in coordination with the
2536 department, shall administer any evaluation program on behalf of
2537 a county, or a municipality within the county, that has adopted
2538 an evaluation program pursuant to this section. In order to
2539 administer the evaluation program, the county or municipality,
2540 in consultation with the county health department, may develop a
2541 reasonable fee schedule to be used solely to pay for the costs
2542 of administering the evaluation program. Such a fee schedule
2543 shall be identified in the ordinance that adopts the evaluation
2544 program. When arriving at a reasonable fee schedule, the
2545 estimated annual revenues to be derived from fees may not exceed
2546 reasonable estimated annual costs of the program. Fees shall be
2547 assessed to the system owner during an inspection and separately
2548 identified on the invoice of the qualified contractor. Fees
2549 shall be remitted by the qualified contractor to the county



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2550 health department. The county health department's administrative
2551 responsibilities include the following:

2552 (a) Providing a notice to the system owner at least 60 days
2553 before the system is due for an evaluation. The notice may
2554 include information on the proper maintenance of onsite sewage
2555 treatment and disposal systems.

2556 (b) In consultation with the department ~~of Health,~~
2557 providing uniform disciplinary procedures and penalties for
2558 qualified contractors who do not comply with the requirements of
2559 the adopted ordinance, including, but not limited to, failure to
2560 provide the evaluation report as required in this subsection to
2561 the system owner and the county health department. Only the
2562 county health department may assess penalties against system
2563 owners for failure to comply with the adopted ordinance,
2564 consistent with existing requirements of law.

2565 (9)

2566 (b) Upon receipt of the notice under paragraph (a), the
2567 department ~~of Environmental Protection~~ shall, within existing
2568 resources, notify the county or municipality of the potential
2569 use of, and access to, program funds under the Clean Water State
2570 Revolving Fund or s. 319 of the Clean Water Act, provide
2571 guidance in the application process to receive such moneys, and
2572 provide advice and technical assistance to the county or
2573 municipality on how to establish a low-interest revolving loan
2574 program or how to model a revolving loan program after the low-
2575 interest loan program of the Clean Water State Revolving Fund.
2576 This paragraph does not obligate the department ~~of Environmental~~
2577 ~~Protection~~ to provide any county or municipality with money to
2578 fund such programs.



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2579 (c) The department ~~of Health~~ may not adopt any rule that
2580 alters ~~the provisions of~~ this section.

2581 (d) The department ~~of Health~~ must allow county health
2582 departments and qualified contractors access to the
2583 environmental health database to track relevant information and
2584 assimilate data from assessment and evaluation reports of the
2585 overall condition of onsite sewage treatment and disposal
2586 systems. The environmental health database must be used by
2587 contractors to report each service and evaluation event and by a
2588 county health department to notify owners of onsite sewage
2589 treatment and disposal systems when evaluations are due. Data
2590 and information must be recorded and updated as service and
2591 evaluations are conducted and reported.

2592 Section 38. Effective July 1, 2021, paragraph (g) of
2593 subsection (1) of section 381.0101, Florida Statutes, is amended
2594 to read:

2595 381.0101 Environmental health professionals.—

2596 (1) DEFINITIONS.—As used in this section:

2597 (g) "Primary environmental health program" means those
2598 programs determined by the department to be essential for
2599 providing basic environmental and sanitary protection to the
2600 public. At a minimum, these programs shall include food
2601 protection program work ~~and onsite sewage treatment and disposal~~
2602 ~~system evaluations.~~

2603 Section 39. Section 403.08601, Florida Statutes, is amended
2604 to read:

2605 403.08601 Leah Schad Memorial Ocean Outfall Program.—The
2606 Legislature declares that as funds become available the state
2607 may assist the local governments and agencies responsible for



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2608 implementing the Leah Schad Memorial Ocean Outfall Program
2609 pursuant to s. 403.086(10) ~~s. 403.086(9)~~. Funds received from
2610 other sources provided for in law, the General Appropriations
2611 Act, from gifts designated for implementation of the plan from
2612 individuals, corporations, or other entities, or federal funds
2613 appropriated by Congress for implementation of the plan, may be
2614 deposited into an account of the Water Quality Assurance Trust
2615 Fund.

2616 Section 40. Section 403.0871, Florida Statutes, is amended
2617 to read:

2618 403.0871 Florida Permit Fee Trust Fund.—There is
2619 established within the department a nonlapsing trust fund to be
2620 known as the “Florida Permit Fee Trust Fund.” All funds received
2621 from applicants for permits pursuant to ss. 161.041, 161.053,
2622 161.0535, 403.087(7) ~~403.087(6)~~, and 403.861(7)(a) shall be
2623 deposited in the Florida Permit Fee Trust Fund and shall be used
2624 by the department with the advice and consent of the Legislature
2625 to supplement appropriations and other funds received by the
2626 department for the administration of its responsibilities under
2627 this chapter and chapter 161. In no case shall funds from the
2628 Florida Permit Fee Trust Fund be used for salary increases
2629 without the approval of the Legislature.

2630 Section 41. Paragraph (a) of subsection (11) of section
2631 403.0872, Florida Statutes, is amended to read:

2632 403.0872 Operation permits for major sources of air
2633 pollution; annual operation license fee.—Provided that program
2634 approval pursuant to 42 U.S.C. s. 7661a has been received from
2635 the United States Environmental Protection Agency, beginning
2636 January 2, 1995, each major source of air pollution, including



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2637 electrical power plants certified under s. 403.511, must obtain
2638 from the department an operation permit for a major source of
2639 air pollution under this section. This operation permit is the
2640 only department operation permit for a major source of air
2641 pollution required for such source; provided, at the applicant's
2642 request, the department shall issue a separate acid rain permit
2643 for a major source of air pollution that is an affected source
2644 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits
2645 for major sources of air pollution, except general permits
2646 issued pursuant to s. 403.814, must be issued in accordance with
2647 the procedures contained in this section and in accordance with
2648 chapter 120; however, to the extent that chapter 120 is
2649 inconsistent with ~~the provisions of~~ this section, the procedures
2650 contained in this section prevail.

2651 (11) Each major source of air pollution permitted to
2652 operate in this state must pay between January 15 and April 1 of
2653 each year, upon written notice from the department, an annual
2654 operation license fee in an amount determined by department
2655 rule. The annual operation license fee shall be terminated
2656 immediately in the event the United States Environmental
2657 Protection Agency imposes annual fees solely to implement and
2658 administer the major source air-operation permit program in
2659 Florida under 40 C.F.R. s. 70.10(d).

2660 (a) The annual fee must be assessed based upon the source's
2661 previous year's emissions and must be calculated by multiplying
2662 the applicable annual operation license fee factor times the
2663 tons of each regulated air pollutant actually emitted, as
2664 calculated in accordance with the department's emissions
2665 computation and reporting rules. The annual fee shall only apply



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2666 to those regulated pollutants, except carbon monoxide and
2667 greenhouse gases, for which an allowable numeric emission
2668 limiting standard is specified in the source's most recent
2669 construction or operation permit; provided, however, that:

2670 1. The license fee factor is \$25 or another amount
2671 determined by department rule which ensures that the revenue
2672 provided by each year's operation license fees is sufficient to
2673 cover all reasonable direct and indirect costs of the major
2674 stationary source air-operation permit program established by
2675 this section. The license fee factor may be increased beyond \$25
2676 only if the secretary of the department affirmatively finds that
2677 a shortage of revenue for support of the major stationary source
2678 air-operation permit program will occur in the absence of a fee
2679 factor adjustment. The annual license fee factor may never
2680 exceed \$35.

2681 2. The amount of each regulated air pollutant in excess of
2682 4,000 tons per year emitted by any source, or group of sources
2683 belonging to the same Major Group as described in the Standard
2684 Industrial Classification Manual, 1987, may not be included in
2685 the calculation of the fee. Any source, or group of sources,
2686 which does not emit any regulated air pollutant in excess of
2687 4,000 tons per year, is allowed a one-time credit not to exceed
2688 25 percent of the first annual licensing fee for the prorated
2689 portion of existing air-operation permit application fees
2690 remaining upon commencement of the annual licensing fees.

2691 3. If the department has not received the fee by March 1 of
2692 the calendar year, the permittee must be sent a written warning
2693 of the consequences for failing to pay the fee by April 1. If
2694 the fee is not postmarked by April 1 of the calendar year, the



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2695 department shall impose, in addition to the fee, a penalty of 50
2696 percent of the amount of the fee, plus interest on such amount
2697 computed in accordance with s. 220.807. The department may not
2698 impose such penalty or interest on any amount underpaid,
2699 provided that the permittee has timely remitted payment of at
2700 least 90 percent of the amount determined to be due and remits
2701 full payment within 60 days after receipt of notice of the
2702 amount underpaid. The department may waive the collection of
2703 underpayment and may ~~shall~~ not be required to refund overpayment
2704 of the fee, if the amount due is less than 1 percent of the fee,
2705 up to \$50. The department may revoke any major air pollution
2706 source operation permit if it finds that the permitholder has
2707 failed to timely pay any required annual operation license fee,
2708 penalty, or interest.

2709 4. Notwithstanding the computational provisions of this
2710 subsection, the annual operation license fee for any source
2711 subject to this section may ~~shall~~ not be less than \$250, except
2712 that the annual operation license fee for sources permitted
2713 solely through general permits issued under s. 403.814 may ~~shall~~
2714 not exceed \$50 per year.

2715 5. Notwithstanding s. 403.087(7)(a)5.a., which authorizes
2716 ~~the provisions of s. 403.087(6)(a)5.a., authorizing air~~
2717 pollution construction permit fees, the department may not
2718 require such fees for changes or additions to a major source of
2719 air pollution permitted pursuant to this section, unless the
2720 activity triggers permitting requirements under Title I, Part C
2721 or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-
2722 7514a. Costs to issue and administer such permits shall be
2723 considered direct and indirect costs of the major stationary



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2724 source air-operation permit program under s. 403.0873. The
2725 department shall, however, require fees pursuant to s.
2726 403.087(7)(a)5.a. ~~the provisions of s. 403.087(6)(a)5.a.~~ for the
2727 construction of a new major source of air pollution that will be
2728 subject to the permitting requirements of this section once
2729 constructed and for activities triggering permitting
2730 requirements under Title I, Part C or Part D, of the federal
2731 Clean Air Act, 42 U.S.C. ss. 7470-7514a.

2732 Section 42. Paragraph (d) of subsection (3) of section
2733 403.707, Florida Statutes, is amended to read:

2734 403.707 Permits.—

2735 (3)

2736 (d) The department may adopt rules to administer this
2737 subsection. However, the department is not required to submit
2738 such rules to the Environmental Regulation Commission for
2739 approval. Notwithstanding the limitations of s. 403.087(7)(a) ~~s.~~
2740 ~~403.087(6)(a)~~, permit fee caps for solid waste management
2741 facilities shall be prorated to reflect the extended permit term
2742 authorized by this subsection.

2743 Section 43. Subsections (8) and (21) of section 403.861,
2744 Florida Statutes, are amended to read:

2745 403.861 Department; powers and duties.—The department shall
2746 have the power and the duty to carry out the provisions and
2747 purposes of this act and, for this purpose, to:

2748 (8) Initiate rulemaking to increase each drinking water
2749 permit application fee authorized under s. 403.087(7) ~~s.~~
2750 ~~403.087(6)~~ and this part and adopted by rule to ensure that such
2751 fees are increased to reflect, at a minimum, any upward
2752 adjustment in the Consumer Price Index compiled by the United



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2753 States Department of Labor, or similar inflation indicator,
2754 since the original fee was established or most recently revised.

2755 (a) The department shall establish by rule the inflation
2756 index to be used for this purpose. The department shall review
2757 the drinking water permit application fees authorized under s.
2758 403.087(7) ~~s. 403.087(6)~~ and this part at least once every 5
2759 years and shall adjust the fees upward, as necessary, within the
2760 established fee caps to reflect changes in the Consumer Price
2761 Index or similar inflation indicator. In the event of deflation,
2762 the department shall consult with the Executive Office of the
2763 Governor and the Legislature to determine whether downward fee
2764 adjustments are appropriate based on the current budget and
2765 appropriation considerations. The department shall also review
2766 the drinking water operation license fees established pursuant
2767 to paragraph (7)(b) at least once every 5 years to adopt, as
2768 necessary, the same inflationary adjustments provided for in
2769 this subsection.

2770 (b) The minimum fee amount shall be the minimum fee
2771 prescribed in this section, and such fee amount shall remain in
2772 effect until the effective date of fees adopted by rule by the
2773 department.

2774 (21)(a) Upon issuance of a construction permit to construct
2775 a new public water system drinking water treatment facility to
2776 provide potable water supply using a surface water that, at the
2777 time of the permit application, is not being used as a potable
2778 water supply, and the classification of which does not include
2779 potable water supply as a designated use, the department shall
2780 add treated potable water supply as a designated use of the
2781 surface water segment in accordance with s. 403.061(30)(b) ~~s.~~



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2782 ~~403.061(29)(b).~~

2783 (b) For existing public water system drinking water
2784 treatment facilities that use a surface water as a treated
2785 potable water supply, which surface water classification does
2786 not include potable water supply as a designated use, the
2787 department shall add treated potable water supply as a
2788 designated use of the surface water segment in accordance with
2789 s. 403.061(30)(b) ~~s. 403.061(29)(b).~~

2790 Section 44. Effective July 1, 2021, subsection (1) of
2791 section 489.551, Florida Statutes, is amended to read:

2792 489.551 Definitions.—As used in this part:

2793 (1) "Department" means the Department of Environmental
2794 Protection Health.

2795 Section 45. Paragraph (b) of subsection (10) of section
2796 590.02, Florida Statutes, is amended to read:

2797 590.02 Florida Forest Service; powers, authority, and
2798 duties; liability; building structures; Withlacoochee Training
2799 Center.—

2800 (10)

2801 (b) The Florida Forest Service may delegate to a county,
2802 municipality, or special district its authority:

2803 1. As delegated by the Department of Environmental
2804 Protection pursuant to ss. 403.061(29) ~~ss. 403.061(28)~~ and
2805 403.081, to manage and enforce regulations pertaining to the
2806 burning of yard trash in accordance with s. 590.125(6).

2807 2. To manage the open burning of land clearing debris in
2808 accordance with s. 590.125.

2809 Section 46. The Division of Law Revision is directed to
2810 replace the phrase "adoption of the rules identified in



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2811 paragraph (e)" as it is used in the amendment made by this act
2812 to s. 381.0065, Florida Statutes, with the date such rules are
2813 adopted, as provided by the Department of Environmental
2814 Protection pursuant to s. 381.0065(4)(e), Florida Statutes, as
2815 amended by this act.

2816 Section 47. Except as otherwise expressly provided in this
2817 act, this act shall take effect July 1, 2020.