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LEGISLATIVE ACTION

Senate

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House

Floor: 1/AD/2R

03/05/2020 02:17 PM

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Senator Mayfield moved the following:

**Senate Amendment (with title amendment)**

Delete lines 330 - 2318

and insert:

Section 3. Paragraphs (a) and (b) of subsection (7) of section 373.036, Florida Statutes, are amended to read:

373.036 Florida water plan; district water management plans.—

(7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.—

(a) By March 1, annually, each water management district shall prepare and submit to the Office of Economic and



12 Demographic Research, the department, the Governor, the  
13 President of the Senate, and the Speaker of the House of  
14 Representatives a consolidated water management district annual  
15 report on the management of water resources. In addition, copies  
16 must be provided by the water management districts to the chairs  
17 of all legislative committees having substantive or fiscal  
18 jurisdiction over the districts and the governing board of each  
19 county in the district having jurisdiction or deriving any funds  
20 for operations of the district. Copies of the consolidated  
21 annual report must be made available to the public, either in  
22 printed or electronic format.

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

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

28 2. The department-approved minimum flows and minimum water  
29 levels annual priority list and schedule required by s.  
30 373.042(3).

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

33 4. The alternative water supplies annual report required by  
34 s. 373.707(8)(n).

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

37 6. The Florida Forever Water Management District Work Plan  
38 annual report required by s. 373.199(7).

39 7. The mitigation donation annual report required by s.  
40 373.414(1)(b)2.



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41           8. Information on all projects related to water quality or  
42 water quantity as part of a 5-year work program, including:

43           a. A list of all specific projects identified to implement  
44 a basin management action plan, including any projects to  
45 connect onsite sewage treatment and disposal systems to central  
46 sewerage systems and convert onsite sewage treatment and  
47 disposal systems to enhanced nutrient-reducing onsite sewage  
48 treatment and disposal systems, or a recovery or prevention  
49 strategy;

50           b. A priority ranking for each listed project for which  
51 state funding through the water resources development work  
52 program is requested, which must be made available to the public  
53 for comment at least 30 days before submission of the  
54 consolidated annual report;

55           c. The estimated cost for each listed project;

56           d. The estimated completion date for each listed project;

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

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

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

69           Section 4. Bottled water industry study.—The department



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70 shall, in coordination with the water management districts,  
71 conduct a study on the bottled water industry in this state.

72 (1) The study must:

73 (a) Identify all springs statewide that have an associated  
74 consumptive use permit for a bottled water facility producing  
75 its product with water derived from a spring. Such  
76 identification must include:

77 1. The magnitude of the spring;

78 2. Whether the spring has been identified as an Outstanding  
79 Florida Spring as defined in s. 373.802, Florida Statutes;

80 3. Any department- or water management district-adopted  
81 minimum flow or minimum water levels, the status of any adopted  
82 minimum flow or minimum water levels, and any associated  
83 recovery or prevention strategy;

84 4. The permitted and actual use associated with the  
85 consumptive use permits;

86 5. The reduction in flow associated with the permitted and  
87 actual use associated with the consumptive use permits;

88 6. The impact on springs of bottled water facilities as  
89 compared to other users; and

90 7. Types of water conservation measures employed at bottled  
91 water facilities permitted to derive water from a spring.

92 (b) Identify the labeling and marketing regulations  
93 associated with the identification of bottled water as spring  
94 water, including whether these regulations incentivize the  
95 withdrawal of water from springs.

96 (c) Evaluate the direct and indirect economic benefits to  
97 the local communities resulting from bottled water facilities  
98 that derive water from springs, including, but not limited to,



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99 tax revenue, job creation, and wages.

100 (d) Evaluate the direct and indirect costs to the local  
101 communities located in proximity to springs impacted by  
102 withdrawals from bottled water production, including, but not  
103 limited to, the decreased recreational value of the springs and  
104 the cost to other users for the development of alternative water  
105 supply or reductions in permit durations and allocations.

106 (e) Include a cost-benefit analysis of withdrawing,  
107 producing, marketing, selling, and consuming spring water as  
108 compared to other sources of bottled water.

109 (f) Evaluate how much bottled water derived from Florida  
110 springs is sold in this state.

111 (2) By June 30, 2021, the department shall submit a report  
112 containing the findings of the study to the Governor, the  
113 President of the Senate, the Speaker of the House of  
114 Representatives, and the Office of Economic and Demographic  
115 Research.

116 (3) As used in this section, the term "bottled water" has  
117 the same meaning as in s. 500.03, Florida Statutes, and the term  
118 "water derived from a spring" means water derived from an  
119 underground formation from which water flows naturally to the  
120 surface of the earth in the manner described in 21 C.F.R.  
121 165.110(a)(2)(vi).

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

125 373.4131 Statewide environmental resource permitting  
126 rules.—

127 (5) To ensure consistent implementation and interpretation



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128 of the rules adopted pursuant to this section, the department  
129 shall conduct or oversee regular assessment and training of its  
130 staff and the staffs of the water management districts and local  
131 governments delegated local pollution control program authority  
132 under s. 373.441. The training must include field inspections of  
133 publicly and privately owned stormwater structural controls,  
134 such as stormwater retention and detention ponds.

135 (6) By January 1, 2021:

136 (a) The department and the water management districts shall  
137 initiate rulemaking to update the stormwater design and  
138 operation regulations, including updates to the Environmental  
139 Resource Permit Applicant's Handbook, using the most recent  
140 scientific information available. As part of rule development,  
141 the department shall consider and address low-impact design best  
142 management practices and design criteria that increase the  
143 removal of nutrients from stormwater discharges, and measures  
144 for consistent application of the net improvement performance  
145 standard to ensure significant reductions of any pollutant  
146 loadings to a waterbody.

147 (b) The department shall review and evaluate permits and  
148 inspection data by those entities that submit a self-  
149 certification under s. 403.814(12) for compliance with state  
150 water quality standards and provide the Legislature with  
151 recommendations for improvements to the self-certification  
152 process, including, but not limited to, additional staff  
153 resources for department review of portions of the process where  
154 high-priority water quality issues justify such action.

155 Section 6. Subsection (7) is added to section 381.0065,  
156 Florida Statutes, to read:



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157 381.0065 Onsite sewage treatment and disposal systems;  
158 regulation.-

159 (7) USE OF ENHANCED NUTRIENT-REDUCING ONSITE SEWAGE  
160 TREATMENT AND DISPOSAL SYSTEMS.-To meet the requirements of a  
161 total maximum daily load, the department shall implement a fast-  
162 track approval process of no longer than 6 months for the  
163 determination of the use of American National Standards  
164 Institute 245 systems approved by NSF International before July  
165 1, 2020.

166 Section 7. Effective July 1, 2021, present paragraphs (d)  
167 through (q) of subsection (2) of section 381.0065, Florida  
168 Statutes, are redesignated as paragraphs (e) through (r),  
169 respectively, subsections (3) and (4) of that section are  
170 amended, and a new paragraph (d) is added to subsection (2) of  
171 that section, to read:

172 381.0065 Onsite sewage treatment and disposal systems;  
173 regulation.-

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

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

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

180 (a) Adopt rules to administer ss. 381.0065-381.0067,  
181 including definitions that are consistent with the definitions  
182 in this section, ~~decreases to setback requirements where no~~  
183 ~~health hazard exists,~~ increases for the lot-flow allowance for  
184 performance-based systems, requirements for separation from  
185 water table elevation during the wettest season, requirements



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186 for the design and construction of any component part of an  
187 onsite sewage treatment and disposal system, application and  
188 permit requirements for persons who maintain an onsite sewage  
189 treatment and disposal system, requirements for maintenance and  
190 service agreements for aerobic treatment units and performance-  
191 based treatment systems, and recommended standards, including  
192 disclosure requirements, for voluntary system inspections to be  
193 performed by individuals who are authorized by law to perform  
194 such inspections and who shall inform a person having ownership,  
195 control, or use of an onsite sewage treatment and disposal  
196 system of the inspection standards and of that person's  
197 authority to request an inspection based on all or part of the  
198 standards.

199 (b) Perform application reviews and site evaluations, issue  
200 permits, and conduct inspections and complaint investigations  
201 associated with the construction, installation, maintenance,  
202 modification, abandonment, operation, use, or repair of an  
203 onsite sewage treatment and disposal system for a residence or  
204 establishment with an estimated domestic sewage flow of 10,000  
205 gallons or less per day, or an estimated commercial sewage flow  
206 of 5,000 gallons or less per day, which is not currently  
207 regulated under chapter 403.

208 (c) Develop a comprehensive program to ensure that onsite  
209 sewage treatment and disposal systems regulated by the  
210 department are sized, designed, constructed, installed, sited,  
211 repaired, modified, abandoned, used, operated, and maintained in  
212 compliance with this section and rules adopted under this  
213 section to prevent groundwater contamination, including impacts  
214 from nutrient pollution, and surface water contamination and to



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215 preserve the public health. The department is the final  
216 administrative interpretive authority regarding rule  
217 interpretation. In the event of a conflict regarding rule  
218 interpretation, the Secretary of Environmental Protection State  
219 ~~Surgeon General~~, or his or her designee, shall timely assign a  
220 staff person to resolve the dispute.

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

223 (e) Permit the use of a limited number of innovative  
224 systems for a specific period of time, when there is compelling  
225 evidence that the system will function properly and reliably to  
226 meet the requirements of this section and rules adopted under  
227 this section.

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

229 (g) Establish and collect fees as established under s.  
230 381.0066 for services provided with respect to onsite sewage  
231 treatment and disposal systems.

232 (h) Conduct enforcement activities, including imposing  
233 fines, issuing citations, suspensions, revocations, injunctions,  
234 and emergency orders for violations of this section, part I of  
235 chapter 386, or part III of chapter 489 or for a violation of  
236 any rule adopted under this section, part I of chapter 386, or  
237 part III of chapter 489.

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

241 (j) Supervise research on, demonstration of, and training  
242 on the performance, environmental impact, and public health  
243 impact of onsite sewage treatment and disposal systems within



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244 this state. Research fees collected under s. 381.0066(2)(k) must  
245 be used to develop and fund hands-on training centers designed  
246 to provide practical information about onsite sewage treatment  
247 and disposal systems to septic tank contractors, master septic  
248 tank contractors, contractors, inspectors, engineers, and the  
249 public and must also be used to fund research projects which  
250 focus on improvements of onsite sewage treatment and disposal  
251 systems, including use of performance-based standards and  
252 reduction of environmental impact. Research projects shall be  
253 ~~initially approved by the technical review and advisory panel~~  
254 ~~and shall be applicable to and reflect the soil conditions~~  
255 ~~specific to this state Florida.~~ Such projects shall be awarded  
256 through competitive negotiation, using the procedures provided  
257 in s. 287.055, to public or private entities that have  
258 experience in onsite sewage treatment and disposal systems in  
259 this state Florida and that are principally located in this  
260 state Florida. ~~Research projects shall not be awarded to firms~~  
261 ~~or entities that employ or are associated with persons who serve~~  
262 ~~on either the technical review and advisory panel or the~~  
263 ~~research review and advisory committee.~~

264 (k) Approve the installation of individual graywater  
265 disposal systems in which blackwater is treated by a central  
266 sewerage system.

267 (l) Regulate and permit the sanitation, handling,  
268 treatment, storage, reuse, and disposal of byproducts from any  
269 system regulated under this chapter ~~and not regulated by the~~  
270 ~~Department of Environmental Protection.~~

271 (m) Permit and inspect portable or temporary toilet  
272 services and holding tanks. The department shall review



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273 applications, perform site evaluations, and issue permits for  
274 the temporary use of holding tanks, privies, portable toilet  
275 services, or any other toilet facility that is intended for use  
276 on a permanent or nonpermanent basis, including facilities  
277 placed on construction sites when workers are present. The  
278 department may specify standards for the construction,  
279 maintenance, use, and operation of any such facility for  
280 temporary use.

281 (n) Regulate and permit maintenance entities for  
282 performance-based treatment systems and aerobic treatment unit  
283 systems. To ensure systems are maintained and operated according  
284 to manufacturer's specifications and designs, the department  
285 shall establish by rule minimum qualifying criteria for  
286 maintenance entities. The criteria shall include: training,  
287 access to approved spare parts and components, access to  
288 manufacturer's maintenance and operation manuals, and service  
289 response time. The maintenance entity shall employ a contractor  
290 licensed under s. 489.105(3)(m), or part III of chapter 489, or  
291 a state-licensed wastewater plant operator, who is responsible  
292 for maintenance and repair of all systems under contract.

293 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not  
294 construct, repair, modify, abandon, or operate an onsite sewage  
295 treatment and disposal system without first obtaining a permit  
296 approved by the department. The department may issue permits to  
297 carry out this section, ~~but shall not make the issuance of such~~  
298 ~~permits contingent upon prior approval by the department of~~  
299 ~~Environmental Protection~~, except that the issuance of a permit  
300 for work seaward of the coastal construction control line  
301 established under s. 161.053 shall be contingent upon receipt of



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302 any required coastal construction control line permit from the  
303 department ~~of Environmental Protection~~. A construction permit is  
304 valid for 18 months after ~~from~~ the date of issuance ~~date~~ and may  
305 be extended by the department for one 90-day period under rules  
306 adopted by the department. A repair permit is valid for 90 days  
307 after ~~from~~ the date of issuance. An operating permit must be  
308 obtained before ~~prior to~~ the use of any aerobic treatment unit  
309 or if the establishment generates commercial waste. Buildings or  
310 establishments that use an aerobic treatment unit or generate  
311 commercial waste shall be inspected by the department at least  
312 annually to assure compliance with the terms of the operating  
313 permit. The operating permit for a commercial wastewater system  
314 is valid for 1 year after ~~from~~ the date of issuance and must be  
315 renewed annually. The operating permit for an aerobic treatment  
316 unit is valid for 2 years after ~~from~~ the date of issuance and  
317 must be renewed every 2 years. If all information pertaining to  
318 the siting, location, and installation conditions or repair of  
319 an onsite sewage treatment and disposal system remains the same,  
320 a construction or repair permit for the onsite sewage treatment  
321 and disposal system may be transferred to another person, if the  
322 transferee files, within 60 days after the transfer of  
323 ownership, an amended application providing all corrected  
324 information and proof of ownership of the property. A ~~There is~~  
325 ~~no~~ fee is not associated with the processing of this  
326 supplemental information. A person may not contract to  
327 construct, modify, alter, repair, service, abandon, or maintain  
328 any portion of an onsite sewage treatment and disposal system  
329 without being registered under part III of chapter 489. A  
330 property owner who personally performs construction,



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331 maintenance, or repairs to a system serving his or her own  
332 owner-occupied single-family residence is exempt from  
333 registration requirements for performing such construction,  
334 maintenance, or repairs on that residence, but is subject to all  
335 permitting requirements. A municipality or political subdivision  
336 of the state may not issue a building or plumbing permit for any  
337 building that requires the use of an onsite sewage treatment and  
338 disposal system unless the owner or builder has received a  
339 construction permit for such system from the department. A  
340 building or structure may not be occupied and a municipality,  
341 political subdivision, or any state or federal agency may not  
342 authorize occupancy until the department approves the final  
343 installation of the onsite sewage treatment and disposal system.  
344 A municipality or political subdivision of the state may not  
345 approve any change in occupancy or tenancy of a building that  
346 uses an onsite sewage treatment and disposal system until the  
347 department has reviewed the use of the system with the proposed  
348 change, approved the change, and amended the operating permit.

349 (a) Subdivisions and lots in which each lot has a minimum  
350 area of at least one-half acre and either a minimum dimension of  
351 100 feet or a mean of at least 100 feet of the side bordering  
352 the street and the distance formed by a line parallel to the  
353 side bordering the street drawn between the two most distant  
354 points of the remainder of the lot may be developed with a water  
355 system regulated under s. 381.0062 and onsite sewage treatment  
356 and disposal systems, provided the projected daily sewage flow  
357 does not exceed an average of 1,500 gallons per acre per day,  
358 and provided satisfactory drinking water can be obtained and all  
359 distance and setback, soil condition, water table elevation, and



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360 other related requirements of this section and rules adopted  
361 under this section can be met.

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

370 (c) Notwithstanding paragraphs (a) and (b), for  
371 subdivisions platted of record on or before October 1, 1991,  
372 when a developer or other appropriate entity has previously made  
373 or makes provisions, including financial assurances or other  
374 commitments, acceptable to the department ~~of Health~~, that a  
375 central water system will be installed by a regulated public  
376 utility based on a density formula, private potable wells may be  
377 used with onsite sewage treatment and disposal systems until the  
378 agreed-upon densities are reached. In a subdivision regulated by  
379 this paragraph, the average daily sewage flow may not exceed  
380 2,500 gallons per acre per day. This section does not affect the  
381 validity of existing prior agreements. After October 1, 1991,  
382 the exception provided under this paragraph is not available to  
383 a developer or other appropriate entity.

384 (d) Paragraphs (a) and (b) do not apply to any proposed  
385 residential subdivision with more than 50 lots or to any  
386 proposed commercial subdivision with more than 5 lots where a  
387 publicly owned or investor-owned sewage treatment ~~sewerage~~  
388 system is available. ~~It is the intent of~~ This paragraph does not



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389 ~~to~~ allow development of additional proposed subdivisions in  
390 order to evade the requirements of this paragraph.

391 (e) The department shall adopt rules relating to the  
392 location of onsite sewage treatment and disposal systems,  
393 including establishing setback distances, to prevent groundwater  
394 contamination and surface water contamination and to preserve  
395 the public health. The rulemaking process for such rules must be  
396 completed by July 1, 2022, and the department shall notify the  
397 Division of Law Revision of the date such rules take effect. The  
398 rules must consider conventional and enhanced nutrient-reducing  
399 onsite sewage treatment and disposal system designs, impaired or  
400 degraded water bodies, domestic wastewater and drinking water  
401 infrastructure, potable water sources, nonpotable wells,  
402 stormwater infrastructure, the onsite sewage treatment and  
403 disposal system remediation plans developed pursuant to s.  
404 403.067(7)(a)9.b., nutrient pollution, and the recommendations  
405 of the onsite sewage treatment and disposal systems technical  
406 advisory committee established pursuant to s. 381.00652. The  
407 rules must also allow a person to apply for and receive a  
408 variance from a rule requirement upon demonstration that the  
409 requirement would cause an undue hardship and granting the  
410 variance would not cause or contribute to the exceedance of a  
411 total maximum daily load.

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

- 415 1. Seventy-five feet from a private potable well.  
416 2. Two hundred feet from a public potable well serving a  
417 residential or nonresidential establishment having a total



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418 sewage flow of greater than 2,000 gallons per day.

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

422       4. Fifty feet from any nonpotable well.

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

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

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

430       8. Fifteen feet from the design high-water line of  
431 retention areas, detention areas, or swales designed to contain  
432 standing or flowing water for less than 72 hours after a  
433 rainfall or the design high-water level of normally dry drainage  
434 ditches or normally dry individual lot stormwater retention  
435 areas.

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

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

444       1. Any residential lot that was platted and recorded on or  
445 after January 1, 1972, or that is part of a residential  
446 subdivision that was approved by the appropriate permitting



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447 agency on or after January 1, 1972, and that was eligible for an  
448 onsite sewage treatment and disposal system construction permit  
449 on the date of such platting and recording or approval shall be  
450 eligible for an onsite sewage treatment and disposal system  
451 construction permit, regardless of when the application for a  
452 permit is made. If rules in effect at the time the permit  
453 application is filed cannot be met, residential lots platted and  
454 recorded or approved on or after January 1, 1972, shall, to the  
455 maximum extent possible, comply with the rules in effect at the  
456 time the permit application is filed. At a minimum, however,  
457 those residential lots platted and recorded or approved on or  
458 after January 1, 1972, but before January 1, 1983, shall comply  
459 with those rules in effect on January 1, 1983, and those  
460 residential lots platted and recorded or approved on or after  
461 January 1, 1983, shall comply with those rules in effect at the  
462 time of such platting and recording or approval. In determining  
463 the maximum extent of compliance with current rules that is  
464 possible, the department shall allow structures and  
465 appurtenances thereto which were authorized at the time such  
466 lots were platted and recorded or approved.

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

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

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



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476 (h)1. The department may grant variances in hardship cases  
477 which may be less restrictive than the provisions specified in  
478 this section. If a variance is granted and the onsite sewage  
479 treatment and disposal system construction permit has been  
480 issued, the variance may be transferred with the system  
481 construction permit, if the transferee files, within 60 days  
482 after the transfer of ownership, an amended construction permit  
483 application providing all corrected information and proof of  
484 ownership of the property and if the same variance would have  
485 been required for the new owner of the property as was  
486 originally granted to the original applicant for the variance. A  
487 ~~There is no fee~~ is not associated with the processing of this  
488 supplemental information. A variance may not be granted under  
489 this section until the department is satisfied that:

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

492 b. A ~~Ne~~ reasonable alternative, taking into consideration  
493 factors such as cost, does not exist ~~exists~~ for the treatment of  
494 the sewage; and

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

499  
500 Where soil conditions, water table elevation, and setback  
501 provisions are determined by the department to be satisfactory,  
502 special consideration must be given to those lots platted before  
503 1972.

504 2. The department shall appoint and staff a variance review



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505 and advisory committee, which shall meet monthly to recommend  
506 agency action on variance requests. The committee shall make its  
507 recommendations on variance requests at the meeting in which the  
508 application is scheduled for consideration, except for an  
509 extraordinary change in circumstances, the receipt of new  
510 information that raises new issues, or when the applicant  
511 requests an extension. The committee shall consider the criteria  
512 in subparagraph 1. in its recommended agency action on variance  
513 requests and shall also strive to allow property owners the full  
514 use of their land where possible. The committee consists of the  
515 following:

516 a. The Secretary of Environmental Protection ~~State Surgeon~~  
517 ~~General~~ or his or her designee.

518 b. A representative from the county health departments.

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

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

523 e. A representative from the Department of Health  
524 ~~Environmental Protection~~.

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

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

531

532 Members shall be appointed for a term of 3 years, with such  
533 appointments being staggered so that the terms of no more than



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534 two members expire in any one year. Members shall serve without  
535 remuneration, but if requested, shall be reimbursed for per diem  
536 and travel expenses as provided in s. 112.061.

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

550 1. A building located in an area zoned or used for  
551 industrial or manufacturing purposes, or its equivalent, when  
552 such building is served by an onsite sewage treatment and  
553 disposal system, must not be occupied until the owner or tenant  
554 has obtained written approval from the department. The  
555 department may ~~shall~~ not grant approval when the proposed use of  
556 the system is to dispose of toxic, hazardous, or industrial  
557 wastewater or toxic or hazardous chemicals.

558 2. Each person who owns or operates a business or facility  
559 in an area zoned or used for industrial or manufacturing  
560 purposes, or its equivalent, or who owns or operates a business  
561 that has the potential to generate toxic, hazardous, or  
562 industrial wastewater or toxic or hazardous chemicals, and uses



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563 an onsite sewage treatment and disposal system that is installed  
564 on or after July 5, 1989, must obtain an annual system operating  
565 permit from the department. A person who owns or operates a  
566 business that uses an onsite sewage treatment and disposal  
567 system that was installed and approved before July 5, 1989, does  
568 not need to ~~not~~ obtain a system operating permit. However, upon  
569 change of ownership or tenancy, the new owner or operator must  
570 notify the department of the change, and the new owner or  
571 operator must obtain an annual system operating permit,  
572 regardless of the date that the system was installed or  
573 approved.

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

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

590 1. The performance criteria applicable to engineer-designed  
591 systems must be limited to those necessary to ensure that such



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592 systems do not adversely affect the public health or  
593 significantly degrade the groundwater or surface water. Such  
594 performance criteria shall include consideration of the quality  
595 of system effluent, the proposed total sewage flow per acre,  
596 wastewater treatment capabilities of the natural or replaced  
597 soil, water quality classification of the potential surface-  
598 water-receiving body, and the structural and maintenance  
599 viability of the system for the treatment of domestic  
600 wastewater. However, performance criteria shall address only the  
601 performance of a system and not a system's design.

602 2. A person electing to use ~~utilize~~ an engineer-designed  
603 system shall, upon completion of the system design, submit such  
604 design, certified by a registered professional engineer, to the  
605 county health department. The county health department may use  
606 ~~utilize~~ an outside consultant to review the engineer-designed  
607 system, with the actual cost of such review to be borne by the  
608 applicant. Within 5 working days after receiving an engineer-  
609 designed system permit application, the county health department  
610 shall request additional information if the application is not  
611 complete. Within 15 working days after receiving a complete  
612 application for an engineer-designed system, the county health  
613 department ~~either~~ shall issue the permit or, if it determines  
614 that the system does not comply with the performance criteria,  
615 shall notify the applicant of that determination and refer the  
616 application to the department for a determination as to whether  
617 the system should be approved, disapproved, or approved with  
618 modification. The department engineer's determination shall  
619 prevail over the action of the county health department. The  
620 applicant shall be notified in writing of the department's



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621 determination and of the applicant's rights to pursue a variance  
622 or seek review under the provisions of chapter 120.

623         3. The owner of an engineer-designed performance-based  
624 system must maintain a current maintenance service agreement  
625 with a maintenance entity permitted by the department. The  
626 maintenance entity shall inspect each system at least twice each  
627 year and shall report quarterly to the department on the number  
628 of systems inspected and serviced. The reports may be submitted  
629 electronically.

630         4. The property owner of an owner-occupied, single-family  
631 residence may be approved and permitted by the department as a  
632 maintenance entity for his or her own performance-based  
633 treatment system upon written certification from the system  
634 manufacturer's approved representative that the property owner  
635 has received training on the proper installation and service of  
636 the system. The maintenance service agreement must conspicuously  
637 disclose that the property owner has the right to maintain his  
638 or her own system and is exempt from contractor registration  
639 requirements for performing construction, maintenance, or  
640 repairs on the system but is subject to all permitting  
641 requirements.

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



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

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

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

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

677           2. Onsite sewage treatment and disposal systems must cease  
678 discharge by December 31, 2015, or must comply with department



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679 rules and provide the level of treatment which, on a permitted  
680 annual average basis, produces an effluent that contains no more  
681 than the following concentrations:

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

683 b. Suspended Solids of 10 mg/l.

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

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

690

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

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

698 4. In areas scheduled to be served by a central sewerage  
699 system sewer by December 31, 2015, if the property owner has  
700 paid a connection fee or assessment for connection to the  
701 central sewerage sewer system, the property owner may install a  
702 holding tank with a high water alarm or an onsite sewage  
703 treatment and disposal system that meets the following minimum  
704 standards:

705 a. The existing tanks must be pumped and inspected and  
706 certified as being watertight and free of defects in accordance  
707 with department rule; and



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

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

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

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

722           8. Notwithstanding any other ~~provision of~~ law, an onsite  
723 sewage treatment and disposal system installed after July 1,  
724 2010, in unincorporated Monroe County, excluding special  
725 wastewater districts, that complies with the standards in  
726 subparagraph 2. is not required to connect to a central sewerage  
727 ~~sewer~~ system until December 31, 2020.

728           (m) A ~~No~~ product sold in the state for use in onsite sewage  
729 treatment and disposal systems may not contain any substance in  
730 concentrations or amounts that would interfere with or prevent  
731 the successful operation of such system, or that would cause  
732 discharges from such systems to violate applicable water quality  
733 standards. The department shall publish criteria for products  
734 known or expected to meet the conditions of this paragraph. If  
735 ~~In the event~~ a product does not meet such criteria, such product  
736 may be sold if the manufacturer satisfactorily demonstrates to



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737 the department that the conditions of this paragraph are met.

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

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

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

759 2. ~~A representative from the septic tank industry.~~

760 3. ~~A representative from the home building industry.~~

761 4. ~~A representative from an environmental interest group.~~

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

765 6. ~~A professional engineer registered in this state who has~~



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766 ~~work experience in onsite sewage treatment and disposal systems.~~

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

769 ~~8. A representative from the real estate profession.~~

770 ~~9. A representative from the restaurant industry.~~

771 ~~10. A consumer.~~

772

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

778 ~~(o)~~ ~~(p)~~ An application for an onsite sewage treatment and  
779 disposal system permit shall be completed in full, signed by the  
780 owner or the owner's authorized representative, or by a  
781 contractor licensed under chapter 489, and shall be accompanied  
782 by all required exhibits and fees. ~~No~~ Specific documentation of  
783 property ownership is not ~~shall be~~ required as a prerequisite to  
784 the review of an application or the issuance of a permit. The  
785 issuance of a permit does not constitute determination by the  
786 department of property ownership.

787 ~~(p)~~ ~~(q)~~ The department may not require any form of  
788 subdivision analysis of property by an owner, developer, or  
789 subdivider before ~~prior to~~ submission of an application for an  
790 onsite sewage treatment and disposal system.

791 ~~(q)~~ ~~(r)~~ ~~Nothing in~~ This section does not limit ~~limits~~ the  
792 power of a municipality or county to enforce other laws for the  
793 protection of the public health and safety.

794 ~~(r)~~ ~~(s)~~ In the siting of onsite sewage treatment and



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795 disposal systems, including drainfields, shoulders, and slopes,  
796 guttering may ~~shall~~ not be required on single-family residential  
797 dwelling units for systems located greater than 5 feet from the  
798 roof drip line of the house. If guttering is used on residential  
799 dwelling units, the downspouts shall be directed away from the  
800 drainfield.

801 (s) ~~(t)~~ Notwithstanding ~~the provisions of~~ subparagraph  
802 (g)1., onsite sewage treatment and disposal systems located in  
803 floodways of the Suwannee and Aucilla Rivers must adhere to the  
804 following requirements:

805 1. The absorption surface of the drainfield may ~~shall~~ not  
806 be subject to flooding based on 10-year flood elevations.  
807 Provided, however, for lots or parcels created by the  
808 subdivision of land in accordance with applicable local  
809 government regulations before ~~prior to~~ January 17, 1990, if an  
810 applicant cannot construct a drainfield system with the  
811 absorption surface of the drainfield at an elevation equal to or  
812 above 10-year flood elevation, the department shall issue a  
813 permit for an onsite sewage treatment and disposal system within  
814 the 10-year floodplain of rivers, streams, and other bodies of  
815 flowing water if all of the following criteria are met:

- 816 a. The lot is at least one-half acre in size;
- 817 b. The bottom of the drainfield is at least 36 inches above  
818 the 2-year flood elevation; and
- 819 c. The applicant installs ~~either:~~ a waterless,  
820 incinerating, or organic waste composting toilet and a graywater  
821 system and drainfield in accordance with department rules; an  
822 aerobic treatment unit and drainfield in accordance with  
823 department rules; a system ~~approved by the State Health Office~~



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824 that is capable of reducing effluent nitrate by at least 50  
825 percent in accordance with department rules; or a system other  
826 than a system using alternative drainfield materials in  
827 accordance with department rules ~~approved by the county health~~  
828 ~~department pursuant to department rule other than a system using~~  
829 ~~alternative drainfield materials.~~ The United States Department  
830 of Agriculture Soil Conservation Service soil maps, State of  
831 Florida Water Management District data, and Federal Emergency  
832 Management Agency Flood Insurance maps are resources that shall  
833 be used to identify flood-prone areas.

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

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

851 2. The property owner of an owner-occupied, single-family  
852 residence may be approved and permitted by the department as a



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853 maintenance entity for his or her own aerobic treatment unit  
854 system upon written certification from the system manufacturer's  
855 approved representative that the property owner has received  
856 training on the proper installation and service of the system.  
857 The maintenance entity service agreement must conspicuously  
858 disclose that the property owner has the right to maintain his  
859 or her own system and is exempt from contractor registration  
860 requirements for performing construction, maintenance, or  
861 repairs on the system but is subject to all permitting  
862 requirements.

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

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

879         (u)~~(v)~~ The department may require the submission of  
880 detailed system construction plans that are prepared by a  
881 professional engineer registered in this state. The department



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882 shall establish by rule criteria for determining when such a  
883 submission is required.

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

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

910 (x)1.~~(y)~~1-. An onsite sewage treatment and disposal system



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911 is not considered abandoned if the system is disconnected from a  
912 structure that was made unusable or destroyed following a  
913 disaster and if the system was properly functioning at the time  
914 of disconnection and was not adversely affected by the disaster.  
915 The onsite sewage treatment and disposal system may be  
916 reconnected to a rebuilt structure if:

917       a. The reconnection of the system is to the same type of  
918 structure which contains the same number of bedrooms or fewer,  
919 if the square footage of the structure is less than or equal to  
920 110 percent of the original square footage of the structure that  
921 existed before the disaster;

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

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

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

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

938       (z)~~(aa)~~ An existing-system inspection or evaluation and  
939 assessment, or a modification, replacement, or upgrade of an



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940 onsite sewage treatment and disposal system is not required for  
941 a remodeling addition or modification to a single-family home if  
942 a bedroom is not added. However, a remodeling addition or  
943 modification to a single-family home may not cover any part of  
944 the existing system or encroach upon a required setback or the  
945 unobstructed area. To determine if a setback or the unobstructed  
946 area is impacted, the local health department shall review and  
947 verify a floor plan and site plan of the proposed remodeling  
948 addition or modification to the home submitted by a remodeler  
949 which shows the location of the system, including the distance  
950 of the remodeling addition or modification to the home from the  
951 onsite sewage treatment and disposal system. The local health  
952 department may visit the site or otherwise determine the best  
953 means of verifying the information submitted. A verification of  
954 the location of a system is not an inspection or evaluation and  
955 assessment of the system. The review and verification must be  
956 completed within 7 business days after receipt by the local  
957 health department of a floor plan and site plan. If the review  
958 and verification is not completed within such time, the  
959 remodeling addition or modification to the single-family home,  
960 for the purposes of this paragraph, is approved.

961 Section 8. Section 381.00652, Florida Statutes, is created  
962 to read:

963 381.00652 Onsite sewage treatment and disposal systems  
964 technical advisory committee.-

965 (1) As used in this section, the term "department" means  
966 the Department of Environmental Protection.

967 (2) An onsite sewage treatment and disposal systems  
968 technical advisory committee, a committee as defined in s.



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969 20.03(8), is created within the department. The committee shall:

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

974 (b) Consider and recommend regulatory options, such as  
975 fast-track approval, prequalification, or expedited permitting,  
976 to facilitate the introduction and use of enhanced nutrient-  
977 reducing onsite sewage treatment and disposal systems that have  
978 been reviewed and approved by a national agency or organization,  
979 such as the American National Standards Institute 245 systems  
980 approved by the NSF International.

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

984 (3) The department shall use existing and available  
985 resources to administer and support the activities of the  
986 committee.

987 (4) (a) By August 1, 2021, the department, in consultation  
988 with the Department of Health, shall appoint no more than 10  
989 members to the committee, as follows:

- 990 1. A professional engineer.
- 991 2. A septic tank contractor.
- 992 3. Two representatives from the home building industry.
- 993 4. A representative from the real estate industry.
- 994 5. A representative from the onsite sewage treatment and  
995 disposal system industry.
- 996 6. A representative from local government.
- 997 7. Two representatives from the environmental community.



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998           8. A representative of the scientific and technical  
999 community who has substantial expertise in the areas of the fate  
1000 and transport of water pollutants, toxicology, epidemiology,  
1001 geology, biology, or environmental sciences.

1002           (b) Members shall serve without compensation and are not  
1003 entitled to reimbursement for per diem or travel expenses.

1004           (5) By January 1, 2022, the committee shall submit its  
1005 recommendations to the Governor, the President of the Senate,  
1006 and the Speaker of the House of Representatives.

1007           (6) This section expires August 15, 2022.

1008           Section 9. Effective July 1, 2021, section 381.0068,  
1009 Florida Statutes, is repealed.

1010           Section 10. Present subsections (14) through (44) of  
1011 section 403.061, Florida Statutes, are redesignated as  
1012 subsections (15) through (45), respectively, subsection (7) is  
1013 amended, and a new subsection (14) is added to that section, to  
1014 read:

1015           403.061 Department; powers and duties.—The department shall  
1016 have the power and the duty to control and prohibit pollution of  
1017 air and water in accordance with the law and rules adopted and  
1018 promulgated by it and, for this purpose, to:

1019           (7) Adopt rules pursuant to ss. 120.536(1) and 120.54 to  
1020 implement ~~the provisions of~~ this act. Any rule adopted pursuant  
1021 to this act must ~~shall~~ be consistent with the provisions of  
1022 federal law, if any, relating to control of emissions from motor  
1023 vehicles, effluent limitations, pretreatment requirements, or  
1024 standards of performance. A ~~No~~ county, municipality, or  
1025 political subdivision may not ~~shall~~ adopt or enforce any local  
1026 ordinance, special law, or local regulation requiring the



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1027 installation of Stage II vapor recovery systems, as currently  
1028 defined by department rule, unless such county, municipality, or  
1029 political subdivision is or has been in the past designated by  
1030 federal regulation as a moderate, serious, or severe ozone  
1031 nonattainment area. Rules adopted pursuant to this act may shall  
1032 not require dischargers of waste into waters of the state to  
1033 improve natural background conditions. The department shall  
1034 adopt rules to reasonably limit, reduce, and eliminate domestic  
1035 wastewater collection and transmission system pipe leakages and  
1036 inflow and infiltration. Discharges from steam electric  
1037 generating plants existing or licensed under this chapter on  
1038 July 1, 1984, may shall not be required to be treated to a  
1039 greater extent than may be necessary to assure that the quality  
1040 of nonthermal components of discharges from nonrecirculated  
1041 cooling water systems is as high as the quality of the makeup  
1042 waters; that the quality of nonthermal components of discharges  
1043 from recirculated cooling water systems is no lower than is  
1044 allowed for blowdown from such systems; or that the quality of  
1045 noncooling system discharges which receive makeup water from a  
1046 receiving body of water which does not meet applicable  
1047 department water quality standards is as high as the quality of  
1048 the receiving body of water. The department may not adopt  
1049 standards more stringent than federal regulations, except as  
1050 provided in s. 403.804.

1051 (14) In order to promote resilient utilities, require  
1052 public utilities or their affiliated companies holding, applying  
1053 for, or renewing a domestic wastewater discharge permit to file  
1054 annual reports and other data regarding transactions or  
1055 allocations of common costs and expenditures on pollution



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1056 mitigation and prevention among the utility's permitted systems,  
1057 including, but not limited to, the prevention of sanitary sewer  
1058 overflows, collection and transmission system pipe leakages, and  
1059 inflow and infiltration. The department shall adopt rules to  
1060 implement this subsection.

1061  
1062 The department shall implement such programs in conjunction with  
1063 its other powers and duties and shall place special emphasis on  
1064 reducing and eliminating contamination that presents a threat to  
1065 humans, animals or plants, or to the environment.

1066 Section 11. Section 403.0616, Florida Statutes, is created  
1067 to read:

1068 403.0616 Real-time water quality monitoring program.-

1069 (1) Subject to appropriation, the department shall  
1070 establish a real-time water quality monitoring program to assist  
1071 in the restoration, preservation, and enhancement of impaired  
1072 water bodies and coastal resources.

1073 (2) In order to expedite the creation and implementation of  
1074 the program, the department is encouraged to form public-private  
1075 partnerships with established scientific entities that have  
1076 proven existing real-time water quality monitoring equipment and  
1077 experience in deploying the equipment.

1078 Section 12. Subsection (17) is added to section 403.064,  
1079 Florida Statutes, to read:

1080 403.064 Reuse of reclaimed water.-

1081 (17) By December 31, 2020, the department shall initiate  
1082 rule revisions based on the recommendations of the Potable Reuse  
1083 Commission's 2020 report "Advancing Potable Reuse in Florida:  
1084 Framework for the Implementation of Potable Reuse in Florida."



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1085 Rules for potable reuse projects must address contaminants of  
1086 emerging concern and meet or exceed federal and state drinking  
1087 water quality standards and other applicable water quality  
1088 standards. Reclaimed water is deemed a water source for public  
1089 water supply systems.

1090 Section 13. Subsection (7) of section 403.067, Florida  
1091 Statutes, is amended to read:

1092 403.067 Establishment and implementation of total maximum  
1093 daily loads.—

1094 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND  
1095 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

1096 (a) *Basin management action plans.*—

1097 1. In developing and implementing the total maximum daily  
1098 load for a water body, the department, or the department in  
1099 conjunction with a water management district, may develop a  
1100 basin management action plan that addresses some or all of the  
1101 watersheds and basins tributary to the water body. Such plan  
1102 must integrate the appropriate management strategies available  
1103 to the state through existing water quality protection programs  
1104 to achieve the total maximum daily loads and may provide for  
1105 phased implementation of these management strategies to promote  
1106 timely, cost-effective actions as provided for in s. 403.151.  
1107 The plan must establish a schedule implementing the management  
1108 strategies, establish a basis for evaluating the plan's  
1109 effectiveness, and identify feasible funding strategies for  
1110 implementing the plan's management strategies. The management  
1111 strategies may include regional treatment systems or other  
1112 public works, when ~~where~~ appropriate, and voluntary trading of  
1113 water quality credits to achieve the needed pollutant load



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1114 reductions.

1115           2. A basin management action plan must equitably allocate,  
1116 pursuant to paragraph (6) (b), pollutant reductions to individual  
1117 basins, as a whole to all basins, or to each identified point  
1118 source or category of nonpoint sources, as appropriate. For  
1119 nonpoint sources for which best management practices have been  
1120 adopted, the initial requirement specified by the plan must be  
1121 those practices developed pursuant to paragraph (c). When ~~Where~~  
1122 appropriate, the plan may take into account the benefits of  
1123 pollutant load reduction achieved by point or nonpoint sources  
1124 that have implemented management strategies to reduce pollutant  
1125 loads, including best management practices, before the  
1126 development of the basin management action plan. The plan must  
1127 also identify the mechanisms that will address potential future  
1128 increases in pollutant loading.

1129           3. The basin management action planning process is intended  
1130 to involve the broadest possible range of interested parties,  
1131 with the objective of encouraging the greatest amount of  
1132 cooperation and consensus possible. In developing a basin  
1133 management action plan, the department shall assure that key  
1134 stakeholders, including, but not limited to, applicable local  
1135 governments, water management districts, the Department of  
1136 Agriculture and Consumer Services, other appropriate state  
1137 agencies, local soil and water conservation districts,  
1138 environmental groups, regulated interests, and affected  
1139 pollution sources, are invited to participate in the process.  
1140 The department shall hold at least one public meeting in the  
1141 vicinity of the watershed or basin to discuss and receive  
1142 comments during the planning process and shall otherwise



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1143 encourage public participation to the greatest practicable  
1144 extent. Notice of the public meeting must be published in a  
1145 newspaper of general circulation in each county in which the  
1146 watershed or basin lies at least not less than 5 days, but not  
1147 ~~not~~ more than 15 days, before the public meeting. A basin  
1148 management action plan does not supplant or otherwise alter any  
1149 assessment made under subsection (3) or subsection (4) or any  
1150 calculation or initial allocation.

1151 4. Each new or revised basin management action plan shall  
1152 include:

1153 a. The appropriate management strategies available through  
1154 existing water quality protection programs to achieve total  
1155 maximum daily loads, which may provide for phased implementation  
1156 to promote timely, cost-effective actions as provided for in s.  
1157 403.151;

1158 b. A description of best management practices adopted by  
1159 rule;

1160 c. A list of projects in priority ranking with a planning-  
1161 level cost estimate and estimated date of completion for each  
1162 listed project;

1163 d. The source and amount of financial assistance to be made  
1164 available by the department, a water management district, or  
1165 other entity for each listed project, if applicable; and

1166 e. A planning-level estimate of each listed project's  
1167 expected load reduction, if applicable.

1168 5. The department shall adopt all or any part of a basin  
1169 management action plan and any amendment to such plan by  
1170 secretarial order pursuant to chapter 120 to implement ~~the~~  
1171 ~~provisions of~~ this section.



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1172           6. The basin management action plan must include milestones  
1173 for implementation and water quality improvement, and an  
1174 associated water quality monitoring component sufficient to  
1175 evaluate whether reasonable progress in pollutant load  
1176 reductions is being achieved over time. An assessment of  
1177 progress toward these milestones shall be conducted every 5  
1178 years, and revisions to the plan shall be made as appropriate.  
1179 Revisions to the basin management action plan shall be made by  
1180 the department in cooperation with basin stakeholders. Revisions  
1181 to the management strategies required for nonpoint sources must  
1182 follow the procedures ~~set forth~~ in subparagraph (c)4. Revised  
1183 basin management action plans must be adopted pursuant to  
1184 subparagraph 5.

1185           7. In accordance with procedures adopted by rule under  
1186 paragraph (9)(c), basin management action plans, and other  
1187 pollution control programs under local, state, or federal  
1188 authority as provided in subsection (4), may allow point or  
1189 nonpoint sources that will achieve greater pollutant reductions  
1190 than required by an adopted total maximum daily load or  
1191 wasteload allocation to generate, register, and trade water  
1192 quality credits for the excess reductions to enable other  
1193 sources to achieve their allocation; however, the generation of  
1194 water quality credits does not remove the obligation of a source  
1195 or activity to meet applicable technology requirements or  
1196 adopted best management practices. Such plans must allow trading  
1197 between NPDES permittees, and trading that may or may not  
1198 involve NPDES permittees, where the generation or use of the  
1199 credits involve an entity or activity not subject to department  
1200 water discharge permits whose owner voluntarily elects to obtain



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1201 department authorization for the generation and sale of credits.

1202 ~~8. The provisions of~~ The department's rule relating to the  
1203 equitable abatement of pollutants into surface waters do not  
1204 apply to water bodies or water body segments for which a basin  
1205 management plan that takes into account future new or expanded  
1206 activities or discharges has been adopted under this section.

1207 9. In order to promote resilient wastewater utilities, if  
1208 the department identifies domestic wastewater treatment  
1209 facilities or onsite sewage treatment and disposal systems as  
1210 contributors of at least 20 percent of point source or nonpoint  
1211 source nutrient pollution or if the department determines  
1212 remediation is necessary to achieve the total maximum daily  
1213 load, a basin management action plan for a nutrient total  
1214 maximum daily load must include the following:

1215 a. A wastewater treatment plan developed by each local  
1216 government, in cooperation with the department, the water  
1217 management district, and the public and private domestic  
1218 wastewater treatment facilities within the jurisdiction of the  
1219 local government, that addresses domestic wastewater. The  
1220 wastewater treatment plan must:

1221 (I) Provide for construction, expansion, or upgrades  
1222 necessary to achieve the total maximum daily load requirements  
1223 applicable to the domestic wastewater treatment facility.

1224 (II) Include the permitted capacity in average annual  
1225 gallons per day for the domestic wastewater treatment facility;  
1226 the average nutrient concentration and the estimated average  
1227 nutrient load of the domestic wastewater; a projected timeline  
1228 of the dates by which the construction of any facility  
1229 improvements will begin and be completed and the date by which



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1230 operations of the improved facility will begin; the estimated  
1231 cost of the improvements; and the identity of responsible  
1232 parties.

1233  
1234 The wastewater treatment plan must be adopted as part of the  
1235 basin management action plan no later than July 1, 2025. A local  
1236 government that does not have a domestic wastewater treatment  
1237 facility in its jurisdiction is not required to develop a  
1238 wastewater treatment plan unless there is a demonstrated need to  
1239 establish a domestic wastewater treatment facility within its  
1240 jurisdiction to improve water quality necessary to achieve a  
1241 total maximum daily load. A local government is not responsible  
1242 for a private domestic wastewater facility's compliance with a  
1243 basin management action plan unless such facility is operated  
1244 through a public-private partnership to which the local  
1245 government is a party.

1246 b. An onsite sewage treatment and disposal system  
1247 remediation plan developed by each local government in  
1248 cooperation with the department, the Department of Health, water  
1249 management districts, and public and private domestic wastewater  
1250 treatment facilities.

1251 (I) The onsite sewage treatment and disposal system  
1252 remediation plan must identify cost-effective and financially  
1253 feasible projects necessary to achieve the nutrient load  
1254 reductions required for onsite sewage treatment and disposal  
1255 systems. To identify cost-effective and financially feasible  
1256 projects for remediation of onsite sewage treatment and disposal  
1257 systems, the local government shall:

1258 (A) Include an inventory of onsite sewage treatment and



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1259 disposal systems based on the best information available;  
1260 (B) Identify onsite sewage treatment and disposal systems  
1261 that would be eliminated through connection to existing or  
1262 future central domestic wastewater infrastructure in the  
1263 jurisdiction or domestic wastewater service area of the local  
1264 government, that would be replaced with or upgraded to enhanced  
1265 nutrient-reducing onsite sewage treatment and disposal systems,  
1266 or that would remain on conventional onsite sewage treatment and  
1267 disposal systems;

1268 (C) Estimate the costs of potential onsite sewage treatment  
1269 and disposal system connections, upgrades, or replacements; and

1270 (D) Identify deadlines and interim milestones for the  
1271 planning, design, and construction of projects.

1272 (II) The department shall adopt the onsite sewage treatment  
1273 and disposal system remediation plan as part of the basin  
1274 management action plan no later than July 1, 2025, or as  
1275 required for Outstanding Florida Springs under s. 373.807.

1276 10. When identifying wastewater projects in a basin  
1277 management action plan, the department may not require the  
1278 higher cost option if it achieves the same nutrient load  
1279 reduction as a lower cost option. A regulated entity may choose  
1280 a different cost option if it complies with the pollutant  
1281 reduction requirements of an adopted total maximum daily load  
1282 and meets or exceeds the pollution reduction requirement of the  
1283 original project.

1284 (b) Total maximum daily load implementation.—

1285 1. The department shall be the lead agency in coordinating  
1286 the implementation of the total maximum daily loads through  
1287 existing water quality protection programs. Application of a



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1288 total maximum daily load by a water management district must be  
1289 consistent with this section and does not require the issuance  
1290 of an order or a separate action pursuant to s. 120.536(1) or s.  
1291 120.54 for the adoption of the calculation and allocation  
1292 previously established by the department. Such programs may  
1293 include, but are not limited to:

1294 a. Permitting and other existing regulatory programs,  
1295 including water-quality-based effluent limitations;

1296 b. Nonregulatory and incentive-based programs, including  
1297 best management practices, cost sharing, waste minimization,  
1298 pollution prevention, agreements established pursuant to s.  
1299 403.061(22) ~~s. 403.061(21)~~, and public education;

1300 c. Other water quality management and restoration  
1301 activities, for example surface water improvement and management  
1302 plans approved by water management districts or basin management  
1303 action plans developed pursuant to this subsection;

1304 d. Trading of water quality credits or other equitable  
1305 economically based agreements;

1306 e. Public works including capital facilities; or

1307 f. Land acquisition.

1308 2. For a basin management action plan adopted pursuant to  
1309 paragraph (a), any management strategies and pollutant reduction  
1310 requirements associated with a pollutant of concern for which a  
1311 total maximum daily load has been developed, including effluent  
1312 limits ~~set forth~~ for a discharger subject to NPDES permitting,  
1313 if any, must be included in a timely manner in subsequent NPDES  
1314 permits or permit modifications for that discharger. The  
1315 department may not impose limits or conditions implementing an  
1316 adopted total maximum daily load in an NPDES permit until the



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1317 permit expires, the discharge is modified, or the permit is  
1318 reopened pursuant to an adopted basin management action plan.

1319 a. Absent a detailed allocation, total maximum daily loads  
1320 must be implemented through NPDES permit conditions that provide  
1321 for a compliance schedule. In such instances, a facility's NPDES  
1322 permit must allow time for the issuance of an order adopting the  
1323 basin management action plan. The time allowed for the issuance  
1324 of an order adopting the plan may not exceed 5 years. Upon  
1325 issuance of an order adopting the plan, the permit must be  
1326 reopened or renewed, as necessary, and permit conditions  
1327 consistent with the plan must be established. Notwithstanding  
1328 the other provisions of this subparagraph, upon request by an  
1329 NPDES permittee, the department as part of a permit issuance,  
1330 renewal, or modification may establish individual allocations  
1331 before the adoption of a basin management action plan.

1332 b. For holders of NPDES municipal separate storm sewer  
1333 system permits and other stormwater sources, implementation of a  
1334 total maximum daily load or basin management action plan must be  
1335 achieved, to the maximum extent practicable, through the use of  
1336 best management practices or other management measures.

1337 c. The basin management action plan does not relieve the  
1338 discharger from any requirement to obtain, renew, or modify an  
1339 NPDES permit or to abide by other requirements of the permit.

1340 d. Management strategies ~~set forth~~ in a basin management  
1341 action plan to be implemented by a discharger subject to  
1342 permitting by the department must be completed pursuant to the  
1343 schedule ~~set forth~~ in the basin management action plan. This  
1344 implementation schedule may extend beyond the 5-year term of an  
1345 NPDES permit.



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1346 e. Management strategies and pollution reduction  
1347 requirements ~~set forth~~ in a basin management action plan for a  
1348 specific pollutant of concern are not subject to challenge under  
1349 chapter 120 at the time they are incorporated, in an identical  
1350 form, into a subsequent NPDES permit or permit modification.

1351 f. For nonagricultural pollutant sources not subject to  
1352 NPDES permitting but permitted pursuant to other state,  
1353 regional, or local water quality programs, the pollutant  
1354 reduction actions adopted in a basin management action plan must  
1355 be implemented to the maximum extent practicable as part of  
1356 those permitting programs.

1357 g. A nonpoint source discharger included in a basin  
1358 management action plan must demonstrate compliance with the  
1359 pollutant reductions established under subsection (6) by  
1360 implementing the appropriate best management practices  
1361 established pursuant to paragraph (c) or conducting water  
1362 quality monitoring prescribed by the department or a water  
1363 management district. A nonpoint source discharger may, in  
1364 accordance with department rules, supplement the implementation  
1365 of best management practices with water quality credit trades in  
1366 order to demonstrate compliance with the pollutant reductions  
1367 established under subsection (6).

1368 h. A nonpoint source discharger included in a basin  
1369 management action plan may be subject to enforcement action by  
1370 the department or a water management district based upon a  
1371 failure to implement the responsibilities ~~set forth~~ in sub-  
1372 subparagraph g.

1373 i. A landowner, discharger, or other responsible person who  
1374 is implementing applicable management strategies specified in an



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1375 adopted basin management action plan may not be required by  
1376 permit, enforcement action, or otherwise to implement additional  
1377 management strategies, including water quality credit trading,  
1378 to reduce pollutant loads to attain the pollutant reductions  
1379 established pursuant to subsection (6) and shall be deemed to be  
1380 in compliance with this section. This subparagraph does not  
1381 limit the authority of the department to amend a basin  
1382 management action plan as specified in subparagraph (a)6.

1383 (c) *Best management practices.*—

1384 1. The department, in cooperation with the water management  
1385 districts and other interested parties, as appropriate, may  
1386 develop suitable interim measures, best management practices, or  
1387 other measures necessary to achieve the level of pollution  
1388 reduction established by the department for nonagricultural  
1389 nonpoint pollutant sources in allocations developed pursuant to  
1390 subsection (6) and this subsection. These practices and measures  
1391 may be adopted by rule by the department and the water  
1392 management districts and, where adopted by rule, shall be  
1393 implemented by those parties responsible for nonagricultural  
1394 nonpoint source pollution.

1395 2. The Department of Agriculture and Consumer Services may  
1396 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54  
1397 suitable interim measures, best management practices, or other  
1398 measures necessary to achieve the level of pollution reduction  
1399 established by the department for agricultural pollutant sources  
1400 in allocations developed pursuant to subsection (6) and this  
1401 subsection or for programs implemented pursuant to paragraph  
1402 (12) (b). These practices and measures may be implemented by  
1403 those parties responsible for agricultural pollutant sources and



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1404 the department, the water management districts, and the  
1405 Department of Agriculture and Consumer Services shall assist  
1406 with implementation. In the process of developing and adopting  
1407 rules for interim measures, best management practices, or other  
1408 measures, the Department of Agriculture and Consumer Services  
1409 shall consult with the department, the Department of Health, the  
1410 water management districts, representatives from affected  
1411 farming groups, and environmental group representatives. Such  
1412 rules must also incorporate provisions for a notice of intent to  
1413 implement the practices and a system to assure the  
1414 implementation of the practices, including site inspection and  
1415 recordkeeping requirements.

1416 3. When ~~where~~ interim measures, best management practices,  
1417 or other measures are adopted by rule, the effectiveness of such  
1418 practices in achieving the levels of pollution reduction  
1419 established in allocations developed by the department pursuant  
1420 to subsection (6) and this subsection or in programs implemented  
1421 pursuant to paragraph (12)(b) must be verified at representative  
1422 sites by the department. The department shall use best  
1423 professional judgment in making the initial verification that  
1424 the best management practices are reasonably expected to be  
1425 effective and, when ~~where~~ applicable, shall ~~must~~ notify the  
1426 appropriate water management district or the Department of  
1427 Agriculture and Consumer Services of its initial verification  
1428 before the adoption of a rule proposed pursuant to this  
1429 paragraph. Implementation, in accordance with rules adopted  
1430 under this paragraph, of practices that have been initially  
1431 verified to be effective, or verified to be effective by  
1432 monitoring at representative sites, by the department, shall



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1433 provide a presumption of compliance with state water quality  
1434 standards and release from ~~the provisions of~~ s. 376.307(5) for  
1435 those pollutants addressed by the practices, and the department  
1436 is not authorized to institute proceedings against the owner of  
1437 the source of pollution to recover costs or damages associated  
1438 with the contamination of surface water or groundwater caused by  
1439 those pollutants. Research projects funded by the department, a  
1440 water management district, or the Department of Agriculture and  
1441 Consumer Services to develop or demonstrate interim measures or  
1442 best management practices shall be granted a presumption of  
1443 compliance with state water quality standards and a release from  
1444 ~~the provisions of~~ s. 376.307(5). The presumption of compliance  
1445 and release is limited to the research site and only for those  
1446 pollutants addressed by the interim measures or best management  
1447 practices. Eligibility for the presumption of compliance and  
1448 release is limited to research projects on sites where the owner  
1449 or operator of the research site and the department, a water  
1450 management district, or the Department of Agriculture and  
1451 Consumer Services have entered into a contract or other  
1452 agreement that, at a minimum, specifies the research objectives,  
1453 the cost-share responsibilities of the parties, and a schedule  
1454 that details the beginning and ending dates of the project.

1455 4. When ~~where~~ water quality problems are demonstrated,  
1456 despite the appropriate implementation, operation, and  
1457 maintenance of best management practices and other measures  
1458 required by rules adopted under this paragraph, the department,  
1459 a water management district, or the Department of Agriculture  
1460 and Consumer Services, in consultation with the department,  
1461 shall institute a reevaluation of the best management practice



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1462 or other measure. ~~If Should~~ the reevaluation determines  
1463 ~~determine~~ that the best management practice or other measure  
1464 requires modification, the department, a water management  
1465 district, or the Department of Agriculture and Consumer  
1466 Services, as appropriate, shall revise the rule to require  
1467 implementation of the modified practice within a reasonable time  
1468 period as specified in the rule.

1469 5. Subject to subparagraph 6., the Department of  
1470 Agriculture and Consumer Services shall provide to the  
1471 department information obtained pursuant to subparagraph (d)3.

1472 ~~6.5.~~ Agricultural records relating to processes or methods  
1473 of production, costs of production, profits, or other financial  
1474 information held by the Department of Agriculture and Consumer  
1475 Services pursuant to subparagraphs 3. ~~and 4.,~~ and 5. or pursuant  
1476 to any rule adopted pursuant to subparagraph 2. are confidential  
1477 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
1478 Constitution. Upon request, records made confidential and exempt  
1479 pursuant to this subparagraph shall be released to the  
1480 department or any water management district provided that the  
1481 confidentiality specified by this subparagraph for such records  
1482 is maintained.

1483 ~~7.6.~~ ~~The provisions of~~ Subparagraphs 1. and 2. do not  
1484 preclude the department or water management district from  
1485 requiring compliance with water quality standards or with  
1486 current best management practice requirements ~~set forth~~ in any  
1487 applicable regulatory program authorized by law for the purpose  
1488 of protecting water quality. Additionally, subparagraphs 1. and  
1489 2. are applicable only to the extent that they do not conflict  
1490 with any rules adopted by the department that are necessary to



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1491 maintain a federally delegated or approved program.  
1492       (d) *Enforcement and verification of basin management action*  
1493 *plans and management strategies.*—  
1494       1. Basin management action plans are enforceable pursuant  
1495 to this section and ss. 403.121, 403.141, and 403.161.  
1496 Management strategies, including best management practices and  
1497 water quality monitoring, are enforceable under this chapter.  
1498       2. No later than January 1, 2017:  
1499       a. The department, in consultation with the water  
1500 management districts and the Department of Agriculture and  
1501 Consumer Services, shall initiate rulemaking to adopt procedures  
1502 to verify implementation of water quality monitoring required in  
1503 lieu of implementation of best management practices or other  
1504 measures pursuant to sub-subparagraph (b)2.g.;  
1505       b. The department, in consultation with the water  
1506 management districts and the Department of Agriculture and  
1507 Consumer Services, shall initiate rulemaking to adopt procedures  
1508 to verify implementation of nonagricultural interim measures,  
1509 best management practices, or other measures adopted by rule  
1510 pursuant to subparagraph (c)1.; and  
1511       c. The Department of Agriculture and Consumer Services, in  
1512 consultation with the water management districts and the  
1513 department, shall initiate rulemaking to adopt procedures to  
1514 verify implementation of agricultural interim measures, best  
1515 management practices, or other measures adopted by rule pursuant  
1516 to subparagraph(c)2.  
1517  
1518 The rules required under this subparagraph shall include  
1519 enforcement procedures applicable to the landowner, discharger,



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1520 or other responsible person required to implement applicable  
1521 management strategies, including best management practices or  
1522 water quality monitoring as a result of noncompliance.

1523 3. At least every 2 years, the Department of Agriculture  
1524 and Consumer Services shall perform onsite inspections of each  
1525 agricultural producer that enrolls in a best management practice  
1526 to ensure that such practice is being properly implemented. Such  
1527 verification must include a collection and review of the best  
1528 management practice documentation from the previous 2 years  
1529 required by rules adopted pursuant to subparagraph (c)2.,  
1530 including, but not limited to, nitrogen and phosphorus  
1531 fertilizer application records, which must be collected and  
1532 retained pursuant to subparagraphs (c)3., 4., and 6. The  
1533 Department of Agriculture and Consumer Services shall initially  
1534 prioritize the inspection of agricultural producers located in  
1535 the basin management action plans for Lake Okeechobee, the  
1536 Indian River Lagoon, the Caloosahatchee River and Estuary, and  
1537 Silver Springs.

1538 (e) Cooperative agricultural regional water quality  
1539 improvement element.—

1540 1. The department, the Department of Agriculture and  
1541 Consumer Services, and owners of agricultural operations in the  
1542 basin shall develop a cooperative agricultural regional water  
1543 quality improvement element as part of a basin management action  
1544 plan only if:

1545 a. Agricultural measures have been adopted by the  
1546 Department of Agriculture and Consumer Services pursuant to  
1547 subparagraph (c)2. and have been implemented and the waterbody  
1548 remains impaired;



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1549 b. Agricultural nonpoint sources contribute to at least 20  
1550 percent of nonpoint source nutrient discharges; and

1551 c. The department determines that additional measures, in  
1552 combination with state-sponsored regional projects and other  
1553 management strategies included in the basin management action  
1554 plan, are necessary to achieve the total maximum daily load.

1555 2. The element will be implemented through the use of cost-  
1556 sharing projects. The element must include cost-effective and  
1557 technically and financially practical cooperative regional  
1558 agricultural nutrient reduction projects that can be implemented  
1559 on private properties on a site-specific, cooperative basis.  
1560 Such cooperative regional agricultural nutrient reduction  
1561 projects may include land acquisition in fee or conservation  
1562 easements on the lands of willing sellers and site-specific  
1563 water quality improvement or dispersed water management projects  
1564 on the lands of project participants.

1565 3. To qualify for participation in the cooperative  
1566 agricultural regional water quality improvement element, the  
1567 participant must have already implemented and be in compliance  
1568 with best management practices or other measures adopted by the  
1569 Department of Agriculture and Consumer Services pursuant to  
1570 subparagraph (c)2. The element may be included in the basin  
1571 management action plan as a part of the next 5-year assessment  
1572 under subparagraph (a)6.

1573 4. The department may submit a legislative budget request  
1574 to fund projects developed pursuant to this paragraph. In  
1575 allocating funds for projects funded pursuant to this paragraph,  
1576 the department shall provide at least 20 percent of its annual  
1577 appropriation for projects in subbasins with the highest



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1578 nutrient concentrations within a basin management action plan.

1579 (f) Data collection and research.—

1580 1. The Department of Agriculture and Consumer Services, in  
1581 cooperation with the University of Florida Institute of Food and  
1582 Agricultural Sciences and other state universities and Florida  
1583 College System institutions that have agricultural research  
1584 programs, shall annually develop research plans and legislative  
1585 budget requests to:

1586 a. Evaluate and suggest enhancements to the existing  
1587 adopted agricultural best management practices to reduce  
1588 nutrient runoff;

1589 b. Develop new best management practices that, if proven  
1590 effective, the Department of Agriculture and Consumer Services  
1591 may adopt by rule pursuant to subparagraph (c)2.; and

1592 c. Develop agricultural nutrient runoff reduction projects  
1593 that willing participants could implement on a site-specific,  
1594 cooperative basis, in addition to best management practices. The  
1595 department may consider these projects for inclusion in a basin  
1596 management action plan. These nutrient runoff reduction projects  
1597 must reduce the nutrient impacts from agricultural operations on  
1598 water quality when evaluated with the projects and management  
1599 strategies currently included in the basin management action  
1600 plan.

1601 2. To be considered for funding, the University of Florida  
1602 Institute of Food and Agricultural Sciences and other state  
1603 universities and Florida College System institutions that have  
1604 agricultural research programs must submit such plans to the  
1605 department and the Department of Agriculture and Consumer  
1606 Services by August 1, 2021, and each May 1 thereafter.



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1607           3. The department shall work with the University of Florida  
1608 Institute of Food and Agricultural Sciences and regulated  
1609 entities to consider the adoption by rule of best management  
1610 practices for nutrient impacts from golf courses. Such adopted  
1611 best management practices are subject to the requirements of  
1612 paragraph (c).

1613           Section 14. Section 403.0671, Florida Statutes, is created  
1614 to read:

1615           403.0671 Basin management action plan wastewater reports.—

1616           (1) By July 1, 2021, the department, in coordination with  
1617 the county health departments, wastewater treatment facilities,  
1618 and other governmental entities, shall submit a report to the  
1619 Governor, the President of the Senate, and the Speaker of the  
1620 House of Representatives evaluating the costs of wastewater  
1621 projects identified in the basin management action plans  
1622 developed pursuant to ss. 373.807 and 403.067(7) and the onsite  
1623 sewage treatment and disposal system remediation plans and other  
1624 restoration plans developed to meet the total maximum daily  
1625 loads required under s. 403.067. The report must include:

1626           (a) Projects to:

1627           1. Replace onsite sewage treatment and disposal systems  
1628 with enhanced nutrient-reducing onsite sewage treatment and  
1629 disposal systems.

1630           2. Install or retrofit onsite sewage treatment and disposal  
1631 systems with enhanced nutrient-reducing technologies.

1632           3. Construct, upgrade, or expand domestic wastewater  
1633 treatment facilities to meet the wastewater treatment plan  
1634 required under s. 403.067(7)(a)9.

1635           4. Connect onsite sewage treatment and disposal systems to



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1636 domestic wastewater treatment facilities;  
1637 (b) The estimated costs, nutrient load reduction estimates,  
1638 and other benefits of each project;  
1639 (c) The estimated implementation timeline for each project;  
1640 (d) A proposed 5-year funding plan for each project and the  
1641 source and amount of financial assistance the department, a  
1642 water management district, or other project partner will make  
1643 available to fund the project; and  
1644 (e) The projected costs of installing enhanced nutrient-  
1645 reducing onsite sewage treatment and disposal systems on  
1646 buildable lots in priority focus areas to comply with s.  
1647 373.811.  
1648 (2) By July 1, 2021, the department shall submit a report  
1649 to the Governor, the President of the Senate, and the Speaker of  
1650 the House of Representatives that provides an assessment of the  
1651 water quality monitoring being conducted for each basin  
1652 management action plan implementing a nutrient total maximum  
1653 daily load. In developing the report, the department may  
1654 coordinate with water management districts and any applicable  
1655 university. The report must:  
1656 (a) Evaluate the water quality monitoring prescribed for  
1657 each basin management action plan to determine if it is  
1658 sufficient to detect changes in water quality caused by the  
1659 implementation of a project.  
1660 (b) Identify gaps in water quality monitoring.  
1661 (c) Recommend water quality monitoring needs.  
1662 (3) Beginning January 1, 2022, and each January 1  
1663 thereafter, the department shall submit to the Office of  
1664 Economic and Demographic Research the cost estimates for



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1665 projects required in s. 403.067(7)(a)9. The office shall include  
1666 the project cost estimates in its annual assessment conducted  
1667 pursuant to s. 403.928.

1668 Section 15. Section 403.0673, Florida Statutes, is created  
1669 to read:

1670 403.0673 Wastewater grant program.—A wastewater grant  
1671 program is established within the Department of Environmental  
1672 Protection.

1673 (1) Subject to the appropriation of funds by the  
1674 Legislature, the department may provide grants for the following  
1675 projects within a basin management action plan, an alternative  
1676 restoration plan adopted by final order, or a rural area of  
1677 opportunity under s. 288.0656 which will individually or  
1678 collectively reduce excess nutrient pollution:

1679 (a) Projects to retrofit onsite sewage treatment and  
1680 disposal systems to upgrade such systems to enhanced nutrient-  
1681 reducing onsite sewage treatment and disposal systems.

1682 (b) Projects to construct, upgrade, or expand facilities to  
1683 provide advanced waste treatment, as defined in s. 403.086(4).

1684 (c) Projects to connect onsite sewage treatment and  
1685 disposal systems to central sewer facilities.

1686 (2) In allocating such funds, priority must be given to  
1687 projects that subsidize the connection of onsite sewage  
1688 treatment and disposal systems to wastewater treatment  
1689 facilities. First priority must be given to subsidize the  
1690 connection of onsite sewage treatment and disposal systems to  
1691 existing infrastructure. Second priority must be given to any  
1692 expansion of a collection or transmission system that promotes  
1693 efficiency by planning the installation of wastewater



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1694 transmission facilities to be constructed concurrently with  
1695 other construction projects occurring within or along a  
1696 transportation facility right-of-way. Third priority must be  
1697 given to all other connections of onsite sewage treatment and  
1698 disposal systems to wastewater treatment facilities. The  
1699 department shall consider the estimated reduction in nutrient  
1700 load per project; project readiness; the cost-effectiveness of  
1701 the project; the overall environmental benefit of a project; the  
1702 location of a project; the availability of local matching funds;  
1703 and projected water savings or quantity improvements associated  
1704 with a project.

1705 (3) Each grant for a project described in subsection (1)  
1706 must require a minimum of a 50 percent local match of funds.  
1707 However, the department may, at its discretion, waive, in whole  
1708 or in part, this consideration of the local contribution for  
1709 proposed projects within an area designated as a rural area of  
1710 opportunity under s. 288.0656.

1711 (4) The department shall coordinate with each water  
1712 management district, as necessary, to identify grant recipients  
1713 in each district.

1714 (5) Beginning January 1, 2021, and each January 1  
1715 thereafter, the department shall submit a report regarding the  
1716 projects funded pursuant to this section to the Governor, the  
1717 President of the Senate, and the Speaker of the House of  
1718 Representatives.

1719 Section 16. Section 403.0855, Florida Statutes, is created  
1720 to read:

1721 403.0855 Biosolids management.—

1722 (1) The Legislature finds that it is in the best interest



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1723 of this state to regulate biosolids management in order to  
1724 minimize the migration of nutrients that impair water bodies.  
1725 The Legislature further finds that permitting according to site-  
1726 specific application conditions, an increased inspection rate,  
1727 groundwater and surface water monitoring protocols, and nutrient  
1728 management research will improve biosolids management and assist  
1729 in protecting this state's water resources and water quality.

1730 (2) The department shall adopt rules for biosolids  
1731 management. Rules adopted by the department pursuant to this  
1732 section may not take effect until ratified by the Legislature.

1733 (3) For a new land application site permit or a permit  
1734 renewal issued after July 1, 2020, the permittee of a biosolids  
1735 land application site shall:

1736 (a) Ensure a minimum unsaturated soil depth of 2 feet  
1737 between the depth of biosolids placement and the water table  
1738 level at the time the Class A or Class B biosolids are applied  
1739 to the soil. Biosolids may not be applied on soils that have a  
1740 seasonal high-water table less than 6 inches from the soil  
1741 surface or within 6 inches of the intended depth of biosolids  
1742 placement, unless a department-approved nutrient management plan  
1743 and water quality monitoring plan provide reasonable assurances  
1744 that the land application of biosolids at the site will not  
1745 cause or contribute to a violation of the state's surface water  
1746 quality standards or groundwater standards. As used in this  
1747 subsection, the term "seasonal high water" means the elevation  
1748 to which the ground and surface water may be expected to rise  
1749 due to a normal wet season.

1750 (b) Be enrolled in the Department of Agriculture and  
1751 Consumer Service's best management practices program or be



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1752 within an agricultural operation enrolled in the program for the  
1753 applicable commodity type.

1754 (4) All permits shall comply with the requirements of  
1755 subsection (3) by July 1, 2022.

1756 (5) New or renewed biosolids land application site or  
1757 facility permits issued after July 1, 2020, must comply with  
1758 this section and include a permit condition that requires the  
1759 permit to be reopened to insert a compliance date of no later  
1760 than 1 year after the effective date of the rules adopted  
1761 pursuant to subsection (2). All permits must meet the  
1762 requirements of the rules adopted pursuant to subsection (2) no  
1763 later than 2 years after the effective date of such rules.

1764 (6) A municipality or county may enforce or extend a local  
1765 ordinance, regulation, resolution, rule, moratorium, or policy,  
1766 any of which was adopted before November 1, 2019, relating to  
1767 the land application of Class A or Class B biosolids until the  
1768 ordinance, regulation, resolution, rule, moratorium, or policy  
1769 is repealed by the municipality or county.

1770 Section 17. Present subsections (7) through (10) of section  
1771 403.086, Florida Statutes, are redesignated as subsections (8)  
1772 through (11), respectively, subsections (1) and (2) are amended,  
1773 and a new subsection (7) is added to that section, to read:

1774 403.086 Sewage disposal facilities; advanced and secondary  
1775 waste treatment.-

1776 (1) (a) ~~Neither~~ The Department of Health or ~~nor~~ any other  
1777 state agency, county, special district, or municipality may not  
1778 ~~shall~~ approve construction of any sewage disposal facilities ~~for~~  
1779 ~~sanitary sewage disposal~~ which do not provide for secondary  
1780 waste treatment and, ~~in addition thereto,~~ advanced waste



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1781 treatment as deemed necessary and ordered by the department.

1782 (b) Sewage disposal ~~No facilities for sanitary sewage~~  
1783 ~~disposal~~ constructed after June 14, 1978, may not ~~shall~~ dispose  
1784 of any wastes by deep well injection without providing for  
1785 secondary waste treatment and, ~~in addition thereto,~~ advanced  
1786 waste treatment deemed necessary by the department to protect  
1787 adequately the beneficial use of the receiving waters.

1788 (c) Notwithstanding ~~any other provisions of~~ this chapter or  
1789 chapter 373, sewage disposal ~~facilities for sanitary sewage~~  
1790 ~~disposal~~ may not dispose of any wastes into Old Tampa Bay, Tampa  
1791 Bay, Hillsborough Bay, Boca Ciega Bay, St. Joseph Sound,  
1792 Clearwater Bay, Sarasota Bay, Little Sarasota Bay, Roberts Bay,  
1793 Lemon Bay, ~~or~~ Charlotte Harbor Bay, or, beginning July 1, 2025,  
1794 Indian River Lagoon, or into any river, stream, channel, canal,  
1795 bay, bayou, sound, or other water tributary thereto, without  
1796 providing advanced waste treatment, as defined in subsection  
1797 (4), approved by the department. This paragraph does ~~shall~~ not  
1798 apply to facilities which were permitted by February 1, 1987,  
1799 and which discharge secondary treated effluent, followed by  
1800 water hyacinth treatment, to tributaries of tributaries of the  
1801 named waters; or to facilities permitted to discharge to the  
1802 nontidally influenced portions of the Peace River.

1803 (d) By December 31, 2020, the department, in consultation  
1804 with the water management districts and sewage disposal  
1805 facilities, shall submit to the Governor, the President of the  
1806 Senate, and the Speaker of the House of Representatives a  
1807 progress report on the status of upgrades made by each facility  
1808 to meet the advanced waste treatment requirements under  
1809 paragraph (c). The report must include a list of sewage disposal



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1810 facilities required to upgrade to advanced waste treatment, the  
1811 preliminary cost estimates for the upgrades, and a projected  
1812 timeline of the dates by which the upgrades will begin and be  
1813 completed and the date by which operations of the upgraded  
1814 facility will begin.

1815 (2) All sewage disposal ~~Any facilities for sanitary sewage~~  
1816 ~~disposal~~ shall provide for secondary waste treatment, a power  
1817 outage contingency plan that mitigates the impacts of power  
1818 outages on the utility's collection system and pump stations,  
1819 ~~and, in addition thereto,~~ advanced waste treatment as deemed  
1820 necessary and ordered by the Department of Environmental  
1821 Protection. Failure to conform is shall be punishable by a civil  
1822 penalty of \$500 for each 24-hour day or fraction thereof that  
1823 such failure is allowed to continue thereafter.

1824 (7) All sewage disposal facilities under subsection (2)  
1825 which control a collection or transmission system of pipes and  
1826 pumps to collect and transmit wastewater from domestic or  
1827 industrial sources to the facility shall take steps to prevent  
1828 sanitary sewer overflows or underground pipe leaks and ensure  
1829 that collected wastewater reaches the facility for appropriate  
1830 treatment. Facilities must use inflow and infiltration studies  
1831 and leakage surveys to develop pipe assessment, repair, and  
1832 replacement action plans with a 5-year planning horizon that  
1833 comply with department rule to limit, reduce, and eliminate  
1834 leaks, seepages, or inputs into wastewater treatment systems'  
1835 underground pipes. The pipe assessment, repair, and replacement  
1836 action plans must be reported to the department. The facility  
1837 action plans must include information regarding the annual  
1838 expenditures dedicated to the inflow and infiltration studies



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1839 and the required replacement action plans; expenditures that are  
1840 dedicated to pipe assessment, repair, and replacement; and  
1841 expenditures designed to limit the presence of fats, roots,  
1842 oils, and grease in the facility's collection system. The  
1843 department shall adopt rules regarding the implementation of  
1844 inflow and infiltration studies and leakage surveys; however,  
1845 such rules may not fix or revise utility rates or budgets. A  
1846 utility or an operating entity subject to this subsection and s.  
1847 403.061(14) may submit one report to comply with both  
1848 requirements. Substantial compliance with this subsection is  
1849 evidence in mitigation for the purposes of assessing penalties  
1850 pursuant to ss. 403.121 and 403.141.

1851 Section 18. Present subsections (4) through (10) of section  
1852 403.087, Florida Statutes, are redesignated as subsections (5)  
1853 through (11), respectively, and a new subsection (4) is added to  
1854 that section, to read:

1855 403.087 Permits; general issuance; denial; revocation;  
1856 prohibition; penalty.-

1857 (4) The department shall issue an operation permit for a  
1858 domestic wastewater treatment facility other than a facility  
1859 regulated under the National Pollutant Discharge Elimination  
1860 System Program under s. 403.0885 for a term of up to 10 years if  
1861 the facility is meeting the stated goals in its action plan  
1862 adopted pursuant to s. 403.086(7).

1863 Section 19. Present subsections (3) and (4) of section  
1864 403.088, Florida Statutes, are redesignated as subsections (4)  
1865 and (5), respectively, paragraph (c) of subsection (2) is  
1866 amended, and a new subsection (3) is added to that section, to  
1867 read:



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1868 403.088 Water pollution operation permits; conditions.-  
1869 (2)  
1870 (c) A permit shall:  
1871 1. Specify the manner, nature, volume, and frequency of the  
1872 discharge permitted;  
1873 2. Require proper operation and maintenance of any  
1874 pollution abatement facility by qualified personnel in  
1875 accordance with standards established by the department;  
1876 3. Require a deliberate, proactive approach to  
1877 investigating or surveying a significant percentage of the  
1878 domestic wastewater collection system throughout the duration of  
1879 the permit to determine pipe integrity, which must be  
1880 accomplished in an economically feasible manner. The permittee  
1881 shall submit an annual report to the department which details  
1882 facility revenues and expenditures in a manner prescribed by  
1883 department rule. The report must detail any deviation of annual  
1884 expenditures from identified system needs related to inflow and  
1885 infiltration studies; model plans for pipe assessment, repair,  
1886 and replacement; and pipe assessment, repair, and replacement  
1887 required under s. 403.086(7). Substantial compliance with this  
1888 subsection is evidence in mitigation for the purposes of  
1889 assessing penalties pursuant to ss. 403.121 and 403.141;  
1890 ~~4.3.~~ Contain such additional conditions, requirements, and  
1891 restrictions as the department deems necessary to preserve and  
1892 protect the quality of the receiving waters;  
1893 ~~5.4.~~ Be valid for the period of time specified therein; and  
1894 ~~6.5.~~ Constitute the state National Pollutant Discharge  
1895 Elimination System permit when issued pursuant to the authority  
1896 in s. 403.0885.



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1897           (3) No later than March 1 of each year, the department  
1898 shall submit a report to the Governor, the President of the  
1899 Senate, and the Speaker of the House of Representatives which  
1900 identifies all domestic wastewater treatment facilities that  
1901 experienced a sanitary sewer overflow in the preceding calendar  
1902 year. The report must identify the name of the utility or  
1903 responsible operating entity, permitted capacity in annual  
1904 average gallons per day, number of overflows, type of water  
1905 discharged, total volume of sewage released, and, to the extent  
1906 known and available, volume of sewage recovered, volume of  
1907 sewage discharged to surface waters, and cause of the sanitary  
1908 sewer overflow, including whether the overflow was caused by a  
1909 third party. The department shall include with this report the  
1910 annual report specified under subparagraph (2)(c)3. for each  
1911 utility that experienced an overflow.

1912           Section 20. Subsection (6) of section 403.0891, Florida  
1913 Statutes, is amended to read:

1914           403.0891 State, regional, and local stormwater management  
1915 plans and programs.—The department, the water management  
1916 districts, and local governments shall have the responsibility  
1917 for the development of mutually compatible stormwater management  
1918 programs.

1919           (6) The department and the Department of Economic  
1920 Opportunity, in cooperation with local governments in the  
1921 coastal zone, shall develop a model stormwater management  
1922 program that could be adopted by local governments. The model  
1923 program must contain model ordinances that target nutrient  
1924 reduction practices and use green infrastructure. The model  
1925 program shall contain dedicated funding options, including a



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1926 stormwater utility fee system based upon an equitable unit cost  
1927 approach. Funding options shall be designed to generate capital  
1928 to retrofit existing stormwater management systems, build new  
1929 treatment systems, operate facilities, and maintain and service  
1930 debt.

1931 Section 21. Paragraphs (b) and (g) of subsection (2),  
1932 paragraph (b) of subsection (3), and subsections (8) and (9) of  
1933 section 403.121, Florida Statutes, are amended to read:

1934 403.121 Enforcement; procedure; remedies.—The department  
1935 shall have the following judicial and administrative remedies  
1936 available to it for violations of this chapter, as specified in  
1937 s. 403.161(1).

1938 (2) Administrative remedies:

1939 (b) If the department has reason to believe a violation has  
1940 occurred, it may institute an administrative proceeding to order  
1941 the prevention, abatement, or control of the conditions creating  
1942 the violation or other appropriate corrective action. Except for  
1943 violations involving hazardous wastes, asbestos, or underground  
1944 injection, the department shall proceed administratively in all  
1945 cases in which the department seeks administrative penalties  
1946 that do not exceed \$50,000 ~~\$10,000~~ per assessment as calculated  
1947 in accordance with subsections (3), (4), (5), (6), and (7).  
1948 Pursuant to 42 U.S.C. s. 300g-2, the administrative penalty  
1949 assessed pursuant to subsection (3), subsection (4), or  
1950 subsection (5) against a public water system serving a  
1951 population of more than 10,000 may not ~~shall~~ be ~~not~~ less than  
1952 \$1,000 per day per violation. The department may ~~shall~~ not  
1953 impose administrative penalties in excess of \$50,000 ~~\$10,000~~ in  
1954 a notice of violation. The department may ~~shall~~ not have more



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1955 than one notice of violation seeking administrative penalties  
1956 pending against the same party at the same time unless the  
1957 violations occurred at a different site or the violations were  
1958 discovered by the department subsequent to the filing of a  
1959 previous notice of violation.

1960 (g) This subsection does not prevent ~~Nothing herein shall~~  
1961 ~~be construed as preventing~~ any other legal or administrative  
1962 action in accordance with law and does not. ~~Nothing in this~~  
1963 ~~subsection shall~~ limit the department's authority provided in s.  
1964 ~~ss.~~ 403.131, s. 403.141, and this section to judicially pursue  
1965 injunctive relief. When the department exercises its authority  
1966 to judicially pursue injunctive relief, penalties in any amount  
1967 up to the statutory maximum sought by the department must be  
1968 pursued as part of the state court action and not by initiating  
1969 a separate administrative proceeding. The department retains the  
1970 authority to judicially pursue penalties in excess of \$50,000  
1971 ~~\$10,000~~ for violations not specifically included in the  
1972 administrative penalty schedule, or for multiple or multiday  
1973 violations alleged to exceed a total of \$50,000 ~~\$10,000~~. The  
1974 department also retains the authority provided in ss. 403.131,  
1975 403.141, and this section to judicially pursue injunctive relief  
1976 and damages, if a notice of violation seeking the imposition of  
1977 administrative penalties has not been issued. The department has  
1978 the authority to enter into a settlement, ~~either~~ before or after  
1979 initiating a notice of violation, and the settlement may include  
1980 a penalty amount different from the administrative penalty  
1981 schedule. Any case filed in state court because it is alleged to  
1982 exceed a total of \$50,000 ~~\$10,000~~ in penalties may be settled in  
1983 the court action for less than \$50,000 ~~\$10,000~~.



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1984 (3) Except for violations involving hazardous wastes,  
1985 asbestos, or underground injection, administrative penalties  
1986 must be calculated according to the following schedule:

1987 (b) For failure to obtain a required wastewater permit,  
1988 other than a permit required for surface water discharge, the  
1989 department shall assess a penalty of \$2,000 ~~\$1,000~~. For a  
1990 domestic or industrial wastewater violation not involving a  
1991 surface water or groundwater quality violation, the department  
1992 shall assess a penalty of \$4,000 ~~\$2,000~~ for an unpermitted or  
1993 unauthorized discharge or effluent-limitation exceedance or for  
1994 failure to comply with s. 403.061(14) or s. 403.086(7) or rules  
1995 adopted thereunder. For an unpermitted or unauthorized discharge  
1996 or effluent-limitation exceedance that resulted in a surface  
1997 water or groundwater quality violation, the department shall  
1998 assess a penalty of \$10,000 ~~\$5,000~~.

1999 (8) The direct economic benefit gained by the violator from  
2000 the violation, where consideration of economic benefit is  
2001 provided by Florida law or required by federal law as part of a  
2002 federally delegated or approved program, must ~~shall~~ be added to  
2003 the scheduled administrative penalty. The total administrative  
2004 penalty, including any economic benefit added to the scheduled  
2005 administrative penalty, may ~~shall~~ not exceed \$10,000.

2006 (9) The administrative penalties assessed for any  
2007 particular violation may ~~shall~~ not exceed \$10,000 ~~\$5,000~~ against  
2008 any one violator, unless the violator has a history of  
2009 noncompliance, the economic benefit of the violation as  
2010 described in subsection (8) exceeds \$10,000 ~~\$5,000~~, or there are  
2011 multiday violations. The total administrative penalties may  
2012 ~~shall~~ not exceed \$50,000 ~~\$10,000~~ per assessment for all



2013 violations attributable to a specific person in the notice of  
2014 violation.

2015  
2016 ===== T I T L E A M E N D M E N T =====

2017 And the title is amended as follows:

2018 Delete lines 17 - 247

2019 and insert:

2020 leave upon the transfer; amending s. 373.036, F.S.;

2021 directing water management districts to submit

2022 consolidated annual reports to the Office of Economic

2023 and Demographic Research; requiring such reports to

2024 include connection and conversion projects for onsite

2025 sewage treatment and disposal systems; requiring the

2026 Department of Environmental Protection, in

2027 coordination with the water management districts, to

2028 conduct a study on the bottled water industry in this

2029 state; providing requirements for the study; requiring

2030 the department to submit a report containing the

2031 findings of the study to the Governor and the

2032 Legislature by a specified date; defining terms;

2033 amending s. 373.4131, F.S.; requiring the Department

2034 of Environmental Protection to include stormwater

2035 structural control inspections as part of its regular

2036 staff training; requiring the department and the water

2037 management districts to adopt rules regarding

2038 stormwater design and operation regulations by a

2039 specified date and address specified information as

2040 part of such rule development; requiring the

2041 department to review and evaluate data relating to



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2042 self-certification and provide the Legislature with  
2043 recommendations for improvements; amending s.  
2044 381.0065, F.S.; requiring the department to implement  
2045 an approval process for the use of specified nutrient-  
2046 reducing onsite sewage treatment and disposal systems  
2047 by a specified date; defining the term "department"  
2048 for the regulation of onsite sewage treatment and  
2049 disposal systems; revising the duties of the  
2050 department; requiring the Department of Environmental  
2051 Protection to adopt rules relating to the location of  
2052 onsite sewage treatment and disposal systems and  
2053 complete such rulemaking by a specified date;  
2054 providing requirements for such rules; requiring the  
2055 department to determine that a hardship exists for  
2056 certain variance applicants; providing that certain  
2057 provisions relating to existing setback requirements  
2058 are applicable to permits only until the effective  
2059 date of certain rules adopted by the department;  
2060 removing provisions requiring certain onsite sewage  
2061 treatment and disposal system research projects to be  
2062 approved by a Department of Health technical review  
2063 and advisory panel; removing provisions prohibiting  
2064 the award of research projects to certain entities;  
2065 removing provisions establishing a Department of  
2066 Health onsite sewage treatment and disposal system  
2067 research review and advisory committee; conforming  
2068 provisions to changes made by the act; creating s.  
2069 381.00652, F.S.; defining the term "department";  
2070 creating the onsite sewage treatment and disposal



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2071 systems technical advisory committee within the  
2072 Department of Environmental Protection; authorizing  
2073 the department, in consultation with the Department of  
2074 Health, to appoint an onsite sewage treatment and  
2075 disposal systems technical advisory committee;  
2076 providing for committee purpose, membership, and  
2077 expiration; requiring the committee to submit its  
2078 recommendations to the Governor and Legislature;  
2079 providing for the expiration of the committee;  
2080 repealing s. 381.0068, F.S., relating to the  
2081 Department of Health onsite sewage treatment and  
2082 disposal systems technical review and advisory panel;  
2083 amending s. 403.061, F.S.; requiring the department to  
2084 adopt rules relating to domestic wastewater collection  
2085 and transmission system pipe leakages and inflow and  
2086 infiltration; requiring the department to adopt rules  
2087 to require public utilities or their affiliated  
2088 companies holding, applying for, or renewing a  
2089 domestic wastewater discharge permit to file certain  
2090 annual reports and data with the department; creating  
2091 s. 403.0616, F.S.; requiring the department, subject  
2092 to legislative appropriation, to establish a real-time  
2093 water quality monitoring program; encouraging the  
2094 formation of public-private partnerships; amending s.  
2095 403.064, F.S.; requiring the Department of  
2096 Environmental Protection to initiate rule revisions  
2097 based on certain potable reuse recommendations by a  
2098 specified date; providing requirements for such rules;  
2099 providing that reclaimed water is deemed a water



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2100 source for public water supply systems; amending s.  
2101 403.067, F.S.; requiring basin management action plans  
2102 for nutrient total maximum daily loads to include  
2103 wastewater treatment and onsite sewage treatment and  
2104 disposal system remediation plans that meet certain  
2105 requirements; requiring the Department of Agriculture  
2106 and Consumer Services to collect fertilizer  
2107 application records from certain agricultural  
2108 producers and provide the information to the  
2109 department annually by a specified date; requiring the  
2110 Department of Agriculture and Consumer Services to  
2111 perform onsite inspections of the agricultural  
2112 producers at specified intervals; providing for  
2113 prioritization of such inspections; requiring certain  
2114 basin management action plans to include cooperative  
2115 agricultural regional water quality improvement  
2116 elements; requiring the Department of Agriculture and  
2117 Consumer Services, in cooperation with specified  
2118 entities, to annually develop research plans and  
2119 legislative budget requests relating to best  
2120 management practices by a specified date; requiring  
2121 such entities to submit such plans to the Department  
2122 of Environmental Protection and the Department of  
2123 Agriculture and Consumer Services by a specific date;  
2124 requiring the Department of Environmental Protection  
2125 to work with specified entities to consider the  
2126 adoption of best management practices for nutrient  
2127 impacts from golf courses; creating s. 403.0671, F.S.;

2128 directing the Department of Environmental Protection,



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2129 in coordination with specified entities, to submit  
2130 reports regarding wastewater projects identified in  
2131 the basin management action plans to the Governor and  
2132 the Legislature and to submit certain wastewater  
2133 project cost estimates to the Office of Economic and  
2134 Demographic Research by specified dates; creating s.  
2135 403.0673, F.S.; establishing a wastewater grant  
2136 program within the Department of Environmental  
2137 Protection; authorizing the department to distribute  
2138 appropriated funds for certain projects; providing  
2139 requirements for the distribution; requiring the  
2140 department to coordinate with each water management  
2141 district to identify grant recipients; requiring an  
2142 annual report to the Governor and Legislature by a  
2143 specified date; creating s. 403.0855, F.S.; providing  
2144 legislative findings regarding the regulation of  
2145 biosolids management in this state; requiring the  
2146 department to adopt rules for biosolids management;  
2147 providing that such rules are not effective until  
2148 ratified by the Legislature; providing permitting  
2149 requirements for biosolids land application sites and  
2150 facilities; requiring biosolids application sites and  
2151 facilities to be enrolled in a specified best  
2152 management practices program or be within a specified  
2153 agricultural operation; providing requirements for the  
2154 land application of biosolids; providing a definition;  
2155 authorizing the enforcement or extension of certain  
2156 local government regulations relating to the land  
2157 application of biosolids until such regulations are



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2158 repealed; amending s. 403.086, F.S.; prohibiting  
2159 sewage disposal facilities from disposing waste into  
2160 the Indian River Lagoon beginning on a specified date  
2161 without certain advanced waste treatment; directing  
2162 the Department of Environmental Protection, in  
2163 consultation with specified entities, to submit a  
2164 report to the Governor and the Legislature by a  
2165 specified date; requiring sewage disposal facilities  
2166 to have a power outage contingency plan, to take steps  
2167 to prevent overflows and leaks and ensure that the  
2168 wastewater reaches the facility for appropriate  
2169 treatment, and to provide the Department of  
2170 Environmental Protection with certain information;  
2171 requiring the department to adopt rules; limiting the  
2172 scope of such rules; authorizing utilities and  
2173 operating entities to consolidate certain reports;  
2174 providing that specified compliance is evidence in  
2175 mitigation for assessment of certain penalties;  
2176 amending s. 403.087, F.S.; requiring the department to  
2177 issue operation permits for certain domestic  
2178 wastewater treatment facilities under certain  
2179 circumstances; amending s. 403.088, F.S.; revising the  
2180 permit conditions for a water pollution operation  
2181 permit; requiring permittees to submit annual reports  
2182 to the department; requiring the department to submit  
2183 an annual report identifying all domestic wastewater  
2184 treatment facilities that experienced sanitary sewer  
2185 overflows to the Governor and the Legislature by a  
2186 specified date; amending s. 403.0891, F.S.; requiring



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2187 model stormwater management programs to contain model  
2188 ordinances for nutrient reduction practices and green  
2189 infrastructure; amending s. 403.121, F.S.; revising  
2190 administrative penalties for violations of ch. 403,  
2191 F.S.; amending ss. 403.1835 and 403.1838, F.S.;  
2192 requiring the Department of Environmental Protection  
2193 to give funding priority to certain domestic  
2194 wastewater utility projects; amending s. 403.412,  
2195 F.S.; prohibiting local governments from recognizing  
2196 or granting certain legal rights to the natural  
2197 environment or granting such rights relating to the  
2198 natural environment to a person or political  
2199 subdivision; providing construction; providing a  
2200 declaration of important state interest; amending ss.  
2201 153.54, 153.73, 163.3180, 180.03, 311.105, 327.46,  
2202 373.250, 373.414, 373.705, 373.707, 373.709, 373.807,  
2203 376.307, 380.0552, 381.006, 381.0061, 381.0064,  
2204 381.00651, 381.0101, 403.08601, 403.0871, 403.0872,  
2205 403.707, 403.861, 489.551, and 590.02, F.S.;  
2206 conforming cross-references and provisions to changes  
2207 made by the act; providing a directive to the Division  
2208 of Law Revision upon the adoption of certain rules by  
2209 the Department of Environmental Protection; providing  
2210 effective dates.