

By the Committees on Appropriations; and Community Affairs; and
Senators Mayfield, Harrell, and Albritton

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1 A bill to be entitled
2 An act relating to environmental resource management;
3 providing a short title; requiring the Department of
4 Health to provide a specified report to the Governor
5 and the Legislature by a specified date; requiring the
6 Department of Health and the Department of
7 Environmental Protection to submit to the Governor and
8 the Legislature, by a specified date, certain
9 recommendations relating to the transfer of the Onsite
10 Sewage Program; requiring the departments to enter
11 into an interagency agreement that meets certain
12 requirements by a specified date; transferring the
13 Onsite Sewage Program within the Department of Health
14 to the Department of Environmental Protection by a
15 type two transfer by a specified date; providing that
16 certain employees retain and transfer certain types of
17 leave upon the transfer; amending s. 20.255, F.S.;
18 reducing the number of members of the Cabinet required
19 concur with the Governor's appointment of the
20 Secretary of Environmental Protection; amending s.
21 373.036, F.S.; requiring water management districts to
22 submit consolidated annual reports to the Office of
23 Economic and Demographic Research; requiring such
24 reports to include connection and conversion projects
25 for onsite sewage treatment and disposal systems;
26 amending s. 373.223, F.S.; requiring a consumptive use
27 permit to use water derived from a spring for bottled
28 water to meet certain requirements before approval;
29 providing for the expiration of such requirements;

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30 requiring the Department of Environmental Protection,
31 in coordination with the water management districts,
32 to conduct a study on the bottled water industry in
33 this state; providing requirements for the study;
34 requiring the department to submit a report containing
35 the findings of the study to the Governor, the
36 Legislature, and the Office of Economic and
37 Demographic Research by a specified date; defining the
38 terms "bottled water" and "water derived from a
39 spring"; amending s. 373.4131, F.S.; requiring the
40 Department of Environmental Protection to include
41 stormwater structural control inspections as part of
42 its regular staff training; requiring the department
43 and the water management districts to adopt rules
44 regarding stormwater design and operation by a
45 specified date; requiring the department to evaluate
46 data relating to self-certification and provide the
47 Legislature with recommendations; amending s.
48 381.0065, F.S.; conforming provisions to changes made
49 by the act; requiring the department to adopt rules
50 for the location of onsite sewage treatment and
51 disposal systems and complete such rulemaking by a
52 specified date; requiring the department to evaluate
53 certain data relating to the self-certification
54 program and provide the Legislature with
55 recommendations by a specified date; providing that
56 certain provisions relating to existing setback
57 requirements are applicable to permits only until the
58 adoption of certain rules by the department; removing

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59 provisions establishing a Department of Health onsite
60 sewage treatment and disposal system research review
61 and advisory committee; requiring the department to
62 implement a specified approval process for the use of
63 nutrient reducing onsite sewage treatment and disposal
64 systems standards; creating s. 381.00652, F.S.;

65 creating an onsite sewage treatment and disposal
66 systems technical advisory committee within the
67 department; providing the duties and membership of the
68 committee; requiring the committee to submit
69 recommendations to the Governor and the Legislature by
70 a specified date; providing for the expiration of the
71 committee; defining a term; repealing s. 381.0068,
72 F.S., relating to a technical review and advisory
73 panel; amending s. 403.061, F.S.; requiring the
74 department to adopt rules relating to the underground
75 pipes of wastewater collection systems; requiring
76 public utilities or their affiliated companies that
77 hold or are seeking a wastewater discharge permit to
78 file certain reports and data with the department;

79 creating s. 403.0616, F.S.; requiring the department,
80 subject to legislative appropriation, to establish a
81 real-time water quality monitoring program;
82 encouraging the formation of public-private
83 partnerships; amending s. 403.067, F.S.; requiring
84 basin management action plans for nutrient total
85 maximum daily loads to include wastewater treatment
86 and onsite sewage treatment and disposal system
87 remediation plans that meet certain requirements;

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88 requiring the Department of Agriculture and Consumer
89 Services to collect fertilization and nutrient records
90 from certain agricultural producers and provide the
91 information to the department annually by a specified
92 date; requiring the Department of Agriculture and
93 Consumer Services to perform onsite inspections of the
94 agricultural producers at specified intervals;
95 providing an additional management strategy for basin
96 management action plans to include cooperative
97 agricultural regional water quality improvement
98 elements; providing requirements for the Department of
99 Environmental Protection, the Department of
100 Agriculture and Consumer Services, and owners of
101 agricultural operations in developing and implementing
102 such elements; requiring certain entities to develop
103 research plans and legislative budget requests
104 relating to best management practices by a specified
105 date; creating s. 403.0671, F.S.; directing the
106 Department of Environmental Protection, in
107 coordination with the county health departments,
108 wastewater treatment facilities, and other
109 governmental entities, to submit a report on the costs
110 of certain wastewater projects to the Governor and
111 Legislature by a specified date; providing
112 requirements for such report; requiring the department
113 to submit a specified water quality monitoring
114 assessment report to the Governor and the Legislature
115 by a specified date; providing requirements for such
116 report; requiring the department to annually submit

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117 certain wastewater project cost estimates to the
118 Office of Economic and Demographic Research beginning
119 on a specified date; creating s. 403.0673, F.S.;
120 establishing a wastewater grant program within the
121 Department of Environmental Protection; authorizing
122 the department to distribute appropriated funds for
123 certain projects; providing requirements for the
124 distribution; requiring the department to coordinate
125 with each water management district to identify grant
126 recipients; requiring an annual report to the Governor
127 and the Legislature by a specified date; creating s.
128 403.0855, F.S.; providing legislative findings
129 regarding the regulation of biosolids management in
130 this state; requiring the Department of Environmental
131 Protection to adopt rules for biosolids management;
132 specifying requirements for certain existing permits
133 and for permit renewals; requiring the permittee of a
134 biosolids application site to establish a groundwater
135 monitoring program under certain circumstances;
136 prohibiting the land application of biosolids within a
137 specified distance of the seasonal high-water table;
138 defining the term "seasonal high water"; authorizing
139 municipalities and counties to take certain actions
140 with respect to regulation of the land application of
141 specified biosolids; providing for a contingent
142 repeal; amending s. 403.086, F.S.; prohibiting
143 facilities for sanitary sewage disposal from disposing
144 of any waste in the Indian River Lagoon beginning on a
145 specified date without first providing advanced waste

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146 treatment; requiring the Department of Environmental
147 Protection, in consultation with water management
148 districts and sewage disposal facilities, to submit a
149 report to the Governor and the Legislature on the
150 status of certain facility upgrades; specifying
151 requirements for the report; requiring facilities for
152 sanitary sewage disposal to have a power outage
153 contingency plan; requiring the facilities to take
154 steps to prevent overflows and leaks and ensure that
155 the water reaches the appropriate facility for
156 treatment; requiring the facilities to provide the
157 Department of Environmental Protection with certain
158 information; requiring the department to adopt rules;
159 amending s. 403.087, F.S.; requiring the department to
160 issue operation permits for domestic wastewater
161 treatment facilities to certain facilities under
162 certain circumstances; amending s. 403.088, F.S.;
163 revising the permit conditions for a water pollution
164 operation permit; requiring the department to submit a
165 report to the Governor and the Legislature by a
166 specified date identifying all wastewater utilities
167 that experienced sanitary sewer overflows within a
168 specified timeframe; providing requirements for the
169 report; amending s. 403.0891, F.S.; requiring model
170 stormwater management programs to contain model
171 ordinances for nutrient reduction practices and green
172 infrastructure; amending s. 403.121, F.S.; increasing
173 and providing administrative penalties; amending s.
174 403.1835, F.S.; conforming a cross-reference;

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175 requiring the department to give priority for water
176 pollution control financial assistance to projects
177 that implement certain provisions and that promote
178 efficiency; amending s. 403.1838, F.S.; revising
179 requirements for the prioritization of grant
180 applications within the Small Community Sewer
181 Construction Assistance Act; amending s. 403.412,
182 F.S.; prohibiting local governments from recognizing
183 or granting certain legal rights to the natural
184 environment or granting such rights relating to the
185 natural environment to a person or political
186 subdivision; providing construction; providing a
187 declaration of important state interest; amending ss.
188 153.54, 153.73, 163.3180, 180.03, 311.105, 327.46,
189 373.250, 373.414, 373.705, 373.707, 373.709, 373.807,
190 376.307, 380.0552, 381.006, 381.0061, 381.0064,
191 381.00651, 381.0101, 403.08601, 403.0871, 403.0872,
192 403.707, 403.861, 489.551, and 590.02, F.S.;

193 conforming cross-references and provisions to changes
194 made by the act; providing a directive to the Division
195 of Law Revision upon the adoption of certain rules by
196 the Department of Environmental Protection; providing
197 effective dates.

198
199 WHEREAS, nutrients negatively impact groundwater and
200 surface waters in this state and cause the proliferation of
201 algal blooms, and

202 WHEREAS, onsite sewage treatment and disposal systems were
203 designed to manage human waste and are permitted by the

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204 Department of Health for that purpose, and

205 WHEREAS, conventional onsite sewage treatment and disposal
206 systems contribute nutrients to groundwater and surface waters
207 across this state which can cause harmful blue-green algal
208 blooms, and

209 WHEREAS, many stormwater systems are designed primarily to
210 divert and control stormwater rather than to remove pollutants,
211 and

212 WHEREAS, most existing stormwater system design criteria
213 fail to consistently meet either the 80 percent or 95 percent
214 target pollutant reduction goals established by the Department
215 of Environmental Protection, and

216 WHEREAS, other significant pollutants often can be removed
217 from stormwater more easily than nutrients and, as a result,
218 design criteria that provide the desired removal efficiencies
219 for nutrients will likely achieve equal or better removal
220 efficiencies for other constituents, and

221 WHEREAS, the Department of Environmental Protection has
222 found that the major causes of sanitary sewer overflows during
223 storm events are infiltration, inflow, and acute power failures,
224 and

225 WHEREAS, the Department of Environmental Protection lacks
226 statutory authority to regulate infiltration and inflow or to
227 require that all lift stations constructed prior to 2003 have
228 emergency backup power, and

229 WHEREAS, sanitary sewer overflows and leaking
230 infrastructure create both a human health concern and a nutrient
231 pollution problem, and

232 WHEREAS, the agricultural sector is a significant

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233 contributor to the excess delivery of nutrients to surface
234 waters throughout this state and has been identified as the
235 dominant source of both phosphorus and nitrogen within the Lake
236 Okeechobee watershed and a number of other basin management
237 action plan areas, and

238 WHEREAS, only 75 percent of eligible agricultural parties
239 within the Lake Okeechobee Basin Management Action Plan area are
240 enrolled in an appropriate best management practice and
241 enrollment numbers are considerably less in other basin
242 management action plan areas, and

243 WHEREAS, although agricultural best management practices,
244 by design, should be technically feasible and economically
245 viable, that does not imply that their adoption and full
246 implementation, alone, will alleviate downstream water quality
247 impairments, NOW, THEREFORE,

248

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

250

251 Section 1. This act may be cited as the "Clean Waterways
252 Act."

253 Section 2. (1) By July 1, 2020, the Department of Health
254 must provide a report to the Governor, the President of the
255 Senate, and the Speaker of the House of Representatives
256 detailing the following information regarding the Onsite Sewage
257 Program:

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

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

261 (c) The program's costs and expenditures, including, but

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262 not limited to, salaries and benefits, equipment costs, and
263 contracting costs.

264 (2) By December 31, 2020, the Department of Health and the
265 Department of Environmental Protection shall submit
266 recommendations to the Governor, the President of the Senate,
267 and the Speaker of the House of Representatives regarding the
268 transfer of the Onsite Sewage Program from the Department of
269 Health to the Department of Environmental Protection. The
270 recommendations must address all aspects of the transfer,
271 including the continued role of the county health departments in
272 the permitting, inspection, data management, and tracking of
273 onsite sewage treatment and disposal systems under the direction
274 of the Department of Environmental Protection.

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

281 (a) The continued role of the county health departments in
282 the permitting, inspection, data management, and tracking of
283 onsite sewage treatment and disposal systems under the direction
284 of the Department of Environmental Protection.

285 (b) The appropriate proportionate number of administrative,
286 auditing, inspector general, attorney, and operational support
287 positions, and their related funding levels and sources and
288 assigned property, to be transferred from the Office of General
289 Counsel, the Office of Inspector General, and the Division of
290 Administrative Services or other relevant offices or divisions

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291 within the Department of Health to the Department of
292 Environmental Protection.

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

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

314 (4) Effective July 1, 2021, all powers, duties, functions,
315 records, offices, personnel, associated administrative support
316 positions, property, pending issues, existing contracts,
317 administrative authority, administrative rules, and unexpended
318 balances of appropriations, allocations, and other funds for the
319 regulation of onsite sewage treatment and disposal systems

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320 relating to the Onsite Sewage Program in the Department of
321 Health are transferred by a type two transfer, as defined in s.
322 20.06(2), Florida Statutes, to the Department of Environmental
323 Protection.

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

330 Section 3. Subsection (1) of section 20.255, Florida
331 Statutes, is amended to read:

332 20.255 Department of Environmental Protection.—There is
333 created a Department of Environmental Protection.

334 (1) The head of the Department of Environmental Protection
335 shall be a secretary, who shall be appointed by the Governor,
336 with the concurrence of one member ~~three members~~ of the Cabinet.
337 The secretary shall be confirmed by the Florida Senate. The
338 secretary shall serve at the pleasure of the Governor.

339 Section 4. Paragraphs (a) and (b) of subsection (7) of
340 section 373.036, Florida Statutes, are amended to read:

341 373.036 Florida water plan; district water management
342 plans.—

343 (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.—

344 (a) By March 1, annually, each water management district
345 shall prepare and submit to the Office of Economic and
346 Demographic Research, the department, the Governor, the
347 President of the Senate, and the Speaker of the House of
348 Representatives a consolidated water management district annual

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349 report on the management of water resources. In addition, copies
350 must be provided by the water management districts to the chairs
351 of all legislative committees having substantive or fiscal
352 jurisdiction over the districts and the governing board of each
353 county in the district having jurisdiction or deriving any funds
354 for operations of the district. Copies of the consolidated
355 annual report must be made available to the public, either in
356 printed or electronic format.

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

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

362 2. The department-approved minimum flows and minimum water
363 levels annual priority list and schedule required by s.
364 373.042(3).

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

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

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

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

373 7. The mitigation donation annual report required by s.
374 373.414(1)(b)2.

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

377 a. A list of all specific projects identified to implement

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378 a basin management action plan, including any projects to
379 connect onsite sewage treatment and disposal systems to central
380 sewerage systems and convert onsite sewage treatment and
381 disposal systems to enhanced nutrient reducing onsite sewage
382 treatment and disposal systems, or a recovery or prevention
383 strategy;

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

389 c. The estimated cost for each listed project;

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

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

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

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

403 Section 5. Subsections (7) and (8) are added to section
404 373.223, Florida Statutes, to read:

405 373.223 Conditions for a permit.—

406 (7) A consumptive use permit to use water derived from a

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407 spring for bottled water as defined in s. 500.03 may only be
408 approved by unanimous vote by the governing board finding that
409 the applicant meets the criteria in subsection (1). This
410 subsection shall expire on June 30, 2022.

411 (8) The Department of Environmental Protection shall, in
412 coordination with the water management districts, conduct a
413 study on the bottled water industry in Florida.

414 (a) The study must do all of the following:

415 1. Identify all springs statewide that have an associated
416 consumptive use permit for a bottled water facility producing
417 its product with water derived from a spring as well as:

418 a. The magnitude of the spring;

419 b. Whether the spring has been identified as an Outstanding
420 Florida Spring as defined in s. 373.802;

421 c. Any department or water management district adopted
422 minimum flow or minimum water levels, the status of any adopted
423 minimum flow or minimum water levels, and any associated
424 recovery or prevention strategy;

425 d. The permitted and actual use associated with the
426 consumptive use permits;

427 e. The reduction in flow associated with the permitted and
428 actual use associated with the consumptive use permits;

429 f. The impact on springs of bottled water facilities as
430 compared to other users; and

431 g. Types of water conservation measures employed at bottled
432 water facilities permitted to derive water from a spring.

433 2. Identify the labeling and marketing regulations
434 associated with the identification of bottled water as spring
435 water, including whether these regulations incentivize the

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436 withdrawal of water from springs.

437 3. Evaluate the direct and indirect economic benefits to
438 the local communities resulting from bottled water facilities
439 that derive water from springs, including but not limited to tax
440 revenue, job creation and wages.

441 4. Evaluate the direct and indirect costs to the local
442 communities located in proximity to springs impacted by
443 withdrawals from bottled water production, including, but not
444 limited to, the decreased recreational value of the spring and
445 the cost to other users for the development of alternative water
446 supply or reductions in permit durations and allocations.

447 5. Include a cost-benefit analysis of withdrawing,
448 producing, marketing, selling, and consuming spring water as
449 compared to other sources of bottled water.

450 6. Evaluate how much bottled water derived from Florida
451 springs is sold in this state.

452 (b) The department shall submit a report containing the
453 findings of the study to the Governor, the President of the
454 Senate, the Speaker of the House of Representatives, and the
455 Office of Economic and Demographic Research by June 30, 2021.

456 (c) As used in this section, the term "bottled water" has
457 the same meaning as in s. 500.03 and the term "water derived
458 from a spring" means water derived from an underground formation
459 from which water flows naturally to the surface of the earth in
460 the manner described in 21 C.F.R. 165.110(a)(2)(vi).

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

464 373.4131 Statewide environmental resource permitting

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465 rules.-

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

474 (6) By January 1, 2021:

475 (a) The department and the water management districts shall
476 initiate rulemaking, including updates to the Environmental
477 Resource Permit Applicant's Handbooks, to update the stormwater
478 design and operation regulations using the most recent
479 scientific information available. As part of rule development,
480 the department must consider and address low-impact design best
481 management practices and design criteria that increase the
482 removal of nutrients from stormwater discharges, and measures
483 for consistent application of the net improvement performance
484 standard to ensure significant reductions of any pollutant
485 loadings to a waterbody; and

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

491 Section 7. Effective July 1, 2021, present paragraphs (d)
492 through (q) of subsection (2) of section 381.0065, Florida
493 Statutes, are redesignated as paragraphs (e) through (r),

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494 respectively, a new paragraph (d) is added to subsection (2),
495 and subsections (3) and (4) of that section are amended, to
496 read:

497 381.0065 Onsite sewage treatment and disposal systems;
498 regulation.—

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

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

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

505 (a) Adopt rules to administer ss. 381.0065-381.0067,
506 including definitions that are consistent with the definitions
507 in this section, ~~decreases to setback requirements where no~~
508 ~~health hazard exists,~~ increases for the lot-flow allowance for
509 performance-based systems, requirements for separation from
510 water table elevation during the wettest season, requirements
511 for the design and construction of any component part of an
512 onsite sewage treatment and disposal system, application and
513 permit requirements for persons who maintain an onsite sewage
514 treatment and disposal system, requirements for maintenance and
515 service agreements for aerobic treatment units and performance-
516 based treatment systems, and recommended standards, including
517 disclosure requirements, for voluntary system inspections to be
518 performed by individuals who are authorized by law to perform
519 such inspections and who shall inform a person having ownership,
520 control, or use of an onsite sewage treatment and disposal
521 system of the inspection standards and of that person's
522 authority to request an inspection based on all or part of the

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523 standards.

524 (b) Perform application reviews and site evaluations, issue
525 permits, and conduct inspections and complaint investigations
526 associated with the construction, installation, maintenance,
527 modification, abandonment, operation, use, or repair of an
528 onsite sewage treatment and disposal system for a residence or
529 establishment with an estimated domestic sewage flow of 10,000
530 gallons or less per day, or an estimated commercial sewage flow
531 of 5,000 gallons or less per day, which is not currently
532 regulated under chapter 403.

533 (c) Develop a comprehensive program to ensure that onsite
534 sewage treatment and disposal systems regulated by the
535 department are sized, designed, constructed, installed, sited,
536 repaired, modified, abandoned, used, operated, and maintained in
537 compliance with this section and rules adopted under this
538 section to prevent groundwater contamination, including impacts
539 from nutrient pollution, and surface water contamination and to
540 preserve the public health. The department is the final
541 administrative interpretive authority regarding rule
542 interpretation. In the event of a conflict regarding rule
543 interpretation, the secretary of the department ~~State Surgeon~~
544 ~~General,~~ or his or her designee, shall timely assign a staff
545 person to resolve the dispute.

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

548 (e) Permit the use of a limited number of innovative
549 systems for a specific period of time, when there is compelling
550 evidence that the system will function properly and reliably to
551 meet the requirements of this section and rules adopted under

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552 this section.

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

554 (g) Establish and collect fees as established under s.
555 381.0066 for services provided with respect to onsite sewage
556 treatment and disposal systems.

557 (h) Conduct enforcement activities, including imposing
558 fines, issuing citations, suspensions, revocations, injunctions,
559 and emergency orders for violations of this section, part I of
560 chapter 386, or part III of chapter 489 or for a violation of
561 any rule adopted under this section, part I of chapter 386, or
562 part III of chapter 489.

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

566 (j) Supervise research on, demonstration of, and training
567 on the performance, environmental impact, and public health
568 impact of onsite sewage treatment and disposal systems within
569 this state. Research fees collected under s. 381.0066(2)(k) must
570 be used to develop and fund hands-on training centers designed
571 to provide practical information about onsite sewage treatment
572 and disposal systems to septic tank contractors, master septic
573 tank contractors, contractors, inspectors, engineers, and the
574 public and must also be used to fund research projects which
575 focus on improvements of onsite sewage treatment and disposal
576 systems, including use of performance-based standards and
577 reduction of environmental impact. Research projects shall be
578 initially approved by the technical review and advisory panel
579 and shall be applicable to and reflect the soil conditions
580 specific to Florida. Such projects shall be awarded through

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581 competitive negotiation, using the procedures provided in s.
582 287.055, to public or private entities that have experience in
583 onsite sewage treatment and disposal systems in Florida and that
584 are principally located in Florida. ~~Research projects shall not~~
585 ~~be awarded to firms or entities that employ or are associated~~
586 ~~with persons who serve on either the technical review and~~
587 ~~advisory panel or the research review and advisory committee.~~

588 (k) Approve the installation of individual graywater
589 disposal systems in which blackwater is treated by a central
590 sewerage system.

591 (l) Regulate and permit the sanitation, handling,
592 treatment, storage, reuse, and disposal of byproducts from any
593 system regulated under this chapter and not regulated by the
594 Department of Environmental Protection.

595 (m) Permit and inspect portable or temporary toilet
596 services and holding tanks. The department shall review
597 applications, perform site evaluations, and issue permits for
598 the temporary use of holding tanks, privies, portable toilet
599 services, or any other toilet facility that is intended for use
600 on a permanent or nonpermanent basis, including facilities
601 placed on construction sites when workers are present. The
602 department may specify standards for the construction,
603 maintenance, use, and operation of any such facility for
604 temporary use.

605 (n) Regulate and permit maintenance entities for
606 performance-based treatment systems and aerobic treatment unit
607 systems. To ensure systems are maintained and operated according
608 to manufacturer's specifications and designs, the department
609 shall establish by rule minimum qualifying criteria for

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610 maintenance entities. The criteria shall include: training,
611 access to approved spare parts and components, access to
612 manufacturer's maintenance and operation manuals, and service
613 response time. The maintenance entity shall employ a contractor
614 licensed under s. 489.105(3)(m), or part III of chapter 489, or
615 a state-licensed wastewater plant operator, who is responsible
616 for maintenance and repair of all systems under contract.

617 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not
618 construct, repair, modify, abandon, or operate an onsite sewage
619 treatment and disposal system without first obtaining a permit
620 approved by the department. The department may issue permits to
621 carry out this section, ~~but shall not make the issuance of such~~
622 ~~permits contingent upon prior approval by the Department of~~
623 ~~Environmental Protection, except that~~ The issuance of a permit
624 for work seaward of the coastal construction control line
625 established under s. 161.053 shall be contingent upon receipt of
626 any required coastal construction control line permit from the
627 department ~~of Environmental Protection~~. A construction permit is
628 valid for 18 months from the issuance date and may be extended
629 by the department for one 90-day period under rules adopted by
630 the department. A repair permit is valid for 90 days from the
631 date of issuance. An operating permit must be obtained before
632 ~~prior to~~ the use of any aerobic treatment unit or if the
633 establishment generates commercial waste. Buildings or
634 establishments that use an aerobic treatment unit or generate
635 commercial waste shall be inspected by the department at least
636 annually to assure compliance with the terms of the operating
637 permit. The operating permit for a commercial wastewater system
638 is valid for 1 year from the date of issuance and must be

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639 renewed annually. The operating permit for an aerobic treatment
640 unit is valid for 2 years from the date of issuance and must be
641 renewed every 2 years. If all information pertaining to the
642 siting, location, and installation conditions or repair of an
643 onsite sewage treatment and disposal system remains the same, a
644 construction or repair permit for the onsite sewage treatment
645 and disposal system may be transferred to another person, if the
646 transferee files, within 60 days after the transfer of
647 ownership, an amended application providing all corrected
648 information and proof of ownership of the property. There is no
649 fee associated with the processing of this supplemental
650 information. A person may not contract to construct, modify,
651 alter, repair, service, abandon, or maintain any portion of an
652 onsite sewage treatment and disposal system without being
653 registered under part III of chapter 489. A property owner who
654 personally performs construction, maintenance, or repairs to a
655 system serving his or her own owner-occupied single-family
656 residence is exempt from registration requirements for
657 performing such construction, maintenance, or repairs on that
658 residence, but is subject to all permitting requirements. A
659 municipality or political subdivision of the state may not issue
660 a building or plumbing permit for any building that requires the
661 use of an onsite sewage treatment and disposal system unless the
662 owner or builder has received a construction permit for such
663 system from the department. A building or structure may not be
664 occupied and a municipality, political subdivision, or any state
665 or federal agency may not authorize occupancy until the
666 department approves the final installation of the onsite sewage
667 treatment and disposal system. A municipality or political

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668 subdivision of the state may not approve any change in occupancy
669 or tenancy of a building that uses an onsite sewage treatment
670 and disposal system until the department has reviewed the use of
671 the system with the proposed change, approved the change, and
672 amended the operating permit.

673 (a) Subdivisions and lots in which each lot has a minimum
674 area of at least one-half acre and either a minimum dimension of
675 100 feet or a mean of at least 100 feet of the side bordering
676 the street and the distance formed by a line parallel to the
677 side bordering the street drawn between the two most distant
678 points of the remainder of the lot may be developed with a water
679 system regulated under s. 381.0062 and onsite sewage treatment
680 and disposal systems, provided the projected daily sewage flow
681 does not exceed an average of 1,500 gallons per acre per day,
682 and provided satisfactory drinking water can be obtained and all
683 distance and setback, soil condition, water table elevation, and
684 other related requirements of this section and rules adopted
685 under this section can be met.

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

694 (c) Notwithstanding paragraphs (a) and (b), for
695 subdivisions platted of record on or before October 1, 1991,
696 when a developer or other appropriate entity has previously made

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697 or makes provisions, including financial assurances or other
698 commitments, acceptable to the Department ~~of Health~~, that a
699 central water system will be installed by a regulated public
700 utility based on a density formula, private potable wells may be
701 used with onsite sewage treatment and disposal systems until the
702 agreed-upon densities are reached. In a subdivision regulated by
703 this paragraph, the average daily sewage flow may not exceed
704 2,500 gallons per acre per day. This section does not affect the
705 validity of existing prior agreements. After October 1, 1991,
706 the exception provided under this paragraph is not available to
707 a developer or other appropriate entity.

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

715 (e) The department shall adopt rules to locate onsite
716 sewage treatment and disposal systems, including establishing
717 setback distances, to prevent groundwater contamination and
718 surface water contamination and to preserve the public health.
719 The rulemaking process for such rules must be completed by July
720 1, 2022, and the department shall notify the Division of Law
721 Revision of the date such rules take effect. The rules must
722 consider conventional and enhanced nutrient-reducing onsite
723 sewage treatment and disposal system designs, impaired or
724 degraded water bodies, domestic wastewater and drinking water
725 infrastructure, potable water sources, nonpotable wells,

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726 stormwater infrastructure, the onsite sewage treatment and
727 disposal system remediation plans developed pursuant to s.
728 403.067(7)(a)9.b., nutrient pollution, and the recommendations
729 of the onsite sewage treatment and disposal systems technical
730 advisory committee established pursuant to s. 381.00652.

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

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

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

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

741 4. Fifty feet from any nonpotable well.

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

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

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

749 8. Fifteen feet from the design high-water line of
750 retention areas, detention areas, or swales designed to contain
751 standing or flowing water for less than 72 hours after a
752 rainfall or the design high-water level of normally dry drainage
753 ditches or normally dry individual lot stormwater retention
754 areas.

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

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

763 1. Any residential lot that was platted and recorded on or
764 after January 1, 1972, or that is part of a residential
765 subdivision that was approved by the appropriate permitting
766 agency on or after January 1, 1972, and that was eligible for an
767 onsite sewage treatment and disposal system construction permit
768 on the date of such platting and recording or approval shall be
769 eligible for an onsite sewage treatment and disposal system
770 construction permit, regardless of when the application for a
771 permit is made. If rules in effect at the time the permit
772 application is filed cannot be met, residential lots platted and
773 recorded or approved on or after January 1, 1972, shall, to the
774 maximum extent possible, comply with the rules in effect at the
775 time the permit application is filed. At a minimum, however,
776 those residential lots platted and recorded or approved on or
777 after January 1, 1972, but before January 1, 1983, shall comply
778 with those rules in effect on January 1, 1983, and those
779 residential lots platted and recorded or approved on or after
780 January 1, 1983, shall comply with those rules in effect at the
781 time of such platting and recording or approval. In determining
782 the maximum extent of compliance with current rules that is
783 possible, the department shall allow structures and

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784 appurtenances thereto which were authorized at the time such
785 lots were platted and recorded or approved.

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

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

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

795 (h)1. The department may grant variances in hardship cases
796 which may be less restrictive than ~~the provisions~~ specified in
797 this section. If a variance is granted and the onsite sewage
798 treatment and disposal system construction permit has been
799 issued, the variance may be transferred with the system
800 construction permit, if the transferee files, within 60 days
801 after the transfer of ownership, an amended construction permit
802 application providing all corrected information and proof of
803 ownership of the property and if the same variance would have
804 been required for the new owner of the property as was
805 originally granted to the original applicant for the variance.
806 There is no fee associated with the processing of this
807 supplemental information. A variance may not be granted under
808 this section until the department is satisfied that:

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

811 b. No reasonable alternative, taking into consideration
812 factors such as cost, exists for the treatment of the sewage;

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813 and

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

818

819 Where soil conditions, water table elevation, and setback
820 provisions are determined by the department to be satisfactory,
821 special consideration must be given to those lots platted before
822 1972.

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

835 a. The Secretary of Environmental Protection ~~State Surgeon~~
836 ~~General~~ or his or her designee.

837 b. A representative from the county health departments.

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

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

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842 e. A representative from the Department of Health
843 ~~Environmental Protection~~.

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

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

850

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

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

869 1. A building located in an area zoned or used for
870 industrial or manufacturing purposes, or its equivalent, when

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871 such building is served by an onsite sewage treatment and
872 disposal system, must not be occupied until the owner or tenant
873 has obtained written approval from the department. The
874 department may ~~shall~~ not grant approval when the proposed use of
875 the system is to dispose of toxic, hazardous, or industrial
876 wastewater or toxic or hazardous chemicals.

877 2. Each person who owns or operates a business or facility
878 in an area zoned or used for industrial or manufacturing
879 purposes, or its equivalent, or who owns or operates a business
880 that has the potential to generate toxic, hazardous, or
881 industrial wastewater or toxic or hazardous chemicals, and uses
882 an onsite sewage treatment and disposal system that is installed
883 on or after July 5, 1989, must obtain an annual system operating
884 permit from the department. A person who owns or operates a
885 business that uses an onsite sewage treatment and disposal
886 system that was installed and approved before July 5, 1989, need
887 not obtain a system operating permit. However, upon change of
888 ownership or tenancy, the new owner or operator must notify the
889 department of the change, and the new owner or operator must
890 obtain an annual system operating permit, regardless of the date
891 that the system was installed or approved.

892 3. The department shall periodically review and evaluate
893 the continued use of onsite sewage treatment and disposal
894 systems in areas zoned or used for industrial or manufacturing
895 purposes, or its equivalent, and may require the collection and
896 analyses of samples from within and around such systems. If the
897 department finds that toxic or hazardous chemicals or toxic,
898 hazardous, or industrial wastewater have been or are being
899 disposed of through an onsite sewage treatment and disposal

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900 system, the department shall initiate enforcement actions
901 against the owner or tenant to ensure adequate cleanup,
902 treatment, and disposal.

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

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

920 2. A person electing to utilize an engineer-designed system
921 shall, upon completion of the system design, submit such design,
922 certified by a registered professional engineer, to the county
923 health department. The county health department may utilize an
924 outside consultant to review the engineer-designed system, with
925 the actual cost of such review to be borne by the applicant.
926 Within 5 working days after receiving an engineer-designed
927 system permit application, the county health department shall
928 request additional information if the application is not

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929 complete. Within 15 working days after receiving a complete
930 application for an engineer-designed system, the county health
931 department either shall issue the permit or, if it determines
932 that the system does not comply with the performance criteria,
933 shall notify the applicant of that determination and refer the
934 application to the department for a determination as to whether
935 the system should be approved, disapproved, or approved with
936 modification. The department engineer's determination shall
937 prevail over the action of the county health department. The
938 applicant shall be notified in writing of the department's
939 determination and of the applicant's rights to pursue a variance
940 or seek review under ~~the provisions of~~ chapter 120.

941 3. The owner of an engineer-designed performance-based
942 system must maintain a current maintenance service agreement
943 with a maintenance entity permitted by the department. The
944 maintenance entity shall inspect each system at least twice each
945 year and shall report quarterly to the department on the number
946 of systems inspected and serviced. The reports may be submitted
947 electronically.

948 4. The property owner of an owner-occupied, single-family
949 residence may be approved and permitted by the department as a
950 maintenance entity for his or her own performance-based
951 treatment system upon written certification from the system
952 manufacturer's approved representative that the property owner
953 has received training on the proper installation and service of
954 the system. The maintenance service agreement must conspicuously
955 disclose that the property owner has the right to maintain his
956 or her own system and is exempt from contractor registration
957 requirements for performing construction, maintenance, or

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958 repairs on the system but is subject to all permitting
959 requirements.

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

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

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

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

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987 disposal systems in Monroe County:

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

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

1000 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.

1001 b. Suspended Solids of 10 mg/l.

1002 c. Total Nitrogen, expressed as N, of 10 mg/l or a
1003 reduction in nitrogen of at least 70 percent. A system that has
1004 been tested and certified to reduce nitrogen concentrations by
1005 at least 70 percent shall be deemed to be in compliance with
1006 this standard.

1007 d. Total Phosphorus, expressed as P, of 1 mg/l.

1008

1009 In addition, onsite sewage treatment and disposal systems
1010 discharging to an injection well must provide basic disinfection
1011 as defined by department rule.

1012 3. In areas not scheduled to be served by a central sewer,
1013 onsite sewage treatment and disposal systems must, by December
1014 31, 2015, comply with department rules and provide the level of
1015 treatment described in subparagraph 2.

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1016 4. In areas scheduled to be served by central sewer by
1017 December 31, 2015, if the property owner has paid a connection
1018 fee or assessment for connection to the central sewer system,
1019 the property owner may install a holding tank with a high water
1020 alarm or an onsite sewage treatment and disposal system that
1021 meets the following minimum standards:

1022 a. The existing tanks must be pumped and inspected and
1023 certified as being watertight and free of defects in accordance
1024 with department rule; and

1025 b. A sand-lined drainfield or injection well in accordance
1026 with department rule must be installed.

1027 5. Onsite sewage treatment and disposal systems must be
1028 monitored for total nitrogen and total phosphorus concentrations
1029 as required by department rule.

1030 6. The department shall enforce proper installation,
1031 operation, and maintenance of onsite sewage treatment and
1032 disposal systems pursuant to this chapter, including ensuring
1033 that the appropriate level of treatment described in
1034 subparagraph 2. is met.

1035 7. The authority of a local government, including a special
1036 district, to mandate connection of an onsite sewage treatment
1037 and disposal system is governed by s. 4, chapter 99-395, Laws of
1038 Florida.

1039 8. Notwithstanding any other ~~provision of~~ law, an onsite
1040 sewage treatment and disposal system installed after July 1,
1041 2010, in unincorporated Monroe County, excluding special
1042 wastewater districts, that complies with the standards in
1043 subparagraph 2. is not required to connect to a central sewer
1044 system until December 31, 2020.

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1045 (m) No product sold in the state for use in onsite sewage
1046 treatment and disposal systems may contain any substance in
1047 concentrations or amounts that would interfere with or prevent
1048 the successful operation of such system, or that would cause
1049 discharges from such systems to violate applicable water quality
1050 standards. The department shall publish criteria for products
1051 known or expected to meet the conditions of this paragraph. In
1052 the event a product does not meet such criteria, such product
1053 may be sold if the manufacturer satisfactorily demonstrates to
1054 the department that the conditions of this paragraph are met.

1055 (n) Evaluations for determining the seasonal high-water
1056 table elevations or the suitability of soils for the use of a
1057 new onsite sewage treatment and disposal system shall be
1058 performed by department personnel, professional engineers
1059 registered in the state, or such other persons with expertise,
1060 as defined by rule, in making such evaluations. Evaluations for
1061 determining mean annual flood lines shall be performed by those
1062 persons identified in paragraph (2) (k) ~~(2) (j)~~. The department
1063 shall accept evaluations submitted by professional engineers and
1064 such other persons as meet the expertise established by this
1065 section or by rule unless the department has a reasonable
1066 scientific basis for questioning the accuracy or completeness of
1067 the evaluation.

1068 ~~(o) The department shall appoint a research review and~~
1069 ~~advisory committee, which shall meet at least semiannually. The~~
1070 ~~committee shall advise the department on directions for new~~
1071 ~~research, review and rank proposals for research contracts, and~~
1072 ~~review draft research reports and make comments. The committee~~
1073 ~~is comprised of:~~

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1074 ~~1. A representative of the State Surgeon General, or his or~~
1075 ~~her designee.~~

1076 ~~2. A representative from the septic tank industry.~~

1077 ~~3. A representative from the home building industry.~~

1078 ~~4. A representative from an environmental interest group.~~

1079 ~~5. A representative from the State University System, from~~
1080 ~~a department knowledgeable about onsite sewage treatment and~~
1081 ~~disposal systems.~~

1082 ~~6. A professional engineer registered in this state who has~~
1083 ~~work experience in onsite sewage treatment and disposal systems.~~

1084 ~~7. A representative from local government who is~~
1085 ~~knowledgeable about domestic wastewater treatment.~~

1086 ~~8. A representative from the real estate profession.~~

1087 ~~9. A representative from the restaurant industry.~~

1088 ~~10. A consumer.~~

1089
1090 ~~Members shall be appointed for a term of 3 years, with the~~
1091 ~~appointments being staggered so that the terms of no more than~~
1092 ~~four members expire in any one year. Members shall serve without~~
1093 ~~remuneration, but are entitled to reimbursement for per diem and~~
1094 ~~travel expenses as provided in s. 112.061.~~

1095 ~~(o)~~(p) An application for an onsite sewage treatment and
1096 disposal system permit shall be completed in full, signed by the
1097 owner or the owner's authorized representative, or by a
1098 contractor licensed under chapter 489, and shall be accompanied
1099 by all required exhibits and fees. No specific documentation of
1100 property ownership shall be required as a prerequisite to the
1101 review of an application or the issuance of a permit. The
1102 issuance of a permit does not constitute determination by the

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1103 department of property ownership.

1104 (p)~~(q)~~ The department may not require any form of
1105 subdivision analysis of property by an owner, developer, or
1106 subdivider prior to submission of an application for an onsite
1107 sewage treatment and disposal system.

1108 (q)~~(r)~~ Nothing in this section limits the power of a
1109 municipality or county to enforce other laws for the protection
1110 of the public health and safety.

1111 (r)~~(s)~~ In the siting of onsite sewage treatment and
1112 disposal systems, including drainfields, shoulders, and slopes,
1113 guttering may ~~shall~~ not be required on single-family residential
1114 dwelling units for systems located greater than 5 feet from the
1115 roof drip line of the house. If guttering is used on residential
1116 dwelling units, the downspouts shall be directed away from the
1117 drainfield.

1118 (s)~~(t)~~ Notwithstanding ~~the provisions of~~ subparagraph
1119 (g)1., onsite sewage treatment and disposal systems located in
1120 floodways of the Suwannee and Aucilla Rivers must adhere to the
1121 following requirements:

1122 1. The absorption surface of the drainfield may ~~shall~~ not
1123 be subject to flooding based on 10-year flood elevations.
1124 Provided, however, for lots or parcels created by the
1125 subdivision of land in accordance with applicable local
1126 government regulations prior to January 17, 1990, if an
1127 applicant cannot construct a drainfield system with the
1128 absorption surface of the drainfield at an elevation equal to or
1129 above 10-year flood elevation, the department shall issue a
1130 permit for an onsite sewage treatment and disposal system within
1131 the 10-year floodplain of rivers, streams, and other bodies of

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1132 flowing water if all of the following criteria are met:

1133 a. The lot is at least one-half acre in size;

1134 b. The bottom of the drainfield is at least 36 inches above
1135 the 2-year flood elevation; and

1136 c. The applicant installs either: a waterless,
1137 incinerating, or organic waste composting toilet and a graywater
1138 system and drainfield in accordance with department rules; an
1139 aerobic treatment unit and drainfield in accordance with
1140 department rules; a system ~~approved by the State Health Office~~
1141 that is capable of reducing effluent nitrate by at least 50
1142 percent in accordance with department rules; or a system other
1143 than a system using alternative drainfield materials in
1144 accordance with department rules ~~approved by the county health~~
1145 ~~department pursuant to department rule other than a system using~~
1146 ~~alternative drainfield materials~~. The United States Department
1147 of Agriculture Soil Conservation Service soil maps, State of
1148 Florida Water Management District data, and Federal Emergency
1149 Management Agency Flood Insurance maps are resources that shall
1150 be used to identify flood-prone areas.

1151 2. The use of fill or mounding to elevate a drainfield
1152 system out of the 10-year floodplain of rivers, streams, or
1153 other bodies of flowing water may ~~shall~~ not be permitted if such
1154 a system lies within a regulatory floodway of the Suwannee and
1155 Aucilla Rivers. In cases where the 10-year flood elevation does
1156 not coincide with the boundaries of the regulatory floodway, the
1157 regulatory floodway will be considered for the purposes of this
1158 subsection to extend at a minimum to the 10-year flood
1159 elevation.

1160 (t) ~~(u)~~ 1. The owner of an aerobic treatment unit system

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1161 shall maintain a current maintenance service agreement with an
1162 aerobic treatment unit maintenance entity permitted by the
1163 department. The maintenance entity shall inspect each aerobic
1164 treatment unit system at least twice each year and shall report
1165 quarterly to the department on the number of aerobic treatment
1166 unit systems inspected and serviced. The reports may be
1167 submitted electronically.

1168 2. The property owner of an owner-occupied, single-family
1169 residence may be approved and permitted by the department as a
1170 maintenance entity for his or her own aerobic treatment unit
1171 system upon written certification from the system manufacturer's
1172 approved representative that the property owner has received
1173 training on the proper installation and service of the system.
1174 The maintenance entity service agreement must conspicuously
1175 disclose that the property owner has the right to maintain his
1176 or her own system and is exempt from contractor registration
1177 requirements for performing construction, maintenance, or
1178 repairs on the system but is subject to all permitting
1179 requirements.

1180 3. A septic tank contractor licensed under part III of
1181 chapter 489, if approved by the manufacturer, may not be denied
1182 access by the manufacturer to aerobic treatment unit system
1183 training or spare parts for maintenance entities. After the
1184 original warranty period, component parts for an aerobic
1185 treatment unit system may be replaced with parts that meet
1186 manufacturer's specifications but are manufactured by others.
1187 The maintenance entity shall maintain documentation of the
1188 substitute part's equivalency for 2 years and shall provide such
1189 documentation to the department upon request.

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1190 4. The owner of an aerobic treatment unit system shall
1191 obtain a system operating permit from the department and allow
1192 the department to inspect during reasonable hours each aerobic
1193 treatment unit system at least annually, and such inspection may
1194 include collection and analysis of system-effluent samples for
1195 performance criteria established by rule of the department.

1196 (u)~~(v)~~ The department may require the submission of
1197 detailed system construction plans that are prepared by a
1198 professional engineer registered in this state. The department
1199 shall establish by rule criteria for determining when such a
1200 submission is required.

1201 (v)~~(w)~~ Any permit issued and approved by the department for
1202 the installation, modification, or repair of an onsite sewage
1203 treatment and disposal system shall transfer with the title to
1204 the property in a real estate transaction. A title may not be
1205 encumbered at the time of transfer by new permit requirements by
1206 a governmental entity for an onsite sewage treatment and
1207 disposal system which differ from the permitting requirements in
1208 effect at the time the system was permitted, modified, or
1209 repaired. An inspection of a system may not be mandated by a
1210 governmental entity at the point of sale in a real estate
1211 transaction. This paragraph does not affect a septic tank phase-
1212 out deferral program implemented by a consolidated government as
1213 defined in s. 9, Art. VIII of the State Constitution (1885).

1214 (w)~~(x)~~ A governmental entity, including a municipality,
1215 county, or statutorily created commission, may not require an
1216 engineer-designed performance-based treatment system, excluding
1217 a passive engineer-designed performance-based treatment system,
1218 before the completion of the Florida Onsite Sewage Nitrogen

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1219 Reduction Strategies Project. This paragraph does not apply to a
1220 governmental entity, including a municipality, county, or
1221 statutorily created commission, which adopted a local law,
1222 ordinance, or regulation on or before January 31, 2012.

1223 Notwithstanding this paragraph, an engineer-designed
1224 performance-based treatment system may be used to meet the
1225 requirements of the variance review and advisory committee
1226 recommendations.

1227 (x)~~(y)~~1. An onsite sewage treatment and disposal system is
1228 not considered abandoned if the system is disconnected from a
1229 structure that was made unusable or destroyed following a
1230 disaster and if the system was properly functioning at the time
1231 of disconnection and was not adversely affected by the disaster.
1232 The onsite sewage treatment and disposal system may be
1233 reconnected to a rebuilt structure if:

1234 a. The reconnection of the system is to the same type of
1235 structure which contains the same number of bedrooms or fewer,
1236 if the square footage of the structure is less than or equal to
1237 110 percent of the original square footage of the structure that
1238 existed before the disaster;

1239 b. The system is not a sanitary nuisance; and

1240 c. The system has not been altered without prior
1241 authorization.

1242 2. An onsite sewage treatment and disposal system that
1243 serves a property that is foreclosed upon is not considered
1244 abandoned.

1245 (y)~~(z)~~ If an onsite sewage treatment and disposal system
1246 permittee receives, relies upon, and undertakes construction of
1247 a system based upon a validly issued construction permit under

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1248 rules applicable at the time of construction but a change to a
1249 rule occurs within 5 years after the approval of the system for
1250 construction but before the final approval of the system, the
1251 rules applicable and in effect at the time of construction
1252 approval apply at the time of final approval if fundamental site
1253 conditions have not changed between the time of construction
1254 approval and final approval.

1255 (z)~~(aa)~~ An existing-system inspection or evaluation and
1256 assessment, or a modification, replacement, or upgrade of an
1257 onsite sewage treatment and disposal system is not required for
1258 a remodeling addition or modification to a single-family home if
1259 a bedroom is not added. However, a remodeling addition or
1260 modification to a single-family home may not cover any part of
1261 the existing system or encroach upon a required setback or the
1262 unobstructed area. To determine if a setback or the unobstructed
1263 area is impacted, the local health department shall review and
1264 verify a floor plan and site plan of the proposed remodeling
1265 addition or modification to the home submitted by a remodeler
1266 which shows the location of the system, including the distance
1267 of the remodeling addition or modification to the home from the
1268 onsite sewage treatment and disposal system. The local health
1269 department may visit the site or otherwise determine the best
1270 means of verifying the information submitted. A verification of
1271 the location of a system is not an inspection or evaluation and
1272 assessment of the system. The review and verification must be
1273 completed within 7 business days after receipt by the local
1274 health department of a floor plan and site plan. If the review
1275 and verification is not completed within such time, the
1276 remodeling addition or modification to the single-family home,

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1277 for the purposes of this paragraph, is approved.

1278 Section 8. Subsection (7) is added to section 381.0065,
1279 Florida Statutes, to read:

1280 381.0065 Onsite sewage treatment and disposal systems;
1281 regulation.—

1282 (7) USE OF NUTRIENT REDUCING ONSITE SEWAGE TREATMENT AND
1283 DISPOSAL SYSTEMS.—To meet the requirements of a total maximum
1284 daily load, the department shall implement a fast-track approval
1285 process for the use in this state of American National Standards
1286 Institute 245 systems approved by NSF International before July
1287 1, 2020.

1288 Section 9. Section 381.00652, Florida Statutes, is created
1289 to read:

1290 381.00652 Onsite sewage treatment and disposal systems
1291 technical advisory committee.—

1292 (1) An onsite sewage treatment and disposal systems
1293 technical advisory committee, a committee as defined in s.
1294 20.03(8), is created within the department. The committee shall:

1295 (a) Provide recommendations to increase the availability in
1296 the marketplace of enhanced nutrient-reducing onsite sewage
1297 treatment and disposal systems, including systems that are cost-
1298 effective, low-maintenance, and reliable.

1299 (b) Consider and recommend regulatory options, such as
1300 fast-track approval, prequalification, or expedited permitting,
1301 to facilitate the introduction and use of enhanced nutrient-
1302 reducing onsite sewage treatment and disposal systems that have
1303 been reviewed and approved by a national agency or organization,
1304 such as the American National Standards Institute 245 systems
1305 approved by the NSF International.

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1306 (c) Provide recommendations for appropriate setback
1307 distances for onsite sewage treatment and disposal systems from
1308 surface water, groundwater, and wells.

1309 (2) The department shall use existing and available
1310 resources to administer and support the activities of the
1311 committee.

1312 (3) (a) By August 1, 2021, the department, in consultation
1313 with the Department of Health, shall appoint no more than 10
1314 members to the committee, including, but not limited to, the
1315 following:

1316 1. A professional engineer.

1317 2. A septic tank contractor.

1318 3. Two representatives from the home building industry.

1319 4. A representative from the real estate industry.

1320 5. A representative from the onsite sewage treatment and
1321 disposal system industry.

1322 6. A representative from local government.

1323 7. Two representatives from the environmental community.

1324 8. A representative of the scientific and technical
1325 community who has substantial expertise in the areas of the fate
1326 and transport of water pollutants, toxicology, epidemiology,
1327 geology, biology, or environmental sciences.

1328 (b) Members shall serve without compensation and are not
1329 entitled to reimbursement for per diem or travel expenses.

1330 (4) By January 1, 2022, the committee shall submit its
1331 recommendations to the Governor, the President of the Senate,
1332 and the Speaker of the House of Representatives.

1333 (5) This section expires August 15, 2022.

1334 (6) For purposes of this section, the term "department"

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1335 means the Department of Environmental Protection.

1336 Section 10. Effective July 1, 2021, section 381.0068,
1337 Florida Statutes, is repealed.

1338 Section 11. Present subsections (14) through (44) of
1339 section 403.061, Florida Statutes, are redesignated as
1340 subsections (15) through (45), respectively, a new subsection
1341 (14) is added to that section, and subsection (7) of that
1342 section is amended, to read:

1343 403.061 Department; powers and duties.—The department shall
1344 have the power and the duty to control and prohibit pollution of
1345 air and water in accordance with the law and rules adopted and
1346 promulgated by it and, for this purpose, to:

1347 (7) Adopt rules pursuant to ss. 120.536(1) and 120.54 to
1348 ~~implement the provisions of~~ this act. Any rule adopted pursuant
1349 to this act must ~~shall~~ be consistent with the provisions of
1350 federal law, if any, relating to control of emissions from motor
1351 vehicles, effluent limitations, pretreatment requirements, or
1352 standards of performance. A ~~No~~ county, municipality, or
1353 political subdivision may not ~~shall~~ adopt or enforce any local
1354 ordinance, special law, or local regulation requiring the
1355 installation of Stage II vapor recovery systems, as currently
1356 defined by department rule, unless such county, municipality, or
1357 political subdivision is or has been in the past designated by
1358 federal regulation as a moderate, serious, or severe ozone
1359 nonattainment area. Rules adopted pursuant to this act may ~~shall~~
1360 not require dischargers of waste into waters of the state to
1361 improve natural background conditions. The department shall
1362 adopt rules to reasonably limit, reduce, and eliminate domestic
1363 wastewater collection and transmission system pipe leakages and

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1364 inflow and infiltration. Discharges from steam electric
1365 generating plants existing or licensed under this chapter on
1366 July 1, 1984, may ~~shall~~ not be required to be treated to a
1367 greater extent than may be necessary to assure that the quality
1368 of nonthermal components of discharges from nonrecirculated
1369 cooling water systems is as high as the quality of the makeup
1370 waters; that the quality of nonthermal components of discharges
1371 from recirculated cooling water systems is no lower than is
1372 allowed for blowdown from such systems; or that the quality of
1373 noncooling system discharges which receive makeup water from a
1374 receiving body of water which does not meet applicable
1375 department water quality standards is as high as the quality of
1376 the receiving body of water. The department may not adopt
1377 standards more stringent than federal regulations, except as
1378 provided in s. 403.804.

1379 (14) In order to promote resilient utilities, require
1380 public utilities or their affiliated companies holding, applying
1381 for, or renewing a domestic wastewater discharge permit to file
1382 annual reports and other data regarding transactions or
1383 allocations of common costs and expenditures on pollution
1384 mitigation and prevention among the utility's permitted systems,
1385 including, but not limited to, the prevention of sanitary sewer
1386 overflows, collection and transmission system pipe leakages, and
1387 inflow and infiltration. The department shall adopt rules to
1388 implement this subsection.

1389
1390 The department shall implement such programs in conjunction with
1391 its other powers and duties and shall place special emphasis on
1392 reducing and eliminating contamination that presents a threat to

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1393 humans, animals or plants, or to the environment.

1394 Section 12. Section 403.0616, Florida Statutes, is created
1395 to read:

1396 403.0616 Real-time water quality monitoring program.-

1397 (1) Subject to appropriation, the department shall
1398 establish a real-time water quality monitoring program to assist
1399 in the restoration, preservation, and enhancement of impaired
1400 waterbodies and coastal resources.

1401 (2) In order to expedite the creation and implementation of
1402 the program, the department is encouraged to form public-private
1403 partnerships with established scientific entities that have
1404 proven existing real-time water quality monitoring equipment and
1405 experience in deploying the equipment.

1406 Section 13. Subsection (7) of section 403.067, Florida
1407 Statutes, is amended to read:

1408 403.067 Establishment and implementation of total maximum
1409 daily loads.-

1410 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
1411 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.-

1412 (a) *Basin management action plans.-*

1413 1. In developing and implementing the total maximum daily
1414 load for a water body, the department, or the department in
1415 conjunction with a water management district, may develop a
1416 basin management action plan that addresses some or all of the
1417 watersheds and basins tributary to the water body. Such plan
1418 must integrate the appropriate management strategies available
1419 to the state through existing water quality protection programs
1420 to achieve the total maximum daily loads and may provide for
1421 phased implementation of these management strategies to promote

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1422 timely, cost-effective actions as provided for in s. 403.151.
1423 The plan must establish a schedule implementing the management
1424 strategies, establish a basis for evaluating the plan's
1425 effectiveness, and identify feasible funding strategies for
1426 implementing the plan's management strategies. The management
1427 strategies may include regional treatment systems or other
1428 public works, when ~~where~~ appropriate, and voluntary trading of
1429 water quality credits to achieve the needed pollutant load
1430 reductions.

1431 2. A basin management action plan must equitably allocate,
1432 pursuant to paragraph (6) (b), pollutant reductions to individual
1433 basins, as a whole to all basins, or to each identified point
1434 source or category of nonpoint sources, as appropriate. For
1435 nonpoint sources for which best management practices have been
1436 adopted, the initial requirement specified by the plan must be
1437 those practices developed pursuant to paragraph (c). When ~~Where~~
1438 appropriate, the plan may take into account the benefits of
1439 pollutant load reduction achieved by point or nonpoint sources
1440 that have implemented management strategies to reduce pollutant
1441 loads, including best management practices, before the
1442 development of the basin management action plan. The plan must
1443 also identify the mechanisms that will address potential future
1444 increases in pollutant loading.

1445 3. The basin management action planning process is intended
1446 to involve the broadest possible range of interested parties,
1447 with the objective of encouraging the greatest amount of
1448 cooperation and consensus possible. In developing a basin
1449 management action plan, the department shall assure that key
1450 stakeholders, including, but not limited to, applicable local

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1451 governments, water management districts, the Department of
1452 Agriculture and Consumer Services, other appropriate state
1453 agencies, local soil and water conservation districts,
1454 environmental groups, regulated interests, and affected
1455 pollution sources, are invited to participate in the process.
1456 The department shall hold at least one public meeting in the
1457 vicinity of the watershed or basin to discuss and receive
1458 comments during the planning process and shall otherwise
1459 encourage public participation to the greatest practicable
1460 extent. Notice of the public meeting must be published in a
1461 newspaper of general circulation in each county in which the
1462 watershed or basin lies at least ~~not less than~~ 5 days, but not
1463 ~~nor~~ more than 15 days, before the public meeting. A basin
1464 management action plan does not supplant or otherwise alter any
1465 assessment made under subsection (3) or subsection (4) or any
1466 calculation or initial allocation.

1467 4. Each new or revised basin management action plan shall
1468 include:

1469 a. The appropriate management strategies available through
1470 existing water quality protection programs to achieve total
1471 maximum daily loads, which may provide for phased implementation
1472 to promote timely, cost-effective actions as provided for in s.
1473 403.151;

1474 b. A description of best management practices adopted by
1475 rule;

1476 c. A list of projects in priority ranking with a planning-
1477 level cost estimate and estimated date of completion for each
1478 listed project;

1479 d. The source and amount of financial assistance to be made

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1480 available by the department, a water management district, or
1481 other entity for each listed project, if applicable; ~~and~~

1482 e. A planning-level estimate of each listed project's
1483 expected load reduction, if applicable; and.

1484 f. An estimated allocation of the pollutant load reduction
1485 for each point source or category of point sources.

1486 5. The department shall adopt all or any part of a basin
1487 management action plan and any amendment to such plan by
1488 secretarial order pursuant to chapter 120 to implement ~~the~~
1489 ~~provisions of~~ this section.

1490 6. The basin management action plan must include milestones
1491 for implementation and water quality improvement, and an
1492 associated water quality monitoring component sufficient to
1493 evaluate whether reasonable progress in pollutant load
1494 reductions is being achieved over time. An assessment of
1495 progress toward these milestones shall be conducted every 5
1496 years, and revisions to the plan shall be made as appropriate.
1497 Revisions to the basin management action plan shall be made by
1498 the department in cooperation with basin stakeholders. Revisions
1499 to the management strategies required for nonpoint sources must
1500 follow the procedures set forth in subparagraph (c)4. Revised
1501 basin management action plans must be adopted pursuant to
1502 subparagraph 5.

1503 7. In accordance with procedures adopted by rule under
1504 paragraph (9)(c), basin management action plans, and other
1505 pollution control programs under local, state, or federal
1506 authority as provided in subsection (4), may allow point or
1507 nonpoint sources that will achieve greater pollutant reductions
1508 than required by an adopted total maximum daily load or

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1509 wasteload allocation to generate, register, and trade water
1510 quality credits for the excess reductions to enable other
1511 sources to achieve their allocation; however, the generation of
1512 water quality credits does not remove the obligation of a source
1513 or activity to meet applicable technology requirements or
1514 adopted best management practices. Such plans must allow trading
1515 between NPDES permittees, and trading that may or may not
1516 involve NPDES permittees, where the generation or use of the
1517 credits involve an entity or activity not subject to department
1518 water discharge permits whose owner voluntarily elects to obtain
1519 department authorization for the generation and sale of credits.

1520 8. ~~The provisions of~~ The department's rule relating to the
1521 equitable abatement of pollutants into surface waters do not
1522 apply to water bodies or water body segments for which a basin
1523 management plan that takes into account future new or expanded
1524 activities or discharges has been adopted under this section.

1525 9. In order to promote resilient wastewater utilities, if
1526 the department identifies domestic wastewater treatment
1527 facilities or onsite sewage treatment and disposal systems as
1528 contributors of at least 20 percent of point source or nonpoint
1529 source nutrient pollution or if the department determines
1530 remediation is necessary to achieve the total maximum daily
1531 load, a basin management action plan for a nutrient total
1532 maximum daily load must include the following:

1533 a. A wastewater treatment plan that addresses domestic
1534 wastewater developed by each local government in cooperation
1535 with the department, the water management district, and the
1536 public and private domestic wastewater treatment facilities
1537 within the jurisdiction of the local government. The wastewater

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1538 treatment plan must:

1539 (I) Provide for construction, expansion, or upgrades
1540 necessary to achieve the total maximum daily load requirements
1541 applicable to the domestic wastewater treatment facility.

1542 (II) Include the permitted capacity in average annual
1543 gallons per day for the domestic wastewater treatment facility;
1544 the average nutrient concentration and the estimated average
1545 nutrient load of the domestic wastewater; a timeline of the
1546 dates by which the construction of any facility improvements
1547 will begin and be completed and the date by which operations of
1548 the improved facility will begin; the estimated cost of the
1549 improvements; and the identity of responsible parties.

1550
1551 The wastewater treatment plan must be adopted as part of the
1552 basin management action plan no later than July 1, 2025. A local
1553 government that does not have a domestic wastewater treatment
1554 facility in its jurisdiction is not required to develop a
1555 wastewater treatment plan unless there is a demonstrated need to
1556 establish a domestic wastewater treatment facility within its
1557 jurisdiction to improve water quality necessary to achieve a
1558 total maximum daily load. A local government is not responsible
1559 for a private domestic wastewater facility's compliance with a
1560 basin management action plan unless such facility is operated
1561 through a public-private partnership to which the local
1562 government is a party.

1563 b. An onsite sewage treatment and disposal system
1564 remediation plan developed by each local government in
1565 cooperation with the department, the Department of Health, water
1566 management districts, and public and private domestic wastewater

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1567 treatment facilities.

1568 (I) The onsite sewage treatment and disposal system
1569 remediation plan must identify cost-effective and financially
1570 feasible projects necessary to achieve the nutrient load
1571 reductions required for onsite sewage treatment and disposal
1572 systems. To identify cost-effective and financially feasible
1573 projects for remediation of onsite sewage treatment and disposal
1574 systems, the local government shall:

1575 (A) Include an inventory of onsite sewage treatment and
1576 disposal systems based on the best information available;

1577 (B) Identify onsite sewage treatment and disposal systems
1578 that would be eliminated through connection to existing or
1579 future central domestic wastewater infrastructure in the
1580 jurisdiction or domestic wastewater service area of the local
1581 government, that would be replaced with or upgraded to enhanced
1582 nutrient-reducing systems, or that would remain on conventional
1583 onsite sewage treatment and disposal systems;

1584 (C) Estimate the costs of potential onsite sewage treatment
1585 and disposal systems connections, upgrades, or replacements; and

1586 (D) Identify deadlines and interim milestones for the
1587 planning, design, and construction of projects.

1588 (II) The department shall adopt the onsite sewage treatment
1589 and disposal system remediation plan as part of the basin
1590 management action plan no later than July 1, 2025, or as
1591 required for Outstanding Florida Springs under s. 373.807.

1592 10. When identifying wastewater projects in a basin
1593 management action plan, the department may not require the
1594 higher cost option if it achieves the same nutrient load
1595 reduction as a lower cost option. A regulated entity may choose

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1596 a different cost option if it complies with the pollutant
1597 reduction requirements of an adopted total maximum daily load
1598 and provides additional benefits.

1599 (b) *Total maximum daily load implementation.*—

1600 1. The department shall be the lead agency in coordinating
1601 the implementation of the total maximum daily loads through
1602 existing water quality protection programs. Application of a
1603 total maximum daily load by a water management district must be
1604 consistent with this section and does not require the issuance
1605 of an order or a separate action pursuant to s. 120.536(1) or s.
1606 120.54 for the adoption of the calculation and allocation
1607 previously established by the department. Such programs may
1608 include, but are not limited to:

1609 a. Permitting and other existing regulatory programs,
1610 including water-quality-based effluent limitations;

1611 b. Nonregulatory and incentive-based programs, including
1612 best management practices, cost sharing, waste minimization,
1613 pollution prevention, agreements established pursuant to s.
1614 403.061(22) ~~s. 403.061(21)~~, and public education;

1615 c. Other water quality management and restoration
1616 activities, for example surface water improvement and management
1617 plans approved by water management districts or basin management
1618 action plans developed pursuant to this subsection;

1619 d. Trading of water quality credits or other equitable
1620 economically based agreements;

1621 e. Public works including capital facilities; or

1622 f. Land acquisition.

1623 2. For a basin management action plan adopted pursuant to
1624 paragraph (a), any management strategies and pollutant reduction

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1625 requirements associated with a pollutant of concern for which a
1626 total maximum daily load has been developed, including effluent
1627 limits set forth for a discharger subject to NPDES permitting,
1628 if any, must be included in a timely manner in subsequent NPDES
1629 permits or permit modifications for that discharger. The
1630 department may not impose limits or conditions implementing an
1631 adopted total maximum daily load in an NPDES permit until the
1632 permit expires, the discharge is modified, or the permit is
1633 reopened pursuant to an adopted basin management action plan.

1634 a. Absent a detailed allocation, total maximum daily loads
1635 must be implemented through NPDES permit conditions that provide
1636 for a compliance schedule. In such instances, a facility's NPDES
1637 permit must allow time for the issuance of an order adopting the
1638 basin management action plan. The time allowed for the issuance
1639 of an order adopting the plan may not exceed 5 years. Upon
1640 issuance of an order adopting the plan, the permit must be
1641 reopened or renewed, as necessary, and permit conditions
1642 consistent with the plan must be established. Notwithstanding
1643 the other provisions of this subparagraph, upon request by an
1644 NPDES permittee, the department as part of a permit issuance,
1645 renewal, or modification may establish individual allocations
1646 before the adoption of a basin management action plan.

1647 b. For holders of NPDES municipal separate storm sewer
1648 system permits and other stormwater sources, implementation of a
1649 total maximum daily load or basin management action plan must be
1650 achieved, to the maximum extent practicable, through the use of
1651 best management practices or other management measures.

1652 c. The basin management action plan does not relieve the
1653 discharger from any requirement to obtain, renew, or modify an

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1654 NPDES permit or to abide by other requirements of the permit.

1655 d. Management strategies set forth in a basin management
1656 action plan to be implemented by a discharger subject to
1657 permitting by the department must be completed pursuant to the
1658 schedule set forth in the basin management action plan. This
1659 implementation schedule may extend beyond the 5-year term of an
1660 NPDES permit.

1661 e. Management strategies and pollution reduction
1662 requirements set forth in a basin management action plan for a
1663 specific pollutant of concern are not subject to challenge under
1664 chapter 120 at the time they are incorporated, in an identical
1665 form, into a subsequent NPDES permit or permit modification.

1666 f. For nonagricultural pollutant sources not subject to
1667 NPDES permitting but permitted pursuant to other state,
1668 regional, or local water quality programs, the pollutant
1669 reduction actions adopted in a basin management action plan must
1670 be implemented to the maximum extent practicable as part of
1671 those permitting programs.

1672 g. A nonpoint source discharger included in a basin
1673 management action plan must demonstrate compliance with the
1674 pollutant reductions established under subsection (6) by
1675 implementing the appropriate best management practices
1676 established pursuant to paragraph (c) or conducting water
1677 quality monitoring prescribed by the department or a water
1678 management district. A nonpoint source discharger may, in
1679 accordance with department rules, supplement the implementation
1680 of best management practices with water quality credit trades in
1681 order to demonstrate compliance with the pollutant reductions
1682 established under subsection (6).

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1683 h. A nonpoint source discharger included in a basin
1684 management action plan may be subject to enforcement action by
1685 the department or a water management district based upon a
1686 failure to implement the responsibilities set forth in sub-
1687 subparagraph g.

1688 i. A landowner, discharger, or other responsible person who
1689 is implementing applicable management strategies specified in an
1690 adopted basin management action plan may not be required by
1691 permit, enforcement action, or otherwise to implement additional
1692 management strategies, including water quality credit trading,
1693 to reduce pollutant loads to attain the pollutant reductions
1694 established pursuant to subsection (6) and shall be deemed to be
1695 in compliance with this section. This subparagraph does not
1696 limit the authority of the department to amend a basin
1697 management action plan as specified in subparagraph (a)6.

1698 (c) *Best management practices.*—

1699 1. The department, in cooperation with the water management
1700 districts and other interested parties, as appropriate, may
1701 develop suitable interim measures, best management practices, or
1702 other measures necessary to achieve the level of pollution
1703 reduction established by the department for nonagricultural
1704 nonpoint pollutant sources in allocations developed pursuant to
1705 subsection (6) and this subsection. These practices and measures
1706 may be adopted by rule by the department and the water
1707 management districts and, where adopted by rule, shall be
1708 implemented by those parties responsible for nonagricultural
1709 nonpoint source pollution.

1710 2. The Department of Agriculture and Consumer Services may
1711 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54

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1712 suitable interim measures, best management practices, or other
1713 measures necessary to achieve the level of pollution reduction
1714 established by the department for agricultural pollutant sources
1715 in allocations developed pursuant to subsection (6) and this
1716 subsection or for programs implemented pursuant to paragraph
1717 (12) (b). These practices and measures may be implemented by
1718 those parties responsible for agricultural pollutant sources and
1719 the department, the water management districts, and the
1720 Department of Agriculture and Consumer Services shall assist
1721 with implementation. In the process of developing and adopting
1722 rules for interim measures, best management practices, or other
1723 measures, the Department of Agriculture and Consumer Services
1724 shall consult with the department, the Department of Health, the
1725 water management districts, representatives from affected
1726 farming groups, and environmental group representatives. Such
1727 rules must also incorporate provisions for a notice of intent to
1728 implement the practices and a system to assure the
1729 implementation of the practices, including site inspection and
1730 recordkeeping requirements.

1731 3. Where interim measures, best management practices, or
1732 other measures are adopted by rule, the effectiveness of such
1733 practices in achieving the levels of pollution reduction
1734 established in allocations developed by the department pursuant
1735 to subsection (6) and this subsection or in programs implemented
1736 pursuant to paragraph (12) (b) must be verified at representative
1737 sites by the department. The department shall use best
1738 professional judgment in making the initial verification that
1739 the best management practices are reasonably expected to be
1740 effective and, where applicable, must notify the appropriate

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1741 water management district or the Department of Agriculture and
1742 Consumer Services of its initial verification before the
1743 adoption of a rule proposed pursuant to this paragraph.
1744 Implementation, in accordance with rules adopted under this
1745 paragraph, of practices that have been initially verified to be
1746 effective, or verified to be effective by monitoring at
1747 representative sites, by the department, shall provide a
1748 presumption of compliance with state water quality standards and
1749 release from ~~the provisions of~~ s. 376.307(5) for those
1750 pollutants addressed by the practices, and the department is not
1751 authorized to institute proceedings against the owner of the
1752 source of pollution to recover costs or damages associated with
1753 the contamination of surface water or groundwater caused by
1754 those pollutants. Research projects funded by the department, a
1755 water management district, or the Department of Agriculture and
1756 Consumer Services to develop or demonstrate interim measures or
1757 best management practices shall be granted a presumption of
1758 compliance with state water quality standards and a release from
1759 ~~the provisions of~~ s. 376.307(5). The presumption of compliance
1760 and release is limited to the research site and only for those
1761 pollutants addressed by the interim measures or best management
1762 practices. Eligibility for the presumption of compliance and
1763 release is limited to research projects on sites where the owner
1764 or operator of the research site and the department, a water
1765 management district, or the Department of Agriculture and
1766 Consumer Services have entered into a contract or other
1767 agreement that, at a minimum, specifies the research objectives,
1768 the cost-share responsibilities of the parties, and a schedule
1769 that details the beginning and ending dates of the project.

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1770 4. Where water quality problems are demonstrated, despite
1771 the appropriate implementation, operation, and maintenance of
1772 best management practices and other measures required by rules
1773 adopted under this paragraph, the department, a water management
1774 district, or the Department of Agriculture and Consumer
1775 Services, in consultation with the department, shall institute a
1776 reevaluation of the best management practice or other measure.
1777 Should the reevaluation determine that the best management
1778 practice or other measure requires modification, the department,
1779 a water management district, or the Department of Agriculture
1780 and Consumer Services, as appropriate, shall revise the rule to
1781 require implementation of the modified practice within a
1782 reasonable time period as specified in the rule.

1783 5. Subject to subparagraph 6., the Department of
1784 Agriculture and Consumer Services shall provide to the
1785 department information that it obtains pursuant to subparagraph
1786 (d) 3.

1787 6. Agricultural records relating to processes or methods of
1788 production, costs of production, profits, or other financial
1789 information held by the Department of Agriculture and Consumer
1790 Services pursuant to subparagraphs 3., and 4., and 5. or
1791 pursuant to any rule adopted pursuant to subparagraph 2. are
1792 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
1793 of the State Constitution. Upon request, records made
1794 confidential and exempt pursuant to this subparagraph shall be
1795 released to the department or any water management district
1796 provided that the confidentiality specified by this subparagraph
1797 for such records is maintained.

1798 ~~7.6. The provisions of Subparagraphs 1. and 2. do not~~

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1799 preclude the department or water management district from
1800 requiring compliance with water quality standards or with
1801 current best management practice requirements set forth in any
1802 applicable regulatory program authorized by law for the purpose
1803 of protecting water quality. Additionally, subparagraphs 1. and
1804 2. are applicable only to the extent that they do not conflict
1805 with any rules adopted by the department that are necessary to
1806 maintain a federally delegated or approved program.

1807 (d) *Enforcement and verification of basin management action*
1808 *plans and management strategies.*—

1809 1. Basin management action plans are enforceable pursuant
1810 to this section and ss. 403.121, 403.141, and 403.161.
1811 Management strategies, including best management practices and
1812 water quality monitoring, are enforceable under this chapter.

1813 2. No later than January 1, 2017:

1814 a. The department, in consultation with the water
1815 management districts and the Department of Agriculture and
1816 Consumer Services, shall initiate rulemaking to adopt procedures
1817 to verify implementation of water quality monitoring required in
1818 lieu of implementation of best management practices or other
1819 measures pursuant to sub-subparagraph (b)2.g.;

1820 b. The department, in consultation with the water
1821 management districts and the Department of Agriculture and
1822 Consumer Services, shall initiate rulemaking to adopt procedures
1823 to verify implementation of nonagricultural interim measures,
1824 best management practices, or other measures adopted by rule
1825 pursuant to subparagraph (c)1.; and

1826 c. The Department of Agriculture and Consumer Services, in
1827 consultation with the water management districts and the

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1828 department, shall initiate rulemaking to adopt procedures to
1829 verify implementation of agricultural interim measures, best
1830 management practices, or other measures adopted by rule pursuant
1831 to subparagraph(c)2.

1832
1833 The rules required under this subparagraph shall include
1834 enforcement procedures applicable to the landowner, discharger,
1835 or other responsible person required to implement applicable
1836 management strategies, including best management practices or
1837 water quality monitoring as a result of noncompliance.

1838 3. At least every 2 years, the Department of Agriculture
1839 and Consumer Services shall perform onsite inspections of each
1840 agricultural producer that enrolls in a best management practice
1841 to ensure that such practice is being properly implemented. Such
1842 verification must include a collection and review of the best
1843 management practice documentation from the previous 2 years
1844 required by rule adopted in accordance with subparagraph (c)2.,
1845 including, but not limited to, nitrogen and phosphorous
1846 fertilizer application records, which must be collected and
1847 retained pursuant to subparagraphs (c)3., 4., and 6. The
1848 Department of Agriculture and Consumer Services shall initially
1849 prioritize the inspection of agricultural producers located in
1850 the basin management action plans for Lake Okeechobee, the
1851 Indian River Lagoon, the Caloosahatchee River and Estuary, and
1852 Silver Springs.

1853 (e) Cooperative agricultural regional water quality
1854 improvement element.-

1855 1. The department, the Department of Agriculture and
1856 Consumer Services, and owners of agricultural operations in the

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1857 basin shall develop a cooperative agricultural regional water
1858 quality improvement element as part of a basin management action
1859 plan only if:

1860 a. Agricultural measures have been adopted by the
1861 Department of Agriculture and Consumer Services pursuant to
1862 subparagraph (c)2. and have been implemented and the waterbody
1863 remains impaired;

1864 b. Agricultural nonpoint sources contribute to at least 20
1865 percent of nonpoint source nutrient discharges; and

1866 c. The department determines that additional measures, in
1867 combination with state-sponsored regional projects and other
1868 management strategies included in the basin management action
1869 plan, are necessary to achieve the total maximum daily load.

1870 2. The element will be implemented through the use of cost-
1871 sharing projects. The element must include cost-effective and
1872 technically and financially practical cooperative regional
1873 agricultural nutrient reduction projects that can be implemented
1874 on private properties on a site-specific, cooperative basis.
1875 Such cooperative regional agricultural nutrient reduction
1876 projects may include land acquisition in fee or conservation
1877 easements on the lands of willing sellers and site-specific
1878 water quality improvement or dispersed water management projects
1879 on the lands of project participants.

1880 3. To qualify for participation in the cooperative
1881 agricultural regional water quality improvement element, the
1882 participant must have already implemented the interim measures,
1883 best management practices, or other measures adopted by the
1884 Department of Agriculture and Consumer Services pursuant to
1885 subparagraph (c)2. The element may be included in the basin

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1886 management action plan as a part of the next 5-year assessment
1887 under subparagraph (a)6.

1888 4. The department may submit a legislative budget request
1889 to fund projects developed pursuant to this paragraph.

1890 (f) Data collection and research.—

1891 1. The Department of Agriculture and Consumer Services, in
1892 cooperation with the University of Florida Institute of Food and
1893 Agricultural Sciences and other state universities and Florida
1894 College System institutions with agricultural research programs,
1895 shall annually develop research plans and legislative budget
1896 requests to:

1897 a. Evaluate and suggest enhancements to the existing
1898 adopted agricultural best management practices to reduce
1899 nutrient runoff;

1900 b. Develop new best management practices that, if proven
1901 effective, the Department of Agriculture and Consumer Services
1902 may adopt by rule pursuant to subparagraph (c)2.; and

1903 c. Develop agricultural nutrient runoff reduction projects
1904 that willing participants could implement on a site-specific,
1905 cooperative basis, in addition to best management practices. The
1906 department may consider these projects for inclusion in a basin
1907 management action plan. These nutrient runoff reduction projects
1908 must reduce the nutrient impacts from agricultural operations on
1909 water quality when evaluated with the projects and management
1910 strategies currently included in the basin management action
1911 plan.

1912 2. To be considered for funding, the University of Florida
1913 Institute of Food and Agricultural Sciences and other state
1914 universities and Florida College System institutions that have

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1915 agricultural research programs must submit such plans to the
1916 department and the Department of Agriculture and Consumer
1917 Services by August 1, 2020, for the 2021-2022 fiscal year, and
1918 by May 1 for each subsequent fiscal year.

1919 3. The department shall work with the University of Florida
1920 Institute of Food and Agricultural Sciences and regulated
1921 entities to consider the adoption by rule of best management
1922 practices for nutrient impacts from golf courses. Such adopted
1923 best management practices are subject to the requirements of
1924 paragraph (c).

1925 Section 14. Section 403.0671, Florida Statutes, is created
1926 to read:

1927 403.0671 Basin management action plan wastewater reports.-

1928 (1) By July 1, 2021, the department, in coordination with
1929 the county health departments, wastewater treatment facilities,
1930 and other governmental entities, shall submit a report to the
1931 Governor, the President of the Senate, and the Speaker of the
1932 House of Representatives evaluating the costs of wastewater
1933 projects identified in the basin management action plans
1934 developed pursuant to ss. 373.807 and 403.067(7) and the onsite
1935 sewage treatment and disposal system remediation plans and other
1936 restoration plans developed to meet the total maximum daily
1937 loads required under s. 403.067. The report must include:

1938 (a) Projects to:

1939 1. Replace onsite sewage treatment and disposal systems
1940 with enhanced nutrient reducing onsite sewage treatment and
1941 disposal systems.

1942 2. Install or retrofit onsite sewage treatment and disposal
1943 systems with enhanced nutrient reducing technologies.

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1944 3. Construct, upgrade, or expand domestic wastewater
1945 treatment facilities to meet the wastewater treatment plan
1946 required under s. 403.067(7)(a)9.

1947 4. Connect onsite sewage treatment and disposal systems to
1948 domestic wastewater treatment facilities;

1949 (b) The estimated costs, nutrient load reduction estimates,
1950 and other benefits of each project;

1951 (c) The estimated implementation timeline for each project;

1952 (d) A proposed 5-year funding plan for each project and the
1953 source and amount of financial assistance the department, a
1954 water management district, or other project partner will make
1955 available to fund the project; and

1956 (e) The projected costs of installing enhanced nutrient
1957 reducing onsite sewage treatment and disposal systems on
1958 buildable lots in priority focus areas to comply with s.
1959 373.811.

1960 (2) By July 1, 2021, the department shall submit a report
1961 to the Governor, the President of the Senate, and the Speaker of
1962 the House of Representatives that provides an assessment of the
1963 water quality monitoring being conducted for each basin
1964 management action plan implementing a nutrient total maximum
1965 daily load. In developing the report, the department may
1966 coordinate with water management districts and any applicable
1967 university. The report must:

1968 (a) Evaluate the water quality monitoring prescribed for
1969 each basin management action plan to determine if it is
1970 sufficient to detect changes in water quality caused by the
1971 implementation of a project.

1972 (b) Identify gaps in water quality monitoring.

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1973 (c) Recommend ways to address water quality monitoring
1974 needs.

1975 (3) Beginning January 1, 2022, and each January 1
1976 thereafter, the department shall submit to the Office of
1977 Economic and Demographic Research the cost estimates for
1978 projects required under s. 403.067(7)(a)9. The office shall
1979 include the project cost estimates in its annual assessment
1980 conducted pursuant to s. 403.928.

1981 Section 15. Section 403.0673, Florida Statutes, is created
1982 to read:

1983 403.0673 Wastewater grant program.—A wastewater grant
1984 program is established within the Department of Environmental
1985 Protection.

1986 (1) Subject to the appropriation of funds by the
1987 Legislature, the department may provide grants for the following
1988 projects within a basin management action plan, an alternative
1989 restoration plan adopted by final order, or a rural area of
1990 opportunity under s. 288.0656 which will individually or
1991 collectively reduce excess nutrient pollution:

1992 (a) Projects to retrofit onsite sewage treatment and
1993 disposal systems to upgrade them to enhanced nutrient-reducing
1994 onsite sewage treatment and disposal systems.

1995 (b) Projects to construct, upgrade, or expand facilities to
1996 provide advanced waste treatment, as defined in s. 403.086(4).

1997 (c) Projects to connect onsite sewage treatment and
1998 disposal systems to central sewer facilities.

1999 (2) In allocating such funds, priority must be given to
2000 projects that subsidize the connection of onsite sewage
2001 treatment and disposal systems to wastewater treatment plants.

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2002 First priority must be given to subsidize connection to existing
2003 infrastructure. Second priority must be given to any expansion
2004 of a collection or transmission system that promotes efficiency
2005 by planning the installation of wastewater transmission
2006 facilities to be constructed concurrently with other
2007 construction projects occurring within or along a transportation
2008 facility right-of-way. Third priority must be given to all other
2009 connection of onsite sewage treatment and disposal systems to
2010 wastewater treatment plants. The department shall consider the
2011 estimated reduction in nutrient load per project; project
2012 readiness; cost-effectiveness of the project; overall
2013 environmental benefit of a project; the location of a project;
2014 the availability of local matching funds; and projected water
2015 savings or quantity improvements associated with a project.

2016 (3) Each grant for a project described in subsection (1)
2017 must require a minimum of a 50 percent local match of funds.
2018 However, the department may, at its discretion, waive, in whole
2019 or in part, this consideration of the local contribution for
2020 proposed projects within an area designated as a rural area of
2021 opportunity under s. 288.0656.

2022 (4) The department shall coordinate with each water
2023 management district, as necessary, to identify grant recipients
2024 in each district.

2025 (5) Beginning January 1, 2021, and each January 1
2026 thereafter, the department shall submit a report regarding the
2027 projects funded pursuant to this section to the Governor, the
2028 President of the Senate, and the Speaker of the House of
2029 Representatives.

2030 Section 16. Section 403.0855, Florida Statutes, is created

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2031 to read:

2032 403.0855 Biosolids management.-

2033 (1) The Legislature finds that it is in the best interest
2034 of this state to regulate biosolids management in order to
2035 minimize the offsite migration of nutrients that impair
2036 waterbodies. The Legislature further finds that the expedited
2037 implementation of the recommendations of the Biosolids Technical
2038 Advisory Committee, including permitting according to site-
2039 specific application conditions, an increased inspection rate,
2040 groundwater and surface water monitoring protocols, and nutrient
2041 management research, will improve biosolids management and
2042 assist in protecting this state's water resources and water
2043 quality.

2044 (2) The department shall adopt rules for biosolids
2045 management.

2046 (3) Effective July 1, 2020, all biosolids application sites
2047 must meet department rules in effect at the time of the renewal
2048 of the biosolids application site permit or facility permit.

2049 (4) A municipality or county may enforce or extend an
2050 ordinance, a regulation, a resolution, a rule, a moratorium, or
2051 a policy, any of which was adopted before November 1, 2019,
2052 relating to the land application of Class B biosolids until the
2053 ordinance, regulation, resolution, rule, moratorium, or policy
2054 is repealed by the municipality or county.

2055 (5) The permittee of a biosolids land application site
2056 shall:

2057 (a) Conduct the land application of biosolids in accordance
2058 with basin management action plans adopted in accordance with
2059 ss. 373.807 and 403.067(7).

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2060 (b) Establish a groundwater monitoring program approved by
2061 the department for land application sites when:

2062 1. The application rate in the nutrient management plan
2063 exceeds more than 160 pounds per acre per year of total plant
2064 available nitrogen or 40 pounds per acre per year of total P205;
2065 or

2066 2. The soil capacity index is less than 0 mg/kg.

2067 (c) When soil fertility testing indicates the soil capacity
2068 index has become less than 0 mg/kg, establish a groundwater
2069 monitoring program in accordance with department rules within 1
2070 year of the date of the sampling results.

2071 (d) When groundwater monitoring is not required, allow the
2072 department to install groundwater monitoring wells at any time
2073 during the effective period of the department-issued facility or
2074 land application site permit and conduct monitoring.

2075 (e) Ensure a minimum unsaturated soil depth of 2 feet
2076 between the depth of biosolids placement and the water table
2077 level at the time the Class A or Class B biosolids are applied
2078 to the soil. Biosolids may not be applied on soils that have a
2079 seasonal high-water table less than 15 centimeters from the soil
2080 surface or within 15 centimeters of the intended depth of
2081 biosolids placement. As used in this section, the term "seasonal
2082 high water" means the elevation to which the ground and surface
2083 water may be expected to rise due to a normal wet season.

2084 (f) Be enrolled in the Department of Agriculture and
2085 Consumer Service's Best Management Practices Program or be
2086 within an agricultural operation enrolled in the program for the
2087 applicable commodity type.

2088 (6) This subsection and subsection (5) are repealed upon

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2089 the effective date of biosolids rules adopted by the department
2090 after July 1, 2020.

2091 Section 17. Present subsections (7) through (10) of section
2092 403.086, Florida Statutes, are redesignated as subsections (8)
2093 through (11), respectively, paragraph (d) is added to subsection
2094 (1) of that section, a new subsection (7) is added to that
2095 section, and paragraph (c) of subsection (1) and subsection (2)
2096 of that section are amended, to read:

2097 403.086 Sewage disposal facilities; advanced and secondary
2098 waste treatment.—

2099 (1)

2100 (c) Notwithstanding ~~any other provisions of~~ this chapter or
2101 chapter 373, facilities for sanitary sewage disposal may not
2102 dispose of any wastes into Old Tampa Bay, Tampa Bay,
2103 Hillsborough Bay, Boca Ciega Bay, St. Joseph Sound, Clearwater
2104 Bay, Sarasota Bay, Little Sarasota Bay, Roberts Bay, Lemon Bay,
2105 ~~or~~ Charlotte Harbor Bay, or, beginning July 1, 2025, Indian
2106 River Lagoon, or into any river, stream, channel, canal, bay,
2107 bayou, sound, or other water tributary thereto, without
2108 providing advanced waste treatment, as defined in subsection
2109 (4), approved by the department. This paragraph does ~~shall~~ not
2110 apply to facilities which were permitted by February 1, 1987,
2111 and which discharge secondary treated effluent, followed by
2112 water hyacinth treatment, to tributaries of tributaries of the
2113 named waters; or to facilities permitted to discharge to the
2114 nontidally influenced portions of the Peace River.

2115 (d) By December 31, 2020, the department, in consultation
2116 with the water management districts and sewage disposal
2117 facilities, shall submit to the Governor, the President of the

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2118 Senate, and the Speaker of the House of Representatives a
2119 progress report on the status of upgrades made by each facility
2120 to meet the advanced waste treatment requirements under
2121 paragraph (c). The report must include a list of sewage disposal
2122 facilities required to upgrade to advanced waste treatment, the
2123 preliminary cost estimates for the upgrades, and a projected
2124 timeline of the dates by which the upgrades will begin and be
2125 completed and the date by which operations of the upgraded
2126 facility will begin.

2127 (2) Any facilities for sanitary sewage disposal shall
2128 provide for secondary waste treatment, a power outage
2129 contingency plan that mitigates the impacts of power outages on
2130 the utility's collection system and pump stations, and, ~~in~~
2131 addition thereto, advanced waste treatment as deemed necessary
2132 and ordered by the Department of Environmental Protection.
2133 Failure to conform is ~~shall be~~ punishable by a civil penalty of
2134 \$500 for each 24-hour day or fraction thereof that such failure
2135 is allowed to continue thereafter.

2136 (7) All facilities for sanitary sewage under subsection (2)
2137 which control a collection or transmission system of pipes and
2138 pumps to collect and transmit wastewater from domestic or
2139 industrial sources to the facility shall take steps to prevent
2140 sanitary sewer overflows or underground pipe leaks and ensure
2141 that collected wastewater reaches the facility for appropriate
2142 treatment. Facilities must use inflow and infiltration studies
2143 and leakage surveys to develop pipe assessment, repair, and
2144 replacement action plans with at least a 5-year planning horizon
2145 which comply with department rule to limit, reduce, and
2146 eliminate leaks, seepages, or inputs into wastewater treatment

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2147 systems' underground pipes. The pipe assessment, repair, and
2148 replacement action plans must be reported to the department. The
2149 facility action plan must include information regarding the
2150 annual expenditures dedicated to the inflow and infiltration
2151 studies and the required replacement action plans; expenditures
2152 that are dedicated to pipe assessment, repair, and replacement;
2153 and expenditures designed to limit the presence of fats, roots,
2154 oils, and grease in the utility's collection system. The
2155 department shall adopt rules regarding the implementation of
2156 inflow and infiltration studies and leakage surveys; however,
2157 such department rules may not fix or revise utility rates or
2158 budgets. Any entity subject to this subsection and s.
2159 403.061(14) may submit one report to comply with both
2160 provisions. Substantial compliance with this subsection is
2161 evidence in mitigation for the purposes of assessing penalties
2162 pursuant to ss. 403.121 and 403.141.

2163 Section 18. Present subsections (4) through (10) of section
2164 403.087, Florida Statutes, are redesignated as subsections (5)
2165 through (11), respectively, and a new subsection (4) is added to
2166 that section, to read:

2167 403.087 Permits; general issuance; denial; revocation;
2168 prohibition; penalty.-

2169 (4) The department shall issue an operation permit for a
2170 domestic wastewater treatment facility other than a facility
2171 regulated under the National Pollutant Discharge Elimination
2172 System Program under s. 403.0885 for a term of up to 10 years if
2173 the facility is meeting the stated goals in its action plan
2174 adopted pursuant to s. 403.086(7).

2175 Section 19. Present subsections (3) and (4) of section

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2176 403.088, Florida Statutes, are redesignated as subsections (4)
2177 and (5), respectively, a new subsection (3) is added to that
2178 section, and paragraph (c) of subsection (2) of that section is
2179 amended, to read:

2180 403.088 Water pollution operation permits; conditions.—

2181 (2)

2182 (c) A permit shall:

2183 1. Specify the manner, nature, volume, and frequency of the
2184 discharge permitted;

2185 2. Require proper operation and maintenance of any
2186 pollution abatement facility by qualified personnel in
2187 accordance with standards established by the department;

2188 3. Require a deliberate, proactive approach to
2189 investigating or surveying a significant percentage of the
2190 domestic wastewater collection system throughout the duration of
2191 the permit to determine pipe integrity, which must be
2192 accomplished in an economically feasible manner. The permittee
2193 shall submit an annual report to the department which details
2194 facility revenues and expenditures in a manner prescribed by
2195 department rule. The report must detail any deviation of annual
2196 expenditures from identified system needs related to inflow and
2197 infiltration studies; model plans for pipe assessment, repair,
2198 and replacement; and pipe assessment, repair, and replacement
2199 required under s. 403.086(7). Substantial compliance with this
2200 subsection is evidence in mitigation for the purposes of
2201 assessing penalties pursuant to ss. 403.121 and 403.141;

2202 4. Contain such additional conditions, requirements, and
2203 restrictions as the department deems necessary to preserve and
2204 protect the quality of the receiving waters;

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2205 ~~5.4.~~ Be valid for the period of time specified therein; and
2206 ~~6.5.~~ Constitute the state National Pollutant Discharge
2207 Elimination System permit when issued pursuant to the authority
2208 in s. 403.0885.

2209 (3) No later than March 1 of each year, the department
2210 shall submit a report to the Governor, the President of the
2211 Senate, and the Speaker of the House of Representatives which
2212 identifies all domestic wastewater treatment facilities that
2213 experienced a sanitary sewer overflow in the preceding calendar
2214 year. The report must identify the utility or responsible
2215 operating entity name, permitted capacity in annual average
2216 gallons per day, number of overflows, type of water discharged,
2217 and total volume of sewage released, and, to the extent known
2218 and available, volume of sewage recovered, volume of sewage
2219 discharged to surface waters, and cause of the sanitary sewer
2220 overflow, including whether caused by a third party. The
2221 department shall include with this report the annual report
2222 specified under subparagraph (2)(c)3. for each utility that
2223 experienced an overflow.

2224 Section 20. Subsection (6) of section 403.0891, Florida
2225 Statutes, is amended to read:

2226 403.0891 State, regional, and local stormwater management
2227 plans and programs.—The department, the water management
2228 districts, and local governments shall have the responsibility
2229 for the development of mutually compatible stormwater management
2230 programs.

2231 (6) The department and the Department of Economic
2232 Opportunity, in cooperation with local governments in the
2233 coastal zone, shall develop a model stormwater management

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2234 program that could be adopted by local governments. The model
2235 program must contain model ordinances that target nutrient
2236 reduction practices and use green infrastructure. The model
2237 program shall contain dedicated funding options, including a
2238 stormwater utility fee system based upon an equitable unit cost
2239 approach. Funding options shall be designed to generate capital
2240 to retrofit existing stormwater management systems, build new
2241 treatment systems, operate facilities, and maintain and service
2242 debt.

2243 Section 21. Paragraphs (b) and (g) of subsection (2),
2244 paragraph (b) of subsection (3), and subsection (9) of section
2245 403.121, Florida Statutes, are amended to read:

2246 403.121 Enforcement; procedure; remedies.—The department
2247 shall have the following judicial and administrative remedies
2248 available to it for violations of this chapter, as specified in
2249 s. 403.161(1).

2250 (2) Administrative remedies:

2251 (b) If the department has reason to believe a violation has
2252 occurred, it may institute an administrative proceeding to order
2253 the prevention, abatement, or control of the conditions creating
2254 the violation or other appropriate corrective action. Except for
2255 violations involving hazardous wastes, asbestos, or underground
2256 injection, the department shall proceed administratively in all
2257 cases in which the department seeks administrative penalties
2258 that do not exceed \$50,000 ~~\$10,000~~ per assessment as calculated
2259 in accordance with subsections (3), (4), (5), (6), and (7).
2260 Pursuant to 42 U.S.C. s. 300g-2, the administrative penalty
2261 assessed pursuant to subsection (3), subsection (4), or
2262 subsection (5) against a public water system serving a

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2263 population of more than 10,000 shall be not less than \$1,000 per
2264 day per violation. The department shall not impose
2265 administrative penalties in excess of \$50,000 ~~\$10,000~~ in a
2266 notice of violation. The department shall not have more than one
2267 notice of violation seeking administrative penalties pending
2268 against the same party at the same time unless the violations
2269 occurred at a different site or the violations were discovered
2270 by the department subsequent to the filing of a previous notice
2271 of violation.

2272 (g) Nothing herein shall be construed as preventing any
2273 other legal or administrative action in accordance with law.
2274 Nothing in this subsection shall limit the department's
2275 authority provided in ss. 403.131, 403.141, and this section to
2276 judicially pursue injunctive relief. When the department
2277 exercises its authority to judicially pursue injunctive relief,
2278 penalties in any amount up to the statutory maximum sought by
2279 the department must be pursued as part of the state court action
2280 and not by initiating a separate administrative proceeding. The
2281 department retains the authority to judicially pursue penalties
2282 in excess of \$50,000 ~~\$10,000~~ for violations not specifically
2283 included in the administrative penalty schedule, or for multiple
2284 or multiday violations alleged to exceed a total of \$50,000
2285 ~~\$10,000~~. The department also retains the authority provided in
2286 ss. 403.131, 403.141, and this section to judicially pursue
2287 injunctive relief and damages, if a notice of violation seeking
2288 the imposition of administrative penalties has not been issued.
2289 The department has the authority to enter into a settlement,
2290 either before or after initiating a notice of violation, and the
2291 settlement may include a penalty amount different from the

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2292 administrative penalty schedule. Any case filed in state court
2293 because it is alleged to exceed a total of \$50,000 ~~\$10,000~~ in
2294 penalties may be settled in the court action for less than
2295 \$50,000 ~~\$10,000~~.

2296 (3) Except for violations involving hazardous wastes,
2297 asbestos, or underground injection, administrative penalties
2298 must be calculated according to the following schedule:

2299 (b) For failure to obtain a required wastewater permit,
2300 other than a permit required for surface water discharge, the
2301 department shall assess a penalty of \$2,000 ~~\$1,000~~. For a
2302 domestic or industrial wastewater violation not involving a
2303 surface water or groundwater quality violation, the department
2304 shall assess a penalty of \$4,000 ~~\$2,000~~ for an unpermitted or
2305 unauthorized discharge or effluent-limitation exceedance or
2306 failure to comply with s. 403.061(14) or s. 403.086(7) or rules
2307 adopted thereunder. For an unpermitted or unauthorized discharge
2308 or effluent-limitation exceedance that resulted in a surface
2309 water or groundwater quality violation, the department shall
2310 assess a penalty of \$10,000 ~~\$5,000~~.

2311 (9) The administrative penalties assessed for any
2312 particular violation shall not exceed \$10,000 ~~\$5,000~~ against any
2313 one violator, unless the violator has a history of
2314 noncompliance, the economic benefit of the violation as
2315 described in subsection (8) exceeds \$10,000 ~~\$5,000~~, or there are
2316 multiday violations. The total administrative penalties shall
2317 not exceed \$50,000 ~~\$10,000~~ per assessment for all violations
2318 attributable to a specific person in the notice of violation.

2319 Section 22. Subsection (7) of section 403.1835, Florida
2320 Statutes, is amended to read:

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2321 403.1835 Water pollution control financial assistance.—
2322 (7) Eligible projects must be given priority according to
2323 the extent each project is intended to remove, mitigate, or
2324 prevent adverse effects on surface or ground water quality and
2325 public health. The relative costs of achieving environmental and
2326 public health benefits must be taken into consideration during
2327 the department's assignment of project priorities. The
2328 department shall adopt a priority system by rule. In developing
2329 the priority system, the department shall give priority to
2330 projects that:

- 2331 (a) Eliminate public health hazards;
- 2332 (b) Enable compliance with laws requiring the elimination
2333 of discharges to specific water bodies, including the
2334 requirements of s. 403.086(10) ~~s. 403.086(9)~~ regarding domestic
2335 wastewater ocean outfalls;
- 2336 (c) Assist in the implementation of total maximum daily
2337 loads adopted under s. 403.067;
- 2338 (d) Enable compliance with other pollution control
2339 requirements, including, but not limited to, toxics control,
2340 wastewater residuals management, and reduction of nutrients and
2341 bacteria;
- 2342 (e) Assist in the implementation of surface water
2343 improvement and management plans and pollutant load reduction
2344 goals developed under state water policy;
- 2345 (f) Promote reclaimed water reuse;
- 2346 (g) Eliminate failing onsite sewage treatment and disposal
2347 systems or those that are causing environmental damage; ~~or~~
- 2348 (h) Reduce pollutants to and otherwise promote the
2349 restoration of Florida's surface and ground waters; ;

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2350 (i) Implement the requirements of s. 403.086(7) or s.
2351 403.088(2)(c); or
2352 (j) Promote efficiency by planning for the installation of
2353 wastewater transmission facilities to be constructed
2354 concurrently with other construction projects occurring within
2355 or along a transportation facility right-of-way.

2356 Section 23. Paragraph (b) of subsection (3) of section
2357 403.1838, Florida Statutes, is amended to read:

2358 403.1838 Small Community Sewer Construction Assistance
2359 Act.—

2360 (3)

2361 (b) The rules of the Environmental Regulation Commission
2362 must:

2363 1. Require that projects to plan, design, construct,
2364 upgrade, or replace wastewater collection, transmission,
2365 treatment, disposal, and reuse facilities be cost-effective,
2366 environmentally sound, permittable, and implementable.

2367 2. Require appropriate user charges, connection fees, and
2368 other charges sufficient to ensure the long-term operation,
2369 maintenance, and replacement of the facilities constructed under
2370 each grant.

2371 3. Require grant applications to be submitted on
2372 appropriate forms with appropriate supporting documentation, and
2373 require records to be maintained.

2374 4. Establish a system to determine eligibility of grant
2375 applications.

2376 5. Establish a system to determine the relative priority of
2377 grant applications. The system must consider public health
2378 protection and water pollution prevention or abatement and must

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2379 prioritize projects that plan for the installation of wastewater
2380 transmission facilities to be constructed concurrently with
2381 other construction projects occurring within or along a
2382 transportation facility right-of-way.

2383 6. Establish requirements for competitive procurement of
2384 engineering and construction services, materials, and equipment.

2385 7. Provide for termination of grants when program
2386 requirements are not met.

2387 Section 24. Subsection (9) is added to section 403.412,
2388 Florida Statutes, to read:

2389 403.412 Environmental Protection Act.—

2390 (9) (a) A local government regulation, ordinance, code,
2391 rule, comprehensive plan, charter, or any other provision of law
2392 may not recognize or grant any legal rights to a plant, an
2393 animal, a body of water, or any other part of the natural
2394 environment that is not a person or political subdivision as
2395 defined in s. 1.01(8) or grant such person or political
2396 subdivision any specific rights relating to the natural
2397 environment not otherwise authorized in general law or
2398 specifically granted in the State Constitution.

2399 (b) This subsection does not limit the power of an
2400 adversely affected party to challenge the consistency of a
2401 development order with a comprehensive plan as provided in s.
2402 163.3215 or to file an action for injunctive relief to enforce
2403 the terms of a development agreement or challenge compliance of
2404 the agreement as provided in s. 163.3243.

2405 (c) This subsection does not limit the standing of the
2406 Department of Legal Affairs, a political subdivision or
2407 municipality of the state, or a citizen of the state to maintain

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2408 an action for injunctive relief as provided in this section.

2409 Section 25. The Legislature determines and declares that
2410 this act fulfills an important state interest.

2411 Section 26. Effective July 1, 2021, subsection (5) of
2412 section 153.54, Florida Statutes, is amended to read:

2413 153.54 Preliminary report by county commissioners with
2414 respect to creation of proposed district.—Upon receipt of a
2415 petition duly signed by not less than 25 qualified electors who
2416 are also freeholders residing within an area proposed to be
2417 incorporated into a water and sewer district pursuant to this
2418 law and describing in general terms the proposed boundaries of
2419 such proposed district, the board of county commissioners if it
2420 shall deem it necessary and advisable to create and establish
2421 such proposed district for the purpose of constructing,
2422 establishing or acquiring a water system or a sewer system or
2423 both in and for such district (herein called "improvements"),
2424 shall first cause a preliminary report to be made which such
2425 report together with any other relevant or pertinent matters,
2426 shall include at least the following:

2427 (5) For the construction of a new proposed central sewerage
2428 system or the extension of an existing sewerage system that was
2429 not previously approved, the report shall include a study that
2430 includes the available information from the Department of
2431 Environmental Protection ~~Health~~ on the history of onsite sewage
2432 treatment and disposal systems currently in use in the area and
2433 a comparison of the projected costs to the owner of a typical
2434 lot or parcel of connecting to and using the proposed sewerage
2435 system versus installing, operating, and properly maintaining an
2436 onsite sewage treatment and disposal system that is approved by

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2437 the Department of Environmental Protection ~~Health~~ and that
2438 provides for the comparable level of environmental and health
2439 protection as the proposed central sewerage system;
2440 consideration of the local authority's obligations or reasonably
2441 anticipated obligations for water body cleanup and protection
2442 under state or federal programs, including requirements for
2443 water bodies listed under s. 303(d) of the Clean Water Act, Pub.
2444 L. No. 92-500, 33 U.S.C. ss. 1251 et seq.; and other factors
2445 deemed relevant by the local authority.

2446

2447 Such report shall be filed in the office of the clerk of the
2448 circuit court and shall be open for the inspection of any
2449 taxpayer, property owner, qualified elector or any other
2450 interested or affected person.

2451 Section 27. Effective July 1, 2021, paragraph (c) of
2452 subsection (2) of section 153.73, Florida Statutes, is amended
2453 to read:

2454 153.73 Assessable improvements; levy and payment of special
2455 assessments.—Any district may provide for the construction or
2456 reconstruction of assessable improvements as defined in s.
2457 153.52, and for the levying of special assessments upon
2458 benefited property for the payment thereof, under ~~the provisions~~
2459 ~~of~~ this section.

2460 (2)

2461 (c) For the construction of a new proposed central sewerage
2462 system or the extension of an existing sewerage system that was
2463 not previously approved, the report shall include a study that
2464 includes the available information from the Department of
2465 Environmental Protection ~~Health~~ on the history of onsite sewage

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2466 treatment and disposal systems currently in use in the area and
2467 a comparison of the projected costs to the owner of a typical
2468 lot or parcel of connecting to and using the proposed sewerage
2469 system versus installing, operating, and properly maintaining an
2470 onsite sewage treatment and disposal system that is approved by
2471 the Department of Environmental Protection ~~Health~~ and that
2472 provides for the comparable level of environmental and health
2473 protection as the proposed central sewerage system;
2474 consideration of the local authority's obligations or reasonably
2475 anticipated obligations for water body cleanup and protection
2476 under state or federal programs, including requirements for
2477 water bodies listed under s. 303(d) of the Clean Water Act, Pub.
2478 L. No. 92-500, 33 U.S.C. ss. 1251 et seq.; and other factors
2479 deemed relevant by the local authority.

2480 Section 28. Effective July 1, 2021, subsection (2) of
2481 section 163.3180, Florida Statutes, is amended to read:

2482 163.3180 Concurrency.—

2483 (2) Consistent with public health and safety, sanitary
2484 sewer, solid waste, drainage, adequate water supplies, and
2485 potable water facilities shall be in place and available to
2486 serve new development no later than the issuance by the local
2487 government of a certificate of occupancy or its functional
2488 equivalent. Prior to approval of a building permit or its
2489 functional equivalent, the local government shall consult with
2490 the applicable water supplier to determine whether adequate
2491 water supplies to serve the new development will be available no
2492 later than the anticipated date of issuance by the local
2493 government of a certificate of occupancy or its functional
2494 equivalent. A local government may meet the concurrency

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2495 requirement for sanitary sewer through the use of onsite sewage
2496 treatment and disposal systems approved by the Department of
2497 Environmental Protection Health to serve new development.

2498 Section 29. Effective July 1, 2021, subsection (3) of
2499 section 180.03, Florida Statutes, is amended to read:

2500 180.03 Resolution or ordinance proposing construction or
2501 extension of utility; objections to same.-

2502 (3) For the construction of a new proposed central sewerage
2503 system or the extension of an existing central sewerage system
2504 that was not previously approved, the report shall include a
2505 study that includes the available information from the
2506 Department of Environmental Protection Health on the history of
2507 onsite sewage treatment and disposal systems currently in use in
2508 the area and a comparison of the projected costs to the owner of
2509 a typical lot or parcel of connecting to and using the proposed
2510 central sewerage system versus installing, operating, and
2511 properly maintaining an onsite sewage treatment and disposal
2512 system that is approved by the Department of Environmental
2513 Protection Health and that provides for the comparable level of
2514 environmental and health protection as the proposed central
2515 sewerage system; consideration of the local authority's
2516 obligations or reasonably anticipated obligations for water body
2517 cleanup and protection under state or federal programs,
2518 including requirements for water bodies listed under s. 303(d)
2519 of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251
2520 et seq.; and other factors deemed relevant by the local
2521 authority. The results of such a study shall be included in the
2522 resolution or ordinance required under subsection (1).

2523 Section 30. Subsections (2), (3), and (6) of section

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2524 311.105, Florida Statutes, are amended to read:

2525 311.105 Florida Seaport Environmental Management Committee;
2526 permitting; mitigation.-

2527 (2) Each application for a permit authorized pursuant to s.
2528 403.061(38) ~~s. 403.061(37)~~ must include:

2529 (a) A description of maintenance dredging activities to be
2530 conducted and proposed methods of dredged-material management.

2531 (b) A characterization of the materials to be dredged and
2532 the materials within dredged-material management sites.

2533 (c) A description of dredged-material management sites and
2534 plans.

2535 (d) A description of measures to be undertaken, including
2536 environmental compliance monitoring, to minimize adverse
2537 environmental effects of maintenance dredging and dredged-
2538 material management.

2539 (e) Such scheduling information as is required to
2540 facilitate state supplementary funding of federal maintenance
2541 dredging and dredged-material management programs consistent
2542 with beach restoration criteria of the Department of
2543 Environmental Protection.

2544 (3) Each application for a permit authorized pursuant to s.
2545 403.061(39) ~~s. 403.061(38)~~ must include ~~the provisions of~~
2546 paragraphs (2) (b)-(e) and the following:

2547 (a) A description of dredging and dredged-material
2548 management and other related activities associated with port
2549 development, including the expansion of navigation channels,
2550 dredged-material management sites, port harbors, turning basins,
2551 harbor berths, and associated facilities.

2552 (b) A discussion of environmental mitigation as is proposed

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2553 for dredging and dredged-material management for port
2554 development, including the expansion of navigation channels,
2555 dredged-material management sites, port harbors, turning basins,
2556 harbor berths, and associated facilities.

2557 (6) Dredged-material management activities authorized
2558 pursuant to s. 403.061(38) ~~s. 403.061(37)~~ or s. 403.061(39) ~~(38)~~
2559 shall be incorporated into port master plans developed pursuant
2560 to s. 163.3178(2)(k).

2561 Section 31. Paragraph (d) of subsection (1) of section
2562 327.46, Florida Statutes, is amended to read:

2563 327.46 Boating-restricted areas.—

2564 (1) Boating-restricted areas, including, but not limited
2565 to, restrictions of vessel speeds and vessel traffic, may be
2566 established on the waters of this state for any purpose
2567 necessary to protect the safety of the public if such
2568 restrictions are necessary based on boating accidents,
2569 visibility, hazardous currents or water levels, vessel traffic
2570 congestion, or other navigational hazards or to protect
2571 seagrasses on privately owned submerged lands.

2572 (d) Owners of private submerged lands that are adjacent to
2573 Outstanding Florida Waters, as defined in s. 403.061(28) ~~s.~~
2574 ~~403.061(27)~~, or an aquatic preserve established under ss.
2575 258.39-258.399 may request that the commission establish
2576 boating-restricted areas solely to protect any seagrass and
2577 contiguous seagrass habitat within their private property
2578 boundaries from seagrass scarring due to propeller dredging.
2579 Owners making a request pursuant to this paragraph must
2580 demonstrate to the commission clear ownership of the submerged
2581 lands. The commission shall adopt rules to implement this

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2582 paragraph, including, but not limited to, establishing an
2583 application process and criteria for meeting the requirements of
2584 this paragraph. Each approved boating-restricted area shall be
2585 established by commission rule. For marking boating-restricted
2586 zones established pursuant to this paragraph, owners of
2587 privately submerged lands shall apply to the commission for a
2588 uniform waterway marker permit in accordance with ss. 327.40 and
2589 327.41, and shall be responsible for marking the boating-
2590 restricted zone in accordance with the terms of the permit.

2591 Section 32. Paragraph (d) of subsection (3) of section
2592 373.250, Florida Statutes, is amended to read:

2593 373.250 Reuse of reclaimed water.—

2594 (3)

2595 (d) The South Florida Water Management District shall
2596 require the use of reclaimed water made available by the
2597 elimination of wastewater ocean outfall discharges as provided
2598 for in s. 403.086(10) ~~s. 403.086(9)~~ in lieu of surface water or
2599 groundwater when the use of reclaimed water is available; is
2600 environmentally, economically, and technically feasible; and is
2601 of such quality and reliability as is necessary to the user.
2602 Such reclaimed water may also be required in lieu of other
2603 alternative sources. In determining whether to require such
2604 reclaimed water in lieu of other alternative sources, the water
2605 management district shall consider existing infrastructure
2606 investments in place or obligated to be constructed by an
2607 executed contract or similar binding agreement as of July 1,
2608 2011, for the development of other alternative sources.

2609 Section 33. Subsection (9) of section 373.414, Florida
2610 Statutes, is amended to read:

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2611 373.414 Additional criteria for activities in surface
2612 waters and wetlands.—

2613 (9) The department and the governing boards, on or before
2614 July 1, 1994, shall adopt rules to incorporate ~~the provisions of~~
2615 this section, relying primarily on the existing rules of the
2616 department and the water management districts, into the rules
2617 governing the management and storage of surface waters. Such
2618 rules shall seek to achieve a statewide, coordinated and
2619 consistent permitting approach to activities regulated under
2620 this part. Variations in permitting criteria in the rules of
2621 individual water management districts or the department shall
2622 only be provided to address differing physical or natural
2623 characteristics. Such rules adopted pursuant to this subsection
2624 shall include the special criteria adopted pursuant to s.
2625 403.061(30) ~~s. 403.061(29)~~ and may include the special criteria
2626 adopted pursuant to s. 403.061(35) ~~s. 403.061(34)~~. Such rules
2627 shall include a provision requiring that a notice of intent to
2628 deny or a permit denial based upon this section shall contain an
2629 explanation of the reasons for such denial and an explanation,
2630 in general terms, of what changes, if any, are necessary to
2631 address such reasons for denial. Such rules may establish
2632 exemptions and general permits, if such exemptions and general
2633 permits do not allow significant adverse impacts to occur
2634 individually or cumulatively. Such rules may require submission
2635 of proof of financial responsibility which may include the
2636 posting of a bond or other form of surety prior to the
2637 commencement of construction to provide reasonable assurance
2638 that any activity permitted pursuant to this section, including
2639 any mitigation for such permitted activity, will be completed in

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2640 accordance with the terms and conditions of the permit once the
2641 construction is commenced. Until rules adopted pursuant to this
2642 subsection become effective, existing rules adopted under this
2643 part and rules adopted pursuant to the authority of ss. 403.91-
2644 403.929 shall be deemed authorized under this part and shall
2645 remain in full force and effect. Neither the department nor the
2646 governing boards are limited or prohibited from amending any
2647 such rules.

2648 Section 34. Paragraph (b) of subsection (4) of section
2649 373.705, Florida Statutes, is amended to read:

2650 373.705 Water resource development; water supply
2651 development.—

2652 (4)

2653 (b) Water supply development projects that meet the
2654 criteria in paragraph (a) and that meet one or more of the
2655 following additional criteria shall be given first consideration
2656 for state or water management district funding assistance:

2657 1. The project brings about replacement of existing sources
2658 in order to help implement a minimum flow or minimum water
2659 level;

2660 2. The project implements reuse that assists in the
2661 elimination of domestic wastewater ocean outfalls as provided in
2662 s. 403.086(10) ~~s. 403.086(9)~~; or

2663 3. The project reduces or eliminates the adverse effects of
2664 competition between legal users and the natural system.

2665 Section 35. Paragraph (f) of subsection (8) of section
2666 373.707, Florida Statutes, is amended to read:

2667 373.707 Alternative water supply development.—

2668 (8)

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- 2669 (f) The governing boards shall determine those projects
2670 that will be selected for financial assistance. The governing
2671 boards may establish factors to determine project funding;
2672 however, significant weight shall be given to the following
2673 factors:
- 2674 1. Whether the project provides substantial environmental
2675 benefits by preventing or limiting adverse water resource
2676 impacts.
 - 2677 2. Whether the project reduces competition for water
2678 supplies.
 - 2679 3. Whether the project brings about replacement of
2680 traditional sources in order to help implement a minimum flow or
2681 level or a reservation.
 - 2682 4. Whether the project will be implemented by a consumptive
2683 use permittee that has achieved the targets contained in a goal-
2684 based water conservation program approved pursuant to s.
2685 373.227.
 - 2686 5. The quantity of water supplied by the project as
2687 compared to its cost.
 - 2688 6. Projects in which the construction and delivery to end
2689 users of reuse water is a major component.
 - 2690 7. Whether the project will be implemented by a
2691 multijurisdictional water supply entity or regional water supply
2692 authority.
 - 2693 8. Whether the project implements reuse that assists in the
2694 elimination of domestic wastewater ocean outfalls as provided in
2695 s. 403.086(10) ~~s. 403.086(9)~~.
 - 2696 9. Whether the county or municipality, or the multiple
2697 counties or municipalities, in which the project is located has

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2698 implemented a high-water recharge protection tax assessment
2699 program as provided in s. 193.625.

2700 Section 36. Subsection (4) of section 373.709, Florida
2701 Statutes, is amended to read:

2702 373.709 Regional water supply planning.—

2703 (4) The South Florida Water Management District shall
2704 include in its regional water supply plan water resource and
2705 water supply development projects that promote the elimination
2706 of wastewater ocean outfalls as provided in s. 403.086(10) ~~s.~~
2707 ~~403.086(9)~~.

2708 Section 37. Effective July 1, 2021, subsection (3) of
2709 section 373.807, Florida Statutes, is amended to read:

2710 373.807 Protection of water quality in Outstanding Florida
2711 Springs.—By July 1, 2016, the department shall initiate
2712 assessment, pursuant to s. 403.067(3), of Outstanding Florida
2713 Springs or spring systems for which an impairment determination
2714 has not been made under the numeric nutrient standards in effect
2715 for spring vents. Assessments must be completed by July 1, 2018.

2716 (3) As part of a basin management action plan that includes
2717 an Outstanding Florida Spring, the department, ~~the Department of~~
2718 ~~Health~~, relevant local governments, and relevant local public
2719 and private wastewater utilities shall develop an onsite sewage
2720 treatment and disposal system remediation plan for a spring if
2721 the department determines onsite sewage treatment and disposal
2722 systems within a priority focus area contribute at least 20
2723 percent of nonpoint source nitrogen pollution or if the
2724 department determines remediation is necessary to achieve the
2725 total maximum daily load. The plan shall identify cost-effective
2726 and financially feasible projects necessary to reduce the

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2727 nutrient impacts from onsite sewage treatment and disposal
2728 systems and shall be completed and adopted as part of the basin
2729 management action plan no later than the first 5-year milestone
2730 required by subparagraph (1)(b)8. The department is the lead
2731 agency in coordinating the preparation of and the adoption of
2732 the plan. The department shall:

2733 (a) Collect and evaluate credible scientific information on
2734 the effect of nutrients, particularly forms of nitrogen, on
2735 springs and springs systems; and

2736 (b) Develop a public education plan to provide area
2737 residents with reliable, understandable information about onsite
2738 sewage treatment and disposal systems and springs.

2739
2740 In addition to the requirements in s. 403.067, the plan shall
2741 include options for repair, upgrade, replacement, drainfield
2742 modification, addition of effective nitrogen reducing features,
2743 connection to a central sewerage system, or other action for an
2744 onsite sewage treatment and disposal system or group of systems
2745 within a priority focus area that contribute at least 20 percent
2746 of nonpoint source nitrogen pollution or if the department
2747 determines remediation is necessary to achieve a total maximum
2748 daily load. For these systems, the department shall include in
2749 the plan a priority ranking for each system or group of systems
2750 that requires remediation and shall award funds to implement the
2751 remediation projects contingent on an appropriation in the
2752 General Appropriations Act, which may include all or part of the
2753 costs necessary for repair, upgrade, replacement, drainfield
2754 modification, addition of effective nitrogen reducing features,
2755 initial connection to a central sewerage system, or other

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2756 action. In awarding funds, the department may consider expected
2757 nutrient reduction benefit per unit cost, size and scope of
2758 project, relative local financial contribution to the project,
2759 and the financial impact on property owners and the community.
2760 The department may waive matching funding requirements for
2761 proposed projects within an area designated as a rural area of
2762 opportunity under s. 288.0656.

2763 Section 38. Paragraph (k) of subsection (1) of section
2764 376.307, Florida Statutes, is amended to read:

2765 376.307 Water Quality Assurance Trust Fund.—

2766 (1) The Water Quality Assurance Trust Fund is intended to
2767 serve as a broad-based fund for use in responding to incidents
2768 of contamination that pose a serious danger to the quality of
2769 groundwater and surface water resources or otherwise pose a
2770 serious danger to the public health, safety, or welfare. Moneys
2771 in this fund may be used:

2772 (k) For funding activities described in s. 403.086(10) ~~s.~~
2773 ~~403.086(9)~~ which are authorized for implementation under the
2774 Leah Schad Memorial Ocean Outfall Program.

2775 Section 39. Paragraph (i) of subsection (2), paragraph (b)
2776 of subsection (4), paragraph (j) of subsection (7), and
2777 paragraph (a) of subsection (9) of section 380.0552, Florida
2778 Statutes, are amended to read:

2779 380.0552 Florida Keys Area; protection and designation as
2780 area of critical state concern.—

2781 (2) LEGISLATIVE INTENT.—It is the intent of the Legislature
2782 to:

2783 (i) Protect and improve the nearshore water quality of the
2784 Florida Keys through federal, state, and local funding of water

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2785 quality improvement projects, including the construction and
2786 operation of wastewater management facilities that meet the
2787 requirements of ss. 381.0065(4)(1) and 403.086(11) ~~403.086(10)~~,
2788 as applicable.

2789 (4) REMOVAL OF DESIGNATION.—

2790 (b) Beginning November 30, 2010, the state land planning
2791 agency shall annually submit a written report to the
2792 Administration Commission describing the progress of the Florida
2793 Keys Area toward completing the work program tasks specified in
2794 commission rules. The land planning agency shall recommend
2795 removing the Florida Keys Area from being designated as an area
2796 of critical state concern to the commission if it determines
2797 that:

2798 1. All of the work program tasks have been completed,
2799 including construction of, operation of, and connection to
2800 central wastewater management facilities pursuant to s.
2801 403.086(11) ~~s. 403.086(10)~~ and upgrade of onsite sewage
2802 treatment and disposal systems pursuant to s. 381.0065(4)(1);

2803 2. All local comprehensive plans and land development
2804 regulations and the administration of such plans and regulations
2805 are adequate to protect the Florida Keys Area, fulfill the
2806 legislative intent specified in subsection (2), and are
2807 consistent with and further the principles guiding development;
2808 and

2809 3. A local government has adopted a resolution at a public
2810 hearing recommending the removal of the designation.

2811 (7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional,
2812 and local agencies and units of government in the Florida Keys
2813 Area shall coordinate their plans and conduct their programs and

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2814 regulatory activities consistent with the principles for guiding
2815 development as specified in chapter 27F-8, Florida
2816 Administrative Code, as amended effective August 23, 1984, which
2817 is adopted and incorporated herein by reference. For the
2818 purposes of reviewing the consistency of the adopted plan, or
2819 any amendments to that plan, with the principles for guiding
2820 development, and any amendments to the principles, the
2821 principles shall be construed as a whole and specific provisions
2822 may not be construed or applied in isolation from the other
2823 provisions. However, the principles for guiding development are
2824 repealed 18 months from July 1, 1986. After repeal, any plan
2825 amendments must be consistent with the following principles:

2826 (j) Ensuring the improvement of nearshore water quality by
2827 requiring the construction and operation of wastewater
2828 management facilities that meet the requirements of ss.
2829 381.0065(4)(1) and s. 403.086(11) ~~403.086(10)~~, as applicable,
2830 and by directing growth to areas served by central wastewater
2831 treatment facilities through permit allocation systems.

2832 (9) MODIFICATION TO PLANS AND REGULATIONS.—

2833 (a) Any land development regulation or element of a local
2834 comprehensive plan in the Florida Keys Area may be enacted,
2835 amended, or rescinded by a local government, but the enactment,
2836 amendment, or rescission becomes effective only upon approval by
2837 the state land planning agency. The state land planning agency
2838 shall review the proposed change to determine if it is in
2839 compliance with the principles for guiding development specified
2840 in chapter 27F-8, Florida Administrative Code, as amended
2841 effective August 23, 1984, and must approve or reject the
2842 requested changes within 60 days after receipt. Amendments to

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2843 local comprehensive plans in the Florida Keys Area must also be
2844 reviewed for compliance with the following:

2845 1. Construction schedules and detailed capital financing
2846 plans for wastewater management improvements in the annually
2847 adopted capital improvements element, and standards for the
2848 construction of wastewater treatment and disposal facilities or
2849 collection systems that meet or exceed the criteria in s.
2850 403.086(11) ~~s. 403.086(10)~~ for wastewater treatment and disposal
2851 facilities or s. 381.0065(4)(1) for onsite sewage treatment and
2852 disposal systems.

2853 2. Goals, objectives, and policies to protect public safety
2854 and welfare in the event of a natural disaster by maintaining a
2855 hurricane evacuation clearance time for permanent residents of
2856 no more than 24 hours. The hurricane evacuation clearance time
2857 shall be determined by a hurricane evacuation study conducted in
2858 accordance with a professionally accepted methodology and
2859 approved by the state land planning agency.

2860 Section 40. Effective July 1, 2021, subsections (7) and
2861 (18) of section 381.006, Florida Statutes, are amended to read:

2862 381.006 Environmental health.—The department shall conduct
2863 an environmental health program as part of fulfilling the
2864 state's public health mission. The purpose of this program is to
2865 detect and prevent disease caused by natural and manmade factors
2866 in the environment. The environmental health program shall
2867 include, but not be limited to:

2868 ~~(7) An onsite sewage treatment and disposal function.~~

2869 (17) ~~(18)~~ A food service inspection function for domestic
2870 violence centers that are certified by the Department of
2871 Children and Families and monitored by the Florida Coalition

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2872 Against Domestic Violence under part XII of chapter 39 and group
2873 care homes as described in subsection (15) ~~(16)~~, which shall be
2874 conducted annually and be limited to the requirements in
2875 department rule applicable to community-based residential
2876 facilities with five or fewer residents.

2877
2878 The department may adopt rules to carry out the provisions of
2879 this section.

2880 Section 41. Effective July 1, 2021, subsection (1) of
2881 section 381.0061, Florida Statutes, is amended to read:

2882 381.0061 Administrative fines.—

2883 (1) In addition to any administrative action authorized by
2884 chapter 120 or by other law, the department may impose a fine,
2885 which may ~~shall~~ not exceed \$500 for each violation, for a
2886 violation of s. 381.006(15) ~~s. 381.006(16)~~, s. 381.0065, s.
2887 381.0066, s. 381.0072, or part III of chapter 489, for a
2888 violation of any rule adopted under this chapter, or for a
2889 violation of ~~any of the provisions of~~ chapter 386. Notice of
2890 intent to impose such fine shall be given by the department to
2891 the alleged violator. Each day that a violation continues may
2892 constitute a separate violation.

2893 Section 42. Effective July 1, 2021, subsection (1) of
2894 section 381.0064, Florida Statutes, is amended to read:

2895 381.0064 Continuing education courses for persons
2896 installing or servicing septic tanks.—

2897 (1) The Department of Environmental Protection ~~Health~~ shall
2898 establish a program for continuing education which meets the
2899 purposes of ss. 381.0101 and 489.554 regarding the public health
2900 and environmental effects of onsite sewage treatment and

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2901 disposal systems and any other matters the department determines
2902 desirable for the safe installation and use of onsite sewage
2903 treatment and disposal systems. The department may charge a fee
2904 to cover the cost of such program.

2905 Section 43. Effective July 1, 2021, paragraph (d) of
2906 subsection (7), subsection (8), and paragraphs (b), (c), and (d)
2907 of subsection (9) of section 381.00651, Florida Statutes, are
2908 amended to read:

2909 381.00651 Periodic evaluation and assessment of onsite
2910 sewage treatment and disposal systems.—

2911 (7) The following procedures shall be used for conducting
2912 evaluations:

2913 (d) *Assessment procedure.*—All evaluation procedures used by
2914 a qualified contractor shall be documented in the environmental
2915 health database of the Department of Environmental Protection
2916 ~~Health~~. The qualified contractor shall provide a copy of a
2917 written, signed evaluation report to the property owner upon
2918 completion of the evaluation and to the county health department
2919 within 30 days after the evaluation. The report must ~~shall~~
2920 contain the name and license number of the company providing the
2921 report. A copy of the evaluation report shall be retained by the
2922 local county health department for a minimum of 5 years and
2923 until a subsequent inspection report is filed. The front cover
2924 of the report must identify any system failure and include a
2925 clear and conspicuous notice to the owner that the owner has a
2926 right to have any remediation of the failure performed by a
2927 qualified contractor other than the contractor performing the
2928 evaluation. The report must further identify any crack, leak,
2929 improper fit, or other defect in the tank, manhole, or lid, and

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2930 any other damaged or missing component; any sewage or effluent
2931 visible on the ground or discharging to a ditch or other surface
2932 water body; any downspout, stormwater, or other source of water
2933 directed onto or toward the system; and any other maintenance
2934 need or condition of the system at the time of the evaluation
2935 which, in the opinion of the qualified contractor, would
2936 possibly interfere with or restrict any future repair or
2937 modification to the existing system. The report shall conclude
2938 with an overall assessment of the fundamental operational
2939 condition of the system.

2940 (8) The county health department, in coordination with the
2941 department, shall administer any evaluation program on behalf of
2942 a county, or a municipality within the county, that has adopted
2943 an evaluation program pursuant to this section. In order to
2944 administer the evaluation program, the county or municipality,
2945 in consultation with the county health department, may develop a
2946 reasonable fee schedule to be used solely to pay for the costs
2947 of administering the evaluation program. Such a fee schedule
2948 shall be identified in the ordinance that adopts the evaluation
2949 program. When arriving at a reasonable fee schedule, the
2950 estimated annual revenues to be derived from fees may not exceed
2951 reasonable estimated annual costs of the program. Fees shall be
2952 assessed to the system owner during an inspection and separately
2953 identified on the invoice of the qualified contractor. Fees
2954 shall be remitted by the qualified contractor to the county
2955 health department. The county health department's administrative
2956 responsibilities include the following:

2957 (a) Providing a notice to the system owner at least 60 days
2958 before the system is due for an evaluation. The notice may

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2959 include information on the proper maintenance of onsite sewage
2960 treatment and disposal systems.

2961 (b) In consultation with the department ~~of Health~~,
2962 providing uniform disciplinary procedures and penalties for
2963 qualified contractors who do not comply with the requirements of
2964 the adopted ordinance, including, but not limited to, failure to
2965 provide the evaluation report as required in this subsection to
2966 the system owner and the county health department. Only the
2967 county health department may assess penalties against system
2968 owners for failure to comply with the adopted ordinance,
2969 consistent with existing requirements of law.

2970 (9)

2971 (b) Upon receipt of the notice under paragraph (a), the
2972 department ~~of Environmental Protection~~ shall, within existing
2973 resources, notify the county or municipality of the potential
2974 use of, and access to, program funds under the Clean Water State
2975 Revolving Fund or s. 319 of the Clean Water Act, provide
2976 guidance in the application process to receive such moneys, and
2977 provide advice and technical assistance to the county or
2978 municipality on how to establish a low-interest revolving loan
2979 program or how to model a revolving loan program after the low-
2980 interest loan program of the Clean Water State Revolving Fund.
2981 This paragraph does not obligate the department ~~of Environmental~~
2982 ~~Protection~~ to provide any county or municipality with money to
2983 fund such programs.

2984 (c) The department ~~of Health~~ may not adopt any rule that
2985 alters ~~the provisions of~~ this section.

2986 (d) The department ~~of Health~~ must allow county health
2987 departments and qualified contractors access to the

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2988 environmental health database to track relevant information and
 2989 assimilate data from assessment and evaluation reports of the
 2990 overall condition of onsite sewage treatment and disposal
 2991 systems. The environmental health database must be used by
 2992 contractors to report each service and evaluation event and by a
 2993 county health department to notify owners of onsite sewage
 2994 treatment and disposal systems when evaluations are due. Data
 2995 and information must be recorded and updated as service and
 2996 evaluations are conducted and reported.

2997 Section 44. Effective July 1, 2021, paragraph (g) of
 2998 subsection (1) of section 381.0101, Florida Statutes, is amended
 2999 to read:

3000 381.0101 Environmental health professionals.—

3001 (1) DEFINITIONS.—As used in this section:

3002 (g) "Primary environmental health program" means those
 3003 programs determined by the department to be essential for
 3004 providing basic environmental and sanitary protection to the
 3005 public. At a minimum, these programs shall include food
 3006 protection program work and ~~onsite sewage treatment and disposal~~
 3007 ~~system evaluations.~~

3008 Section 45. Section 403.08601, Florida Statutes, is amended
 3009 to read:

3010 403.08601 Leah Schad Memorial Ocean Outfall Program.—The
 3011 Legislature declares that as funds become available the state
 3012 may assist the local governments and agencies responsible for
 3013 implementing the Leah Schad Memorial Ocean Outfall Program
 3014 pursuant to s. 403.086(10) ~~s. 403.086(9)~~. Funds received from
 3015 other sources provided for in law, the General Appropriations
 3016 Act, from gifts designated for implementation of the plan from

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3017 individuals, corporations, or other entities, or federal funds
3018 appropriated by Congress for implementation of the plan, may be
3019 deposited into an account of the Water Quality Assurance Trust
3020 Fund.

3021 Section 46. Section 403.0871, Florida Statutes, is amended
3022 to read:

3023 403.0871 Florida Permit Fee Trust Fund.—There is
3024 established within the department a nonlapsing trust fund to be
3025 known as the "Florida Permit Fee Trust Fund." All funds received
3026 from applicants for permits pursuant to ss. 161.041, 161.053,
3027 161.0535, 403.087(7) ~~403.087(6)~~, and 403.861(7) (a) shall be
3028 deposited in the Florida Permit Fee Trust Fund and shall be used
3029 by the department with the advice and consent of the Legislature
3030 to supplement appropriations and other funds received by the
3031 department for the administration of its responsibilities under
3032 this chapter and chapter 161. In no case shall funds from the
3033 Florida Permit Fee Trust Fund be used for salary increases
3034 without the approval of the Legislature.

3035 Section 47. Paragraph (a) of subsection (11) of section
3036 403.0872, Florida Statutes, is amended to read:

3037 403.0872 Operation permits for major sources of air
3038 pollution; annual operation license fee.—Provided that program
3039 approval pursuant to 42 U.S.C. s. 7661a has been received from
3040 the United States Environmental Protection Agency, beginning
3041 January 2, 1995, each major source of air pollution, including
3042 electrical power plants certified under s. 403.511, must obtain
3043 from the department an operation permit for a major source of
3044 air pollution under this section. This operation permit is the
3045 only department operation permit for a major source of air

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3046 pollution required for such source; provided, at the applicant's
3047 request, the department shall issue a separate acid rain permit
3048 for a major source of air pollution that is an affected source
3049 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits
3050 for major sources of air pollution, except general permits
3051 issued pursuant to s. 403.814, must be issued in accordance with
3052 the procedures contained in this section and in accordance with
3053 chapter 120; however, to the extent that chapter 120 is
3054 inconsistent with ~~the provisions of~~ this section, the procedures
3055 contained in this section prevail.

3056 (11) Each major source of air pollution permitted to
3057 operate in this state must pay between January 15 and April 1 of
3058 each year, upon written notice from the department, an annual
3059 operation license fee in an amount determined by department
3060 rule. The annual operation license fee shall be terminated
3061 immediately in the event the United States Environmental
3062 Protection Agency imposes annual fees solely to implement and
3063 administer the major source air-operation permit program in
3064 Florida under 40 C.F.R. s. 70.10(d).

3065 (a) The annual fee must be assessed based upon the source's
3066 previous year's emissions and must be calculated by multiplying
3067 the applicable annual operation license fee factor times the
3068 tons of each regulated air pollutant actually emitted, as
3069 calculated in accordance with the department's emissions
3070 computation and reporting rules. The annual fee shall only apply
3071 to those regulated pollutants, except carbon monoxide and
3072 greenhouse gases, for which an allowable numeric emission
3073 limiting standard is specified in the source's most recent
3074 construction or operation permit; provided, however, that:

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3075 1. The license fee factor is \$25 or another amount
3076 determined by department rule which ensures that the revenue
3077 provided by each year's operation license fees is sufficient to
3078 cover all reasonable direct and indirect costs of the major
3079 stationary source air-operation permit program established by
3080 this section. The license fee factor may be increased beyond \$25
3081 only if the secretary of the department affirmatively finds that
3082 a shortage of revenue for support of the major stationary source
3083 air-operation permit program will occur in the absence of a fee
3084 factor adjustment. The annual license fee factor may never
3085 exceed \$35.

3086 2. The amount of each regulated air pollutant in excess of
3087 4,000 tons per year emitted by any source, or group of sources
3088 belonging to the same Major Group as described in the Standard
3089 Industrial Classification Manual, 1987, may not be included in
3090 the calculation of the fee. Any source, or group of sources,
3091 which does not emit any regulated air pollutant in excess of
3092 4,000 tons per year, is allowed a one-time credit not to exceed
3093 25 percent of the first annual licensing fee for the prorated
3094 portion of existing air-operation permit application fees
3095 remaining upon commencement of the annual licensing fees.

3096 3. If the department has not received the fee by March 1 of
3097 the calendar year, the permittee must be sent a written warning
3098 of the consequences for failing to pay the fee by April 1. If
3099 the fee is not postmarked by April 1 of the calendar year, the
3100 department shall impose, in addition to the fee, a penalty of 50
3101 percent of the amount of the fee, plus interest on such amount
3102 computed in accordance with s. 220.807. The department may not
3103 impose such penalty or interest on any amount underpaid,

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3104 provided that the permittee has timely remitted payment of at
3105 least 90 percent of the amount determined to be due and remits
3106 full payment within 60 days after receipt of notice of the
3107 amount underpaid. The department may waive the collection of
3108 underpayment and may ~~shall~~ not be required to refund overpayment
3109 of the fee, if the amount due is less than 1 percent of the fee,
3110 up to \$50. The department may revoke any major air pollution
3111 source operation permit if it finds that the permitholder has
3112 failed to timely pay any required annual operation license fee,
3113 penalty, or interest.

3114 4. Notwithstanding the computational provisions of this
3115 subsection, the annual operation license fee for any source
3116 subject to this section may ~~shall~~ not be less than \$250, except
3117 that the annual operation license fee for sources permitted
3118 solely through general permits issued under s. 403.814 may ~~shall~~
3119 not exceed \$50 per year.

3120 5. Notwithstanding s. 403.087(7)(a)5.a., which authorizes
3121 ~~the provisions of s. 403.087(6)(a)5.a., authorizing air~~
3122 pollution construction permit fees, the department may not
3123 require such fees for changes or additions to a major source of
3124 air pollution permitted pursuant to this section, unless the
3125 activity triggers permitting requirements under Title I, Part C
3126 or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-
3127 7514a. Costs to issue and administer such permits shall be
3128 considered direct and indirect costs of the major stationary
3129 source air-operation permit program under s. 403.0873. The
3130 department shall, however, require fees pursuant to s.
3131 403.087(7)(a)5.a. ~~the provisions of s. 403.087(6)(a)5.a.~~ for the
3132 construction of a new major source of air pollution that will be

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3133 subject to the permitting requirements of this section once
3134 constructed and for activities triggering permitting
3135 requirements under Title I, Part C or Part D, of the federal
3136 Clean Air Act, 42 U.S.C. ss. 7470-7514a.

3137 Section 48. Paragraph (d) of subsection (3) of section
3138 403.707, Florida Statutes, is amended to read:

3139 403.707 Permits.—

3140 (3)

3141 (d) The department may adopt rules to administer this
3142 subsection. However, the department is not required to submit
3143 such rules to the Environmental Regulation Commission for
3144 approval. Notwithstanding the limitations of s. 403.087(7)(a) ~~s.~~
3145 ~~403.087(6)(a)~~, permit fee caps for solid waste management
3146 facilities shall be prorated to reflect the extended permit term
3147 authorized by this subsection.

3148 Section 49. Subsections (8) and (21) of section 403.861,
3149 Florida Statutes, are amended to read:

3150 403.861 Department; powers and duties.—The department shall
3151 have the power and the duty to carry out the provisions and
3152 purposes of this act and, for this purpose, to:

3153 (8) Initiate rulemaking to increase each drinking water
3154 permit application fee authorized under s. 403.087(7) ~~s.~~
3155 ~~403.087(6)~~ and this part and adopted by rule to ensure that such
3156 fees are increased to reflect, at a minimum, any upward
3157 adjustment in the Consumer Price Index compiled by the United
3158 States Department of Labor, or similar inflation indicator,
3159 since the original fee was established or most recently revised.

3160 (a) The department shall establish by rule the inflation
3161 index to be used for this purpose. The department shall review

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3162 the drinking water permit application fees authorized under s.
3163 403.087(7) ~~s. 403.087(6)~~ and this part at least once every 5
3164 years and shall adjust the fees upward, as necessary, within the
3165 established fee caps to reflect changes in the Consumer Price
3166 Index or similar inflation indicator. In the event of deflation,
3167 the department shall consult with the Executive Office of the
3168 Governor and the Legislature to determine whether downward fee
3169 adjustments are appropriate based on the current budget and
3170 appropriation considerations. The department shall also review
3171 the drinking water operation license fees established pursuant
3172 to paragraph (7) (b) at least once every 5 years to adopt, as
3173 necessary, the same inflationary adjustments provided for in
3174 this subsection.

3175 (b) The minimum fee amount shall be the minimum fee
3176 prescribed in this section, and such fee amount shall remain in
3177 effect until the effective date of fees adopted by rule by the
3178 department.

3179 (21) (a) Upon issuance of a construction permit to construct
3180 a new public water system drinking water treatment facility to
3181 provide potable water supply using a surface water that, at the
3182 time of the permit application, is not being used as a potable
3183 water supply, and the classification of which does not include
3184 potable water supply as a designated use, the department shall
3185 add treated potable water supply as a designated use of the
3186 surface water segment in accordance with s. 403.061(30) (b) ~~s.~~
3187 ~~403.061(29) (b)~~.

3188 (b) For existing public water system drinking water
3189 treatment facilities that use a surface water as a treated
3190 potable water supply, which surface water classification does

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3191 not include potable water supply as a designated use, the
3192 department shall add treated potable water supply as a
3193 designated use of the surface water segment in accordance with
3194 s. 403.061(30)(b) ~~s. 403.061(29)(b)~~.

3195 Section 50. Effective July 1, 2021, subsection (1) of
3196 section 489.551, Florida Statutes, is amended to read:

3197 489.551 Definitions.—As used in this part:

3198 (1) "Department" means the Department of Environmental
3199 Protection Health.

3200 Section 51. Paragraph (b) of subsection (10) of section
3201 590.02, Florida Statutes, is amended to read:

3202 590.02 Florida Forest Service; powers, authority, and
3203 duties; liability; building structures; Withlacoochee Training
3204 Center.—

3205 (10)

3206 (b) The Florida Forest Service may delegate to a county,
3207 municipality, or special district its authority:

3208 1. As delegated by the Department of Environmental
3209 Protection pursuant to ss. 403.061(29) ~~ss. 403.061(28)~~ and
3210 403.081, to manage and enforce regulations pertaining to the
3211 burning of yard trash in accordance with s. 590.125(6).

3212 2. To manage the open burning of land clearing debris in
3213 accordance with s. 590.125.

3214 Section 52. The Division of Law Revision is directed to
3215 replace the phrase "before the rules identified in paragraph (e)
3216 take effect" as it is used in the amendment made by this act to
3217 s. 381.0065(4)(f), Florida Statutes, with the date such rules
3218 are adopted, as provided by the Department of Environmental
3219 Protection pursuant to s. 381.0065(4)(e), Florida Statutes, as

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3220 amended by this act.

3221 Section 53. Except as otherwise expressly provided in this

3222 act, this act shall take effect July 1, 2020.