

FINAL REPORT

// 2020 LEGISLATIVE SESSION

+ MARINE INDUSTRIES ASSOCIATION OF FLORIDA

APRIL 16, 2020



// FINAL REPORT

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The Florida Legislature adjourned “Sine Die” March 19, 2020. The extended Legislative Session whimpered to an untraditional close as the threat of corona virus permeated the halls of the Florida Capitol.

Since the last Legislative Report, the world as we know it has changed, and we are all trying to adjust to our new reality and make adjustments in an ever changing environment. Numerous executive orders from Tallahassee and local orders all add to the constantly evolving changes we are having to adapt to personally and professionally.

COVID

Attached for your information, is a quick reference sheet for some of the websites you might find useful to get COVID information. Timmins Consulting will continue to try and keep MIAF updated on the latest happenings related to COVID.

COVID is dominating the headlines, but we need to tie up some loose ends from the end of the 2020 Legislative Session. Even though they passed a \$93.2 billion Appropriations Act, it is still unknown what kind of fiscal impact the virus will have on revenues. Until the Governor acts on the budget, we can only hypothesize whether or not we will be back for a Special Session this year.

Bills

Below are a few of the bills we highlighted this Legislative Session for your information. The quick summary is none of the bills passed both chambers and became enrolled.

Senate Bill 826 regarding Marina Evacuations contained negotiated language by Boat US. This bill dealt with marina evacuations for marinas located within deepwater seaports. The language was also in the Senate House and Senate Transportation package also known as House Bill 395. Senate Bill 826 passed the Senate 39-0, but died in Messages. The bill did not pass and I would anticipate it will be filed again next year.

House Bill 395 regarding Transportation became the proposed legislation that contained all things boating by the end of Session. This bill had the compromise Marina Evacuation language in it and had the City of St.

Petersburg/Vessel negotiated language from Senate Bill 1378 in it as well. House Bill 395 passed the House of Representatives 118-0. The bill was never taken up in the Senate. The bill did not pass, therefore neither did the Marina Evacuation language or the Saint Petersburg language. I would anticipate both the Marina Evacuation language and the Saint Petersburg language to resurface next session. Attached is a version of the engrossed version of House Bill 395. The Saint Petersburg negotiated language starts on page 29, line 716. The Marina Evacuation negotiated language starts on page 33, line 821.

SB 606 regarding Anchoring Limitation Areas was never heard since the first week of Session. The House companion, HB 417 was not heard in its first committee of reference. Anchoring issues will continue to be something we will have to contend with every Legislative Session until we can address this statewide.

SB 1378 regarding Vessels by Senator Rouson also known as the Saint Petersburg bill did not pass this Legislative Session. The language was negotiated for weeks and ultimately was included in House Bill 395 referenced above. Again, House Bill 395 did not pass.

That is just a brief summary for your review. Attached is also the entire bill tracking list from the 2020 Legislative Session. We follow numerous bills as so many can become vehicles for amendments.

Budget

At the end of the report, you will find a few of the budget items we follow for Marine Industries Association of Florida. Again, we must wait to see how COVID will impact the recently passed budget that takes effect July 1, 2020. We will keep you updated as soon as we receive the information.

Next Year

We have also attached preliminary dates for the 2021 Legislative Session for your convenience.

We appreciate the opportunity to be your voice in Tallahassee!



Margaret "Missy" Timmins
President
Timmins Consulting, LLC

// ANCHORING LIMITATION AREAS

Senate Bill 606 // Sen. Aaron Bean // Referred to: Environment and Natural Resources; Community Affairs; Rules

House Bill 417 // Rep. Wyman Duggan // Referred to: Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

HOUSE/SENATE BILL RELATIONSHIP: *SIMILAR*

CS/Senate Bill 606: SB 606 adds the Ortega and Cedar rivers to the list of designated anchoring limitation areas, which restricts the anchoring of a vessel in such areas at night with certain exceptions.

Most Recent Action: Died in Community Affairs

House Bill 417: HB 417 adds the Ortega and Cedar rivers to the list of designated anchoring limitation areas, which restricts the anchoring of a vessel in such areas at night with certain exceptions.

Most Recent Action: Died in Agriculture and Natural Resources Subcommittee

Attached documents: None

// MARINA EVACUATIONS

Senate Bill 826 // Sen. Debbie Mayfield // Referred to: Environment and Natural Resources; Infrastructure and Security; Rules

House Bill 1329 // Rep. Rene Plasencia // Referred to: Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

House Bill 395 // Rep. Alex Andrade // Referred to: Transportation & Infrastructure Subcommittee; Transportation & Tourism Appropriations Subcommittee; State Affairs Committee

826/1329 RELATIONSHIP: *COMPARE*

826/395 RELATIONSHIP: *COMPARE*

CS/CS/Senate Bill 826: CS/CS/SB 826 prohibits, upon the issuance of a hurricane watch that

affects the waters of marinas located in a deepwater seaport, vessels under 500 gross tons from remaining in the waters of such marinas that have been deemed not suitable for refuge during a hurricane. The CS requires that vessel owners promptly remove their vessels from the waterways upon issuance of an evacuation order by the deepwater seaport.

If the Coast Guard Captain of the Port sets the port condition to “Yankee”1 and a vessel owner has failed to remove his or her vessel from the waterway, a marina owner, operator, employee, or agent, is required to remove the vessel, if reasonable, from its slip. The marina owner may charge the vessel owner a reasonable fee for the service of removing the vessel.

The CS provides that a marina owner, operator, employee, or agent may not be held liable for any damage incurred to the vessel from a hurricane and is held harmless from removing the vessel from the waterways. However, the CS does not provide immunity to the marina owner, operator, employee, or agent for any damage caused by intentional acts or negligence when removing a vessel.

Most Recent Action: Died in Messages

House Bill 1329: Prohibits vessels under specified weight from remaining in certain marinas that have been deemed not suitable for refuge during hurricane after issuance of hurricane watch or warning for waters of marina; provides for civil penalties.

Most Recent Action: Died in Agriculture and Natural Resources Subcommittee

CS/House Bill 395: The bill amends various statutes relating to transportation. In part, the bill:

- Effective July 1, 2023, repeals the Florida Rail Enterprise and transfers its functions to the Department of Transportation (DOT). It also authorizes DOT to utilize documentary stamp tax revenues currently allocated to the Florida Rail Enterprise for rail safety.
- Increases the debt service cap on Right-of-Way Acquisition and Bridge Construction Bonds.
- Removes the expiration date for funding of the Intermodal Logistics Center Infrastructure Support Program.
- Revises the definition of autocycle to incorporate federal safety standards.
- Increases the allowable weight of personal delivery devices.
- Adds road and bridge maintenance or construction vehicles and postal vehicles to the Move Over Law.
- Authorizes portable radar speed display units to display flashing red and blue lights under certain circumstances, and allows the use of flashing lights on vehicles during periods of extreme low visibility.

- Revises requirements governing the use of covers on vehicles hauling agricultural products.
- Increases the age at which a child must be secured in an approved child restraint device.
- Waives commercial driver license skill test requirements for qualifying veterans.
- Authorizes for-hire vehicles to be insured by certain non-admitted carriers and reduces the number of forhire vehicles required before an owner or lessee may self-insure.
- Provides that operating vessels in a certain manner near specified vessels constitutes careless operation of a vessel.
- Requires certain vessels to be removed from marinas located in deepwater seaports during hurricanes.
- Conforms specified airport zoning terminology and regulations to federal requirements.
- Revises qualification requirements for contractors desiring to bid on certain DOT contracts and requires the submission of specified financial statements.
- Authorizes airports to allow the same entity perform both design services and construction, engineering, and inspection services under certain circumstances.
- Requires DOT to provide the previous property owner the right of first refusal regarding the disposal of DOT property under certain circumstances.
- Requires permit applications for utility service on municipal or county rights-of-way to be acted upon in a specified period.
- Authorizes DOT to establish emergency staging areas along the Florida Turnpike system.
- Repeals the inactive Economic Development Transportation Fund.
- Increases the state's liability insurance cap for passenger rail to \$295 million.
- Extends the period the Jacksonville Transportation Authority may enter into leases.
- Requires DOT and specified bridge and expressway authorities to submit a report documenting their uncollected customer receivables.

The bill will have a fiscal impact on state and local governments. See Fiscal Analysis for details.

Most Recent Action: Died in Infrastructure and Security

Attached documents: None

// ENVIRONMENTAL ENFORCEMENT

Senate Bill 1450 // Sen. Joe Gruters // Referred to: Environment and Natural Resources; Appropriations Subcommittee on Criminal and Civil Justice; Appropriations

House Bill 1091 // Rep. Randy Fine // Referred to: Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

HOUSE/SENATE BILL RELATIONSHIP: *SIMILAR*

CS/Senate Bill 1450: PCS/CS/SB 1450 makes numerous changes to the penalties for violating Florida's environmental laws. The bill increases required or maximum environmental penalties in various sections of the Florida Statutes. Most of the changes increase a penalty by 50 percent.

The bill changes the duration that several penalties may run, so that each day during any portion of which certain violations occur constitutes a separate offense. For civil penalties imposed under chapter 403, Florida Statutes, the bill provides that, if the violation is an unauthorized discharge of domestic wastewater, each day the cause of the violation is not addressed constitutes a separate offense until the violation is resolved by order or judgement.

The bill would have an indeterminate positive impact on the various revenue streams impacted by the bill. See Section V.

The bill is effective July 1, 2020.

Most Recent Action: Read Second Time; Substituted for HB 1091; Laid on Table, Refer to HB 1091

House Bill 1091: CS/CS/HB 1091 passed the House on March 6, 2020. The bill was amended in the Senate on March 12, 2020, and returned to the House. The House concurred in the Senate amendment to the House bill and subsequently passed the bill as amended on March 12, 2020. The bill includes portions of SB 150, CS/CS/SB 712, and CS/HB 1343.

The Department of Environmental Protection (DEP) is Florida's lead agency for environmental management and stewardship, implementing many programs to protect the state's air, water, and land. In accordance with the state's numerous environmental laws, DEP's responsibilities include compliance and enforcement. Violations of Florida's environmental laws can result in damages and administrative, civil, and criminal penalties. Several types of violations impose a penalty for each offense, with each day during which a violation occurs constituting a separate offense.

The bill increases various statutory penalties for violations of environmental laws. For certain violations, the bill specifies that each day during any portion of which the violation occurs constitutes a separate offense. The bill further specifies that each day the cause of an unauthorized discharge of domestic wastewater is not addressed constitutes a separate offense until the violation is resolved by order or judgment.

A sanitary sewer lateral is the portion of the sewer network connecting individual private properties to the public sewer system. Sanitary sewer laterals are often in poor condition, and defects can occur due to aging systems, structural failure, lack of maintenance, or poor construction and design practices. Defects in sanitary sewer laterals can have a significant impact on the performance of the sewer system and treatment plan.

By July 1, 2022, the bill encourages each county and municipality to establish an evaluation and rehabilitation program for sanitary sewer laterals on residential and commercial properties within the county's or municipality's jurisdiction to identify and reduce extraneous flow from leaking sanitary sewer laterals. The bill requires a seller of real property, before executing a contract for sale, to disclose to a prospective purchaser any known defects in the property's sanitary sewer lateral.

The bill may have an indeterminate positive fiscal impact to the state and an indeterminate fiscal impact to local governments.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2020.

Most Recent Action: Read Third Time; Passed (Vote: 106 Yeas / 0 Nays); Read Third Time; Passed (Vote: 38 Yeas / 0 Nays); Ordered engrossed, then enrolled; Enrolled Text (ER) Filed

Attached documents: HB1091 (Enrolled) + final bill analysis

// VESSELS

Senate Bill 1378 // Sen. Darryl Rouson // Referred to: Environment and Natural Resources; Judiciary; Rules

House Bill 1407 // Rep. Jennifer Webb // Referred to: Local, Federal & Veterans Affairs Subcommittee; Business & Professions Subcommittee; State Affairs Committee

HOUSE/SENATE BILL RELATIONSHIP: *COMPARE*

Senate Bill 1378: CS/SB 1378:

- Prohibits a vessel operating at slow speed, minimum wake from proceeding at a speed faster than is reasonable and prudent to avoid the creation of an excessive wake or other hazardous condition under the existing circumstances.
- Prohibits vessel operators from operating a vessel faster than slow speed, minimum wake upon approaching certain hazardous conditions, including approaching an emergency or construction vessel.
- Provides requirements for an orange flag displayed by a construction vessel or barge to indicate that it is actively engaged in construction operations.

- Prohibits an owner or responsible party of a vessel at risk of becoming derelict, who has been issued a citation for a second violation for the same vessel, from anchoring or mooring a vessel to, or within 20 feet of, a mangrove or upland vegetation on public lands. The bill authorizes the Fish and Wildlife Conservation Commission (FWC) and other officers to relocate or cause to be relocated at-risk vessels that violate this provision.
- Increases the civil penalties for a vessel deemed at risk of becoming derelict and increases the maximum civil penalties for anchoring or mooring in a prohibited area.
- Creates civil penalties for vessels creating special hazards as specified in the bill.
- Adds to the list of violations resulting in a noncriminal infraction the display of an orange flag when the vessel or barge is not actively engaged in construction operations, and vessels at risk of becoming derelict that are found to be anchored within 20 feet of a mangrove or upland vegetation on public lands.
- Provides specific procedures, including notice and hearing requirements, for lost or abandoned property that is a derelict vessel, a vessel at risk of becoming derelict, or a vessel anchored or moored in a prohibited area.

Most Recent Action: Died in Judiciary

House Bill 1407: Prohibits operation of vessels at speeds faster than slow speed, minimum wake in hazardous situations; provides requirements for flags displayed from vessels & barges actively engaged in construction operations; prohibits anchoring or mooring of vessel to mangroves & vegetation on public lands; revises civil penalties.

Most Recent Action: Died in Agriculture and Natural Resources Subcommittee

Attached documents: None

// FLORIDA ENDANGERED AND THREATENED SPECIES ACT

Senate Bill 1360 // Sen. Jose Javier Rodriguez // Referred to: Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

House Bill 1067 // Rep. Adam Hattersley // Referred to: Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

HOUSE/SENATE BILL RELATIONSHIP: *IDENTICAL*

Senate Bill 1360: CS/SB 1360 revises the definitions of “endangered species” and “threatened species” in the Florida Endangered and Threatened Species Act to include the impact of climate change as a factor that may jeopardize the survival of certain species of fish and wildlife. The bill requires the Fish and Wildlife Conservation Commission (FWC) to continue to protect endangered or threatened fish and wildlife species as the FWC determines, regardless of whether such species are declassified under the federal Endangered Species Act of 1973. The bill prohibits the FWC from considering the economic cost of protecting a fish or wildlife species as a factor in designating it as endangered or threatened.

The bill requires the Department of Agriculture and Consumer Services (DACS) to consider the impacts of climate change on plant species as part of its four-year review of the Regulated Plant Index. The bill requires the DACS to continue to protect endangered or threatened plant species as the DACS determines, regardless of whether such species are declassified under the federal Endangered Species Act of 1973. The bill prohibits the DACS from considering the economic cost of protecting a plant species as a factor in designating it as endangered or threatened.

The bill has no fiscal impact on state funds and has an effective date of July 1, 2020.

Most Recent Action: Died in Appropriations

House Bill 1067: Florida Endangered and Threatened Species Act: Directs FWCC & DACS to protect certain declassified species; revises criteria for placement of species on Regulated Plant Index by DACS; prohibits FWCC & DACS from considering certain costs when designating species as endangered or threatened.

Most Recent Action: Died in Agriculture and Natural Resources Subcommittee

Attached documents: None

// FISH AND WILDLIFE ACTIVITIES

Senate Bill 1414 // Sen. Debbie Mayfield // Referred to: Environment and Natural Resources; Agriculture; Rules

House Bill 777 // Rep. Tommy Gregory // Referred to: Agriculture & Natural Resources Subcommittee; Ways & Means Committee; State Affairs Committee

HOUSE/SENATE BILL RELATIONSHIP: *IDENTICAL*

CS/CS/CS/Senate Bill 1414: The bill broadens the prohibition on the harassment of hunters, trappers, or fishers to include harassment on any public lands, public waters, or publicly or

privately owned wildlife management and fish management areas.

The bill expands the number of free fishing days from 4 to 6.

The bill adds green iguanas and tegu lizards to the conditional nonnative snakes and lizards list and tightens the restrictions on the list from applying to possession of these species for sale or personal use to prohibiting any use except for educational, research, or eradication or control purposes.

The bill authorizes the Fish and Wildlife Conservation Commission (FWC) to grandfather certain persons holding a valid captive wildlife Class III exhibition or sale license to continue to exhibit, sell, or breed green iguanas or tegu lizards commercially as long as the license remains active and is not transferred or lapsed. The bill allows the sale of inventory of the species only outside of the state and prohibits import of the species into the state.

The bill requires FWC to adopt rules to establish reporting requirements, biosecurity measures to prevent the escape of the species, and grandfathering provisions for persons that are currently in possession of green iguanas or tegu lizards who do not qualify for the grandfathering provisions applicable to exhibition, sale, or breeding.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 118-0

Most Recent Action: Read Third Time; Passed (Vote: 40 Yeas / 0 Nays); Read Third Time; Passed (Vote: 118 Yeas / 0 Nays); Ordered enrolled; Enrolled Text (ER) Filed

House Bill 777:

Right to Hunt

Under current law, a person may not intentionally, within a publicly or privately owned wildlife management or fish management area or on any state-owned water body: interfere with or attempt to prevent the lawful taking of fish, game, or nongame animals by another; or attempt to disturb fish, game, or nongame animals or attempt to affect their behavior with the intent to prevent their lawful taking by another.

The bill specifies that a person may not intentionally, within or on any public lands or waters, interfere with or attempt to prevent the lawful taking of fish, game, or nongame animals by another; or attempt to disturb fish, game, or nongame animals or attempt to affect their behavior with the intent to prevent their lawful taking by another.

Free Fishing Days

The Fish and Wildlife Conservation Commission (FWC) is authorized to designate up to four days per year as free freshwater fishing days and up to four days per year as free saltwater fishing days. For each free fishing day, any person may fish without a license or permit.

The bill increases the number of free freshwater fishing days that FWC may designate from

four days per year to six days per year and the number of free saltwater fishing days that may be designated from four days per year to six days per year.

Conditional Species

Conditional species are nonnative species that pose a risk to native fish and wildlife or to the ecology of native wildlife communities. Species designated as conditional nonnative snakes and lizards are prohibited from being kept, possessed, or imported into the state, sold, bartered, traded, or bred for personal use or for sale for personal use.

The bill adds the green iguana and the tegu lizard to the conditional nonnative snakes and lizards list.

The bill prohibits a person or entity from keeping, possessing, importing, selling, bartering, trading, or breeding a species listed as a conditional nonnative snake or lizard except for educational, research, eradication, or control purposes.

The bill specifies that a person or entity who had a documented inventory of green iguanas or tegus on an application for an exhibition or sale license in 2019 and held such license on January 1, 2020, may continue to exhibit or sell green iguanas and tegus commercially for as long as the license remains active.

The bill may have an indeterminate negative fiscal impact to the state.

Most Recent Action: HOUSE Laid on Table

Attached documents: SB 1414 (Enrolled) + final bill summary

// VESSEL SAFETY

Senate Bill 1786 // Sen. Linda Stewart // Referred to: Environment and Natural Resources; Criminal Justice; Rules

Senate Bill 1786: Prohibiting a vessel operator from endangering the life, limb, or property of another person by allowing passengers to ride on the bow of the vessel; providing that careless operation includes causing wake to law enforcement vessels under certain circumstances, etc.

Most Recent Action: Died in Environment and Natural Resources

Attached documents: None

// BOATING-RESTRICTED AREAS

Senate Bill 1788 // Sen. Linda Stewart // Referred to: Community Affairs; Environment and Natural Resources; Rules

Senate Bill 1788: Authorizing municipalities and counties to establish certain boating-restricted areas by ordinance for areas within a specified distance of any shoreline, etc.

Most Recent Action: Died in Community Affairs

Attached documents: None

// ENVIRONMENTAL PROTECTION

Senate Bill 1878 // Sen. Rob Bradley // Referred to: Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

CS/Senate Bill 1878: SB 1878 creates a new section of law that includes an annual appropriation, beginning in fiscal year 2020-2021, of a minimum of \$625 million for the purposes of Everglades restoration and the protection of water resources in the state. The appropriation would be repealed on June 30, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill states that the annual appropriation to the Department of Environmental Protection must provide for the following distributions:

- A minimum of \$236 million for Everglades projects in accordance with the Land Acquisition Trust Fund (LATF).
- \$64 million for the Everglades Agricultural Area reservoir project in accordance with LATF.
- \$50 million for springs restoration in accordance with LATF.
- A minimum of \$40 million for alternative water supplies or water conservation.
- A minimum of \$25 million for projects within the watersheds of the St. Johns, Suwannee, and Apalachicola rivers.
- A minimum of \$10 million for the Florida Resilient Coastline Initiative.
- A minimum of \$50 million to the South Florida Water Management District for the design, engineering, and construction of aquifer storage and recovery wells.
- A minimum of \$4 million as delineated in the 2020-2021 GAA for red tide research.

After the above distributions, any remaining balance must be allocated to fund:

- Targeted water quality improvements.
- Alternative water supplies or water conservation.
- Water quality enhancements and accountability, innovative technologies, and harmful algal bloom prevention and mitigation.
- Land acquisition or easement acquisition, including, but not limited to, lands or easements purchased pursuant to the Florida Forever or Rural and Family Lands Protection programs.
- Coral reef protection and restoration.
- Projects within the watersheds of the Indian River Lagoon.

The bill revises the distribution of funds for Everglades projects under the Land Acquisition Trust Fund to allocate \$236 million for those projects. The bill provides that this revision expires on June 30, 2023, when the statutory text reverts to the current language.

Most Recent Action: Died in Appropriations Subcommittee on Agriculture, Environment, and General Government

Attached documents: None

// WATER QUALITY IMPROVEMENTS

Senate Bill 712 // Sen. Debbie Mayfield // Referred to: Community Affairs; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

House Bill 1343 // Rep. Blaise Ingoglia // Referred to: Agriculture & Natural Resources Subcommittee; Appropriations Committee; State Affairs Committee

HOUSE/SENATE BILL RELATIONSHIP: *COMPARE*

CS/CS/Senate Bill 712: The “Clean Waterways Act” addresses a number of environmental issues including several provisions specifically related to water quality improvement.

Onsite Sewage Treatment and Disposal Systems (Septic Systems)

The bill transfers the Onsite Sewage Program from the Department of Health (DOH) to the Department of Environmental Protection (DEP) starting in 2021. The bill creates a temporary septic technical advisory committee within DEP.

The bill requires local governments to create septic remediation plans for certain basin management action plans (BMAPs). The bill also requires DEP to implement a fast track approval

process for NSF/ANSI 245 nutrient reducing septic systems and revises provisions relating to septic system setback rules.

Wastewater Treatment

The bill requires local governments to create wastewater treatment plans for certain BMAPs but authorizes different cost options for projects that meet pollution reduction requirements.

The bill creates a wastewater grant program that allows DEP to provide grants for projects within BMAPs, alternative restoration plans, or rural areas of opportunity that will reduce excess nutrient pollution. The bill prioritizes funding for certain wastewater projects in the grant program, the State Revolving Loan Fund Program, and the Small Community Sewer Construction Assistance Program.

The bill prohibits, beginning July 1, 2025, wastewater treatment facilities from discharging into the Indian River Lagoon without providing advanced waste treatment. The bill imposes new requirements on wastewater facilities and DEP to prevent sanitary sewer overflows and underground pipe leaks.

Stormwater

The bill requires DEP to: update its stormwater design and operation rules and Environmental Resource Permit Applicant's Handbook; make revisions to its local pollution control staff training; evaluate the self-certification process for the construction, alteration, and maintenance of a stormwater management system; and revise the model stormwater management program.

Agriculture

The bill requires the Department of Agriculture and Consumer Services (DACS) to perform onsite inspections at least every 2 years of agricultural producers enrolled in best management practices (BMPs). DACS must prioritize inspections for producers in the BMAPs for Lake Okeechobee, the Indian River Lagoon, the Caloosahatchee River and Estuary, and Silver Springs.

The bill creates a cooperative agricultural regional water quality improvement element as part of a BMAP in areas where agriculture is a significant source of pollution. Projects under the element could include conservation easements and dispersed water management. The bill authorizes legislative budget requests to fund these projects and requires DEP to allocate at least 20 percent of the funds it receives for projects in areas with the highest nutrient concentrations.

The bill requires DACS, in coordination with the University of Florida Institute of Food and Agricultural Sciences (UF/IFAS) and other academic institutions, to annually develop research plans and legislative budget requests to address agricultural runoff.

Biosolids

The bill requires enrollment in DACS's BMP program and prohibits the application of Class A or Class B biosolids within 6 inches of the seasonal high water table, unless a nutrient management plan and water quality monitoring plan provide reasonable assurances that the application will not cause or contribute to water quality violations. Permits will have to comply with the statute

within two years and with DEP's biosolids rule within two years of it becoming effective. The bill allows local governments to keep existing biosolids ordinances.

Fines and Penalties

The bill doubles the fines for wastewater violations and increases the cap on total administrative penalties that may be assessed by DEP from \$10,000 to \$50,000 and the cap per violator from \$5,000 to \$10,000.

Water Quality Monitoring

The bill requires DEP to establish a real-time water quality monitoring program, subject to appropriation.

Bottled Water

The bill requires DEP to conduct a study on the bottled water industry in the state.

Rights of Nature

The bill prohibits local governments from providing legal rights to any plant, animal, body of water, or other part of the natural environment unless otherwise specifically authorized by state law or the State Constitution.

Golf Courses

The bill requires DEP to work with UF/IFAS and regulated entities to consider the adoption by rule of BMPs for nutrient impacts from golf courses.

The bill requires DEP to complete rulemaking to implement several provisions and imposes numerous reporting requirements.

If approved by the Governor, these provisions take effect, except as otherwise expressly provided, July 1, 2020.

Vote: Senate 39-0; House 118-0

Most Recent Action: Read Third Time; Passed (Vote: 39 Yeas / 0 Nays); Read Third Time; Passed (Vote: 118 Yeas / 0 Nays); Ordered enrolled; Enrolled Text (ER) Filed

CS/House Bill 1343: The federal Clean Water Act requires states to maintain the quality of their waters. In Florida, water quality is addressed through water quality standards, total maximum daily loads (TMDLs), basin management action plans (BMAPs), and permits. The bill addresses water quality impacts by:

- Transferring the Onsite Sewage Program from the Department of Health to the

Department of Environmental Protection (DEP);

- Repealing certain onsite sewage treatment and disposal system (OSTDS) advisory committees;
- Creating an OSTDS technical advisory committee to make recommendations that increase the availability of nutrient-reducing OSTDSs and assist DEP in the development of setback distances;
- Requiring OSTDS remediation plans;
- Requiring DEP staff training to include field inspections of stormwater structural controls;
- Requiring DEP and the water management districts (WMDs) to update the stormwater regulations using the most recent science;
- Requiring the model stormwater management program to contain model ordinances targeting nutrient reduction;
- Requiring local governments to create wastewater treatment plans;
- Requiring sanitary sewage facilities to take steps to prevent sanitary sewer overflows;
- Requiring DEP to establish real-time water quality monitoring;
- Requiring advanced wastewater treatment for domestic wastewater discharges to the Indian River Lagoon;
- Prohibiting the land application of biosolids on certain sites, unless an exception applies;
- Requiring the Department of Agriculture and Consumer Services (DACs) to conduct inspections of producers enrolled in best management practices (BMPs);
- Requiring the University of Florida to develop research plans for developing new BMPs; and
- Creating grant programs for the funding of water quality projects.

The bill requires the Secretary of DEP to be appointed by the Governor with the concurrence of two or more, rather than three, members of the Cabinet.

The bill requires DEP to conduct a study on the bottled water industry in the state and prohibits DEP and the governing board of a WMD from approving certain consumptive use permits that authorize the use of water withdrawn from a spring for bottled water until June 30, 2022.

The bill prohibits a local government regulation from recognizing or granting any legal right to a plant, animal, body of water, or any other part of the natural environment that is not a person or political subdivision; or from granting a person or political subdivision any specific rights relating to the natural environment.

The bill may have an indeterminate negative fiscal impact to the state and local governments. The proposed House of Representatives' Fiscal Year 2020-2021 General Appropriations Act appropriates funding within DEP and DACs for the increase in the number of required site visits, water quality improvement cost share grants, water quality monitoring, and TMDLs.

Most Recent Action: Laid on Table

Attached documents: SB 712 (Enrolled) + final bill analysis

// ENVIRONMENTAL RESOURCE MANAGEMENT

Senate Bill 1382 // Sen. Ben Albritton // Referred to: Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

House Bill 1199 // Rep. Blaise Ingoglia // Referred to: Civil Justice Subcommittee; Agriculture & Natural Resources Subcommittee; Judiciary Committee

HOUSE/SENATE BILL RELATIONSHIP: *COMPARE*

CS/Senate Bill 1382: CS/SB 1382 authorizes basin management action plans (plans that address water quality on a basin-wide level, BMAPs) to include cooperative agricultural regional water quality improvements (agricultural element) and cooperative urban, suburban, commercial, or regional water quality improvements (nonagricultural element), in addition to existing strategies such as best management practices and interim measures. These agricultural and nonagricultural elements shall be implemented through a cost-sharing program and may be included in a BMAP during the 5-year update.

The bill requires adoption of nonpoint source best management practices (BMPs), interim measures, or other measures adopted by rule within 5 years of adoption of the BMAP or BMAP amendment.

The bill directs the Department of Environmental Protection (DEP), the Department of Agriculture and Consumer Services (DACCS), and the Institute of Food and Agricultural Sciences (IFAS) of the University of Florida to address certain issues related to enhancing BMPs and the agricultural element.

The bill creates a nutrient reduction cost-share program and requires DEP to prioritize certain projects. DEP must submit an annual report to the Governor and Legislature regarding the projects funded by this program.

The bill creates a definition of "rural homesteads," which would be parcels of 50 acres or less that act as noncommercial homesites. These parcels would not be subject to the nonpoint source requirements in the BMAP unless they were classified as bona fide agricultural lands.

The bill prohibits local governments from providing legal rights to any plant, animal, body of water, or other part of the natural environment unless otherwise specifically authorized by state law or the State Constitution.

Most Recent Action: Died in Appropriations Subcommittee on Agriculture, Environment, and General Government

House Bill 1199: Florida authorizes a citizen to assert standing to stop an activity that will affect his or her use or enjoyment of air, water, or natural resources. However, court rulings and legislation in the U.S. and worldwide have suggested that specific legal rights of nature may exist, authorizing a person to assert standing on behalf of natural resources.

While U.S. Supreme Court precedent clearly limits standing for environmental claims to only an action causing injury to a human, dissenting opinions suggesting otherwise have recently garnered the attention of environmental activists attempting to assert standing on behalf of the environment, often resulting in lengthy, yet unsuccessful, litigation.

The bill amends the Florida Environmental Protection Act to prohibit, unless otherwise authorized by law or specifically granted in the State Constitution, a local government regulation, ordinance, code, rule, comprehensive plan, charter, or any other provision of law:

- From recognizing or granting any legal right to a plant, animal, body of water, or any other part of the natural environment that is not a person or political subdivision; or
- From granting a person or political subdivision any specific rights relating to the natural environment.

The bill provides that the prohibition on granting rights to nonpersons may not be interpreted to limit:

- The power of an adversely affected party to challenge the consistency of a development order with a comprehensive plan, or to file an action for injunctive relief to enforce the terms of a development agreement or to challenge compliance of the agreement with the Florida Local Government Development Agreement Act; or
- The standing of the Department of Legal Affairs, a political subdivision or municipality of the state, or a citizen of the state to maintain an action for injunctive relief as otherwise provided by the EPA.

The bill may prevent costly litigation related to granting rights to natural resources, when current legal precedent suggests such rights may not be granted at the state or local level.

The bill is effective upon becoming law.

Most Recent Action: Died on Calendar

Attached documents: None

// BOATING-RELATED APPROPRIATIONS

Below are a few of the budget items we follow for Marine Industries Association of Florida. Again, we must wait to see how COVID will impact the recently passed budget that takes effect July 1, 2020. We will keep you updated as soon as we receive the information.

1641B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - CORAL REEF PROTECTION AND RESTORATION

FROM GENERAL REVENUE FUND 10,000,000

1737 SPECIAL CATEGORIES FLORIDA RESILIENT COASTLINE INITIATIVE

FROM GENERAL REVENUE FUND 10,000,000

From the funds in Specific Appropriation 1737, \$10,000,000 in recurring funds from the General Revenue Fund is provided for the Florida Resilient Coastline Initiative to assist local governments with storm resiliency, sea level rise planning, coastal resilience projects, and coral reef health.

The department shall perform an analysis for each assessment and planning grant provided to local communities during the 2020-2021 fiscal year. The analysis shall include for each grant; an accounting of grant expenditures, descriptions of goals and objectives, and project recommendations and estimated costs of those projects. The analysis shall be submitted to the chair of the Senate Appropriations Committee, the chair of the House of Representatives Appropriations Committee, and the Executive Office of the Governor's Office of Policy and Budget by October 1, 2020.

1748 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES -
FIXED CAPITAL OUTLAY CLEAN MARINA

FROM FEDERAL GRANTS TRUST FUND 1,000,000

1800 SPECIAL CATEGORIES BOAT RAMP MAINTENANCE CATEGORY

FROM FEDERAL GRANTS TRUST FUND 359,466

FROM MARINE RESOURCES CONSERVATION TRUST FUND 67,048

FROM STATE GAME TRUST FUND 143,750

1804 SPECIAL CATEGORIES BOATING AND WATERWAYS ACTIVITIES

FROM MARINE RESOURCES CONSERVATION TRUST FUND 2,423,025

1809 SPECIAL CATEGORIES BOATING SAFETY EDUCATION PROGRAM

FROM MARINE RESOURCES CONSERVATION TRUST FUND 625,650

1809A FIXED CAPITAL OUTLAY DERELICT VESSEL REMOVAL PROGRAM

FROM MARINE RESOURCES CONSERVATION TRUST FUND 1,748,400

1810 FIXED CAPITAL OUTLAY BOATING INFRASTRUCTURE

FROM FEDERAL GRANTS TRUST FUND 3,900,000

1811 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY DERELICT VESSEL REMOVAL PROGRAM

FROM MARINE RESOURCES CONSERVATION TRUST FUND 1,748,400

1813 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY FLORIDA BOATING IMPROVEMENT PROGRAM

FROM GENERAL REVENUE FUND 400,000

FROM MARINE RESOURCES CONSERVATION TRUST FUND 756,175

FROM STATE GAME TRUST FUND 1,250,000

1882 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY ARTIFICIAL FISHING REEF CONSTRUCTION PROGRAM

FROM FEDERAL GRANTS TRUST FUND 300,000

FROM MARINE RESOURCES CONSERVATION TRUST FUND 300,000

1883 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY GRANTS AND AIDS - INNOVATIVE TECHNOLOGY DEVELOPMENT - LIONFISH

FROM GENERAL REVENUE FUND 400,000

We appreciate the opportunity to be your voice in Tallahassee!

APPENDIX

// ENVIRONMENTAL ENFORCEMENT

HB 1091 (Enrolled) + Final Bill Analysis

// FISH AND WILDLIFE ACTIVITIES

SB 1414 (Enrolled) + Final Bill Analysis

// WATER QUALITY IMPROVEMENTS

SB 712 (Enrolled) + Final Bill Analysis

// 2021 LEGISLATIVE SESSION INFORMATION

// CORONAVIRUS RESOURCES

// CURRENT BILL TRACKING LIST

ENROLLED

CS/CS/HB 1091, Engrossed 1

2020 Legislature

1
2 An act relating to environmental accountability;
3 creating ss. 125.569 and 166.0481, F.S.; defining the
4 term "sanitary sewer lateral"; encouraging counties
5 and municipalities, respectively, to establish a
6 sanitary sewer lateral inspection program by a
7 specified date; providing parameters for such a
8 program; creating s. 689.301, F.S.; requiring a seller
9 of real property to disclose any known defects in the
10 property's sanitary sewer lateral; defining the term
11 "sanitary sewer lateral"; amending s. 161.054, F.S.;
12 revising administrative penalties for violations of
13 certain provisions relating to beach and shore
14 construction and activities; making technical changes;
15 amending ss. 258.397, 258.46, 373.129, 376.16, 376.25,
16 377.37, 378.211, and 403.141, F.S.; revising civil
17 penalties for violations of certain provisions
18 relating to the Biscayne Bay Aquatic Preserve, aquatic
19 preserves, water resources, the Pollutant Discharge
20 Prevention and Control Act, the Clean Ocean Act,
21 regulation of oil and gas resources, the Phosphate
22 Land Reclamation Act, and other provisions relating to
23 pollution and the environment, respectively; providing
24 that each day that certain violations occur
25 constitutes a separate offense; making technical

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2020 Legislature

26 | changes; amending ss. 373.209, 376.065, 376.071,
27 | 403.086, 403.413, 403.7234, and 403.93345, F.S.;
28 | revising civil penalties for violations of certain
29 | provisions relating to artesian wells, terminal
30 | facilities, discharge contingency plans for vessels,
31 | sewage disposal facilities, dumping litter, small
32 | quantity generators, and coral reef protection,
33 | respectively; making technical changes; amending ss.
34 | 373.430 and 403.161, F.S.; revising criminal penalties
35 | for violations of certain provisions relating to
36 | pollution and the environment; providing that each day
37 | that the cause of unauthorized discharges of domestic
38 | wastewater is not addressed constitutes a separate
39 | offense; making technical changes; amending s.
40 | 403.121, F.S.; revising civil and administrative
41 | penalties for violations of certain provisions
42 | relating to pollution and the environment; providing
43 | that each day that the cause of unauthorized
44 | discharges of domestic wastewater is not addressed
45 | constitutes a separate offense; increasing the amount
46 | of penalties that can be assessed administratively;
47 | making technical changes; amending ss. 403.726 and
48 | 403.727, F.S.; revising civil penalties for violations
49 | of certain provisions relating to hazardous waste;
50 | making technical changes; reenacting s. 823.11(5),

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2020 Legislature

51 F.S., to incorporate the amendment made to s. 376.16,
 52 F.S., in a reference thereto; reenacting ss.
 53 403.077(5), 403.131(2), 403.4154(3)(d), and
 54 403.860(5), F.S., to incorporate the amendment made to
 55 s. 403.121, F.S., in a reference thereto; reenacting
 56 ss. 403.708(10), 403.7191(7), and 403.811, F.S., to
 57 incorporate the amendment made to s. 403.141, F.S., in
 58 a reference thereto; reenacting s. 403.7186(8), F.S.,
 59 to incorporate the amendment made to ss. 403.141 and
 60 403.161, F.S., in references thereto; reenacting s.
 61 403.7255(2), F.S., to incorporate the amendment made
 62 to s. 403.161, F.S., in a reference thereto; providing
 63 an effective date.

64
 65 Be It Enacted by the Legislature of the State of Florida:

66
 67 Section 1. Section 125.569, Florida Statutes, is created
 68 to read:

69 125.569 Sanitary sewer lateral inspection programs for
 70 counties.—

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

75 (2) By July 1, 2022, each county is encouraged to

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2020 Legislature

76 establish an evaluation and rehabilitation program for sanitary
 77 sewer laterals on residential and commercial properties within
 78 the county's jurisdiction to identify and reduce extraneous flow
 79 from leaking sanitary sewer laterals. At a minimum, the program
 80 may do all of the following:

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

84 (b) Consider economical methods for a property owner to
 85 repair or replace a defective, damaged, or deteriorated sanitary
 86 sewer lateral.

87 (c) Establish and maintain a publicly accessible database
 88 to store information concerning properties where a defective,
 89 damaged, or deteriorated sanitary sewer lateral has been
 90 identified. For each property, the database must include, but is
 91 not limited to, the address of the property, the names of any
 92 persons the county notified concerning the faulty sanitary sewer
 93 lateral, and the date and method of such notification.

94 Section 2. Section 166.0481, Florida Statutes, is created
 95 to read:

96 166.0481 Sanitary sewer lateral inspection programs for
 97 municipalities.—

98 (1) As used in this section, the term "sanitary sewer
 99 lateral" means a privately owned pipeline connecting a property
 100 to the main sewer line which is maintained and repaired by the

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2020 Legislature

101 property owner.

102 (2) By July 1, 2022, each municipality is encouraged to
103 establish an evaluation and rehabilitation program for sanitary
104 sewer laterals on residential and commercial properties within
105 the municipality's jurisdiction to identify and reduce
106 extraneous flow from leaking sanitary sewer laterals. At a
107 minimum, the program may do all of the following:

108 (a) Establish a system to identify defective, damaged, or
109 deteriorated sanitary sewer laterals on residential and
110 commercial properties within the jurisdiction of the
111 municipality.

112 (b) Consider economical methods for a property owner to
113 repair or replace a defective, damaged, or deteriorated sanitary
114 sewer lateral.

115 (c) Establish and maintain a publicly accessible database
116 to store information concerning properties where a defective,
117 damaged, or deteriorated sanitary sewer lateral has been
118 identified. For each property, the database must include, but is
119 not limited to, the address of the property, the names of any
120 persons the municipality notified concerning the faulty sanitary
121 sewer lateral, and the date and method of such notification.

122 Section 3. Section 689.301, Florida Statutes, is created
123 to read:

124 689.301 Disclosure of known defects in sanitary sewer
125 laterals to prospective purchaser.—Before executing a contract

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2020 Legislature

126 | for sale, a seller of real property shall disclose to a
 127 | prospective purchaser any defects in the property's sanitary
 128 | sewer lateral which are known to the seller. As used in this
 129 | section, the term "sanitary sewer lateral" means the privately
 130 | owned pipeline connecting a property to the main sewer line.

131 | Section 4. Subsection (1) of section 161.054, Florida
 132 | Statutes, is amended to read:

133 | 161.054 Administrative fines; liability for damage;
 134 | liens.—

135 | (1) In addition to the penalties provided for in ss.
 136 | 161.052, 161.053, and 161.121, any person, firm, corporation, or
 137 | governmental agency, or agent thereof, refusing to comply with
 138 | or willfully violating ~~any of the provisions of~~ s. 161.041, s.
 139 | 161.052, or s. 161.053, or any rule or order prescribed by the
 140 | department thereunder, shall incur a fine for each offense in an
 141 | amount up to \$15,000 ~~\$10,000~~ to be fixed, imposed, and collected
 142 | by the department. Each day during any portion of which such
 143 | violation occurs constitutes a separate offense.

144 | Section 5. Subsection (7) of section 258.397, Florida
 145 | Statutes, is amended to read:

146 | 258.397 Biscayne Bay Aquatic Preserve.—

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

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151 against any person, natural or corporate, who violates ~~the~~
 152 ~~provisions of~~ this section or any rule or regulation issued
 153 hereunder. Each day during any portion of which such violation
 154 occurs constitutes a separate offense. Enforcement of applicable
 155 state regulations shall be supplemented by the Miami-Dade County
 156 Department of Environmental Resources Management through the
 157 creation of a full-time enforcement presence along the Miami
 158 River.

159 Section 6. Section 258.46, Florida Statutes, is amended to
 160 read:

161 258.46 Enforcement; violations; penalty. ~~The provisions of~~
 162 This act may be enforced by the Board of Trustees of the
 163 Internal Improvement Trust Fund or in accordance with ~~the~~
 164 ~~provisions of~~ s. 403.412. However, any violation by any person,
 165 natural or corporate, of ~~the provisions of~~ this act or any rule
 166 or regulation issued hereunder is ~~shall be~~ further punishable by
 167 a civil penalty of not less than \$750 ~~\$500~~ per day or more than
 168 \$7,500 ~~\$5,000~~ per day of such violation. Each day during any
 169 portion of which such violation occurs constitutes a separate
 170 offense.

171 Section 7. Subsections (5) and (7) of section 373.129,
 172 Florida Statutes, are amended to read:

173 373.129 Maintenance of actions.—The department, the
 174 governing board of any water management district, any local
 175 board, or a local government to which authority has been

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2020 Legislature

176 delegated pursuant to s. 373.103(8), is authorized to commence
177 and maintain proper and necessary actions and proceedings in any
178 court of competent jurisdiction for any of the following
179 purposes:

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

184 (a) A civil penalty recovered by a water management
185 district pursuant to this subsection shall be retained and used
186 exclusively by the water management district that collected the
187 money. A civil penalty recovered by the department pursuant to
188 this subsection must be deposited into the Water Quality
189 Assurance Trust Fund established under s. 376.307.

190 (b) A local government that is delegated authority
191 pursuant to s. 373.103(8) may deposit a civil penalty recovered
192 pursuant to this subsection into a local water pollution control
193 program trust fund, notwithstanding ~~the provisions of~~ paragraph
194 (a). However, civil penalties that are deposited in a local
195 water pollution control program trust fund and that are
196 recovered for violations of state water quality standards may be
197 used only to restore water quality in the area that was the
198 subject of the action, and civil penalties that are deposited in
199 a local water pollution control program trust fund and that are
200 recovered for violation of requirements relating to water

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201 quantity may be used only to purchase lands and make capital
 202 improvements associated with surface water management, or other
 203 purposes consistent with the requirements of this chapter for
 204 the management and storage of surface water.

205 (7) To enforce ~~the provisions of~~ part IV of this chapter
 206 in the same manner and to the same extent as provided in ss.
 207 373.430, 403.121(1) and (2), 403.131, 403.141, and 403.161.

208 Section 8. Subsection (3) of section 373.209, Florida
 209 Statutes, is amended to read:

210 373.209 Artesian wells; penalties for violation.—

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

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

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

216 The civil penalty may be recovered by the water management board
 217 of the water management district in which the well is located or
 218 by the department in a suit in a court of competent jurisdiction
 219 in the county where the defendant resides, in the county of
 220 residence of any defendant if there is more than one defendant,
 221 or in the county where the violation took place. The place of
 222 suit shall be selected by the board or department, and the suit,
 223 by direction of the board or department, shall be instituted and
 224 conducted in the name of the board or department by appropriate
 225 counsel. The payment of any such damages does not impair or

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226 abridge any cause of action which any person may have against
 227 the person violating ~~any provision of~~ this section.

228 Section 9. Subsections (2) through (5) of section 373.430,
 229 Florida Statutes, are amended to read:

230 373.430 Prohibitions, violation, penalty, intent.—

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

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

241 (4) A ~~Any~~ person who commits a violation specified in
 242 paragraph (1)(a) or paragraph (1)(b) due to reckless
 243 indifference or gross careless disregard commits ~~is guilty of~~ a
 244 misdemeanor of the second degree, punishable as provided in ss.
 245 775.082(4)(b) and 775.083(1)(g), by a fine of not more than
 246 \$10,000 ~~\$5,000~~ or 60 days in jail, or by both, for each offense.

247 (5) A ~~Any~~ person who willfully commits a violation
 248 specified in paragraph (1)(b) or who commits a violation
 249 specified in paragraph (1)(c) commits ~~is guilty of~~ a misdemeanor
 250 of the first degree, punishable as provided in ss. 775.082(4)(a)

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251 and 775.083(1)(g), by a fine of not more than \$10,000 or by 6
 252 months in jail, or by both, for each offense.

253 Section 10. Paragraphs (a) and (e) of subsection (5) of
 254 section 376.065, Florida Statutes, are amended to read:

255 376.065 Operation of terminal facility without discharge
 256 prevention and response certificate prohibited; penalty.—

257 (5)(a) A person who violates this section or the terms and
 258 requirements of such certification commits a noncriminal
 259 infraction. The civil penalty for any such infraction shall be
 260 \$750 ~~\$500~~, except as otherwise provided in this section.

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

267 Section 11. Paragraphs (a) and (e) of subsection (2) of
 268 section 376.071, Florida Statutes, are amended to read:

269 376.071 Discharge contingency plan for vessels.—

270 (2)(a) A master of a vessel that violates subsection (1)
 271 commits a noncriminal infraction and shall be cited for such
 272 infraction. The civil penalty for such an infraction shall be
 273 \$7,500 ~~\$5,000~~, except as otherwise provided in this subsection.

274 (e) A person who elects to appear before the county court
 275 or who is required to appear waives the limitations of the civil

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276 penalty specified in paragraph (a). The court, after a hearing,
 277 shall make a determination as to whether an infraction has been
 278 committed. If the commission of the infraction is proved, the
 279 court shall impose a civil penalty of \$7,500 ~~\$5,000~~.

280 Section 12. Section 376.16, Florida Statutes, is amended
 281 to read:

282 376.16 Enforcement and penalties.—

283 (1) It is unlawful for any person to violate ~~any provision~~
 284 ~~of~~ ss. 376.011-376.21 or any rule or order of the department
 285 made pursuant to this act. A violation is ~~shall be~~ punishable by
 286 a civil penalty of up to \$75,000 ~~\$50,000~~ per violation per day
 287 to be assessed by the department. Each day during any portion of
 288 which the violation occurs constitutes a separate offense. The
 289 penalty provisions of this subsection do ~~shall~~ not apply to any
 290 discharge promptly reported and removed by a person responsible,
 291 in accordance with the rules and orders of the department, or to
 292 any discharge of pollutants equal to or less than 5 gallons.

293 (2) In addition to the penalty provisions which may apply
 294 under subsection (1), a person responsible for two or more
 295 discharges of any pollutant reported pursuant to s. 376.12
 296 within a 12-month period at the same facility commits a
 297 noncriminal infraction and shall be cited by the department for
 298 such infraction.

299 (a) For discharges of gasoline or diesel over 5 gallons,
 300 the civil penalty for the second discharge shall be \$750 ~~\$500~~

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301 and the civil penalty for each subsequent discharge within a 12-
 302 month period shall be \$1,500 ~~\$1,000~~, except as otherwise
 303 provided in this section.

304 (b) For discharges of any pollutant other than gasoline or
 305 diesel, the civil penalty for a second discharge shall be \$3,750
 306 ~~\$2,500~~ and the civil penalty for each subsequent discharge
 307 within a 12-month period shall be \$7,500 ~~\$5,000~~, except as
 308 otherwise provided in this section.

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

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

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

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

321 (a) Pay the civil penalty;

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

324 (c) Sign and accept a citation indicating a promise to
 325 appear before the county court.

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

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

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

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

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

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

(7) Any person who elects to appear before the county court or who is required to appear waives the limitations of the civil penalties specified in subsection (2). The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction is

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351 | proved, the court may impose a civil penalty up to, but not
 352 | exceeding, \$750 ~~\$500~~ for the second discharge of gasoline or
 353 | diesel and a civil penalty up to, but not exceeding, \$1,500
 354 | ~~\$1,000~~ for each subsequent discharge of gasoline or diesel
 355 | within a 12-month period.

356 | (8) Any person who elects to appear before the county
 357 | court or who is required to appear waives the limitations of the
 358 | civil penalties specified in subsection (2) or subsection (3).
 359 | The court, after a hearing, shall make a determination as to
 360 | whether an infraction has been committed. If the commission of
 361 | an infraction is proved, the court may impose a civil penalty up
 362 | to, but not exceeding, \$7,500 ~~\$5,000~~ for the second discharge of
 363 | pollutants other than gasoline or diesel and a civil penalty up
 364 | to, but not exceeding, \$15,000 ~~\$10,000~~ for each subsequent
 365 | discharge of pollutants other than gasoline or diesel within a
 366 | 12-month period.

367 | (9) At a hearing under this section, the commission of a
 368 | charged offense must be proved by the greater weight of the
 369 | evidence.

370 | (10) A person who is found by a hearing official to have
 371 | committed an infraction may appeal that finding to the circuit
 372 | court.

373 | (11) Any person who has not posted bond and who neither
 374 | pays the applicable civil penalty, as specified in subsection
 375 | (2) or subsection (3) within 30 days of receipt of the citation

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376 nor appears before the court commits a misdemeanor of the second
 377 degree, punishable as provided in s. 775.082 or s. 775.083.

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

383 Section 13. Paragraph (a) of subsection (6) of section
 384 376.25, Florida Statutes, is amended to read:

385 376.25 Gambling vessels; registration; required and
 386 prohibited releases.—

387 (6) PENALTIES.—

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

392 Section 14. Paragraph (a) of subsection (1) of section
 393 377.37, Florida Statutes, is amended to read:

394 377.37 Penalties.—

395 (1) (a) Any person who violates ~~any provision of~~ this law
 396 or any rule, regulation, or order of the division made under
 397 this chapter or who violates the terms of any permit to drill
 398 for or produce oil, gas, or other petroleum products referred to
 399 in s. 377.242(1) or to store gas in a natural gas storage
 400 facility, or any lessee, permitholder, or operator of equipment

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401 or facilities used in the exploration for, drilling for, or
 402 production of oil, gas, or other petroleum products, or storage
 403 of gas in a natural gas storage facility, who refuses inspection
 404 by the division as provided in this chapter, is liable to the
 405 state for any damage caused to the air, waters, or property,
 406 including animal, plant, or aquatic life, of the state and for
 407 reasonable costs and expenses of the state in tracing the source
 408 of the discharge, in controlling and abating the source and the
 409 pollutants, and in restoring the air, waters, and property,
 410 including animal, plant, and aquatic life, of the state.
 411 Furthermore, such person, lessee, permitholder, or operator is
 412 subject to the judicial imposition of a civil penalty in an
 413 amount of not more than \$15,000 ~~\$10,000~~ for each offense.
 414 However, the court may receive evidence in mitigation. Each day
 415 during any portion of which such violation occurs constitutes a
 416 separate offense. This section does not ~~Nothing herein shall~~
 417 give the department the right to bring an action on behalf of
 418 any private person.

419 Section 15. Subsection (2) of section 378.211, Florida
 420 Statutes, is amended to read:

421 378.211 Violations; damages; penalties.—

422 (2) The department may institute a civil action in a court
 423 of competent jurisdiction to impose and recover a civil penalty
 424 for violation of this part or of any rule adopted or order
 425 issued pursuant to this part. The penalty may ~~shall~~ not exceed

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426 | the following amounts, and the court shall consider evidence in
 427 | mitigation:

428 | (a) For violations of a minor or technical nature, \$150
 429 | ~~\$100~~ per violation.

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

433 | (c) For major violations not covered by paragraph (b),
 434 | \$7,500 ~~\$5,000~~ per violation.

435 |

436 | Subject to ~~the provisions of~~ subsection (4), each day or any
 437 | portion thereof in which the violation continues shall
 438 | constitute a separate violation.

439 | Section 16. Subsection (2) of section 403.086, Florida
 440 | Statutes, is amended to read:

441 | 403.086 Sewage disposal facilities; advanced and secondary
 442 | waste treatment.—

443 | (2) Any facilities for sanitary sewage disposal shall
 444 | provide for secondary waste treatment and, in addition thereto,
 445 | advanced waste treatment as deemed necessary and ordered by the
 446 | Department of Environmental Protection. Failure to conform shall
 447 | be punishable by a civil penalty of \$750 ~~\$500~~ for each 24-hour
 448 | day or fraction thereof that such failure is allowed to continue
 449 | thereafter.

450 | Section 17. Section 403.121, Florida Statutes, is amended

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451 to read:

452 403.121 Enforcement; procedure; remedies.—The department
 453 shall have the following judicial and administrative remedies
 454 available to it for violations of this chapter, as specified in
 455 s. 403.161(1).

456 (1) Judicial remedies:

457 (a) The department may institute a civil action in a court
 458 of competent jurisdiction to establish liability and to recover
 459 damages for any injury to the air, waters, or property,
 460 including animal, plant, and aquatic life, of the state caused
 461 by any violation.

462 (b) The department may institute a civil action in a court
 463 of competent jurisdiction to impose and to recover a civil
 464 penalty for each violation in an amount of not more than \$15,000
 465 ~~\$10,000~~ per offense. However, the court may receive evidence in
 466 mitigation. Each day during any portion of which such violation
 467 occurs constitutes a separate offense.

468 (c) Except as provided in paragraph (2)(c), it is ~~shall~~
 469 not ~~be~~ a defense to, or ground for dismissal of, these judicial
 470 remedies for damages and civil penalties that the department has
 471 failed to exhaust its administrative remedies, has failed to
 472 serve a notice of violation, or has failed to hold an
 473 administrative hearing before ~~prior to~~ the institution of a
 474 civil action.

475 (2) Administrative remedies:

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476 (a) The department may institute an administrative
477 proceeding to establish liability and to recover damages for any
478 injury to the air, waters, or property, including animal, plant,
479 or aquatic life, of the state caused by any violation. The
480 department may order that the violator pay a specified sum as
481 damages to the state. Judgment for the amount of damages
482 determined by the department may be entered in any court having
483 jurisdiction thereof and may be enforced as any other judgment.

484 (b) If the department has reason to believe a violation
485 has occurred, it may institute an administrative proceeding to
486 order the prevention, abatement, or control of the conditions
487 creating the violation or other appropriate corrective action.
488 Except for violations involving hazardous wastes, asbestos, or
489 underground injection, the department shall proceed
490 administratively in all cases in which the department seeks
491 administrative penalties that do not exceed \$50,000 ~~\$10,000~~ per
492 assessment as calculated in accordance with subsections (3),
493 (4), (5), (6), and (7). Pursuant to 42 U.S.C. s. 300g-2, the
494 administrative penalty assessed pursuant to subsection (3),
495 subsection (4), or subsection (5) against a public water system
496 serving a population of more than 10,000 shall be not less than
497 \$1,000 per day per violation. The department may ~~shall~~ not
498 impose administrative penalties in excess of \$50,000 ~~\$10,000~~ in
499 a notice of violation. The department may ~~shall~~ not have more
500 than one notice of violation seeking administrative penalties

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501 pending against the same party at the same time unless the
502 violations occurred at a different site or the violations were
503 discovered by the department subsequent to the filing of a
504 previous notice of violation.

505 (c) An administrative proceeding shall be instituted by
506 the department's serving of a written notice of violation upon
507 the alleged violator by certified mail. If the department is
508 unable to effect service by certified mail, the notice of
509 violation may be hand delivered or personally served in
510 accordance with chapter 48. The notice shall specify the
511 ~~provision of the~~ law, rule, regulation, permit, certification,
512 or order of the department alleged to be violated and the facts
513 alleged to constitute a violation thereof. An order for
514 corrective action, penalty assessment, or damages may be
515 included with the notice. When the department is seeking to
516 impose an administrative penalty for any violation by issuing a
517 notice of violation, any corrective action needed to correct the
518 violation or damages caused by the violation must be pursued in
519 the notice of violation or they are waived. However, an ~~an~~ order
520 is not ~~shall become~~ effective until after service and an
521 administrative hearing, if requested within 20 days after
522 service. Failure to request an administrative hearing within
523 this time period constitutes ~~shall constitute~~ a waiver thereof,
524 unless the respondent files a written notice with the department
525 within this time period opting out of the administrative process

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526 initiated by the department to impose administrative penalties.
527 Any respondent choosing to opt out of the administrative process
528 initiated by the department in an action that seeks the
529 imposition of administrative penalties must file a written
530 notice with the department within 20 days after service of the
531 notice of violation opting out of the administrative process. A
532 respondent's decision to opt out of the administrative process
533 does not preclude the department from initiating a state court
534 action seeking injunctive relief, damages, and the judicial
535 imposition of civil penalties.

536 (d) If a person timely files a petition challenging a
537 notice of violation, that person will thereafter be referred to
538 as the respondent. The hearing requested by the respondent shall
539 be held within 180 days after the department has referred the
540 initial petition to the Division of Administrative Hearings
541 unless the parties agree to a later date. The department has the
542 burden of proving with the preponderance of the evidence that
543 the respondent is responsible for the violation. ~~No~~
544 Administrative penalties should not be imposed unless the
545 department satisfies that burden. Following the close of the
546 hearing, the administrative law judge shall issue a final order
547 on all matters, including the imposition of an administrative
548 penalty. When the department seeks to enforce that portion of a
549 final order imposing administrative penalties pursuant to s.
550 120.69, the respondent may ~~shall~~ not assert as a defense the

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551 inappropriateness of the administrative remedy. The department
552 retains its final-order authority in all administrative actions
553 that do not request the imposition of administrative penalties.

554 (e) After filing a petition requesting a formal hearing in
555 response to a notice of violation in which the department
556 imposes an administrative penalty, a respondent may request that
557 a private mediator be appointed to mediate the dispute by
558 contacting the Florida Conflict Resolution Consortium within 10
559 days after receipt of the initial order from the administrative
560 law judge. The Florida Conflict Resolution Consortium shall pay
561 all of the costs of the mediator and for up to 8 hours of the
562 mediator's time per case at \$150 per hour. Upon notice from the
563 respondent, the Florida Conflict Resolution Consortium shall
564 provide to the respondent a panel of possible mediators from the
565 area in which the hearing on the petition would be heard. The
566 respondent shall select the mediator and notify the Florida
567 Conflict Resolution Consortium of the selection within 15 days
568 of receipt of the proposed panel of mediators. The Florida
569 Conflict Resolution Consortium shall provide all of the
570 administrative support for the mediation process. The mediation
571 must be completed at least 15 days before the final hearing date
572 set by the administrative law judge.

573 (f) In any administrative proceeding brought by the
574 department, the prevailing party shall recover all costs as
575 provided in ss. 57.041 and 57.071. The costs must be included in

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576 the final order. The respondent is the prevailing party when an
577 order is entered awarding no penalties to the department and
578 such order has not been reversed on appeal or the time for
579 seeking judicial review has expired. The respondent is ~~shall be~~
580 entitled to an award of attorney's fees if the administrative
581 law judge determines that the notice of violation issued by the
582 department seeking the imposition of administrative penalties
583 was not substantially justified as defined in s. 57.111(3)(e).
584 An ~~No~~ award of attorney's fees as provided by this subsection
585 may not ~~shall~~ exceed \$15,000.

586 (g) This section does not prevent ~~Nothing herein shall be~~
587 ~~construed as preventing~~ any other legal or administrative action
588 in accordance with law and does not. ~~Nothing in this subsection~~
589 ~~shall~~ limit the department's authority provided in ss. 403.131,
590 403.141, and this section to judicially pursue injunctive
591 relief. When the department exercises its authority to
592 judicially pursue injunctive relief, penalties in any amount up
593 to the statutory maximum sought by the department must be
594 pursued as part of the state court action and not by initiating
595 a separate administrative proceeding. The department retains the
596 authority to judicially pursue penalties in excess of \$50,000
597 ~~\$10,000~~ for violations not specifically included in the
598 administrative penalty schedule, or for multiple or multiday
599 violations alleged to exceed a total of \$50,000 ~~\$10,000~~. The
600 department also retains the authority provided in ss. 403.131,

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601 403.141, and this section to judicially pursue injunctive relief
 602 and damages, if a notice of violation seeking the imposition of
 603 administrative penalties has not been issued. The department has
 604 the authority to enter into a settlement, either before or after
 605 initiating a notice of violation, and the settlement may include
 606 a penalty amount different from the administrative penalty
 607 schedule. Any case filed in state court because it is alleged to
 608 exceed a total of \$50,000 ~~\$10,000~~ in penalties may be settled in
 609 the court action for less than \$50,000 ~~\$10,000~~.

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

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

616 (a) For a drinking water contamination violation, the
 617 department shall assess a penalty of \$3,000 ~~\$2,000~~ for a Maximum
 618 Containment Level (MCL) violation; plus \$1,500 ~~\$1,000~~ if the
 619 violation is for a primary inorganic, organic, or radiological
 620 Maximum Contaminant Level or it is a fecal coliform bacteria
 621 violation; plus \$1,500 ~~\$1,000~~ if the violation occurs at a
 622 community water system; and plus \$1,500 ~~\$1,000~~ if any Maximum
 623 Contaminant Level is exceeded by more than 100 percent. For
 624 failure to obtain a clearance letter before ~~prior to~~ placing a
 625 drinking water system into service when the system would not

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626 have been eligible for clearance, the department shall assess a
 627 penalty of \$4,500 ~~\$3,000~~.

628 (b) For failure to obtain a required wastewater permit,
 629 other than a permit required for surface water discharge, the
 630 department shall assess a penalty of \$2,000 ~~\$1,000~~. For a
 631 domestic or industrial wastewater violation not involving a
 632 surface water or groundwater quality violation, the department
 633 shall assess a penalty of \$4,000 ~~\$2,000~~ for an unpermitted or
 634 unauthorized discharge or effluent-limitation exceedance. For an
 635 unpermitted or unauthorized discharge or effluent-limitation
 636 exceedance that resulted in a surface water or groundwater
 637 quality violation, the department shall assess a penalty of
 638 \$10,000 ~~\$5,000~~. Each day the cause of an unauthorized discharge
 639 of domestic wastewater is not addressed constitutes a separate
 640 offense.

641 (c) For a dredge and fill or stormwater violation, the
 642 department shall assess a penalty of \$1,500 ~~\$1,000~~ for
 643 unpermitted or unauthorized dredging or filling or unauthorized
 644 construction of a stormwater management system against the
 645 person or persons responsible for the illegal dredging or
 646 filling, or unauthorized construction of a stormwater management
 647 system plus \$3,000 ~~\$2,000~~ if the dredging or filling occurs in
 648 an aquatic preserve, an Outstanding Florida Water, a
 649 conservation easement, or a Class I or Class II surface water,
 650 plus \$1,500 ~~\$1,000~~ if the area dredged or filled is greater than

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651 one-quarter acre but less than or equal to one-half acre, and
652 plus \$1,500 ~~\$1,000~~ if the area dredged or filled is greater than
653 one-half acre but less than or equal to one acre. The
654 administrative penalty schedule does ~~shall~~ not apply to a dredge
655 and fill violation if the area dredged or filled exceeds one
656 acre. The department retains the authority to seek the judicial
657 imposition of civil penalties for all dredge and fill violations
658 involving more than one acre. The department shall assess a
659 penalty of \$4,500 ~~\$3,000~~ for the failure to complete required
660 mitigation, failure to record a required conservation easement,
661 or for a water quality violation resulting from dredging or
662 filling activities, stormwater construction activities or
663 failure of a stormwater treatment facility. For stormwater
664 management systems serving less than 5 acres, the department
665 shall assess a penalty of \$3,000 ~~\$2,000~~ for the failure to
666 properly or timely construct a stormwater management system. In
667 addition to the penalties authorized in this subsection, the
668 department shall assess a penalty of \$7,500 ~~\$5,000~~ per violation
669 against the contractor or agent of the owner or tenant that
670 conducts unpermitted or unauthorized dredging or filling. For
671 purposes of this paragraph, the preparation or signing of a
672 permit application by a person currently licensed under chapter
673 471 to practice as a professional engineer does ~~shall~~ not make
674 that person an agent of the owner or tenant.

675 (d) For mangrove trimming or alteration violations, the

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676 department shall assess a penalty of \$7,500 ~~\$5,000~~ per violation
 677 against the contractor or agent of the owner or tenant that
 678 conducts mangrove trimming or alteration without a permit as
 679 required by s. 403.9328. For purposes of this paragraph, the
 680 preparation or signing of a permit application by a person
 681 currently licensed under chapter 471 to practice as a
 682 professional engineer does ~~shall~~ not make that person an agent
 683 of the owner or tenant.

684 (e) For solid waste violations, the department shall
 685 assess a penalty of \$3,000 ~~\$2,000~~ for the unpermitted or
 686 unauthorized disposal or storage of solid waste; plus \$1,000 if
 687 the solid waste is Class I or Class III (excluding yard trash)
 688 or if the solid waste is construction and demolition debris in
 689 excess of 20 cubic yards, plus \$1,500 ~~\$1,000~~ if the waste is
 690 disposed of or stored in any natural or artificial body of water
 691 or within 500 feet of a potable water well, plus \$1,500 ~~\$1,000~~
 692 if the waste contains PCB at a concentration of 50 parts per
 693 million or greater; untreated biomedical waste; friable asbestos
 694 greater than 1 cubic meter which is not wetted, bagged, and
 695 covered; used oil greater than 25 gallons; or 10 or more lead
 696 acid batteries. The department shall assess a penalty of \$4,500
 697 ~~\$3,000~~ for failure to properly maintain leachate control;
 698 unauthorized burning; failure to have a trained spotter on duty
 699 at the working face when accepting waste; or failure to provide
 700 access control for three consecutive inspections. The department

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701 shall assess a penalty of \$3,000 ~~\$2,000~~ for failure to construct
 702 or maintain a required stormwater management system.

703 (f) For an air emission violation, the department shall
 704 assess a penalty of \$1,500 ~~\$1,000~~ for an unpermitted or
 705 unauthorized air emission or an air-emission-permit exceedance,
 706 ~~plus \$1,000 if the emission results in an air quality violation,~~
 707 plus \$4,500 ~~\$3,000~~ if the emission was from a major source and
 708 the source was major for the pollutant in violation; plus \$1,500
 709 ~~\$1,000~~ if the emission was more than 150 percent of the
 710 allowable level.

711 (g) For storage tank system and petroleum contamination
 712 violations, the department shall assess a penalty of \$7,500
 713 ~~\$5,000~~ for failure to empty a damaged storage system as
 714 necessary to ensure that a release does not occur until repairs
 715 to the storage system are completed; when a release has occurred
 716 from that storage tank system; for failure to timely recover
 717 free product; or for failure to conduct remediation or
 718 monitoring activities until a no-further-action or site-
 719 rehabilitation completion order has been issued. The department
 720 shall assess a penalty of \$4,500 ~~\$3,000~~ for failure to timely
 721 upgrade a storage tank system. The department shall assess a
 722 penalty of \$3,000 ~~\$2,000~~ for failure to conduct or maintain
 723 required release detection; failure to timely investigate a
 724 suspected release from a storage system; depositing motor fuel
 725 into an unregistered storage tank system; failure to timely

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726 assess or remediate petroleum contamination; or failure to
 727 properly install a storage tank system. The department shall
 728 assess a penalty of \$1,500 ~~\$1,000~~ for failure to properly
 729 operate, maintain, or close a storage tank system.

730 (4) In an administrative proceeding, in addition to the
 731 penalties that may be assessed under subsection (3), the
 732 department shall assess administrative penalties according to
 733 the following schedule:

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

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

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

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

743 (e) For failure to maintain required staff to respond to
 744 emergencies; failure to conduct required training; failure to
 745 prepare, maintain, or update required contingency plans; failure
 746 to adequately respond to emergencies to bring an emergency
 747 situation under control; or failure to submit required
 748 notification to the department, \$1,500 ~~\$1,000~~.

749 (f) Except as provided in subsection (2) with respect to
 750 public water systems serving a population of more than 10,000,

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751 for failure to prepare, submit, maintain, or use required
 752 reports or other required documentation, \$750 ~~\$500~~.

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

758 (6) For each additional day during which a violation
 759 occurs, the administrative penalties in subsections ~~subsection~~
 760 (3), ~~subsection~~ (4), and ~~subsection~~ (5) may be assessed per day
 761 per violation.

762 (7) The history of noncompliance of the violator for any
 763 previous violation resulting in an executed consent order, but
 764 not including a consent order entered into without a finding of
 765 violation, or resulting in a final order or judgment after the
 766 effective date of this law involving the imposition of \$3,000
 767 ~~\$2,000~~ or more in penalties shall be taken into consideration in
 768 the following manner:

769 (a) One previous such violation within 5 years before
 770 ~~prior to~~ the filing of the notice of violation will result in a
 771 25-percent per day increase in the scheduled administrative
 772 penalty.

773 (b) Two previous such violations within 5 years before
 774 ~~prior to~~ the filing of the notice of violation will result in a
 775 50-percent per day increase in the scheduled administrative

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776 penalty.

777 (c) Three or more previous such violations within 5 years
 778 before ~~prior to~~ the filing of the notice of violation will
 779 result in a 100-percent per day increase in the scheduled
 780 administrative penalty.

781 (8) The direct economic benefit gained by the violator
 782 from the violation, where consideration of economic benefit is
 783 provided by Florida law or required by federal law as part of a
 784 federally delegated or approved program, shall be added to the
 785 scheduled administrative penalty. The total administrative
 786 penalty, including any economic benefit added to the scheduled
 787 administrative penalty, may ~~shall~~ not exceed \$15,000 ~~\$10,000~~.

788 (9) The administrative penalties assessed for any
 789 particular violation may ~~shall~~ not exceed \$10,000 ~~\$5,000~~ against
 790 any one violator, unless the violator has a history of
 791 noncompliance, the economic benefit of the violation as
 792 described in subsection (8) exceeds \$10,000 ~~\$5,000~~, or there are
 793 multiday violations. The total administrative penalties may
 794 ~~shall~~ not exceed \$50,000 ~~\$10,000~~ per assessment for all
 795 violations attributable to a specific person in the notice of
 796 violation.

797 (10) The administrative law judge may receive evidence in
 798 mitigation. The penalties identified in subsections ~~subsection~~
 799 (3), ~~subsection~~ (4), and ~~subsection~~ (5) may be reduced up to 50
 800 percent by the administrative law judge for mitigating

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801 | circumstances, including good faith efforts to comply before
 802 | ~~prior to~~ or after discovery of the violations by the department.
 803 | Upon an affirmative finding that the violation was caused by
 804 | circumstances beyond the reasonable control of the respondent
 805 | and could not have been prevented by respondent's due diligence,
 806 | the administrative law judge may further reduce the penalty.

807 | (11) Penalties collected pursuant to this section shall be
 808 | deposited into the Water Quality Assurance Trust Fund or other
 809 | trust fund designated by statute and shall be used to fund the
 810 | restoration of ecosystems, or polluted areas of the state, as
 811 | defined by the department, to their condition before pollution
 812 | occurred. The Florida Conflict Resolution Consortium may use a
 813 | portion of the fund to administer the mediation process provided
 814 | in paragraph (2) (e) and to contract with private mediators for
 815 | administrative penalty cases.

816 | (12) The purpose of the administrative penalty schedule
 817 | and process is to provide a more predictable and efficient
 818 | manner for individuals and businesses to resolve relatively
 819 | minor environmental disputes. Subsections (3)-(7) may ~~Subsection~~
 820 | ~~(3), subsection (4), subsection (5), subsection (6), or~~
 821 | ~~subsection (7) shall~~ not be construed as limiting a state court
 822 | in the assessment of damages. The administrative penalty
 823 | schedule does not apply to the judicial imposition of civil
 824 | penalties in state court as provided in this section.

825 | Section 18. Subsection (1) of section 403.141, Florida

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826 Statutes, is amended to read:

827 403.141 Civil liability; joint and several liability.—

828 (1) A person who ~~Whoever~~ commits a violation specified in
 829 s. 403.161(1) is liable to the state for any damage caused to
 830 the air, waters, or property, including animal, plant, or
 831 aquatic life, of the state and for reasonable costs and expenses
 832 of the state in tracing the source of the discharge, in
 833 controlling and abating the source and the pollutants, and in
 834 restoring the air, waters, and property, including animal,
 835 plant, and aquatic life, of the state to their former condition,
 836 and furthermore is subject to the judicial imposition of a civil
 837 penalty for each offense in an amount of not more than \$15,000
 838 ~~\$10,000~~ per offense. However, the court may receive evidence in
 839 mitigation. Each day during any portion of which such violation
 840 occurs constitutes a separate offense. If a violation is an
 841 unauthorized discharge of domestic wastewater, each day the
 842 cause of the violation is not addressed constitutes a separate
 843 offense until the violation is resolved by order or judgment.
 844 This section does not ~~Nothing herein shall~~ give the department
 845 the right to bring an action on behalf of any private person.

846 Section 19. Subsections (2) through (5) of section
 847 403.161, Florida Statutes, are amended to read:

848 403.161 Prohibitions, violation, penalty, intent.—

849 (2) A person who ~~Whoever~~ commits a violation specified in
 850 subsection (1) is liable to the state for any damage caused and

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851 for civil penalties as provided in s. 403.141.

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

859 (4) A ~~Any~~ person who commits a violation specified in
 860 paragraph (1)(a) or paragraph (1)(b) due to reckless
 861 indifference or gross careless disregard commits ~~is guilty of~~ a
 862 misdemeanor of the second degree, punishable as provided in ss.
 863 775.082(4)(b) and 775.083(1)(g) by a fine of not more than
 864 \$10,000 ~~\$5,000~~ or by 60 days in jail, or by both, for each
 865 offense.

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

872 Section 20. Paragraph (a) of subsection (6) of section
 873 403.413, Florida Statutes, is amended to read:

874 403.413 Florida Litter Law.—

875 (6) PENALTIES; ENFORCEMENT.—

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876 (a) Any person who dumps litter in violation of subsection
 877 (4) in an amount not exceeding 15 pounds in weight or 27 cubic
 878 feet in volume and not for commercial purposes commits ~~is guilty~~
 879 ~~of~~ a noncriminal infraction, punishable by a civil penalty of
 880 \$150 ~~\$100~~, from which \$50 shall be deposited into the Solid
 881 Waste Management Trust Fund to be used for the solid waste
 882 management grant program pursuant to s. 403.7095. In addition,
 883 the court may require the violator to pick up litter or perform
 884 other labor commensurate with the offense committed.

885 Section 21. Subsection (5) of section 403.7234, Florida
 886 Statutes, is amended to read:

887 403.7234 Small quantity generator notification and
 888 verification program.—

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

900 Section 22. Subsection (3) of section 403.726, Florida

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901 Statutes, is amended to read:

902 403.726 Abatement of imminent hazard caused by hazardous
903 substance.—

904 (3) An imminent hazard exists if any hazardous substance
905 creates an immediate and substantial danger to human health,
906 safety, or welfare or to the environment. The department may
907 institute action in its own name, using the procedures and
908 remedies of s. 403.121 or s. 403.131, to abate an imminent
909 hazard. However, the department is authorized to recover a civil
910 penalty of not more than \$37,500 ~~\$25,000~~ for each day of
911 continued violation. Whenever serious harm to human health,
912 safety, and welfare; the environment; or private or public
913 property may occur before ~~prior to~~ completion of an
914 administrative hearing or other formal proceeding that which
915 might be initiated to abate the risk of serious harm, the
916 department may obtain, ex parte, an injunction without paying
917 filing and service fees before ~~prior to~~ the filing and service
918 of process.

919 Section 23. Paragraph (a) of subsection (3) of section
920 403.727, Florida Statutes, is amended to read:

921 403.727 Violations; defenses, penalties, and remedies.—

922 (3) Violations of the provisions of this act are
923 punishable as follows:

924 (a) Any person who violates ~~the provisions of~~ this act,
925 the rules or orders of the department, or the conditions of a

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926 permit is liable to the state for any damages specified in s.
 927 403.141 and for a civil penalty of not more than \$75,000 ~~\$50,000~~
 928 for each day of continued violation, except as otherwise
 929 provided herein. The department may revoke any permit issued to
 930 the violator. In any action by the department against a small
 931 hazardous waste generator for the improper disposal of hazardous
 932 wastes, a rebuttable presumption of improper disposal shall be
 933 created if the generator was notified pursuant to s. 403.7234;
 934 the generator shall then have the burden of proving that the
 935 disposal was proper. If the generator was not so notified, the
 936 burden of proving improper disposal shall be placed upon the
 937 department.

938 Section 24. Subsection (8) of section 403.93345, Florida
 939 Statutes, is amended to read:

940 403.93345 Coral reef protection.—

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

944 (a) For any anchoring of a vessel on a coral reef or for
 945 any other damage to a coral reef totaling less than or equal to
 946 an area of 1 square meter, \$225 ~~\$150~~, provided that a
 947 responsible party who has anchored a recreational vessel as
 948 defined in s. 327.02 which is lawfully registered or exempt from
 949 registration pursuant to chapter 328 is issued, at least once, a
 950 warning letter in lieu of penalty; with aggravating

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951 | circumstances, an additional \$225 ~~\$150~~; occurring within a state
 952 | park or aquatic preserve, an additional \$225 ~~\$150~~.

953 | (b) For damage totaling more than an area of 1 square
 954 | meter but less than or equal to an area of 10 square meters,
 955 | \$450 ~~\$300~~ per square meter; with aggravating circumstances, an
 956 | additional \$450 ~~\$300~~ per square meter; occurring within a state
 957 | park or aquatic preserve, an additional \$450 ~~\$300~~ per square
 958 | meter.

959 | (c) For damage exceeding an area of 10 square meters,
 960 | \$1,500 ~~\$1,000~~ per square meter; with aggravating circumstances,
 961 | an additional \$1,500 ~~\$1,000~~ per square meter; occurring within a
 962 | state park or aquatic preserve, an additional \$1,500 ~~\$1,000~~ per
 963 | square meter.

964 | (d) For a second violation, the total penalty may be
 965 | doubled.

966 | (e) For a third violation, the total penalty may be
 967 | tripled.

968 | (f) For any violation after a third violation, the total
 969 | penalty may be quadrupled.

970 | (g) The total of penalties levied may not exceed \$375,000
 971 | ~~\$250,000~~ per occurrence.

972 | Section 25. For the purpose of incorporating the amendment
 973 | made by this act to s. 376.16, Florida Statutes, in a reference
 974 | thereto, subsection (5) of s. 823.11, Florida Statutes, is
 975 | reenacted to read:

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976 | 823.11 Derelict vessels; relocation or removal; penalty.—

977 | (5) A person, firm, or corporation violating this section
 978 | commits a misdemeanor of the first degree and shall be punished
 979 | as provided by law. A conviction under this section does not bar
 980 | the assessment and collection of the civil penalty provided in
 981 | s. 376.16 for violation of s. 376.15. The court having
 982 | jurisdiction over the criminal offense, notwithstanding any
 983 | jurisdictional limitations on the amount in controversy, may
 984 | order the imposition of such civil penalty in addition to any
 985 | sentence imposed for the first criminal offense.

986 | Section 26. For the purpose of incorporating the amendment
 987 | made by this act to section 403.121, Florida Statutes, in a
 988 | reference thereto, subsection (5) of section 403.077, Florida
 989 | Statutes, is reenacted to read:

990 | 403.077 Public notification of pollution.—

991 | (5) VIOLATIONS.—Failure to provide the notification
 992 | required by subsection (2) shall subject the owner or operator
 993 | to the civil penalties specified in s. 403.121.

994 | Section 27. For the purpose of incorporating the amendment
 995 | made by this act to section 403.121, Florida Statutes, in a
 996 | reference thereto, subsection (2) of section 403.131, Florida
 997 | Statutes, is reenacted to read:

998 | 403.131 Injunctive relief, remedies.—

999 | (2) All the judicial and administrative remedies to
 1000 | recover damages and penalties in this section and s. 403.121 are

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1001 alternative and mutually exclusive.

1002 Section 28. For the purpose of incorporating the amendment
 1003 made by this act to section 403.121, Florida Statutes, in a
 1004 reference thereto, paragraph (d) of subsection (3) of section
 1005 403.4154, Florida Statutes, is reenacted to read:

1006 403.4154 Phosphogypsum management program.—

1007 (3) ABATEMENT OF IMMINENT HAZARD.—

1008 (d) If the department determines that the failure of an
 1009 owner or operator to comply with department rules requiring
 1010 demonstration of financial responsibility or that the physical
 1011 condition, maintenance, operation, or closure of a phosphogypsum
 1012 stack system poses an imminent hazard, the department shall
 1013 request access to the property on which such stack system is
 1014 located from the owner or operator of the stack system for the
 1015 purposes of taking action to abate or substantially reduce the
 1016 imminent hazard. If the department, after reasonable effort, is
 1017 unable to timely obtain the necessary access to abate or
 1018 substantially reduce the imminent hazard, the department may
 1019 institute action in its own name, using the procedures and
 1020 remedies of s. 403.121 or s. 403.131, to abate or substantially
 1021 reduce an imminent hazard. Whenever serious harm to human
 1022 health, safety, or welfare, to the environment, or to private or
 1023 public property may occur before ~~prior to~~ completion of an
 1024 administrative hearing or other formal proceeding that might be
 1025 initiated to abate the risk of serious harm, the department may

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1026 obtain from the court, ex parte, an injunction without paying
 1027 filing and service fees before ~~prior to~~ the filing and service
 1028 of process.

1029 Section 29. For the purpose of incorporating the amendment
 1030 made by this act to section 403.121, Florida Statutes, in a
 1031 reference thereto, subsection (5) of section 403.860, Florida
 1032 Statutes, is reenacted to read:

1033 403.860 Penalties and remedies.—

1034 (5) In addition to any judicial or administrative remedy
 1035 authorized by this part, the department or a county health
 1036 department that has received approval by the department pursuant
 1037 to s. 403.862(1)(c) shall assess administrative penalties for
 1038 violations of this section in accordance with s. 403.121.

1039 Section 30. For the purpose of incorporating the amendment
 1040 made by this act to section 403.141, Florida Statutes, in a
 1041 reference thereto, subsection (10) of section 403.708, Florida
 1042 Statutes, is reenacted to read:

1043 403.708 Prohibition; penalty.—

1044 (10) Violations of this part or rules, regulations,
 1045 permits, or orders issued thereunder by the department and
 1046 violations of approved local programs of counties or
 1047 municipalities or rules, regulations, or orders issued
 1048 thereunder are punishable by a civil penalty as provided in s.
 1049 403.141.

1050 Section 31. For the purpose of incorporating the amendment

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1051 made by this act to section 403.141, Florida Statutes, in a
 1052 reference thereto, subsection (7) of section 403.7191, Florida
 1053 Statutes, is reenacted to read:

1054 403.7191 Toxics in packaging.—

1055 (7) ENFORCEMENT.—It is unlawful for any person to:

1056 (a) Violate any provision of this section or any rule
 1057 adopted or order issued thereunder by the department.

1058 (b) Tender for sale to a purchaser any package, packaging
 1059 component, or packaged product in violation of this section or
 1060 any rule adopted or order issued thereunder.

1061 (c) Furnish a certificate of compliance with respect to
 1062 any package or packaging component which does not comply with
 1063 the provisions of subsection (3).

1064 (d) Provide a certificate of compliance that contains
 1065 false information.

1066
 1067 Violations shall be punishable by a civil penalty as provided in
 1068 s. 403.141.

1069 Section 32. For the purpose of incorporating the amendment
 1070 made by this act to section 403.141, Florida Statutes, in a
 1071 reference thereto, section 403.811, Florida Statutes, is
 1072 reenacted to read:

1073 403.811 Dredge and fill permits issued pursuant to this
 1074 chapter and s. 373.414.—Permits or other orders addressing
 1075 dredging and filling in, on, or over waters of the state issued

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1076 | pursuant to this chapter or s. 373.414(9) before the effective
 1077 | date of rules adopted under s. 373.414(9) and permits or other
 1078 | orders issued in accordance with s. 373.414(13), (14), (15), or
 1079 | (16) shall remain valid through the duration specified in the
 1080 | permit or order, unless revoked by the agency issuing the
 1081 | permit. The agency issuing the permit or other order may seek to
 1082 | enjoin the violation of, or to enforce compliance with, the
 1083 | permit or other order as provided in ss. 403.121, 403.131,
 1084 | 403.141, and 403.161. A violation of a permit or other order
 1085 | addressing dredging or filling issued pursuant to this chapter
 1086 | is punishable by a civil penalty as provided in s. 403.141 or a
 1087 | criminal penalty as provided in s. 403.161.

1088 | Section 33. For the purpose of incorporating the
 1089 | amendments made by this act to sections 403.141 and 403.161,
 1090 | Florida Statutes, in references thereto, subsection (8) of
 1091 | section 403.7186, Florida Statutes, is reenacted to read:

1092 | 403.7186 Environmentally sound management of mercury-
 1093 | containing devices and lamps.—

1094 | (8) CIVIL PENALTY.—A person who engages in any act or
 1095 | practice declared in this section to be prohibited or unlawful,
 1096 | or who violates any of the rules of the department promulgated
 1097 | under this section, is liable to the state for any damage caused
 1098 | and for civil penalties in accordance with s. 403.141. The
 1099 | provisions of s. 403.161 are not applicable to this section. The
 1100 | penalty may be waived if the person previously has taken

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1101 appropriate corrective action to remedy the actual damages, if
1102 any, caused by the unlawful act or practice or rule violation. A
1103 civil penalty so collected shall accrue to the state and shall
1104 be deposited as received into the Solid Waste Management Trust
1105 Fund for the purposes specified in paragraph (5)(a).

1106 Section 34. For the purpose of incorporating the amendment
1107 made by this act to section 403.161, Florida Statutes, in a
1108 reference thereto, subsection (2) of section 403.7255, Florida
1109 Statutes, is reenacted to read:

1110 403.7255 Placement of signs.—

1111 (2) Violations of this act are punishable as provided in
1112 s. 403.161(4).

1113 Section 35. This act shall take effect July 1, 2020.

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: CS/CS/HB 1091 Environmental Accountability

SPONSOR(S): State Affairs Committee, Agriculture & Natural Resources Subcommittee, Fine and others

TIED BILLS: **IDEN./SIM. BILLS:** CS/CS/SB 1450

FINAL HOUSE FLOOR ACTION: 115 Y's 0 N's **GOVERNOR'S ACTION:** Pending

SUMMARY ANALYSIS

CS/CS/HB 1091 passed the House on March 6, 2020. The bill was amended in the Senate on March 12, 2020, and returned to the House. The House concurred in the Senate amendment to the House bill and subsequently passed the bill as amended on March 12, 2020. The bill includes portions of SB 150, CS/CS/SB 712, and CS/HB 1343.

The Department of Environmental Protection (DEP) is Florida's lead agency for environmental management and stewardship, implementing many programs to protect the state's air, water, and land. In accordance with the state's numerous environmental laws, DEP's responsibilities include compliance and enforcement. Violations of Florida's environmental laws can result in damages and administrative, civil, and criminal penalties. Several types of violations impose a penalty for each offense, with each day during which a violation occurs constituting a separate offense.

The bill increases various statutory penalties for violations of environmental laws. For certain violations, the bill specifies that each day during any portion of which the violation occurs constitutes a separate offense. The bill further specifies that each day the cause of an unauthorized discharge of domestic wastewater is not addressed constitutes a separate offense until the violation is resolved by order or judgment.

A sanitary sewer lateral is the portion of the sewer network connecting individual private properties to the public sewer system. Sanitary sewer laterals are often in poor condition, and defects can occur due to aging systems, structural failure, lack of maintenance, or poor construction and design practices. Defects in sanitary sewer laterals can have a significant impact on the performance of the sewer system and treatment plan.

By July 1, 2022, the bill encourages each county and municipality to establish an evaluation and rehabilitation program for sanitary sewer laterals on residential and commercial properties within the county's or municipality's jurisdiction to identify and reduce extraneous flow from leaking sanitary sewer laterals. The bill requires a seller of real property, before executing a contract for sale, to disclose to a prospective purchaser any known defects in the property's sanitary sewer lateral.

The bill may have an indeterminate positive fiscal impact to the state and an indeterminate fiscal impact to local governments.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2020.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Environmental Violations

Background

The Department of Environmental Protection (DEP) is Florida's lead agency for environmental management and stewardship, implementing many programs to protect the state's air, water, and land.¹ In accordance with the state's numerous environmental laws, DEP's responsibilities include compliance and enforcement.² Violations of Florida's environmental laws can result in damages and administrative, civil, and criminal penalties.

Damages

In environmental enforcement, damages should compensate the state for the value of the loss to natural resources caused by the violation.³ DEP may institute a civil action in court or an administrative proceeding in the Division of Administrative Hearings (DOAH) to recover damages for any injury to the air, waters, or property, including animal, plant, and aquatic life, of the state caused by any violation.⁴ Damages can cover the cost of remediating the damage done to the environment, and/or costs incurred by the state in responding to the damage, such as tracing the source, controlling and abating the source, and restoring the environmental resources to their former condition.⁵

Penalties

In addition to damages, a violator can be liable for penalties. Penalties differ from damages in that they are designed to punish the wrongdoer rather than to address the harm caused by the violation.⁶ In environmental enforcement, penalties should create incentives to bring immediate compliance and curb future violations.⁷ In current law, several types of violations impose a penalty for each offense, with each day during which a violation occurs constituting a separate offense.

Administrative penalties may be levied directly by DEP or in a proceeding in DOAH.⁸ The formal administrative enforcement process is typically initiated by serving a notice of violation, and is finalized through entry of a consent order or final order.⁹ In most administrative proceedings, DEP has the final decision.¹⁰ An administrative law judge has the final decision for administrative proceedings involving the Environmental Litigation Reform Act (Reform Act), codified in s. 403.121, F.S., which is the primary statute addressing DEP's administrative penalties.¹¹ Compared to the judicial process, the administrative process is generally considered less expensive, faster, and more conducive to negotiated settlement.¹² However, if DEP is seeking immediate injunctive relief, which compels a party to act or stop acting, an order must be obtained from a court.¹³

¹ DEP, *About DEP*, available at <https://floridadep.gov/about-dep> (last visited Jan. 27, 2020); s. 20.255, F.S.

² DEP, *Enforcement Manual: DEP Regulatory Enforcement Organization* (2017), available at <https://floridadep.gov/sites/default/files/Chapter%201%20October%202017.pdf> (last visited Jan. 27, 2020).

³ DEP, *Enforcement Manual: Judicial Process and Remedies, Collections, and Bankruptcies* (2014), 89, available at <https://floridadep.gov/sites/default/files/chapter6.pdf> (last visited Jan. 27, 2020).

⁴ See s. 403.121, F.S.

⁵ See ss. 403.121 and 403.141, F.S.

⁶ See BLACK'S LAW DICTIONARY 1247 (9th ed. 2009).

⁷ DEP, *Enforcement Manual: Judicial Process and Remedies, Collections, and Bankruptcies* (2014), 89, available at <https://floridadep.gov/sites/default/files/chapter6.pdf> (last visited Jan. 27, 2020).

⁸ See ch. 120, F.S. The administrative process is formalized in the Administrative Procedure Act.

⁹ DEP, *Enforcement Manual: The Administrative Process and Remedies* (2014), 58, available at https://floridadep.gov/sites/default/files/chapter5_0.pdf (last visited Jan. 27, 2020).

¹⁰ *Id.*

¹¹ *Id.* at 58-59, 66-70; ch. 2001-258, Laws of Fla.

¹² DEP, *Enforcement Manual: The Administrative Process and Remedies* (2014), 59, available at https://floridadep.gov/sites/default/files/chapter5_0.pdf (last visited Jan. 27, 2020).

¹³ *Id.* at 59-60.

DEP must proceed administratively when it seeks administrative penalties that do not exceed \$10,000 per assessment; DEP is prohibited from imposing administrative penalties in excess of \$10,000 in a single notice of violation.¹⁴ DEP also may not have more than one notice of violation pending against a party unless the additional violation occurred at a different site or was discovered subsequent to the filing of a previous notice of violation.¹⁵

Civil penalties are noncriminal fines that are generally levied by a court, but certain agencies may impose them under certain circumstances. The Reform Act allows DEP to seek civil penalties of up to \$10,000 through the administrative process for most environmental violations.¹⁶

In state court, DEP may pursue two forms of action: a petition to enforce an order previously entered through the administrative process, or a complaint for violations of statutes or rules.¹⁷ Under both actions, DEP may seek injunctive relief, civil penalties, damages, and costs and expenses.¹⁸ For judicially imposed civil penalties, DEP is authorized to recover up to \$10,000 per offense, with each day during any portion of which a violation occurs constituting a separate offense.¹⁹

A court or an administrative law judge may receive evidence in mitigation, which may result in the decrease or elimination of penalties.²⁰

Criminal penalties can include jail or prison time, a criminal fine, or both. Florida law imposes criminal penalties for certain violations of environmental law.²¹ Punishments for such violations may vary based on standards of intent, such as willful, reckless indifference, or gross careless disregard.²²

In addition to DEP, the Department of Legal Affairs, any political subdivision or municipality of the state, and any citizen of the state also have the authority to bring an action for injunctive relief against violators of environmental laws.²³

Effect of the Bill

The bill increases various statutory penalties for violations of environmental laws.

The table below outlines the increased penalties for certain environmental violations proposed by the bill. For certain violations, the bill specifies that each day during any portion of which the violation occurs constitutes a separate offense. The bill further specifies that each day the cause of an unauthorized discharge of domestic wastewater is not addressed constitutes a separate offense until the violation is resolved by order or judgment.

¹⁴ Section 403.121(2)(b), F.S.; DEP, *Enforcement Manual: The Administrative Process and Remedies* (2014), 66-67, available at https://floridadep.gov/sites/default/files/chapter5_0.pdf (last visited Jan. 27, 2020). This requirement does not apply to underground injection, hazardous waste, or asbestos programs.

¹⁵ *Id.*

¹⁶ Section 403.121, F.S.

¹⁷ DEP, *Enforcement Manual: Judicial Process and Remedies, Collections, and Bankruptcies* (2014), 86, available at <https://floridadep.gov/sites/default/files/chapter6.pdf> (last visited Jan. 27, 2020).

¹⁸ *Id.*

¹⁹ Section 403.121(1)(b), F.S.

²⁰ Section 403.121, F.S.

²¹ Section 403.161, F.S.

²² *Id.*

²³ Section 403.412, F.S.

SECTION OF LAW	DESCRIPTION OF VIOLATION	CURRENT FINE/PENALTY	PROPOSED FINE/PENALTY
161.054	DEP is required to assess a civil penalty for refusing to comply with the requirements of a coastal construction; a reconstruction or change of existing structures; a construction or physical activity undertaken specifically for shore protection purposes; or certain other structures and physical activities.	Up to \$10,000 per day	Up to \$15,000 per day
258.397	The Department of Legal Affairs is authorized to bring a civil action for a violation of the requirements of the Biscayne Bay Aquatic Preserve.	\$5,000 per day	\$7,500 per day
258.46	The Board of Trustees of the Internal Improvement Trust Fund is required to charge a civil penalty for violations of regulations for all aquatic preserves.	Between \$500 and \$5,000 per day	Between \$750 and \$7,500 per day
373.129	DEP and the water management districts are authorized to bring actions and proceedings to enforce rules, regulations, and adopted or issued orders; enjoin or abate violations of law, rules, regulations, and adopted orders; protect and preserve the water resources of the state; defend all actions and proceedings involving their powers and duties pertaining to the water resources of the state; and recover a civil penalty for each offense.	\$10,000 per offense	\$15,000 per offense
373.209	DEP is required to assess a civil penalty for violations of regulations for artesian wells.	\$100 per day for each offense	\$150 per day for each offense
373.430	A person who causes pollution or fails to obtain a required permit commits a second degree misdemeanor.	\$5,000	\$10,000
376.065	DEP is required to assess a civil penalty for the operation of a terminal facility without a discharge prevention and response certificate.	\$500	\$750
376.071	DEP is required to assess a civil penalty for any vessel with a pollutant capacity of 10,000 gallons or more that fails to maintain a discharge prevention and control contingency plan.	\$5,000	\$7,500
376.16	DEP is required to assess a civil penalty for violations of the Pollutant Discharge Prevention and Control Act.	Up to \$50,000 per day for each offense	Up to \$75,000 per day for per offense
	DEP is required to assess a civil penalty for a second or subsequent discharge of more than five gallons of gasoline or diesel within 12 months of the first discharge.	2 nd discharge: \$500 Subsequent discharges: \$1,000	2 nd discharge: \$750 Subsequent discharges: \$1,500
	DEP is required to assess a civil penalty for a second or subsequent discharge of any pollutant other than gasoline or diesel within 12 months of the first discharge.	2 nd discharge: \$2,500 Subsequent discharges: \$5,000	2 nd discharge: \$3,750 Subsequent discharges: \$7,500
	DEP is required to assess a civil penalty for a subsequent discharge of gasoline or diesel equal to or less than five gallons within 12 months of the first discharge.	\$50	\$75

SECTION OF LAW	DESCRIPTION OF VIOLATION	CURRENT FINE/PENALTY	PROPOSED FINE/PENALTY
	DEP is required to assess a civil penalty for a subsequent discharge of a pollutant other than gasoline or diesel equal to or less than five gallons within 12 months of the first discharge.	\$100	\$150
	A county court is authorized to impose a civil penalty if a violator elects to appear before the court and the court determines that an infraction has been committed for the discharge of gasoline or diesel.	2 nd discharge: Up to \$500 Subsequent discharges: Up to \$1,000	2 nd discharge: Up to \$750 Subsequent discharges: Up to \$1,500
	A county court is authorized to impose a civil penalty if a violator elects to appear before the court and the court determines that an infraction has been committed for the discharge of a pollutant other than gasoline or diesel.	2 nd discharge: Up to \$5,000 Subsequent discharges: Up to \$10,000	2 nd discharge: Up to \$7,500 Subsequent discharges: Up to \$15,000
376.25	DEP is required to assess a civil penalty for violations of regulations for gambling vessels.	Up to \$50,000 for each violation	Up to \$75,000 for each violation
377.37	DEP is required to assess a civil penalty for violations of the regulations of oil and gas resources.	Up to \$10,000 for each violation	Up to \$15,000 for each violation
378.211	DEP is authorized to impose a civil penalty for violations of a minor or technical nature of phosphate land reclamation regulations.	\$100 each day for each violation	\$150 each day for each violation
	DEP is authorized to impose a civil penalty for a major violation by an operator of phosphate land reclamation regulations of which a penalty has not been imposed within the last five years.	\$1,000 each day for each violation	\$1,500 each day for each violation
	DEP is authorized to impose a civil penalty for major violations not covered by the violations above for phosphate land reclamation regulations.	\$5,000 each day for each violation	\$7,500 each day for each violation
403.086	DEP is required to assess a civil penalty for failing to conform to regulations for sewage disposal facilities using advanced and secondary waste treatment.	\$500 per day	\$750 per day
403.121	DEP is authorized to impose a civil penalty for violations of pollution control regulations.	Up to \$10,000 per offense	Up to \$15,000 per offense
	DEP is authorized to seek administrative penalties to provide appropriate corrective action with respect to various environmental violations. The law specifies the maximum civil penalty DEP may seek.	Up to \$10,000 per assessment	Up to \$50,000 per assessment
	DEP is required to assess administrative penalties for a drinking water contamination violation related to maximum contaminant levels, with additional penalties under certain conditions.	\$2,000 plus \$1,000 per condition	\$3,000 plus \$1,500 per condition
	DEP is required to assess an administrative penalty for failing to obtain a clearance letter prior to placing a drinking water system into service when the system would not have been eligible for clearance.	\$3,000	\$4,500
	DEP is required to assess an administrative penalty for failing to obtain a wastewater permit other than a surface water discharge permit.	\$1,000	\$2,000

SECTION OF LAW	DESCRIPTION OF VIOLATION	CURRENT FINE/PENALTY	PROPOSED FINE/PENALTY
	DEP is required to assess an administrative penalty for an unpermitted or unauthorized wastewater discharge that did not result in a water quality violation.	\$2,000	\$4,000
	DEP is required to assess an administrative penalty for the unpermitted or unauthorized discharge that resulted in a water quality violation.	\$5,000	\$10,000
	DEP is required to assess an administrative penalty for a dredge and fill or stormwater violation with additional penalties under the following conditions:	\$1,000	\$1,500
	<ul style="list-style-type: none"> If the violation occurs in a certain waterbody 	plus \$2,000	plus \$3,000
	<ul style="list-style-type: none"> If the violation occurs in an area of a certain size 	plus \$1,000	plus \$1,500
	DEP is required to assess an administrative penalty for failing to complete required mitigation, record a conservation easement, or a water quality violation resulting from certain activities.	\$3,000	\$4,500
	DEP is required to assess an administrative penalty for failing to properly or timely construct a stormwater management system for systems serving less than 5 acres.	\$2,000	\$3,000
	DEP is required to assess an administrative penalty against a contractor that conducts unpermitted or unauthorized dredging or filling.	\$5,000	\$7,500
	DEP is required to assess an administrative penalty against a contractor for mangrove trimming or alteration violations.	\$5,000	\$7,500
	DEP is required to assess an administrative penalty for the unpermitted or unauthorized disposal of solid waste, with additional penalties for certain conditions.	\$2,000 plus \$1,000 per condition	\$3,000 plus \$1,500 per condition
	DEP is required to assess an administrative penalty for failure to properly maintain leachate control.	\$3,000	\$4,500
	DEP is required to assess an administrative penalty for failing to construct or maintain a required stormwater management system.	\$2,000	\$3,000
	DEP is required to assess an administrative penalty for an unpermitted or unauthorized air emission or air-emission-permit exceedance, with additional penalties if:	\$1,000	\$1,500
	<ul style="list-style-type: none"> The emission was from a major source and the source was major for the pollutant in violation 	\$3,000	\$4,500
	<ul style="list-style-type: none"> The emission was more than 150 percent of the allowable level 	\$1,000	\$1,500
	DEP is required to assess an administrative penalty for storage tank system and petroleum contamination violations.	\$5,000	\$7,500
	DEP is required to assess an administrative penalty for failing to timely upgrade a storage tank system.	\$3,000	\$4,500
	DEP is required to assess an administrative penalty for release violations of storage tank systems.	\$2,000	\$3,000

SECTION OF LAW	DESCRIPTION OF VIOLATION	CURRENT FINE/PENALTY	PROPOSED FINE/PENALTY
	DEP is required to assess an administrative penalty for failing to properly operate, maintain, or close a storage tank system.	\$1,000	\$1,500
	DEP is required to assess an administrative penalty for failure to satisfy financial responsibility requirements or pollution of land, water, wildlife, or property by drilling for oil, gas, or other petroleum products.	\$5,000	\$7,500
	DEP is required to assess an administrative penalty for failing to install, maintain, or use a required pollution control system or device.	\$4,000	\$6,000
	DEP is required to assess an administrative penalty for failing to obtain a required permit before construction or modification.	\$3,000	\$4,500
	DEP is required to assess an administrative penalty for failing to conduct regular monitoring or testing, to conduct required release detection, or to construct in compliance with a permit.	\$2,000	\$3,000
	DEP is required to assess an administrative penalty for failing to maintain and train staff; prepare and maintain contingency plans; adequately respond to emergencies; or submit required notification to DEP.	\$1,000	\$1,500
	DEP is required to assess an administrative penalty for failing to prepare, submit, maintain, or use required reports or other documentation.	\$500	\$750
	DEP is required to assess an administrative penalty for failing to comply with any departmental regulatory statute or rule not described above.	\$500	\$1,000
	When considering the economic benefit gained by a violator from a violation, the law specifies that the total administrative penalty may not exceed a certain amount.	\$10,000	\$15,000
	The law specifies that the administrative penalties assessed for any violation may not exceed a certain amount against any one violator unless the violator has a history of noncompliance or the economic benefit exceeds a certain amount.	\$5,000 per violator unless economic benefit exceeds \$5,000	\$10,000 per violator unless economic benefit exceeds \$10,000
	The law specifies that the total administrative penalties per assessment for all violations attributable to a specific person may not exceed a certain amount.	\$10,000 per assessment	\$50,000 per assessment
403.141	Any person who causes pollution, fails to obtain a permit, knowingly makes false statements, or fails to provide required notice is liable to the state for any damage to airs, waters, or properties (including wildlife) of the state and is subject to a civil penalty for each offense.	Up to \$10,000 per offense	Up to \$15,000 per offense
403.161	Any person who fails to obtain a permit due to reckless indifference commits a 2 nd degree misdemeanor punishable by 60 days in jail, a fine, or both for each offense.	Up to \$5,000 per offense	Up to \$10,000 per offense
403.413	A law enforcement officer is required to assess a civil penalty for dumping litter.	\$100	\$150

SECTION OF LAW	DESCRIPTION OF VIOLATION	CURRENT FINE/PENALTY	PROPOSED FINE/PENALTY
403.7234	DEP is required to assess a civil penalty for any small quantity generator who does not comply with the small quantity generator notification and verification program	Between \$50 and \$100 per day for up to 100 days	Between \$75 and \$150 for up to 100 days
403.726	DEP is authorized impose a civil penalty for a violation of hazardous substance regulations.	Up to \$25,000 per day	Up to \$37,500 per day
403.727	DEP is required to assess a civil penalty for a violation of hazardous waste regulations.	Up to \$50,000 per day	Up to \$75,000 per day
403.93345	DEP is authorized to impose a civil penalty for any anchoring of a vessel on a coral reef or any other damage to a coral reef totaling less than one square meter, if the responsible party has been previously issued at least one warning letter, with additional penalties for violations that occur under certain conditions.	\$150 plus \$150 per condition	\$225 plus \$225 per condition
	DEP is authorized to impose a civil penalty for damage totaling more than one square meter but less than or equal to 10 square meters of a coral reef, with additional penalties for damage occurring under certain conditions.	\$300 plus \$300 per condition	\$450 plus \$450 per condition
	DEP is authorized to impose a civil penalty for damage totaling more than 10 square meters of a coral reef, with additional penalties for damage occurring under certain conditions.	\$1,000 plus \$1,000 per condition	\$1,500 plus \$1,500 per condition
	The law specifies that the total penalties DEP may impose for damage totaling more than 10 square meters of a coral reef may not exceed a certain amount per occurrence.	\$250,000	\$375,000

Sanitary Sewer Laterals

Background

A sanitary sewer lateral is the portion of the sewer network connecting individual private properties to the public sewer system.²⁴ Sanitary sewer laterals are often in poor condition, and defects can occur due to aging systems, structural failure, lack of maintenance, or poor construction and design practices.²⁵ Defects in sanitary sewer laterals can have a significant impact on the performance of the sewer system and treatment plan. Private laterals are estimated to contribute to about 40 percent of a system's infiltration and inflow to sanitary sewers.²⁶ Cracked or broken laterals can allow groundwater and infiltrating rainwater to enter into the sewer system, which, at high levels, can cause problems at the treatment facility or overload the sewers and cause sanitary sewer overflows.²⁷

The Florida Building Code requires every building in which plumbing fixtures are installed to be connected to a publicly owned or investor-owned sewage system, when available, or an approved onsite sewage treatment and disposal system.²⁸ A building that has plumbing fixtures installed and is

²⁴ United States Environmental Protection Agency (EPA), *Private Sewer Laterals* (June 2014), available at <https://www3.epa.gov/region1/sso/pdfs/PrivateSewerLaterals.pdf>.

²⁵ *Id.* at 1-2.

²⁶ *Id.* at 2.

²⁷ *Id.* at 4.

²⁸ Florida Building Code – Plumbing, 6th edition (July 2017) ch. 7, s. 701.2.

intended for human habitation, occupancy, or use on premises abutting a street, alley, or easement in which there is a public sewer is required to have a separate connection to the sewer.²⁹

Currently, state law does not specify who is responsible for maintaining or replacing defective sanitary sewer laterals. However, certain municipalities, through city ordinances, require property owners to be responsible for the maintenance, operation, or repair of sanitary sewer laterals.³⁰

Required Disclosures for a Contract for Sale in Florida

Florida law requires sellers to disclose certain information as part of a sale to a prospective buyer before closing, including:

- A sinkhole claim;³¹
- The potential for coastal erosion;³²
- Mandatory membership in a homeowner's association;³³
- The presence of radon gas;³⁴
- That the buyer should not rely on the seller's current property taxes;³⁵ and
- Whether subsurface rights have been or will be severed or retained.³⁶

Current law does not require sellers of real property to disclose sewer lateral defects. Instead, sellers must only disclose defects actually known, but not those constructively known, i.e. those that could have been discovered through reasonable inspection.³⁷ In addition, a seller is not required to retain a home inspector to discover problems that the seller may not be aware of.

Effect of the Bill

The bill defines the term "sanitary sewer lateral" to mean a privately owned pipeline connecting a property to the main sewer line which is maintained and repaired by the property owner.

By July 1, 2022, the bill encourages each county and municipality to establish an evaluation and rehabilitation program for sanitary sewer laterals on residential and commercial properties within the county's or municipality's jurisdiction to identify and reduce extraneous flow from leaking sanitary sewer laterals.

The bill authorizes the programs, at a minimum, to:

- Establish a system to identify defective, damaged, or deteriorated sanitary sewer laterals;
- Consider economical methods for a property owner to repair or replace a defective, damaged, or deteriorated sanitary sewer lateral; and
- Establish and maintain a publicly accessible database to store information concerning properties where a defective, damaged, or deteriorated sanitary sewer lateral has been identified.

The bill specifies that, for each property, the database must include, but is not limited to, the address of the property, the names of any persons the county notified concerning the faulty sanitary sewer lateral, and the date and method of such notification.

²⁹ Florida Building Code – Plumbing, 6th edition (July 2017) ch. 7, s. 701.3.

³⁰ Ch. 30.02, s. 4.2(k), City of Orlando Code of Ordinances; Chapter 20, article IX, s. 20-110(d), City of Tarpon Springs Code of Ordinances.

³¹ Section 627.7073(2)(c), F.S.

³² Section 161.57(2), F.S.

³³ Section 720.401(1), F.S.

³⁴ Section 404.056(5), F.S.

³⁵ Section 689.261, F.S.

³⁶ Section 689.29, F.S.

³⁷ *Jensen v. Bailey*, 76 So. 3d 980, 983-984 (Fla. 2d DCA 2011).

The bill requires a seller of real property, before executing a contract for sale, to disclose to a prospective purchaser any known defects in the property's sanitary sewer lateral.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill may have an indeterminate positive fiscal impact on state government revenues because the bill increases various penalties associated with the violation of environmental laws.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill may have an indeterminate positive fiscal impact on the revenues of local governments with the delegated authority to assess penalties because the bill increases a number of penalties associated with the violation of environmental laws.

2. Expenditures:

The bill may have an indeterminate negative fiscal impact on local governments that own and operate wastewater treatment facilities because the bill increases a number of penalties associated with the violation of environmental laws, including permit violations for wastewater treatment facilities. The bill may also have an indeterminate negative fiscal impact on local governments that choose to create a sanitary sewer lateral inspection program.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may have an indeterminate negative fiscal impact on the private sector because it increases a number of penalties associated with the violation of environmental laws and, for unauthorized discharges of domestic wastewater, may increase the period during which each day constitutes a separate offense.

D. FISCAL COMMENTS:

None.

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2 An act relating to fish and wildlife activities;
3 amending s. 379.105, F.S.; prohibiting certain
4 harassment of hunters, trappers, and fishers within or
5 on public lands or publicly or privately owned
6 wildlife and fish management areas, or in or on public
7 waters; amending s. 379.354, F.S.; authorizing the
8 Fish and Wildlife Conservation Commission to designate
9 additional annual free freshwater and saltwater
10 fishing days; amending s. 379.372, F.S.; prohibiting
11 the keeping, possessing, importing, selling,
12 bartering, trading, or breeding of certain species
13 except for educational, research, or eradication or
14 control purposes; including green iguanas and species
15 of the genera *Salvator* and *Tupinambis* in such
16 prohibition; providing that certain persons, firms, or
17 corporations may continue to exhibit, sell, or breed
18 green iguanas or tegu lizards commercially under
19 certain circumstances; requiring such green iguanas or
20 tegu lizards to be sold outside of this state;
21 prohibiting the import of green iguanas or tegu
22 lizards; requiring the commission to adopt rules that
23 meet certain requirements; reenacting s. 379.2311(1),
24 F.S., relating to the definition of the term "priority
25 invasive species," to incorporate the amendment made
26 to s. 379.372, F.S., in a reference thereto; providing
27 an effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Subsection (1) of section 379.105, Florida Statutes, is amended to read:

379.105 Harassment of hunters, trappers, or fishers.—

(1) A person may not intentionally, within or on any public lands or a publicly or privately owned wildlife management and ~~or~~ fish management areas, area or in or on any public waters ~~state-owned water body~~:

(a) Interfere with or attempt to prevent the lawful taking of fish, game, or nongame animals by another within or on such lands or areas, or in or on such waters.

(b) Attempt to disturb fish, game, or nongame animals or attempt to affect their behavior with the intent to prevent their lawful taking by another within or on such lands or areas, or in or on such waters.

Section 2. Subsection (15) of section 379.354, Florida Statutes, is amended to read:

379.354 Recreational licenses, permits, and authorization numbers; fees established.—

(15) FREE FISHING DAYS.—The commission may designate by rule no more than 6 4 consecutive or nonconsecutive days in each year as free freshwater fishing days and no more than 6 4 consecutive or nonconsecutive days in each year as free saltwater fishing days. Notwithstanding any other provision of this chapter, a ~~any~~ person may take freshwater fish for noncommercial purposes on a free freshwater fishing day and may take saltwater fish for noncommercial purposes on a free saltwater fishing day, without obtaining or possessing a license or permit or paying a license or permit fee as set forth

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59 ~~prescribed~~ in this section. A person who takes freshwater or
60 saltwater fish on a free fishing day must comply with all laws,
61 rules, and regulations governing the holders of a fishing
62 license or permit and all other conditions and limitations
63 regulating the taking of freshwater or saltwater fish as are
64 imposed by law or rule.

65 Section 3. Present paragraphs (b) through (e) of subsection
66 (2) of section 379.372, Florida Statutes, are redesignated as
67 paragraphs (c) through (f), respectively, a new paragraph (b) is
68 added to that subsection, and paragraph (a) of that subsection
69 is amended, to read:

70 379.372 Capturing, keeping, possessing, transporting, or
71 exhibiting venomous reptiles, reptiles of concern, conditional
72 reptiles, or prohibited reptiles; license required.—

73 (2) (a) A ~~No~~ person, party, firm, association, or
74 corporation may not shall keep, possess, import into the state,
75 sell, barter, trade, or breed the following species except for
76 educational, research, or eradication or control purposes
77 ~~personal use or for sale for personal use:~~

- 78 1. Burmese or Indian python (*Python molurus*).
- 79 2. Reticulated python (*Python reticulatus*).
- 80 3. Northern African python (*Python sebae*).
- 81 4. Southern African python (*Python natalensis*).
- 82 5. Amethystine or scrub python (*Morelia amethystinus*).
- 83 6. Green Anaconda (*Eunectes murinus*).
- 84 7. Nile monitor (*Varanus niloticus*).
- 85 8. Green iguana (*Iguana iguana*).
- 86 9. Tegu lizard (any species of the genera *Salvator* or
87 *Tupinambis*).

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88 10. Any other reptile designated as a conditional or
89 prohibited species by the commission.

90 (b) If a person, firm, or corporation holds a valid captive
91 wildlife class III exhibition or sale license on January 1,
92 2020, and documented an inventory of green iguanas or tegu
93 lizards on his or her or its 2019 application, the commission
94 may grandfather that person, firm, or corporation so as to allow
95 them to continue to exhibit, sell, or breed green iguanas or
96 tegu lizards commercially for as long as the license remains
97 active. Such status is void upon any license transfer or lapse.
98 The person, firm, or corporation may only sell such inventory of
99 green iguanas or tegu lizards outside of this state and may not
100 import the species into this state. The commission shall adopt
101 rules that address all of the following:

102 1. Reporting requirements.

103 2. Biosecurity measures to prevent escape of these species.

104 3. Any necessary grandfathering provisions for those
105 persons presently in possession of either a green iguana or a
106 tegu lizard who do not meet the grandfathering provisions of
107 this paragraph.

108 Section 4. For the purpose of incorporating the amendment
109 made by this act to section 379.372, Florida Statutes, in a
110 reference thereto, subsection (1) of section 379.2311, Florida
111 Statutes, is reenacted to read:

112 379.2311 Nonnative animal management.—

113 (1) As used in this section, the term "priority invasive
114 species" means the following:

115 (a) Lizards of the genus *Tupinambis*, also known as tegu
116 lizards;

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117 (b) Species identified in s. 379.372(2)(a);
118 (c) *Pterois volitans*, also known as red lionfish; and
119 (d) *Pterois miles*, also known as the common lionfish or
120 devil firefish.
121 Section 5. This act shall take effect July 1, 2020.

Committee on Environment and Natural Resources

CS/CS/CS/SB 1414 — Fish and Wildlife Activities

by Rules Committee; Agriculture Committee; Environment and Natural Resources Committee; and Senator Mayfield

The bill broadens the prohibition on the harassment of hunters, trappers, or fishers to include harassment on any public lands, public waters, or publicly or privately owned wildlife management and fish management areas.

The bill expands the number of free fishing days from 4 to 6.

The bill adds green iguanas and tegu lizards to the conditional nonnative snakes and lizards list and tightens the restrictions on the list from applying to possession of these species for sale or personal use to prohibiting any use except for educational, research, or eradication or control purposes.

The bill authorizes the Fish and Wildlife Conservation Commission (FWC) to grandfather certain persons holding a valid captive wildlife Class III exhibition or sale license to continue to exhibit, sell, or breed green iguanas or tegu lizards commercially as long as the license remains active and is not transferred or lapsed. The bill allows the sale of inventory of the species only outside of the state and prohibits import of the species into the state.

The bill requires FWC to adopt rules to establish reporting requirements, biosecurity measures to prevent the escape of the species, and grandfathering provisions for persons that are currently in possession of green iguanas or tegu lizards who do not qualify for the grandfathering provisions applicable to exhibition, sale, or breeding.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 40-0; House 118-0

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1
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. 373.036, F.S.;
18 directing water management districts to submit
19 consolidated annual reports to the Office of Economic
20 and Demographic Research; requiring such reports to
21 include connection and conversion projects for onsite
22 sewage treatment and disposal systems; requiring the
23 Department of Environmental Protection, in
24 coordination with the water management districts, to
25 conduct a study on the bottled water industry in this
26 state; providing requirements for the study; requiring
27 the department to submit a report containing the
28 findings of the study to the Governor and the
29 Legislature by a specified date; defining terms;

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30 amending s. 373.4131, F.S.; requiring the Department
31 of Environmental Protection to include stormwater
32 structural control inspections as part of its regular
33 staff training; requiring the department and the water
34 management districts to adopt rules regarding
35 stormwater design and operation regulations by a
36 specified date and address specified information as
37 part of such rule development; requiring the
38 department to review and evaluate data relating to
39 self-certification and provide the Legislature with
40 recommendations for improvements; amending s.
41 381.0065, F.S.; requiring the department to implement
42 an approval process for the use of specified nutrient-
43 reducing onsite sewage treatment and disposal systems
44 by a specified date; defining the term "department"
45 for the regulation of onsite sewage treatment and
46 disposal systems; revising the duties of the
47 department; requiring the Department of Environmental
48 Protection to adopt rules relating to the location of
49 onsite sewage treatment and disposal systems and
50 complete such rulemaking by a specified date;
51 providing requirements for such rules; requiring the
52 department to determine that a hardship exists for
53 certain variance applicants; providing that certain
54 provisions relating to existing setback requirements
55 are applicable to permits only until the effective
56 date of certain rules adopted by the department;
57 removing provisions requiring certain onsite sewage
58 treatment and disposal system research projects to be

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59 approved by a Department of Health technical review
60 and advisory panel; removing provisions prohibiting
61 the award of research projects to certain entities;
62 removing provisions establishing a Department of
63 Health onsite sewage treatment and disposal system
64 research review and advisory committee; conforming
65 provisions to changes made by the act; creating s.
66 381.00652, F.S.; defining the term "department";
67 creating the onsite sewage treatment and disposal
68 systems technical advisory committee within the
69 Department of Environmental Protection; authorizing
70 the department, in consultation with the Department of
71 Health, to appoint an onsite sewage treatment and
72 disposal systems technical advisory committee;
73 providing for committee purpose, membership, and
74 expiration; requiring the committee to submit its
75 recommendations to the Governor and Legislature;
76 providing for the expiration of the committee;
77 repealing s. 381.0068, F.S., relating to the
78 Department of Health onsite sewage treatment and
79 disposal systems technical review and advisory panel;
80 amending s. 403.061, F.S.; requiring the department to
81 adopt rules relating to domestic wastewater collection
82 and transmission system pipe leakages and inflow and
83 infiltration; requiring the department to adopt rules
84 to require public utilities or their affiliated
85 companies holding, applying for, or renewing a
86 domestic wastewater discharge permit to file certain
87 annual reports and data with the department; creating

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88 s. 403.0616, F.S.; requiring the department, subject
89 to legislative appropriation, to establish a real-time
90 water quality monitoring program; encouraging the
91 formation of public-private partnerships; amending s.
92 403.064, F.S.; requiring the Department of
93 Environmental Protection to initiate rule revisions
94 based on certain potable reuse recommendations by a
95 specified date; providing requirements for such rules;
96 providing that reclaimed water is deemed a water
97 source for public water supply systems; amending s.
98 403.067, F.S.; requiring basin management action plans
99 for nutrient total maximum daily loads to include
100 wastewater treatment and onsite sewage treatment and
101 disposal system remediation plans that meet certain
102 requirements; requiring the Department of Agriculture
103 and Consumer Services to collect fertilizer
104 application records from certain agricultural
105 producers and provide the information to the
106 department annually by a specified date; requiring the
107 Department of Agriculture and Consumer Services to
108 perform onsite inspections of the agricultural
109 producers at specified intervals; providing for
110 prioritization of such inspections; requiring certain
111 basin management action plans to include cooperative
112 agricultural regional water quality improvement
113 elements; requiring the Department of Agriculture and
114 Consumer Services, in cooperation with specified
115 entities, to annually develop research plans and
116 legislative budget requests relating to best

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117 management practices by a specified date; requiring
118 such entities to submit such plans to the Department
119 of Environmental Protection and the Department of
120 Agriculture and Consumer Services by a specific date;
121 requiring the Department of Environmental Protection
122 to work with specified entities to consider the
123 adoption of best management practices for nutrient
124 impacts from golf courses; creating s. 403.0671, F.S.;
125 directing the Department of Environmental Protection,
126 in coordination with specified entities, to submit
127 reports regarding wastewater projects identified in
128 the basin management action plans to the Governor and
129 the Legislature and to submit certain wastewater
130 project cost estimates to the Office of Economic and
131 Demographic Research by specified dates; creating s.
132 403.0673, F.S.; establishing a wastewater grant
133 program within the Department of Environmental
134 Protection; authorizing the department to distribute
135 appropriated funds for certain projects; providing
136 requirements for the distribution; requiring the
137 department to coordinate with each water management
138 district to identify grant recipients; requiring an
139 annual report to the Governor and Legislature by a
140 specified date; creating s. 403.0855, F.S.; providing
141 legislative findings regarding the regulation of
142 biosolids management in this state; requiring the
143 department to adopt rules for biosolids management;
144 providing that such rules are not effective until
145 ratified by the Legislature; providing permitting

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146 requirements for biosolids land application sites and
147 facilities; requiring biosolids application sites and
148 facilities to be enrolled in a specified best
149 management practices program or be within a specified
150 agricultural operation; providing requirements for the
151 land application of biosolids; providing a definition;
152 authorizing the enforcement or extension of certain
153 local government regulations relating to the land
154 application of biosolids until such regulations are
155 repealed; amending s. 403.086, F.S.; prohibiting
156 sewage disposal facilities from disposing waste into
157 the Indian River Lagoon beginning on a specified date
158 without certain advanced waste treatment; directing
159 the Department of Environmental Protection, in
160 consultation with specified entities, to submit a
161 report to the Governor and the Legislature by a
162 specified date; requiring sewage disposal facilities
163 to have a power outage contingency plan, to take steps
164 to prevent overflows and leaks and ensure that the
165 wastewater reaches the facility for appropriate
166 treatment, and to provide the Department of
167 Environmental Protection with certain information;
168 requiring the department to adopt rules; limiting the
169 scope of such rules; authorizing utilities and
170 operating entities to consolidate certain reports;
171 providing that specified compliance is evidence in
172 mitigation for assessment of certain penalties;
173 amending s. 403.087, F.S.; requiring the department to
174 issue operation permits for certain domestic

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175 wastewater treatment facilities under certain
176 circumstances; amending s. 403.088, F.S.; revising the
177 permit conditions for a water pollution operation
178 permit; requiring permittees to submit annual reports
179 to the department; requiring the department to submit
180 an annual report identifying all domestic wastewater
181 treatment facilities that experienced sanitary sewer
182 overflows to the Governor and the Legislature by a
183 specified date; amending s. 403.0891, F.S.; requiring
184 model stormwater management programs to contain model
185 ordinances for nutrient reduction practices and green
186 infrastructure; amending s. 403.121, F.S.; revising
187 administrative penalties for violations of ch. 403,
188 F.S.; amending ss. 403.1835 and 403.1838, F.S.;
189 requiring the Department of Environmental Protection
190 to give funding priority to certain domestic
191 wastewater utility projects; amending s. 403.412,
192 F.S.; prohibiting local governments from recognizing
193 or granting certain legal rights to the natural
194 environment or granting such rights relating to the
195 natural environment to a person or political
196 subdivision; providing construction; providing a
197 declaration of important state interest; amending ss.
198 153.54, 153.73, 163.3180, 180.03, 311.105, 327.46,
199 373.250, 373.414, 373.705, 373.707, 373.709, 373.807,
200 376.307, 380.0552, 381.006, 381.0061, 381.0064,
201 381.00651, 381.0101, 403.08601, 403.0871, 403.0872,
202 403.707, 403.861, 489.551, and 590.02, F.S.;

203 conforming cross-references and provisions to changes

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204 made by the act; providing a directive to the Division
205 of Law Revision upon the adoption of certain rules by
206 the Department of Environmental Protection; providing
207 effective dates.

208
209 Be It Enacted by the Legislature of the State of Florida:

210
211 Section 1. This act may be cited as the "Clean Waterways
212 Act."

213 Section 2. (1) By July 1, 2020, the Department of Health
214 must provide a report to the Governor, the President of the
215 Senate, and the Speaker of the House of Representatives
216 detailing the following information regarding the Onsite Sewage
217 Program:

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

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

221 (c) The program's costs and expenditures, including, but
222 not limited to, salaries and benefits, equipment costs, and
223 contracting costs.

224 (2) By December 31, 2020, the Department of Health and the
225 Department of Environmental Protection shall submit
226 recommendations to the Governor, the President of the Senate,
227 and the Speaker of the House of Representatives regarding the
228 transfer of the Onsite Sewage Program from the Department of
229 Health to the Department of Environmental Protection. The
230 recommendations must address all aspects of the transfer,
231 including the continued role of the county health departments in
232 the permitting, inspection, data management, and tracking of

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233 onsite sewage treatment and disposal systems under the direction
234 of the Department of Environmental Protection.

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

241 (a) The continued role of the county health departments in
242 the permitting, inspection, data management, and tracking of
243 onsite sewage treatment and disposal systems under the direction
244 of the Department of Environmental Protection.

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

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

256 (d) Any operating budget adjustments that are necessary to
257 implement the requirements of this act. Adjustments made to the
258 operating budgets of the agencies in the implementation of this
259 act must be made in consultation with the appropriate
260 substantive and fiscal committees of the Senate and the House of
261 Representatives. The revisions to the approved operating budgets

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262 for the 2021-2022 fiscal year which are necessary to reflect the
263 organizational changes made by this act must be implemented
264 pursuant to s. 216.292(4)(d), Florida Statutes, and are subject
265 to s. 216.177, Florida Statutes. Subsequent adjustments between
266 the Department of Health and the Department of Environmental
267 Protection which are determined necessary by the respective
268 agencies and approved by the Executive Office of the Governor
269 are authorized and subject to s. 216.177, Florida Statutes. The
270 appropriate substantive committees of the Senate and the House
271 of Representatives must also be notified of the proposed
272 revisions to ensure their consistency with legislative policy
273 and intent.

274 (4) Effective July 1, 2021, all powers, duties, functions,
275 records, offices, personnel, associated administrative support
276 positions, property, pending issues, existing contracts,
277 administrative authority, administrative rules, and unexpended
278 balances of appropriations, allocations, and other funds for the
279 regulation of onsite sewage treatment and disposal systems
280 relating to the Onsite Sewage Program in the Department of
281 Health are transferred by a type two transfer, as defined in s.
282 20.06(2), Florida Statutes, to the Department of Environmental
283 Protection.

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

290 Section 3. Paragraphs (a) and (b) of subsection (7) of

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291 section 373.036, Florida Statutes, are amended to read:

292 373.036 Florida water plan; district water management
293 plans.—

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

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

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

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

313 2. The department-approved minimum flows and minimum water
314 levels annual priority list and schedule required by s.
315 373.042(3).

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

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

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

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

324 7. The mitigation donation annual report required by s.
325 373.414(1) (b)2.

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

328 a. A list of all specific projects identified to implement
329 a basin management action plan, including any projects to
330 connect onsite sewage treatment and disposal systems to central
331 sewerage systems and convert onsite sewage treatment and
332 disposal systems to enhanced nutrient-reducing onsite sewage
333 treatment and disposal systems, or a recovery or prevention
334 strategy;

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

340 c. The estimated cost for each listed project;

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

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

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

348 9. A grade for each watershed, water body, or water segment

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349 in which a project listed under subparagraph 8. is located
350 representing the level of impairment and violations of adopted
351 minimum flow or minimum water levels. The grading system must
352 reflect the severity of the impairment of the watershed, water
353 body, or water segment.

354 Section 4. Bottled water industry study.—The department
355 shall, in coordination with the water management districts,
356 conduct a study on the bottled water industry in this state.

357 (1) The study must:

358 (a) Identify all springs statewide that have an associated
359 consumptive use permit for a bottled water facility producing
360 its product with water derived from a spring. Such
361 identification must include:

362 1. The magnitude of the spring;

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

365 3. Any department- or water management district-adopted
366 minimum flow or minimum water levels, the status of any adopted
367 minimum flow or minimum water levels, and any associated
368 recovery or prevention strategy;

369 4. The permitted and actual use associated with the
370 consumptive use permits;

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

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

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

377 (b) Identify the labeling and marketing regulations

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378 associated with the identification of bottled water as spring
379 water, including whether these regulations incentivize the
380 withdrawal of water from springs.

381 (c) Evaluate the direct and indirect economic benefits to
382 the local communities resulting from bottled water facilities
383 that derive water from springs, including, but not limited to,
384 tax revenue, job creation, and wages.

385 (d) Evaluate the direct and indirect costs to the local
386 communities located in proximity to springs impacted by
387 withdrawals from bottled water production, including, but not
388 limited to, the decreased recreational value of the springs and
389 the cost to other users for the development of alternative water
390 supply or reductions in permit durations and allocations.

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

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

396 (2) By June 30, 2021, the department shall submit a report
397 containing the findings of the study to the Governor, the
398 President of the Senate, the Speaker of the House of
399 Representatives, and the Office of Economic and Demographic
400 Research.

401 (3) As used in this section, the term "bottled water" has
402 the same meaning as in s. 500.03, Florida Statutes, and the term
403 "water derived from a spring" means water derived from an
404 underground formation from which water flows naturally to the
405 surface of the earth in the manner described in 21 C.F.R. s.
406 165.110 (a) (2) (vi).

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

410 373.4131 Statewide environmental resource permitting
411 rules.—

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

420 (6) By January 1, 2021:

421 (a) The department and the water management districts shall
422 initiate rulemaking to update the stormwater design and
423 operation regulations, including updates to the Environmental
424 Resource Permit Applicant's Handbook, using the most recent
425 scientific information available. As part of rule development,
426 the department shall consider and address low-impact design best
427 management practices and design criteria that increase the
428 removal of nutrients from stormwater discharges, and measures
429 for consistent application of the net improvement performance
430 standard to ensure significant reductions of any pollutant
431 loadings to a waterbody.

432 (b) The department shall review and evaluate permits and
433 inspection data by those entities that submit a self-
434 certification under s. 403.814(12) for compliance with state
435 water quality standards and provide the Legislature with

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436 recommendations for improvements to the self-certification
437 process, including, but not limited to, additional staff
438 resources for department review of portions of the process where
439 high-priority water quality issues justify such action.

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

442 381.0065 Onsite sewage treatment and disposal systems;
443 regulation.—

444 (7) USE OF ENHANCED NUTRIENT-REDUCING ONSITE SEWAGE
445 TREATMENT AND DISPOSAL SYSTEMS.—To meet the requirements of a
446 total maximum daily load, the department shall implement a fast-
447 track approval process of no longer than 6 months for the
448 determination of the use of American National Standards
449 Institute 245 systems approved by NSF International before July
450 1, 2020.

451 Section 7. Effective July 1, 2021, present paragraphs (d)
452 through (q) of subsection (2) of section 381.0065, Florida
453 Statutes, are redesignated as paragraphs (e) through (r),
454 respectively, subsections (3) and (4) of that section are
455 amended, and a new paragraph (d) is added to subsection (2) of
456 that section, to read:

457 381.0065 Onsite sewage treatment and disposal systems;
458 regulation.—

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

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

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

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465 (a) Adopt rules to administer ss. 381.0065-381.0067,
466 including definitions that are consistent with the definitions
467 in this section, ~~decreases to setback requirements where no~~
468 ~~health hazard exists,~~ increases for the lot-flow allowance for
469 performance-based systems, requirements for separation from
470 water table elevation during the wettest season, requirements
471 for the design and construction of any component part of an
472 onsite sewage treatment and disposal system, application and
473 permit requirements for persons who maintain an onsite sewage
474 treatment and disposal system, requirements for maintenance and
475 service agreements for aerobic treatment units and performance-
476 based treatment systems, and recommended standards, including
477 disclosure requirements, for voluntary system inspections to be
478 performed by individuals who are authorized by law to perform
479 such inspections and who shall inform a person having ownership,
480 control, or use of an onsite sewage treatment and disposal
481 system of the inspection standards and of that person's
482 authority to request an inspection based on all or part of the
483 standards.

484 (b) Perform application reviews and site evaluations, issue
485 permits, and conduct inspections and complaint investigations
486 associated with the construction, installation, maintenance,
487 modification, abandonment, operation, use, or repair of an
488 onsite sewage treatment and disposal system for a residence or
489 establishment with an estimated domestic sewage flow of 10,000
490 gallons or less per day, or an estimated commercial sewage flow
491 of 5,000 gallons or less per day, which is not currently
492 regulated under chapter 403.

493 (c) Develop a comprehensive program to ensure that onsite

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494 sewage treatment and disposal systems regulated by the
495 department are sized, designed, constructed, installed, sited,
496 repaired, modified, abandoned, used, operated, and maintained in
497 compliance with this section and rules adopted under this
498 section to prevent groundwater contamination, including impacts
499 from nutrient pollution, and surface water contamination and to
500 preserve the public health. The department is the final
501 administrative interpretive authority regarding rule
502 interpretation. In the event of a conflict regarding rule
503 interpretation, the Secretary of Environmental Protection ~~State~~
504 ~~Surgeon General,~~ or his or her designee, shall timely assign a
505 staff person to resolve the dispute.

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

508 (e) Permit the use of a limited number of innovative
509 systems for a specific period of time, when there is compelling
510 evidence that the system will function properly and reliably to
511 meet the requirements of this section and rules adopted under
512 this section.

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

514 (g) Establish and collect fees as established under s.
515 381.0066 for services provided with respect to onsite sewage
516 treatment and disposal systems.

517 (h) Conduct enforcement activities, including imposing
518 fines, issuing citations, suspensions, revocations, injunctions,
519 and emergency orders for violations of this section, part I of
520 chapter 386, or part III of chapter 489 or for a violation of
521 any rule adopted under this section, part I of chapter 386, or
522 part III of chapter 489.

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

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

549 (k) Approve the installation of individual graywater
550 disposal systems in which blackwater is treated by a central
551 sewerage system.

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552 (l) Regulate and permit the sanitation, handling,
553 treatment, storage, reuse, and disposal of byproducts from any
554 system regulated under this chapter ~~and not regulated by the~~
555 ~~Department of Environmental Protection.~~

556 (m) Permit and inspect portable or temporary toilet
557 services and holding tanks. The department shall review
558 applications, perform site evaluations, and issue permits for
559 the temporary use of holding tanks, privies, portable toilet
560 services, or any other toilet facility that is intended for use
561 on a permanent or nonpermanent basis, including facilities
562 placed on construction sites when workers are present. The
563 department may specify standards for the construction,
564 maintenance, use, and operation of any such facility for
565 temporary use.

566 (n) Regulate and permit maintenance entities for
567 performance-based treatment systems and aerobic treatment unit
568 systems. To ensure systems are maintained and operated according
569 to manufacturer's specifications and designs, the department
570 shall establish by rule minimum qualifying criteria for
571 maintenance entities. The criteria shall include: training,
572 access to approved spare parts and components, access to
573 manufacturer's maintenance and operation manuals, and service
574 response time. The maintenance entity shall employ a contractor
575 licensed under s. 489.105(3)(m), or part III of chapter 489, or
576 a state-licensed wastewater plant operator, who is responsible
577 for maintenance and repair of all systems under contract.

578 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not
579 construct, repair, modify, abandon, or operate an onsite sewage
580 treatment and disposal system without first obtaining a permit

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581 approved by the department. The department may issue permits to
582 carry out this section, ~~but shall not make the issuance of such~~
583 ~~permits contingent upon prior approval by the department of~~
584 ~~Environmental Protection~~, except that the issuance of a permit
585 for work seaward of the coastal construction control line
586 established under s. 161.053 shall be contingent upon receipt of
587 any required coastal construction control line permit from the
588 department ~~of Environmental Protection~~. A construction permit is
589 valid for 18 months after ~~from~~ the date of issuance ~~date~~ and may
590 be extended by the department for one 90-day period under rules
591 adopted by the department. A repair permit is valid for 90 days
592 after ~~from~~ the date of issuance. An operating permit must be
593 obtained before ~~prior to~~ the use of any aerobic treatment unit
594 or if the establishment generates commercial waste. Buildings or
595 establishments that use an aerobic treatment unit or generate
596 commercial waste shall be inspected by the department at least
597 annually to assure compliance with the terms of the operating
598 permit. The operating permit for a commercial wastewater system
599 is valid for 1 year after ~~from~~ the date of issuance and must be
600 renewed annually. The operating permit for an aerobic treatment
601 unit is valid for 2 years after ~~from~~ the date of issuance and
602 must be renewed every 2 years. If all information pertaining to
603 the siting, location, and installation conditions or repair of
604 an onsite sewage treatment and disposal system remains the same,
605 a construction or repair permit for the onsite sewage treatment
606 and disposal system may be transferred to another person, if the
607 transferee files, within 60 days after the transfer of
608 ownership, an amended application providing all corrected
609 information and proof of ownership of the property. A ~~There is~~

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610 ~~ne~~ fee is not associated with the processing of this
611 supplemental information. A person may not contract to
612 construct, modify, alter, repair, service, abandon, or maintain
613 any portion of an onsite sewage treatment and disposal system
614 without being registered under part III of chapter 489. A
615 property owner who personally performs construction,
616 maintenance, or repairs to a system serving his or her own
617 owner-occupied single-family residence is exempt from
618 registration requirements for performing such construction,
619 maintenance, or repairs on that residence, but is subject to all
620 permitting requirements. A municipality or political subdivision
621 of the state may not issue a building or plumbing permit for any
622 building that requires the use of an onsite sewage treatment and
623 disposal system unless the owner or builder has received a
624 construction permit for such system from the department. A
625 building or structure may not be occupied and a municipality,
626 political subdivision, or any state or federal agency may not
627 authorize occupancy until the department approves the final
628 installation of the onsite sewage treatment and disposal system.
629 A municipality or political subdivision of the state may not
630 approve any change in occupancy or tenancy of a building that
631 uses an onsite sewage treatment and disposal system until the
632 department has reviewed the use of the system with the proposed
633 change, approved the change, and amended the operating permit.

634 (a) Subdivisions and lots in which each lot has a minimum
635 area of at least one-half acre and either a minimum dimension of
636 100 feet or a mean of at least 100 feet of the side bordering
637 the street and the distance formed by a line parallel to the
638 side bordering the street drawn between the two most distant

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639 points of the remainder of the lot may be developed with a water
640 system regulated under s. 381.0062 and onsite sewage treatment
641 and disposal systems, provided the projected daily sewage flow
642 does not exceed an average of 1,500 gallons per acre per day,
643 and provided satisfactory drinking water can be obtained and all
644 distance and setback, soil condition, water table elevation, and
645 other related requirements of this section and rules adopted
646 under this section can be met.

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

655 (c) Notwithstanding paragraphs (a) and (b), for
656 subdivisions platted of record on or before October 1, 1991,
657 when a developer or other appropriate entity has previously made
658 or makes provisions, including financial assurances or other
659 commitments, acceptable to the department ~~of Health~~, that a
660 central water system will be installed by a regulated public
661 utility based on a density formula, private potable wells may be
662 used with onsite sewage treatment and disposal systems until the
663 agreed-upon densities are reached. In a subdivision regulated by
664 this paragraph, the average daily sewage flow may not exceed
665 2,500 gallons per acre per day. This section does not affect the
666 validity of existing prior agreements. After October 1, 1991,
667 the exception provided under this paragraph is not available to

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668 a developer or other appropriate entity.

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

676 (e) The department shall adopt rules relating to the
677 location of onsite sewage treatment and disposal systems,
678 including establishing setback distances, to prevent groundwater
679 contamination and surface water contamination and to preserve
680 the public health. The rulemaking process for such rules must be
681 completed by July 1, 2022, and the department shall notify the
682 Division of Law Revision of the date such rules take effect. The
683 rules must consider conventional and enhanced nutrient-reducing
684 onsite sewage treatment and disposal system designs, impaired or
685 degraded water bodies, domestic wastewater and drinking water
686 infrastructure, potable water sources, nonpotable wells,
687 stormwater infrastructure, the onsite sewage treatment and
688 disposal system remediation plans developed pursuant to s.
689 403.067(7)(a)9.b., nutrient pollution, and the recommendations
690 of the onsite sewage treatment and disposal systems technical
691 advisory committee established pursuant to s. 381.00652. The
692 rules must also allow a person to apply for and receive a
693 variance from a rule requirement upon demonstration that the
694 requirement would cause an undue hardship and granting the
695 variance would not cause or contribute to the exceedance of a
696 total maximum daily load.

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

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

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

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

707 4. Fifty feet from any nonpotable well.

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

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

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

715 8. Fifteen feet from the design high-water line of
716 retention areas, detention areas, or swales designed to contain
717 standing or flowing water for less than 72 hours after a
718 rainfall or the design high-water level of normally dry drainage
719 ditches or normally dry individual lot stormwater retention
720 areas.

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

725 (g) ~~All provisions of~~ This section and rules adopted under

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

729 1. Any residential lot that was platted and recorded on or
730 after January 1, 1972, or that is part of a residential
731 subdivision that was approved by the appropriate permitting
732 agency on or after January 1, 1972, and that was eligible for an
733 onsite sewage treatment and disposal system construction permit
734 on the date of such platting and recording or approval shall be
735 eligible for an onsite sewage treatment and disposal system
736 construction permit, regardless of when the application for a
737 permit is made. If rules in effect at the time the permit
738 application is filed cannot be met, residential lots platted and
739 recorded or approved on or after January 1, 1972, shall, to the
740 maximum extent possible, comply with the rules in effect at the
741 time the permit application is filed. At a minimum, however,
742 those residential lots platted and recorded or approved on or
743 after January 1, 1972, but before January 1, 1983, shall comply
744 with those rules in effect on January 1, 1983, and those
745 residential lots platted and recorded or approved on or after
746 January 1, 1983, shall comply with those rules in effect at the
747 time of such platting and recording or approval. In determining
748 the maximum extent of compliance with current rules that is
749 possible, the department shall allow structures and
750 appurtenances thereto which were authorized at the time such
751 lots were platted and recorded or approved.

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

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755 treatment and disposal systems for lots platted before 1972 may
756 not exceed:

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

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

761 (h)1. The department may grant variances in hardship cases
762 which may be less restrictive than the provisions specified in
763 this section. If a variance is granted and the onsite sewage
764 treatment and disposal system construction permit has been
765 issued, the variance may be transferred with the system
766 construction permit, if the transferee files, within 60 days
767 after the transfer of ownership, an amended construction permit
768 application providing all corrected information and proof of
769 ownership of the property and if the same variance would have
770 been required for the new owner of the property as was
771 originally granted to the original applicant for the variance. A
772 ~~There is no fee~~ is not associated with the processing of this
773 supplemental information. A variance may not be granted under
774 this section until the department is satisfied that:

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

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

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

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784
785 Where soil conditions, water table elevation, and setback
786 provisions are determined by the department to be satisfactory,
787 special consideration must be given to those lots platted before
788 1972.

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

801 a. The Secretary of Environmental Protection ~~State Surgeon~~
802 ~~General~~ or his or her designee.

803 b. A representative from the county health departments.

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

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

808 e. A representative from the Department of Health
809 ~~Environmental Protection~~.

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

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813 Florida Association of Realtors.

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

816
817 Members shall be appointed for a term of 3 years, with such
818 appointments being staggered so that the terms of no more than
819 two members expire in any one year. Members shall serve without
820 remuneration, but if requested, shall be reimbursed for per diem
821 and travel expenses as provided in s. 112.061.

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

835 1. A building located in an area zoned or used for
836 industrial or manufacturing purposes, or its equivalent, when
837 such building is served by an onsite sewage treatment and
838 disposal system, must not be occupied until the owner or tenant
839 has obtained written approval from the department. The
840 department may ~~shall~~ not grant approval when the proposed use of
841 the system is to dispose of toxic, hazardous, or industrial

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842 wastewater or toxic or hazardous chemicals.

843 2. Each person who owns or operates a business or facility
844 in an area zoned or used for industrial or manufacturing
845 purposes, or its equivalent, or who owns or operates a business
846 that has the potential to generate toxic, hazardous, or
847 industrial wastewater or toxic or hazardous chemicals, and uses
848 an onsite sewage treatment and disposal system that is installed
849 on or after July 5, 1989, must obtain an annual system operating
850 permit from the department. A person who owns or operates a
851 business that uses an onsite sewage treatment and disposal
852 system that was installed and approved before July 5, 1989, does
853 not need to not obtain a system operating permit. However, upon
854 change of ownership or tenancy, the new owner or operator must
855 notify the department of the change, and the new owner or
856 operator must obtain an annual system operating permit,
857 regardless of the date that the system was installed or
858 approved.

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

870 (j) An onsite sewage treatment and disposal system designed

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871 by a professional engineer registered in the state and certified
872 by such engineer as complying with performance criteria adopted
873 by the department must be approved by the department subject to
874 the following:

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

887 2. A person electing to use ~~utilize~~ an engineer-designed
888 system shall, upon completion of the system design, submit such
889 design, certified by a registered professional engineer, to the
890 county health department. The county health department may use
891 ~~utilize~~ an outside consultant to review the engineer-designed
892 system, with the actual cost of such review to be borne by the
893 applicant. Within 5 working days after receiving an engineer-
894 designed system permit application, the county health department
895 shall request additional information if the application is not
896 complete. Within 15 working days after receiving a complete
897 application for an engineer-designed system, the county health
898 department ~~either~~ shall issue the permit or, if it determines
899 that the system does not comply with the performance criteria,

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900 shall notify the applicant of that determination and refer the
901 application to the department for a determination as to whether
902 the system should be approved, disapproved, or approved with
903 modification. The department engineer's determination shall
904 prevail over the action of the county health department. The
905 applicant shall be notified in writing of the department's
906 determination and of the applicant's rights to pursue a variance
907 or seek review under the provisions of chapter 120.

908 3. The owner of an engineer-designed performance-based
909 system must maintain a current maintenance service agreement
910 with a maintenance entity permitted by the department. The
911 maintenance entity shall inspect each system at least twice each
912 year and shall report quarterly to the department on the number
913 of systems inspected and serviced. The reports may be submitted
914 electronically.

915 4. The property owner of an owner-occupied, single-family
916 residence may be approved and permitted by the department as a
917 maintenance entity for his or her own performance-based
918 treatment system upon written certification from the system
919 manufacturer's approved representative that the property owner
920 has received training on the proper installation and service of
921 the system. The maintenance service agreement must conspicuously
922 disclose that the property owner has the right to maintain his
923 or her own system and is exempt from contractor registration
924 requirements for performing construction, maintenance, or
925 repairs on the system but is subject to all permitting
926 requirements.

927 5. The property owner shall obtain a biennial system
928 operating permit from the department for each system. The

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929 department shall inspect the system at least annually, or on
930 such periodic basis as the fee collected permits, and may
931 collect system-effluent samples if appropriate to determine
932 compliance with the performance criteria. The fee for the
933 biennial operating permit shall be collected beginning with the
934 second year of system operation.

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

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

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

955 1. The county, each municipality, and those special
956 districts established for the purpose of the collection,
957 transmission, treatment, or disposal of sewage shall ensure, in

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958 accordance with the specific schedules adopted by the
959 Administration Commission under s. 380.0552, the completion of
960 onsite sewage treatment and disposal system upgrades to meet the
961 requirements of this paragraph.

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

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

968 b. Suspended Solids of 10 mg/l.

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

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

975

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

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

983 4. In areas scheduled to be served by a central sewerage
984 system ~~sewer~~ by December 31, 2015, if the property owner has
985 paid a connection fee or assessment for connection to the
986 central sewerage ~~sewer~~ system, the property owner may install a

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987 holding tank with a high water alarm or an onsite sewage
988 treatment and disposal system that meets the following minimum
989 standards:

990 a. The existing tanks must be pumped and inspected and
991 certified as being watertight and free of defects in accordance
992 with department rule; and

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

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

998 6. The department shall enforce proper installation,
999 operation, and maintenance of onsite sewage treatment and
1000 disposal systems pursuant to this chapter, including ensuring
1001 that the appropriate level of treatment described in
1002 subparagraph 2. is met.

1003 7. The authority of a local government, including a special
1004 district, to mandate connection of an onsite sewage treatment
1005 and disposal system is governed by s. 4, chapter 99-395, Laws of
1006 Florida.

1007 8. Notwithstanding any other ~~provision of~~ law, an onsite
1008 sewage treatment and disposal system installed after July 1,
1009 2010, in unincorporated Monroe County, excluding special
1010 wastewater districts, that complies with the standards in
1011 subparagraph 2. is not required to connect to a central sewerage
1012 ~~sewer~~ system until December 31, 2020.

1013 (m) A ~~No~~ product sold in the state for use in onsite sewage
1014 treatment and disposal systems may not contain any substance in
1015 concentrations or amounts that would interfere with or prevent

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1016 the successful operation of such system, or that would cause
1017 discharges from such systems to violate applicable water quality
1018 standards. The department shall publish criteria for products
1019 known or expected to meet the conditions of this paragraph. If
1020 ~~In the event~~ a product does not meet such criteria, such product
1021 may be sold if the manufacturer satisfactorily demonstrates to
1022 the department that the conditions of this paragraph are met.

1023 (n) Evaluations for determining the seasonal high-water
1024 table elevations or the suitability of soils for the use of a
1025 new onsite sewage treatment and disposal system shall be
1026 performed by department personnel, professional engineers
1027 registered in the state, or such other persons with expertise,
1028 as defined by rule, in making such evaluations. Evaluations for
1029 determining mean annual flood lines shall be performed by those
1030 persons identified in paragraph (2) (k) ~~(2) (j)~~. The department
1031 shall accept evaluations submitted by professional engineers and
1032 such other persons as meet the expertise established by this
1033 section or by rule unless the department has a reasonable
1034 scientific basis for questioning the accuracy or completeness of
1035 the evaluation.

1036 ~~(o) The department shall appoint a research review and~~
1037 ~~advisory committee, which shall meet at least semiannually. The~~
1038 ~~committee shall advise the department on directions for new~~
1039 ~~research, review and rank proposals for research contracts, and~~
1040 ~~review draft research reports and make comments. The committee~~
1041 ~~is comprised of:~~

1042 ~~1. A representative of the State Surgeon General, or his or~~
1043 ~~her designee.~~

1044 ~~2. A representative from the septic tank industry.~~

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1045 ~~3. A representative from the home building industry.~~

1046 ~~4. A representative from an environmental interest group.~~

1047 ~~5. A representative from the State University System, from~~
1048 ~~a department knowledgeable about onsite sewage treatment and~~
1049 ~~disposal systems.~~

1050 ~~6. A professional engineer registered in this state who has~~
1051 ~~work experience in onsite sewage treatment and disposal systems.~~

1052 ~~7. A representative from local government who is~~
1053 ~~knowledgeable about domestic wastewater treatment.~~

1054 ~~8. A representative from the real estate profession.~~

1055 ~~9. A representative from the restaurant industry.~~

1056 ~~10. A consumer.~~

1057
1058 ~~Members shall be appointed for a term of 3 years, with the~~
1059 ~~appointments being staggered so that the terms of no more than~~
1060 ~~four members expire in any one year. Members shall serve without~~
1061 ~~remuneration, but are entitled to reimbursement for per diem and~~
1062 ~~travel expenses as provided in s. 112.061.~~

1063 ~~(o)~~ (p) An application for an onsite sewage treatment and
1064 disposal system permit shall be completed in full, signed by the
1065 owner or the owner's authorized representative, or by a
1066 contractor licensed under chapter 489, and shall be accompanied
1067 by all required exhibits and fees. ~~No~~ Specific documentation of
1068 property ownership is not ~~shall be~~ required as a prerequisite to
1069 the review of an application or the issuance of a permit. The
1070 issuance of a permit does not constitute determination by the
1071 department of property ownership.

1072 ~~(p)~~ (q) The department may not require any form of
1073 subdivision analysis of property by an owner, developer, or

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1074 subdivider before ~~prior to~~ submission of an application for an
1075 onsite sewage treatment and disposal system.

1076 (q) ~~(r)~~ ~~Nothing in~~ This section does not limit ~~limits~~ the
1077 power of a municipality or county to enforce other laws for the
1078 protection of the public health and safety.

1079 (r) ~~(s)~~ In the siting of onsite sewage treatment and
1080 disposal systems, including drainfields, shoulders, and slopes,
1081 guttering may ~~shall~~ not be required on single-family residential
1082 dwelling units for systems located greater than 5 feet from the
1083 roof drip line of the house. If guttering is used on residential
1084 dwelling units, the downspouts shall be directed away from the
1085 drainfield.

1086 (s) ~~(t)~~ Notwithstanding ~~the provisions of~~ subparagraph
1087 (g)1., onsite sewage treatment and disposal systems located in
1088 floodways of the Suwannee and Aucilla Rivers must adhere to the
1089 following requirements:

1090 1. The absorption surface of the drainfield may ~~shall~~ not
1091 be subject to flooding based on 10-year flood elevations.
1092 Provided, however, for lots or parcels created by the
1093 subdivision of land in accordance with applicable local
1094 government regulations before ~~prior to~~ January 17, 1990, if an
1095 applicant cannot construct a drainfield system with the
1096 absorption surface of the drainfield at an elevation equal to or
1097 above 10-year flood elevation, the department shall issue a
1098 permit for an onsite sewage treatment and disposal system within
1099 the 10-year floodplain of rivers, streams, and other bodies of
1100 flowing water if all of the following criteria are met:

- 1101 a. The lot is at least one-half acre in size;
1102 b. The bottom of the drainfield is at least 36 inches above

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1103 the 2-year flood elevation; and

1104 c. The applicant installs ~~either:~~ a waterless,
1105 incinerating, or organic waste composting toilet and a graywater
1106 system and drainfield in accordance with department rules; an
1107 aerobic treatment unit and drainfield in accordance with
1108 department rules; a system ~~approved by the State Health Office~~
1109 that is capable of reducing effluent nitrate by at least 50
1110 percent in accordance with department rules; or a system other
1111 than a system using alternative drainfield materials in
1112 accordance with department rules ~~approved by the county health~~
1113 ~~department pursuant to department rule other than a system using~~
1114 ~~alternative drainfield materials~~. The United States Department
1115 of Agriculture Soil Conservation Service soil maps, State of
1116 Florida Water Management District data, and Federal Emergency
1117 Management Agency Flood Insurance maps are resources that shall
1118 be used to identify flood-prone areas.

1119 2. The use of fill or mounding to elevate a drainfield
1120 system out of the 10-year floodplain of rivers, streams, or
1121 other bodies of flowing water may ~~shall~~ not be permitted if such
1122 a system lies within a regulatory floodway of the Suwannee and
1123 Aucilla Rivers. In cases where the 10-year flood elevation does
1124 not coincide with the boundaries of the regulatory floodway, the
1125 regulatory floodway will be considered for the purposes of this
1126 subsection to extend at a minimum to the 10-year flood
1127 elevation.

1128 (t) 1. ~~(u) 1.~~ The owner of an aerobic treatment unit system
1129 shall maintain a current maintenance service agreement with an
1130 aerobic treatment unit maintenance entity permitted by the
1131 department. The maintenance entity shall inspect each aerobic

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1132 treatment unit system at least twice each year and shall report
1133 quarterly to the department on the number of aerobic treatment
1134 unit systems inspected and serviced. The reports may be
1135 submitted electronically.

1136 2. The property owner of an owner-occupied, single-family
1137 residence may be approved and permitted by the department as a
1138 maintenance entity for his or her own aerobic treatment unit
1139 system upon written certification from the system manufacturer's
1140 approved representative that the property owner has received
1141 training on the proper installation and service of the system.
1142 The maintenance entity service agreement must conspicuously
1143 disclose that the property owner has the right to maintain his
1144 or her own system and is exempt from contractor registration
1145 requirements for performing construction, maintenance, or
1146 repairs on the system but is subject to all permitting
1147 requirements.

1148 3. A septic tank contractor licensed under part III of
1149 chapter 489, if approved by the manufacturer, may not be denied
1150 access by the manufacturer to aerobic treatment unit system
1151 training or spare parts for maintenance entities. After the
1152 original warranty period, component parts for an aerobic
1153 treatment unit system may be replaced with parts that meet
1154 manufacturer's specifications but are manufactured by others.
1155 The maintenance entity shall maintain documentation of the
1156 substitute part's equivalency for 2 years and shall provide such
1157 documentation to the department upon request.

1158 4. The owner of an aerobic treatment unit system shall
1159 obtain a system operating permit from the department and allow
1160 the department to inspect during reasonable hours each aerobic

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1161 treatment unit system at least annually, and such inspection may
1162 include collection and analysis of system-effluent samples for
1163 performance criteria established by rule of the department.

1164 (u)~~(v)~~ The department may require the submission of
1165 detailed system construction plans that are prepared by a
1166 professional engineer registered in this state. The department
1167 shall establish by rule criteria for determining when such a
1168 submission is required.

1169 (v)~~(w)~~ Any permit issued and approved by the department for
1170 the installation, modification, or repair of an onsite sewage
1171 treatment and disposal system shall transfer with the title to
1172 the property in a real estate transaction. A title may not be
1173 encumbered at the time of transfer by new permit requirements by
1174 a governmental entity for an onsite sewage treatment and
1175 disposal system which differ from the permitting requirements in
1176 effect at the time the system was permitted, modified, or
1177 repaired. An inspection of a system may not be mandated by a
1178 governmental entity at the point of sale in a real estate
1179 transaction. This paragraph does not affect a septic tank phase-
1180 out deferral program implemented by a consolidated government as
1181 defined in s. 9, Art. VIII of the State Constitution (1885).

1182 (w)~~(x)~~ A governmental entity, including a municipality,
1183 county, or statutorily created commission, may not require an
1184 engineer-designed performance-based treatment system, excluding
1185 a passive engineer-designed performance-based treatment system,
1186 before the completion of the Florida Onsite Sewage Nitrogen
1187 Reduction Strategies Project. This paragraph does not apply to a
1188 governmental entity, including a municipality, county, or
1189 statutorily created commission, which adopted a local law,

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1190 ordinance, or regulation on or before January 31, 2012.

1191 Notwithstanding this paragraph, an engineer-designed
1192 performance-based treatment system may be used to meet the
1193 requirements of the variance review and advisory committee
1194 recommendations.

1195 (x)1.~~(y)~~1. An onsite sewage treatment and disposal system
1196 is not considered abandoned if the system is disconnected from a
1197 structure that was made unusable or destroyed following a
1198 disaster and if the system was properly functioning at the time
1199 of disconnection and was not adversely affected by the disaster.
1200 The onsite sewage treatment and disposal system may be
1201 reconnected to a rebuilt structure if:

1202 a. The reconnection of the system is to the same type of
1203 structure which contains the same number of bedrooms or fewer,
1204 if the square footage of the structure is less than or equal to
1205 110 percent of the original square footage of the structure that
1206 existed before the disaster;

1207 b. The system is not a sanitary nuisance; and

1208 c. The system has not been altered without prior
1209 authorization.

1210 2. An onsite sewage treatment and disposal system that
1211 serves a property that is foreclosed upon is not considered
1212 abandoned.

1213 (y)~~(z)~~ If an onsite sewage treatment and disposal system
1214 permittee receives, relies upon, and undertakes construction of
1215 a system based upon a validly issued construction permit under
1216 rules applicable at the time of construction but a change to a
1217 rule occurs within 5 years after the approval of the system for
1218 construction but before the final approval of the system, the

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1219 rules applicable and in effect at the time of construction
1220 approval apply at the time of final approval if fundamental site
1221 conditions have not changed between the time of construction
1222 approval and final approval.

1223 (z)~~(aa)~~ An existing-system inspection or evaluation and
1224 assessment, or a modification, replacement, or upgrade of an
1225 onsite sewage treatment and disposal system is not required for
1226 a remodeling addition or modification to a single-family home if
1227 a bedroom is not added. However, a remodeling addition or
1228 modification to a single-family home may not cover any part of
1229 the existing system or encroach upon a required setback or the
1230 unobstructed area. To determine if a setback or the unobstructed
1231 area is impacted, the local health department shall review and
1232 verify a floor plan and site plan of the proposed remodeling
1233 addition or modification to the home submitted by a remodeler
1234 which shows the location of the system, including the distance
1235 of the remodeling addition or modification to the home from the
1236 onsite sewage treatment and disposal system. The local health
1237 department may visit the site or otherwise determine the best
1238 means of verifying the information submitted. A verification of
1239 the location of a system is not an inspection or evaluation and
1240 assessment of the system. The review and verification must be
1241 completed within 7 business days after receipt by the local
1242 health department of a floor plan and site plan. If the review
1243 and verification is not completed within such time, the
1244 remodeling addition or modification to the single-family home,
1245 for the purposes of this paragraph, is approved.

1246 Section 8. Section 381.00652, Florida Statutes, is created
1247 to read:

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1248 381.00652 Onsite sewage treatment and disposal systems
1249 technical advisory committee.—

1250 (1) As used in this section, the term "department" means
1251 the Department of Environmental Protection.

1252 (2) An onsite sewage treatment and disposal systems
1253 technical advisory committee, a committee as defined in s.
1254 20.03(8), is created within the department. The committee shall:

1255 (a) Provide recommendations to increase the availability of
1256 enhanced nutrient-reducing onsite sewage treatment and disposal
1257 systems in the marketplace, including such systems that are
1258 cost-effective, low maintenance, and reliable.

1259 (b) Consider and recommend regulatory options, such as
1260 fast-track approval, prequalification, or expedited permitting,
1261 to facilitate the introduction and use of enhanced nutrient-
1262 reducing onsite sewage treatment and disposal systems that have
1263 been reviewed and approved by a national agency or organization,
1264 such as the American National Standards Institute 245 systems
1265 approved by the NSF International.

1266 (c) Provide recommendations for appropriate setback
1267 distances for onsite sewage treatment and disposal systems from
1268 surface water, groundwater, and wells.

1269 (3) The department shall use existing and available
1270 resources to administer and support the activities of the
1271 committee.

1272 (4) (a) By August 1, 2021, the department, in consultation
1273 with the Department of Health, shall appoint no more than 10
1274 members to the committee, as follows:

- 1275 1. A professional engineer.
1276 2. A septic tank contractor.

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1277 3. Two representatives from the home building industry.

1278 4. A representative from the real estate industry.

1279 5. A representative from the onsite sewage treatment and
1280 disposal system industry.

1281 6. A representative from local government.

1282 7. Two representatives from the environmental community.

1283 8. A representative of the scientific and technical
1284 community who has substantial expertise in the areas of the fate
1285 and transport of water pollutants, toxicology, epidemiology,
1286 geology, biology, or environmental sciences.

1287 (b) Members shall serve without compensation and are not
1288 entitled to reimbursement for per diem or travel expenses.

1289 (5) By January 1, 2022, the committee shall submit its
1290 recommendations to the Governor, the President of the Senate,
1291 and the Speaker of the House of Representatives.

1292 (6) This section expires August 15, 2022.

1293 Section 9. Effective July 1, 2021, section 381.0068,
1294 Florida Statutes, is repealed.

1295 Section 10. Present subsections (14) through (44) of
1296 section 403.061, Florida Statutes, are redesignated as
1297 subsections (15) through (45), respectively, subsection (7) is
1298 amended, and a new subsection (14) is added to that section, to
1299 read:

1300 403.061 Department; powers and duties.—The department shall
1301 have the power and the duty to control and prohibit pollution of
1302 air and water in accordance with the law and rules adopted and
1303 promulgated by it and, for this purpose, to:

1304 (7) Adopt rules pursuant to ss. 120.536(1) and 120.54 to
1305 implement ~~the provisions of~~ this act. Any rule adopted pursuant

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1306 to this act must ~~shall~~ be consistent with the provisions of
1307 federal law, if any, relating to control of emissions from motor
1308 vehicles, effluent limitations, pretreatment requirements, or
1309 standards of performance. A ~~No~~ county, municipality, or
1310 political subdivision may not ~~shall~~ adopt or enforce any local
1311 ordinance, special law, or local regulation requiring the
1312 installation of Stage II vapor recovery systems, as currently
1313 defined by department rule, unless such county, municipality, or
1314 political subdivision is or has been in the past designated by
1315 federal regulation as a moderate, serious, or severe ozone
1316 nonattainment area. Rules adopted pursuant to this act may ~~shall~~
1317 not require dischargers of waste into waters of the state to
1318 improve natural background conditions. The department shall
1319 adopt rules to reasonably limit, reduce, and eliminate domestic
1320 wastewater collection and transmission system pipe leakages and
1321 inflow and infiltration. Discharges from steam electric
1322 generating plants existing or licensed under this chapter on
1323 July 1, 1984, may ~~shall~~ not be required to be treated to a
1324 greater extent than may be necessary to assure that the quality
1325 of nonthermal components of discharges from nonrecirculated
1326 cooling water systems is as high as the quality of the makeup
1327 waters; that the quality of nonthermal components of discharges
1328 from recirculated cooling water systems is no lower than is
1329 allowed for blowdown from such systems; or that the quality of
1330 noncooling system discharges which receive makeup water from a
1331 receiving body of water which does not meet applicable
1332 department water quality standards is as high as the quality of
1333 the receiving body of water. The department may not adopt
1334 standards more stringent than federal regulations, except as

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1335 provided in s. 403.804.

1336 (14) In order to promote resilient utilities, require
1337 public utilities or their affiliated companies holding, applying
1338 for, or renewing a domestic wastewater discharge permit to file
1339 annual reports and other data regarding transactions or
1340 allocations of common costs and expenditures on pollution
1341 mitigation and prevention among the utility's permitted systems,
1342 including, but not limited to, the prevention of sanitary sewer
1343 overflows, collection and transmission system pipe leakages, and
1344 inflow and infiltration. The department shall adopt rules to
1345 implement this subsection.

1346
1347 The department shall implement such programs in conjunction with
1348 its other powers and duties and shall place special emphasis on
1349 reducing and eliminating contamination that presents a threat to
1350 humans, animals or plants, or to the environment.

1351 Section 11. Section 403.0616, Florida Statutes, is created
1352 to read:

1353 403.0616 Real-time water quality monitoring program.-

1354 (1) Subject to appropriation, the department shall
1355 establish a real-time water quality monitoring program to assist
1356 in the restoration, preservation, and enhancement of impaired
1357 water bodies and coastal resources.

1358 (2) In order to expedite the creation and implementation of
1359 the program, the department is encouraged to form public-private
1360 partnerships with established scientific entities that have
1361 proven existing real-time water quality monitoring equipment and
1362 experience in deploying the equipment.

1363 Section 12. Subsection (17) is added to section 403.064,

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1364 Florida Statutes, to read:

1365 403.064 Reuse of reclaimed water.—

1366 (17) By December 31, 2020, the department shall initiate
1367 rule revisions based on the recommendations of the Potable Reuse
1368 Commission's 2020 report "Advancing Potable Reuse in Florida:
1369 Framework for the Implementation of Potable Reuse in Florida."
1370 Rules for potable reuse projects must address contaminants of
1371 emerging concern and meet or exceed federal and state drinking
1372 water quality standards and other applicable water quality
1373 standards. Reclaimed water is deemed a water source for public
1374 water supply systems.

1375 Section 13. Subsection (7) of section 403.067, Florida
1376 Statutes, is amended to read:

1377 403.067 Establishment and implementation of total maximum
1378 daily loads.—

1379 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
1380 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

1381 (a) *Basin management action plans.*—

1382 1. In developing and implementing the total maximum daily
1383 load for a water body, the department, or the department in
1384 conjunction with a water management district, may develop a
1385 basin management action plan that addresses some or all of the
1386 watersheds and basins tributary to the water body. Such plan
1387 must integrate the appropriate management strategies available
1388 to the state through existing water quality protection programs
1389 to achieve the total maximum daily loads and may provide for
1390 phased implementation of these management strategies to promote
1391 timely, cost-effective actions as provided for in s. 403.151.

1392 The plan must establish a schedule implementing the management

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1393 strategies, establish a basis for evaluating the plan's
1394 effectiveness, and identify feasible funding strategies for
1395 implementing the plan's management strategies. The management
1396 strategies may include regional treatment systems or other
1397 public works, when ~~where~~ appropriate, and voluntary trading of
1398 water quality credits to achieve the needed pollutant load
1399 reductions.

1400 2. A basin management action plan must equitably allocate,
1401 pursuant to paragraph (6) (b), pollutant reductions to individual
1402 basins, as a whole to all basins, or to each identified point
1403 source or category of nonpoint sources, as appropriate. For
1404 nonpoint sources for which best management practices have been
1405 adopted, the initial requirement specified by the plan must be
1406 those practices developed pursuant to paragraph (c). When ~~Where~~
1407 appropriate, the plan may take into account the benefits of
1408 pollutant load reduction achieved by point or nonpoint sources
1409 that have implemented management strategies to reduce pollutant
1410 loads, including best management practices, before the
1411 development of the basin management action plan. The plan must
1412 also identify the mechanisms that will address potential future
1413 increases in pollutant loading.

1414 3. The basin management action planning process is intended
1415 to involve the broadest possible range of interested parties,
1416 with the objective of encouraging the greatest amount of
1417 cooperation and consensus possible. In developing a basin
1418 management action plan, the department shall assure that key
1419 stakeholders, including, but not limited to, applicable local
1420 governments, water management districts, the Department of
1421 Agriculture and Consumer Services, other appropriate state

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1422 agencies, local soil and water conservation districts,
1423 environmental groups, regulated interests, and affected
1424 pollution sources, are invited to participate in the process.
1425 The department shall hold at least one public meeting in the
1426 vicinity of the watershed or basin to discuss and receive
1427 comments during the planning process and shall otherwise
1428 encourage public participation to the greatest practicable
1429 extent. Notice of the public meeting must be published in a
1430 newspaper of general circulation in each county in which the
1431 watershed or basin lies at least ~~not less than~~ 5 days, but not
1432 ~~nor~~ more than 15 days, before the public meeting. A basin
1433 management action plan does not supplant or otherwise alter any
1434 assessment made under subsection (3) or subsection (4) or any
1435 calculation or initial allocation.

1436 4. Each new or revised basin management action plan shall
1437 include:

1438 a. The appropriate management strategies available through
1439 existing water quality protection programs to achieve total
1440 maximum daily loads, which may provide for phased implementation
1441 to promote timely, cost-effective actions as provided for in s.
1442 403.151;

1443 b. A description of best management practices adopted by
1444 rule;

1445 c. A list of projects in priority ranking with a planning-
1446 level cost estimate and estimated date of completion for each
1447 listed project;

1448 d. The source and amount of financial assistance to be made
1449 available by the department, a water management district, or
1450 other entity for each listed project, if applicable; and

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1451 e. A planning-level estimate of each listed project's
1452 expected load reduction, if applicable.

1453 5. The department shall adopt all or any part of a basin
1454 management action plan and any amendment to such plan by
1455 secretarial order pursuant to chapter 120 to implement ~~the~~
1456 ~~provisions of~~ this section.

1457 6. The basin management action plan must include milestones
1458 for implementation and water quality improvement, and an
1459 associated water quality monitoring component sufficient to
1460 evaluate whether reasonable progress in pollutant load
1461 reductions is being achieved over time. An assessment of
1462 progress toward these milestones shall be conducted every 5
1463 years, and revisions to the plan shall be made as appropriate.
1464 Revisions to the basin management action plan shall be made by
1465 the department in cooperation with basin stakeholders. Revisions
1466 to the management strategies required for nonpoint sources must
1467 follow the procedures ~~set forth~~ in subparagraph (c)4. Revised
1468 basin management action plans must be adopted pursuant to
1469 subparagraph 5.

1470 7. In accordance with procedures adopted by rule under
1471 paragraph (9)(c), basin management action plans, and other
1472 pollution control programs under local, state, or federal
1473 authority as provided in subsection (4), may allow point or
1474 nonpoint sources that will achieve greater pollutant reductions
1475 than required by an adopted total maximum daily load or
1476 wasteload allocation to generate, register, and trade water
1477 quality credits for the excess reductions to enable other
1478 sources to achieve their allocation; however, the generation of
1479 water quality credits does not remove the obligation of a source

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1480 or activity to meet applicable technology requirements or
1481 adopted best management practices. Such plans must allow trading
1482 between NPDES permittees, and trading that may or may not
1483 involve NPDES permittees, where the generation or use of the
1484 credits involve an entity or activity not subject to department
1485 water discharge permits whose owner voluntarily elects to obtain
1486 department authorization for the generation and sale of credits.

1487 ~~8. The provisions of~~ The department's rule relating to the
1488 equitable abatement of pollutants into surface waters do not
1489 apply to water bodies or water body segments for which a basin
1490 management plan that takes into account future new or expanded
1491 activities or discharges has been adopted under this section.

1492 9. In order to promote resilient wastewater utilities, if
1493 the department identifies domestic wastewater treatment
1494 facilities or onsite sewage treatment and disposal systems as
1495 contributors of at least 20 percent of point source or nonpoint
1496 source nutrient pollution or if the department determines
1497 remediation is necessary to achieve the total maximum daily
1498 load, a basin management action plan for a nutrient total
1499 maximum daily load must include the following:

1500 a. A wastewater treatment plan developed by each local
1501 government, in cooperation with the department, the water
1502 management district, and the public and private domestic
1503 wastewater treatment facilities within the jurisdiction of the
1504 local government, that addresses domestic wastewater. The
1505 wastewater treatment plan must:

1506 (I) Provide for construction, expansion, or upgrades
1507 necessary to achieve the total maximum daily load requirements
1508 applicable to the domestic wastewater treatment facility.

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1509 (II) Include the permitted capacity in average annual
1510 gallons per day for the domestic wastewater treatment facility;
1511 the average nutrient concentration and the estimated average
1512 nutrient load of the domestic wastewater; a projected timeline
1513 of the dates by which the construction of any facility
1514 improvements will begin and be completed and the date by which
1515 operations of the improved facility will begin; the estimated
1516 cost of the improvements; and the identity of responsible
1517 parties.

1518
1519 The wastewater treatment plan must be adopted as part of the
1520 basin management action plan no later than July 1, 2025. A local
1521 government that does not have a domestic wastewater treatment
1522 facility in its jurisdiction is not required to develop a
1523 wastewater treatment plan unless there is a demonstrated need to
1524 establish a domestic wastewater treatment facility within its
1525 jurisdiction to improve water quality necessary to achieve a
1526 total maximum daily load. A local government is not responsible
1527 for a private domestic wastewater facility's compliance with a
1528 basin management action plan unless such facility is operated
1529 through a public-private partnership to which the local
1530 government is a party.

1531 b. An onsite sewage treatment and disposal system
1532 remediation plan developed by each local government in
1533 cooperation with the department, the Department of Health, water
1534 management districts, and public and private domestic wastewater
1535 treatment facilities.

1536 (I) The onsite sewage treatment and disposal system
1537 remediation plan must identify cost-effective and financially

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1538 feasible projects necessary to achieve the nutrient load
1539 reductions required for onsite sewage treatment and disposal
1540 systems. To identify cost-effective and financially feasible
1541 projects for remediation of onsite sewage treatment and disposal
1542 systems, the local government shall:

1543 (A) Include an inventory of onsite sewage treatment and
1544 disposal systems based on the best information available;

1545 (B) Identify onsite sewage treatment and disposal systems
1546 that would be eliminated through connection to existing or
1547 future central domestic wastewater infrastructure in the
1548 jurisdiction or domestic wastewater service area of the local
1549 government, that would be replaced with or upgraded to enhanced
1550 nutrient-reducing onsite sewage treatment and disposal systems,
1551 or that would remain on conventional onsite sewage treatment and
1552 disposal systems;

1553 (C) Estimate the costs of potential onsite sewage treatment
1554 and disposal system connections, upgrades, or replacements; and

1555 (D) Identify deadlines and interim milestones for the
1556 planning, design, and construction of projects.

1557 (II) The department shall adopt the onsite sewage treatment
1558 and disposal system remediation plan as part of the basin
1559 management action plan no later than July 1, 2025, or as
1560 required for Outstanding Florida Springs under s. 373.807.

1561 10. When identifying wastewater projects in a basin
1562 management action plan, the department may not require the
1563 higher cost option if it achieves the same nutrient load
1564 reduction as a lower cost option. A regulated entity may choose
1565 a different cost option if it complies with the pollutant
1566 reduction requirements of an adopted total maximum daily load

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1567 and meets or exceeds the pollution reduction requirement of the
1568 original project.

1569 (b) *Total maximum daily load implementation.*—

1570 1. The department shall be the lead agency in coordinating
1571 the implementation of the total maximum daily loads through
1572 existing water quality protection programs. Application of a
1573 total maximum daily load by a water management district must be
1574 consistent with this section and does not require the issuance
1575 of an order or a separate action pursuant to s. 120.536(1) or s.
1576 120.54 for the adoption of the calculation and allocation
1577 previously established by the department. Such programs may
1578 include, but are not limited to:

1579 a. Permitting and other existing regulatory programs,
1580 including water-quality-based effluent limitations;

1581 b. Nonregulatory and incentive-based programs, including
1582 best management practices, cost sharing, waste minimization,
1583 pollution prevention, agreements established pursuant to s.
1584 403.061(22) ~~s. 403.061(21)~~, and public education;

1585 c. Other water quality management and restoration
1586 activities, for example surface water improvement and management
1587 plans approved by water management districts or basin management
1588 action plans developed pursuant to this subsection;

1589 d. Trading of water quality credits or other equitable
1590 economically based agreements;

1591 e. Public works including capital facilities; or

1592 f. Land acquisition.

1593 2. For a basin management action plan adopted pursuant to
1594 paragraph (a), any management strategies and pollutant reduction
1595 requirements associated with a pollutant of concern for which a

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1596 total maximum daily load has been developed, including effluent
1597 limits ~~set forth~~ for a discharger subject to NPDES permitting,
1598 if any, must be included in a timely manner in subsequent NPDES
1599 permits or permit modifications for that discharger. The
1600 department may not impose limits or conditions implementing an
1601 adopted total maximum daily load in an NPDES permit until the
1602 permit expires, the discharge is modified, or the permit is
1603 reopened pursuant to an adopted basin management action plan.

1604 a. Absent a detailed allocation, total maximum daily loads
1605 must be implemented through NPDES permit conditions that provide
1606 for a compliance schedule. In such instances, a facility's NPDES
1607 permit must allow time for the issuance of an order adopting the
1608 basin management action plan. The time allowed for the issuance
1609 of an order adopting the plan may not exceed 5 years. Upon
1610 issuance of an order adopting the plan, the permit must be
1611 reopened or renewed, as necessary, and permit conditions
1612 consistent with the plan must be established. Notwithstanding
1613 the other provisions of this subparagraph, upon request by an
1614 NPDES permittee, the department as part of a permit issuance,
1615 renewal, or modification may establish individual allocations
1616 before the adoption of a basin management action plan.

1617 b. For holders of NPDES municipal separate storm sewer
1618 system permits and other stormwater sources, implementation of a
1619 total maximum daily load or basin management action plan must be
1620 achieved, to the maximum extent practicable, through the use of
1621 best management practices or other management measures.

1622 c. The basin management action plan does not relieve the
1623 discharger from any requirement to obtain, renew, or modify an
1624 NPDES permit or to abide by other requirements of the permit.

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1625 d. Management strategies ~~set forth~~ in a basin management
1626 action plan to be implemented by a discharger subject to
1627 permitting by the department must be completed pursuant to the
1628 schedule ~~set forth~~ in the basin management action plan. This
1629 implementation schedule may extend beyond the 5-year term of an
1630 NPDES permit.

1631 e. Management strategies and pollution reduction
1632 requirements ~~set forth~~ in a basin management action plan for a
1633 specific pollutant of concern are not subject to challenge under
1634 chapter 120 at the time they are incorporated, in an identical
1635 form, into a subsequent NPDES permit or permit modification.

1636 f. For nonagricultural pollutant sources not subject to
1637 NPDES permitting but permitted pursuant to other state,
1638 regional, or local water quality programs, the pollutant
1639 reduction actions adopted in a basin management action plan must
1640 be implemented to the maximum extent practicable as part of
1641 those permitting programs.

1642 g. A nonpoint source discharger included in a basin
1643 management action plan must demonstrate compliance with the
1644 pollutant reductions established under subsection (6) by
1645 implementing the appropriate best management practices
1646 established pursuant to paragraph (c) or conducting water
1647 quality monitoring prescribed by the department or a water
1648 management district. A nonpoint source discharger may, in
1649 accordance with department rules, supplement the implementation
1650 of best management practices with water quality credit trades in
1651 order to demonstrate compliance with the pollutant reductions
1652 established under subsection (6).

1653 h. A nonpoint source discharger included in a basin

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1654 management action plan may be subject to enforcement action by
1655 the department or a water management district based upon a
1656 failure to implement the responsibilities ~~set forth~~ in sub-
1657 subparagraph g.

1658 i. A landowner, discharger, or other responsible person who
1659 is implementing applicable management strategies specified in an
1660 adopted basin management action plan may not be required by
1661 permit, enforcement action, or otherwise to implement additional
1662 management strategies, including water quality credit trading,
1663 to reduce pollutant loads to attain the pollutant reductions
1664 established pursuant to subsection (6) and shall be deemed to be
1665 in compliance with this section. This subparagraph does not
1666 limit the authority of the department to amend a basin
1667 management action plan as specified in subparagraph (a)6.

1668 (c) *Best management practices.*—

1669 1. The department, in cooperation with the water management
1670 districts and other interested parties, as appropriate, may
1671 develop suitable interim measures, best management practices, or
1672 other measures necessary to achieve the level of pollution
1673 reduction established by the department for nonagricultural
1674 nonpoint pollutant sources in allocations developed pursuant to
1675 subsection (6) and this subsection. These practices and measures
1676 may be adopted by rule by the department and the water
1677 management districts and, where adopted by rule, shall be
1678 implemented by those parties responsible for nonagricultural
1679 nonpoint source pollution.

1680 2. The Department of Agriculture and Consumer Services may
1681 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54
1682 suitable interim measures, best management practices, or other

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1683 measures necessary to achieve the level of pollution reduction
1684 established by the department for agricultural pollutant sources
1685 in allocations developed pursuant to subsection (6) and this
1686 subsection or for programs implemented pursuant to paragraph
1687 (12) (b). These practices and measures may be implemented by
1688 those parties responsible for agricultural pollutant sources and
1689 the department, the water management districts, and the
1690 Department of Agriculture and Consumer Services shall assist
1691 with implementation. In the process of developing and adopting
1692 rules for interim measures, best management practices, or other
1693 measures, the Department of Agriculture and Consumer Services
1694 shall consult with the department, the Department of Health, the
1695 water management districts, representatives from affected
1696 farming groups, and environmental group representatives. Such
1697 rules must also incorporate provisions for a notice of intent to
1698 implement the practices and a system to assure the
1699 implementation of the practices, including site inspection and
1700 recordkeeping requirements.

1701 3. When ~~where~~ interim measures, best management practices,
1702 or other measures are adopted by rule, the effectiveness of such
1703 practices in achieving the levels of pollution reduction
1704 established in allocations developed by the department pursuant
1705 to subsection (6) and this subsection or in programs implemented
1706 pursuant to paragraph (12) (b) must be verified at representative
1707 sites by the department. The department shall use best
1708 professional judgment in making the initial verification that
1709 the best management practices are reasonably expected to be
1710 effective and, when ~~where~~ applicable, shall ~~must~~ notify the
1711 appropriate water management district or the Department of

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1712 Agriculture and Consumer Services of its initial verification
1713 before the adoption of a rule proposed pursuant to this
1714 paragraph. Implementation, in accordance with rules adopted
1715 under this paragraph, of practices that have been initially
1716 verified to be effective, or verified to be effective by
1717 monitoring at representative sites, by the department, shall
1718 provide a presumption of compliance with state water quality
1719 standards and release from ~~the provisions of~~ s. 376.307(5) for
1720 those pollutants addressed by the practices, and the department
1721 is not authorized to institute proceedings against the owner of
1722 the source of pollution to recover costs or damages associated
1723 with the contamination of surface water or groundwater caused by
1724 those pollutants. Research projects funded by the department, a
1725 water management district, or the Department of Agriculture and
1726 Consumer Services to develop or demonstrate interim measures or
1727 best management practices shall be granted a presumption of
1728 compliance with state water quality standards and a release from
1729 ~~the provisions of~~ s. 376.307(5). The presumption of compliance
1730 and release is limited to the research site and only for those
1731 pollutants addressed by the interim measures or best management
1732 practices. Eligibility for the presumption of compliance and
1733 release is limited to research projects on sites where the owner
1734 or operator of the research site and the department, a water
1735 management district, or the Department of Agriculture and
1736 Consumer Services have entered into a contract or other
1737 agreement that, at a minimum, specifies the research objectives,
1738 the cost-share responsibilities of the parties, and a schedule
1739 that details the beginning and ending dates of the project.

1740 4. When ~~Where~~ water quality problems are demonstrated,

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1741 despite the appropriate implementation, operation, and
1742 maintenance of best management practices and other measures
1743 required by rules adopted under this paragraph, the department,
1744 a water management district, or the Department of Agriculture
1745 and Consumer Services, in consultation with the department,
1746 shall institute a reevaluation of the best management practice
1747 or other measure. If ~~Should~~ the reevaluation determines
1748 ~~determine~~ that the best management practice or other measure
1749 requires modification, the department, a water management
1750 district, or the Department of Agriculture and Consumer
1751 Services, as appropriate, shall revise the rule to require
1752 implementation of the modified practice within a reasonable time
1753 period as specified in the rule.

1754 5. Subject to subparagraph 6., the Department of
1755 Agriculture and Consumer Services shall provide to the
1756 department information obtained pursuant to subparagraph (d)3.

1757 ~~6.5.~~ Agricultural records relating to processes or methods
1758 of production, costs of production, profits, or other financial
1759 information held by the Department of Agriculture and Consumer
1760 Services pursuant to subparagraphs 3., and 4., and 5. or
1761 pursuant to any rule adopted pursuant to subparagraph 2. are
1762 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
1763 of the State Constitution. Upon request, records made
1764 confidential and exempt pursuant to this subparagraph shall be
1765 released to the department or any water management district
1766 provided that the confidentiality specified by this subparagraph
1767 for such records is maintained.

1768 ~~7.6.~~ ~~The provisions of~~ Subparagraphs 1. and 2. do not
1769 preclude the department or water management district from

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1770 requiring compliance with water quality standards or with
1771 current best management practice requirements ~~set forth~~ in any
1772 applicable regulatory program authorized by law for the purpose
1773 of protecting water quality. Additionally, subparagraphs 1. and
1774 2. are applicable only to the extent that they do not conflict
1775 with any rules adopted by the department that are necessary to
1776 maintain a federally delegated or approved program.

1777 (d) *Enforcement and verification of basin management action*
1778 *plans and management strategies.*—

1779 1. Basin management action plans are enforceable pursuant
1780 to this section and ss. 403.121, 403.141, and 403.161.

1781 Management strategies, including best management practices and
1782 water quality monitoring, are enforceable under this chapter.

1783 2. No later than January 1, 2017:

1784 a. The department, in consultation with the water
1785 management districts and the Department of Agriculture and
1786 Consumer Services, shall initiate rulemaking to adopt procedures
1787 to verify implementation of water quality monitoring required in
1788 lieu of implementation of best management practices or other
1789 measures pursuant to sub-subparagraph (b)2.g.;

1790 b. The department, in consultation with the water
1791 management districts and the Department of Agriculture and
1792 Consumer Services, shall initiate rulemaking to adopt procedures
1793 to verify implementation of nonagricultural interim measures,
1794 best management practices, or other measures adopted by rule
1795 pursuant to subparagraph (c)1.; and

1796 c. The Department of Agriculture and Consumer Services, in
1797 consultation with the water management districts and the
1798 department, shall initiate rulemaking to adopt procedures to

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1799 verify implementation of agricultural interim measures, best
1800 management practices, or other measures adopted by rule pursuant
1801 to subparagraph (c) 2.

1802
1803 The rules required under this subparagraph shall include
1804 enforcement procedures applicable to the landowner, discharger,
1805 or other responsible person required to implement applicable
1806 management strategies, including best management practices or
1807 water quality monitoring as a result of noncompliance.

1808 3. At least every 2 years, the Department of Agriculture
1809 and Consumer Services shall perform onsite inspections of each
1810 agricultural producer that enrolls in a best management practice
1811 to ensure that such practice is being properly implemented. Such
1812 verification must include a collection and review of the best
1813 management practice documentation from the previous 2 years
1814 required by rules adopted pursuant to subparagraph (c) 2.,
1815 including, but not limited to, nitrogen and phosphorus
1816 fertilizer application records, which must be collected and
1817 retained pursuant to subparagraphs (c) 3., 4., and 6. The
1818 Department of Agriculture and Consumer Services shall initially
1819 prioritize the inspection of agricultural producers located in
1820 the basin management action plans for Lake Okeechobee, the
1821 Indian River Lagoon, the Caloosahatchee River and Estuary, and
1822 Silver Springs.

1823 (e) Cooperative agricultural regional water quality
1824 improvement element.—

1825 1. The department, the Department of Agriculture and
1826 Consumer Services, and owners of agricultural operations in the
1827 basin shall develop a cooperative agricultural regional water

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1828 quality improvement element as part of a basin management action
1829 plan only if:

1830 a. Agricultural measures have been adopted by the
1831 Department of Agriculture and Consumer Services pursuant to
1832 subparagraph (c)2. and have been implemented and the waterbody
1833 remains impaired;

1834 b. Agricultural nonpoint sources contribute to at least 20
1835 percent of nonpoint source nutrient discharges; and

1836 c. The department determines that additional measures, in
1837 combination with state-sponsored regional projects and other
1838 management strategies included in the basin management action
1839 plan, are necessary to achieve the total maximum daily load.

1840 2. The element will be implemented through the use of cost-
1841 sharing projects. The element must include cost-effective and
1842 technically and financially practical cooperative regional
1843 agricultural nutrient reduction projects that can be implemented
1844 on private properties on a site-specific, cooperative basis.
1845 Such cooperative regional agricultural nutrient reduction
1846 projects may include land acquisition in fee or conservation
1847 easements on the lands of willing sellers and site-specific
1848 water quality improvement or dispersed water management projects
1849 on the lands of project participants.

1850 3. To qualify for participation in the cooperative
1851 agricultural regional water quality improvement element, the
1852 participant must have already implemented and be in compliance
1853 with best management practices or other measures adopted by the
1854 Department of Agriculture and Consumer Services pursuant to
1855 subparagraph (c)2. The element may be included in the basin
1856 management action plan as a part of the next 5-year assessment

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1857 under subparagraph (a)6.

1858 4. The department may submit a legislative budget request
1859 to fund projects developed pursuant to this paragraph. In
1860 allocating funds for projects funded pursuant to this paragraph,
1861 the department shall provide at least 20 percent of its annual
1862 appropriation for projects in subbasins with the highest
1863 nutrient concentrations within a basin management action plan.

1864 (f) Data collection and research.—

1865 1. The Department of Agriculture and Consumer Services, in
1866 cooperation with the University of Florida Institute of Food and
1867 Agricultural Sciences and other state universities and Florida
1868 College System institutions that have agricultural research
1869 programs, shall annually develop research plans and legislative
1870 budget requests to:

1871 a. Evaluate and suggest enhancements to the existing
1872 adopted agricultural best management practices to reduce
1873 nutrient runoff;

1874 b. Develop new best management practices that, if proven
1875 effective, the Department of Agriculture and Consumer Services
1876 may adopt by rule pursuant to subparagraph (c)2.; and

1877 c. Develop agricultural nutrient runoff reduction projects
1878 that willing participants could implement on a site-specific,
1879 cooperative basis, in addition to best management practices. The
1880 department may consider these projects for inclusion in a basin
1881 management action plan. These nutrient runoff reduction projects
1882 must reduce the nutrient impacts from agricultural operations on
1883 water quality when evaluated with the projects and management
1884 strategies currently included in the basin management action
1885 plan.

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1886 2. To be considered for funding, the University of Florida
1887 Institute of Food and Agricultural Sciences and other state
1888 universities and Florida College System institutions that have
1889 agricultural research programs must submit such plans to the
1890 department and the Department of Agriculture and Consumer
1891 Services by August 1, 2021, and each May 1 thereafter.

1892 3. The department shall work with the University of Florida
1893 Institute of Food and Agricultural Sciences and regulated
1894 entities to consider the adoption by rule of best management
1895 practices for nutrient impacts from golf courses. Such adopted
1896 best management practices are subject to the requirements of
1897 paragraph (c).

1898 Section 14. Section 403.0671, Florida Statutes, is created
1899 to read:

1900 403.0671 Basin management action plan wastewater reports.-

1901 (1) By July 1, 2021, the department, in coordination with
1902 the county health departments, wastewater treatment facilities,
1903 and other governmental entities, shall submit a report to the
1904 Governor, the President of the Senate, and the Speaker of the
1905 House of Representatives evaluating the costs of wastewater
1906 projects identified in the basin management action plans
1907 developed pursuant to ss. 373.807 and 403.067(7) and the onsite
1908 sewage treatment and disposal system remediation plans and other
1909 restoration plans developed to meet the total maximum daily
1910 loads required under s. 403.067. The report must include:

1911 (a) Projects to:

1912 1. Replace onsite sewage treatment and disposal systems
1913 with enhanced nutrient-reducing onsite sewage treatment and
1914 disposal systems.

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1915 2. Install or retrofit onsite sewage treatment and disposal
1916 systems with enhanced nutrient-reducing technologies.

1917 3. Construct, upgrade, or expand domestic wastewater
1918 treatment facilities to meet the wastewater treatment plan
1919 required under s. 403.067(7)(a)9.

1920 4. Connect onsite sewage treatment and disposal systems to
1921 domestic wastewater treatment facilities;

1922 (b) The estimated costs, nutrient load reduction estimates,
1923 and other benefits of each project;

1924 (c) The estimated implementation timeline for each project;

1925 (d) A proposed 5-year funding plan for each project and the
1926 source and amount of financial assistance the department, a
1927 water management district, or other project partner will make
1928 available to fund the project; and

1929 (e) The projected costs of installing enhanced nutrient-
1930 reducing onsite sewage treatment and disposal systems on
1931 buildable lots in priority focus areas to comply with s.
1932 373.811.

1933 (2) By July 1, 2021, the department shall submit a report
1934 to the Governor, the President of the Senate, and the Speaker of
1935 the House of Representatives that provides an assessment of the
1936 water quality monitoring being conducted for each basin
1937 management action plan implementing a nutrient total maximum
1938 daily load. In developing the report, the department may
1939 coordinate with water management districts and any applicable
1940 university. The report must:

1941 (a) Evaluate the water quality monitoring prescribed for
1942 each basin management action plan to determine if it is
1943 sufficient to detect changes in water quality caused by the

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1944 implementation of a project.

1945 (b) Identify gaps in water quality monitoring.

1946 (c) Recommend water quality monitoring needs.

1947 (3) Beginning January 1, 2022, and each January 1
1948 thereafter, the department shall submit to the Office of
1949 Economic and Demographic Research the cost estimates for
1950 projects required in s. 403.067(7)(a)9. The office shall include
1951 the project cost estimates in its annual assessment conducted
1952 pursuant to s. 403.928.

1953 Section 15. Section 403.0673, Florida Statutes, is created
1954 to read:

1955 403.0673 Wastewater grant program.—A wastewater grant
1956 program is established within the Department of Environmental
1957 Protection.

1958 (1) Subject to the appropriation of funds by the
1959 Legislature, the department may provide grants for the following
1960 projects within a basin management action plan, an alternative
1961 restoration plan adopted by final order, or a rural area of
1962 opportunity under s. 288.0656 which will individually or
1963 collectively reduce excess nutrient pollution:

1964 (a) Projects to retrofit onsite sewage treatment and
1965 disposal systems to upgrade such systems to enhanced nutrient-
1966 reducing onsite sewage treatment and disposal systems.

1967 (b) Projects to construct, upgrade, or expand facilities to
1968 provide advanced waste treatment, as defined in s. 403.086(4).

1969 (c) Projects to connect onsite sewage treatment and
1970 disposal systems to central sewer facilities.

1971 (2) In allocating such funds, priority must be given to
1972 projects that subsidize the connection of onsite sewage

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1973 treatment and disposal systems to wastewater treatment
1974 facilities. First priority must be given to subsidize the
1975 connection of onsite sewage treatment and disposal systems to
1976 existing infrastructure. Second priority must be given to any
1977 expansion of a collection or transmission system that promotes
1978 efficiency by planning the installation of wastewater
1979 transmission facilities to be constructed concurrently with
1980 other construction projects occurring within or along a
1981 transportation facility right-of-way. Third priority must be
1982 given to all other connections of onsite sewage treatment and
1983 disposal systems to wastewater treatment facilities. The
1984 department shall consider the estimated reduction in nutrient
1985 load per project; project readiness; the cost-effectiveness of
1986 the project; the overall environmental benefit of a project; the
1987 location of a project; the availability of local matching funds;
1988 and projected water savings or quantity improvements associated
1989 with a project.

1990 (3) Each grant for a project described in subsection (1)
1991 must require a minimum of a 50 percent local match of funds.
1992 However, the department may, at its discretion, waive, in whole
1993 or in part, this consideration of the local contribution for
1994 proposed projects within an area designated as a rural area of
1995 opportunity under s. 288.0656.

1996 (4) The department shall coordinate with each water
1997 management district, as necessary, to identify grant recipients
1998 in each district.

1999 (5) Beginning January 1, 2021, and each January 1
2000 thereafter, the department shall submit a report regarding the
2001 projects funded pursuant to this section to the Governor, the

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2002 President of the Senate, and the Speaker of the House of
2003 Representatives.

2004 Section 16. Section 403.0855, Florida Statutes, is created
2005 to read:

2006 403.0855 Biosolids management.—

2007 (1) The Legislature finds that it is in the best interest
2008 of this state to regulate biosolids management in order to
2009 minimize the migration of nutrients that impair water bodies.
2010 The Legislature further finds that permitting according to site-
2011 specific application conditions, an increased inspection rate,
2012 groundwater and surface water monitoring protocols, and nutrient
2013 management research will improve biosolids management and assist
2014 in protecting this state's water resources and water quality.

2015 (2) The department shall adopt rules for biosolids
2016 management. Rules adopted by the department pursuant to this
2017 section may not take effect until ratified by the Legislature.

2018 (3) For a new land application site permit or a permit
2019 renewal issued after July 1, 2020, the permittee of a biosolids
2020 land application site shall:

2021 (a) Ensure a minimum unsaturated soil depth of 2 feet
2022 between the depth of biosolids placement and the water table
2023 level at the time the Class A or Class B biosolids are applied
2024 to the soil. Biosolids may not be applied on soils that have a
2025 seasonal high-water table less than 6 inches from the soil
2026 surface or within 6 inches of the intended depth of biosolids
2027 placement, unless a department-approved nutrient management plan
2028 and water quality monitoring plan provide reasonable assurances
2029 that the land application of biosolids at the site will not
2030 cause or contribute to a violation of the state's surface water

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2031 quality standards or groundwater standards. As used in this
2032 subsection, the term "seasonal high water" means the elevation
2033 to which the ground and surface water may be expected to rise
2034 due to a normal wet season.

2035 (b) Be enrolled in the Department of Agriculture and
2036 Consumer Service's best management practices program or be
2037 within an agricultural operation enrolled in the program for the
2038 applicable commodity type.

2039 (4) All permits shall comply with the requirements of
2040 subsection (3) by July 1, 2022.

2041 (5) New or renewed biosolids land application site or
2042 facility permits issued after July 1, 2020, must comply with
2043 this section and include a permit condition that requires the
2044 permit to be reopened to insert a compliance date of no later
2045 than 1 year after the effective date of the rules adopted
2046 pursuant to subsection (2). All permits must meet the
2047 requirements of the rules adopted pursuant to subsection (2) no
2048 later than 2 years after the effective date of such rules.

2049 (6) A municipality or county may enforce or extend a local
2050 ordinance, regulation, resolution, rule, moratorium, or policy,
2051 any of which was adopted before November 1, 2019, relating to
2052 the land application of Class A or Class B biosolids until the
2053 ordinance, regulation, resolution, rule, moratorium, or policy
2054 is repealed by the municipality or county.

2055 Section 17. Present subsections (7) through (10) of section
2056 403.086, Florida Statutes, are redesignated as subsections (8)
2057 through (11), respectively, subsections (1) and (2) are amended,
2058 and a new subsection (7) is added to that section, to read:

2059 403.086 Sewage disposal facilities; advanced and secondary

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2060 waste treatment.—

2061 (1) (a) ~~Neither~~ The Department of Health or ~~nor~~ any other
2062 state agency, county, special district, or municipality may not
2063 ~~shall~~ approve construction of any sewage disposal facilities ~~for~~
2064 ~~sanitary sewage disposal~~ which do not provide for secondary
2065 waste treatment and, ~~in addition thereto,~~ advanced waste
2066 treatment as deemed necessary and ordered by the department.

2067 (b) Sewage disposal ~~No~~ facilities ~~for sanitary sewage~~
2068 ~~disposal~~ constructed after June 14, 1978, may not ~~shall~~ dispose
2069 of any wastes by deep well injection without providing for
2070 secondary waste treatment and, ~~in addition thereto,~~ advanced
2071 waste treatment deemed necessary by the department to protect
2072 adequately the beneficial use of the receiving waters.

2073 (c) Notwithstanding ~~any other provisions of~~ this chapter or
2074 chapter 373, sewage disposal facilities ~~for sanitary sewage~~
2075 ~~disposal~~ may not dispose of any wastes into Old Tampa Bay, Tampa
2076 Bay, Hillsborough Bay, Boca Ciega Bay, St. Joseph Sound,
2077 Clearwater Bay, Sarasota Bay, Little Sarasota Bay, Roberts Bay,
2078 Lemon Bay, ~~or~~ Charlotte Harbor Bay, or, beginning July 1, 2025,
2079 Indian River Lagoon, or into any river, stream, channel, canal,
2080 bay, bayou, sound, or other water tributary thereto, without
2081 providing advanced waste treatment, as defined in subsection
2082 (4), approved by the department. This paragraph does ~~shall~~ not
2083 apply to facilities which were permitted by February 1, 1987,
2084 and which discharge secondary treated effluent, followed by
2085 water hyacinth treatment, to tributaries of tributaries of the
2086 named waters; or to facilities permitted to discharge to the
2087 nontidally influenced portions of the Peace River.

2088 (d) By December 31, 2020, the department, in consultation

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2089 with the water management districts and sewage disposal
2090 facilities, shall submit to the Governor, the President of the
2091 Senate, and the Speaker of the House of Representatives a
2092 progress report on the status of upgrades made by each facility
2093 to meet the advanced waste treatment requirements under
2094 paragraph (c). The report must include a list of sewage disposal
2095 facilities required to upgrade to advanced waste treatment, the
2096 preliminary cost estimates for the upgrades, and a projected
2097 timeline of the dates by which the upgrades will begin and be
2098 completed and the date by which operations of the upgraded
2099 facility will begin.

2100 (2) All sewage disposal ~~Any~~ ~~facilities for sanitary sewage~~
2101 ~~disposal~~ shall provide for secondary waste treatment, a power
2102 outage contingency plan that mitigates the impacts of power
2103 outages on the utility's collection system and pump stations,
2104 ~~and, in addition thereto,~~ advanced waste treatment as deemed
2105 necessary and ordered by the Department of Environmental
2106 Protection. Failure to conform is shall be punishable by a civil
2107 penalty of \$500 for each 24-hour day or fraction thereof that
2108 such failure is allowed to continue thereafter.

2109 (7) All sewage disposal facilities under subsection (2)
2110 which control a collection or transmission system of pipes and
2111 pumps to collect and transmit wastewater from domestic or
2112 industrial sources to the facility shall take steps to prevent
2113 sanitary sewer overflows or underground pipe leaks and ensure
2114 that collected wastewater reaches the facility for appropriate
2115 treatment. Facilities must use inflow and infiltration studies
2116 and leakage surveys to develop pipe assessment, repair, and
2117 replacement action plans with a 5-year planning horizon that

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2118 comply with department rule to limit, reduce, and eliminate
2119 leaks, seepages, or inputs into wastewater treatment systems'
2120 underground pipes. The pipe assessment, repair, and replacement
2121 action plans must be reported to the department. The facility
2122 action plans must include information regarding the annual
2123 expenditures dedicated to the inflow and infiltration studies
2124 and the required replacement action plans; expenditures that are
2125 dedicated to pipe assessment, repair, and replacement; and
2126 expenditures designed to limit the presence of fats, roots,
2127 oils, and grease in the facility's collection system. The
2128 department shall adopt rules regarding the implementation of
2129 inflow and infiltration studies and leakage surveys; however,
2130 such rules may not fix or revise utility rates or budgets. A
2131 utility or an operating entity subject to this subsection and s.
2132 403.061(14) may submit one report to comply with both
2133 requirements. Substantial compliance with this subsection is
2134 evidence in mitigation for the purposes of assessing penalties
2135 pursuant to ss. 403.121 and 403.141.

2136 Section 18. Present subsections (4) through (10) of section
2137 403.087, Florida Statutes, are redesignated as subsections (5)
2138 through (11), respectively, and a new subsection (4) is added to
2139 that section, to read:

2140 403.087 Permits; general issuance; denial; revocation;
2141 prohibition; penalty.-

2142 (4) The department shall issue an operation permit for a
2143 domestic wastewater treatment facility other than a facility
2144 regulated under the National Pollutant Discharge Elimination
2145 System Program under s. 403.0885 for a term of up to 10 years if
2146 the facility is meeting the stated goals in its action plan

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2147 adopted pursuant to s. 403.086(7).

2148 Section 19. Present subsections (3) and (4) of section
2149 403.088, Florida Statutes, are redesignated as subsections (4)
2150 and (5), respectively, paragraph (c) of subsection (2) is
2151 amended, and a new subsection (3) is added to that section, to
2152 read:

2153 403.088 Water pollution operation permits; conditions.—

2154 (2)

2155 (c) A permit shall:

2156 1. Specify the manner, nature, volume, and frequency of the
2157 discharge permitted;

2158 2. Require proper operation and maintenance of any
2159 pollution abatement facility by qualified personnel in
2160 accordance with standards established by the department;

2161 3. Require a deliberate, proactive approach to
2162 investigating or surveying a significant percentage of the
2163 domestic wastewater collection system throughout the duration of
2164 the permit to determine pipe integrity, which must be
2165 accomplished in an economically feasible manner. The permittee
2166 shall submit an annual report to the department which details
2167 facility revenues and expenditures in a manner prescribed by
2168 department rule. The report must detail any deviation of annual
2169 expenditures from identified system needs related to inflow and
2170 infiltration studies; model plans for pipe assessment, repair,
2171 and replacement; and pipe assessment, repair, and replacement
2172 required under s. 403.086(7). Substantial compliance with this
2173 subsection is evidence in mitigation for the purposes of
2174 assessing penalties pursuant to ss. 403.121 and 403.141;

2175 4.3. Contain such additional conditions, requirements, and

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2176 restrictions as the department deems necessary to preserve and
2177 protect the quality of the receiving waters;

2178 ~~5.4.~~ Be valid for the period of time specified therein; and

2179 ~~6.5.~~ Constitute the state National Pollutant Discharge
2180 Elimination System permit when issued pursuant to the authority
2181 in s. 403.0885.

2182 (3) No later than March 1 of each year, the department
2183 shall submit a report to the Governor, the President of the
2184 Senate, and the Speaker of the House of Representatives which
2185 identifies all domestic wastewater treatment facilities that
2186 experienced a sanitary sewer overflow in the preceding calendar
2187 year. The report must identify the name of the utility or
2188 responsible operating entity, permitted capacity in annual
2189 average gallons per day, number of overflows, type of water
2190 discharged, total volume of sewage released, and, to the extent
2191 known and available, volume of sewage recovered, volume of
2192 sewage discharged to surface waters, and cause of the sanitary
2193 sewer overflow, including whether the overflow was caused by a
2194 third party. The department shall include with this report the
2195 annual report specified under subparagraph (2)(c)3. for each
2196 utility that experienced an overflow.

2197 Section 20. Subsection (6) of section 403.0891, Florida
2198 Statutes, is amended to read:

2199 403.0891 State, regional, and local stormwater management
2200 plans and programs.—The department, the water management
2201 districts, and local governments shall have the responsibility
2202 for the development of mutually compatible stormwater management
2203 programs.

2204 (6) The department and the Department of Economic

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2205 Opportunity, in cooperation with local governments in the
2206 coastal zone, shall develop a model stormwater management
2207 program that could be adopted by local governments. The model
2208 program must contain model ordinances that target nutrient
2209 reduction practices and use green infrastructure. The model
2210 program shall contain dedicated funding options, including a
2211 stormwater utility fee system based upon an equitable unit cost
2212 approach. Funding options shall be designed to generate capital
2213 to retrofit existing stormwater management systems, build new
2214 treatment systems, operate facilities, and maintain and service
2215 debt.

2216 Section 21. Paragraphs (b) and (g) of subsection (2),
2217 paragraph (b) of subsection (3), and subsections (8) and (9) of
2218 section 403.121, Florida Statutes, are amended to read:

2219 403.121 Enforcement; procedure; remedies.—The department
2220 shall have the following judicial and administrative remedies
2221 available to it for violations of this chapter, as specified in
2222 s. 403.161(1).

2223 (2) Administrative remedies:

2224 (b) If the department has reason to believe a violation has
2225 occurred, it may institute an administrative proceeding to order
2226 the prevention, abatement, or control of the conditions creating
2227 the violation or other appropriate corrective action. Except for
2228 violations involving hazardous wastes, asbestos, or underground
2229 injection, the department shall proceed administratively in all
2230 cases in which the department seeks administrative penalties
2231 that do not exceed \$50,000 ~~\$10,000~~ per assessment as calculated
2232 in accordance with subsections (3), (4), (5), (6), and (7).

2233 Pursuant to 42 U.S.C. s. 300g-2, the administrative penalty

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2234 assessed pursuant to subsection (3), subsection (4), or
2235 subsection (5) against a public water system serving a
2236 population of more than 10,000 may not ~~shall~~ be ~~not~~ less than
2237 \$1,000 per day per violation. The department may ~~shall~~ not
2238 impose administrative penalties in excess of \$50,000 ~~\$10,000~~ in
2239 a notice of violation. The department may ~~shall~~ not have more
2240 than one notice of violation seeking administrative penalties
2241 pending against the same party at the same time unless the
2242 violations occurred at a different site or the violations were
2243 discovered by the department subsequent to the filing of a
2244 previous notice of violation.

2245 (g) This subsection does not prevent ~~Nothing herein shall~~
2246 ~~be construed as preventing~~ any other legal or administrative
2247 action in accordance with law and does not. ~~Nothing in this~~
2248 ~~subsection shall~~ limit the department's authority provided in s.
2249 ~~ss.~~ 403.131, s. 403.141, and this section to judicially pursue
2250 injunctive relief. When the department exercises its authority
2251 to judicially pursue injunctive relief, penalties in any amount
2252 up to the statutory maximum sought by the department must be
2253 pursued as part of the state court action and not by initiating
2254 a separate administrative proceeding. The department retains the
2255 authority to judicially pursue penalties in excess of \$50,000
2256 ~~\$10,000~~ for violations not specifically included in the
2257 administrative penalty schedule, or for multiple or multiday
2258 violations alleged to exceed a total of \$50,000 ~~\$10,000~~. The
2259 department also retains the authority provided in ss. 403.131,
2260 403.141, and this section to judicially pursue injunctive relief
2261 and damages, if a notice of violation seeking the imposition of
2262 administrative penalties has not been issued. The department has

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2263 the authority to enter into a settlement, ~~either~~ before or after
2264 initiating a notice of violation, and the settlement may include
2265 a penalty amount different from the administrative penalty
2266 schedule. Any case filed in state court because it is alleged to
2267 exceed a total of \$50,000 ~~\$10,000~~ in penalties may be settled in
2268 the court action for less than \$50,000 ~~\$10,000~~.

2269 (3) Except for violations involving hazardous wastes,
2270 asbestos, or underground injection, administrative penalties
2271 must be calculated according to the following schedule:

2272 (b) For failure to obtain a required wastewater permit,
2273 other than a permit required for surface water discharge, the
2274 department shall assess a penalty of \$2,000 ~~\$1,000~~. For a
2275 domestic or industrial wastewater violation not involving a
2276 surface water or groundwater quality violation, the department
2277 shall assess a penalty of \$4,000 ~~\$2,000~~ for an unpermitted or
2278 unauthorized discharge or effluent-limitation exceedance or for
2279 failure to comply with s. 403.061(14) or s. 403.086(7) or rules
2280 adopted thereunder. For an unpermitted or unauthorized discharge
2281 or effluent-limitation exceedance that resulted in a surface
2282 water or groundwater quality violation, the department shall
2283 assess a penalty of \$10,000 ~~\$5,000~~.

2284 (8) The direct economic benefit gained by the violator from
2285 the violation, where consideration of economic benefit is
2286 provided by Florida law or required by federal law as part of a
2287 federally delegated or approved program, must ~~shall~~ be added to
2288 the scheduled administrative penalty. The total administrative
2289 penalty, including any economic benefit added to the scheduled
2290 administrative penalty, may ~~shall~~ not exceed \$10,000.

2291 (9) The administrative penalties assessed for any

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2292 particular violation may ~~shall~~ not exceed \$10,000 ~~\$5,000~~ against
2293 any one violator, unless the violator has a history of
2294 noncompliance, the economic benefit of the violation as
2295 described in subsection (8) exceeds \$10,000 ~~\$5,000~~, or there are
2296 multiday violations. The total administrative penalties may
2297 ~~shall~~ not exceed \$50,000 ~~\$10,000~~ per assessment for all
2298 violations attributable to a specific person in the notice of
2299 violation.

2300 Section 22. Subsection (7) of section 403.1835, Florida
2301 Statutes, is amended to read:

2302 403.1835 Water pollution control financial assistance.—

2303 (7) Eligible projects must be given priority according to
2304 the extent each project is intended to remove, mitigate, or
2305 prevent adverse effects on surface or ground water quality and
2306 public health. The relative costs of achieving environmental and
2307 public health benefits must be taken into consideration during
2308 the department's assignment of project priorities. The
2309 department shall adopt a priority system by rule. In developing
2310 the priority system, the department shall give priority to
2311 projects that:

2312 (a) Eliminate public health hazards;

2313 (b) Enable compliance with laws requiring the elimination
2314 of discharges to specific water bodies, including the
2315 requirements of s. 403.086(10) ~~s. 403.086(9)~~ regarding domestic
2316 wastewater ocean outfalls;

2317 (c) Assist in the implementation of total maximum daily
2318 loads adopted under s. 403.067;

2319 (d) Enable compliance with other pollution control
2320 requirements, including, but not limited to, toxics control,

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2321 wastewater residuals management, and reduction of nutrients and
2322 bacteria;

2323 (e) Assist in the implementation of surface water
2324 improvement and management plans and pollutant load reduction
2325 goals developed under state water policy;

2326 (f) Promote reclaimed water reuse;

2327 (g) Eliminate failing onsite sewage treatment and disposal
2328 systems or those that are causing environmental damage; ~~or~~

2329 (h) Reduce pollutants to and otherwise promote the
2330 restoration of Florida's surface and ground waters; ~~or~~

2331 (i) Implement the requirements of s. 403.086(7) or s.
2332 403.088(2)(c); or

2333 (j) Promote efficiency by planning for the installation of
2334 wastewater transmission facilities to be constructed
2335 concurrently with other construction projects occurring within
2336 or along a transportation facility right-of-way.

2337 Section 23. Paragraph (b) of subsection (3) of section
2338 403.1838, Florida Statutes, is amended to read:

2339 403.1838 Small Community Sewer Construction Assistance
2340 Act.—

2341 (3)

2342 (b) The rules of the Environmental Regulation Commission
2343 must:

2344 1. Require that projects to plan, design, construct,
2345 upgrade, or replace wastewater collection, transmission,
2346 treatment, disposal, and reuse facilities be cost-effective,
2347 environmentally sound, permittable, and implementable.

2348 2. Require appropriate user charges, connection fees, and
2349 other charges sufficient to ensure the long-term operation,

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2350 maintenance, and replacement of the facilities constructed under
2351 each grant.

2352 3. Require grant applications to be submitted on
2353 appropriate forms with appropriate supporting documentation, and
2354 require records to be maintained.

2355 4. Establish a system to determine eligibility of grant
2356 applications.

2357 5. Establish a system to determine the relative priority of
2358 grant applications. The system must consider public health
2359 protection and water pollution prevention or abatement and must
2360 prioritize projects that plan for the installation of wastewater
2361 transmission facilities to be constructed concurrently with
2362 other construction projects occurring within or along a
2363 transportation facility right-of-way.

2364 6. Establish requirements for competitive procurement of
2365 engineering and construction services, materials, and equipment.

2366 7. Provide for termination of grants when program
2367 requirements are not met.

2368 Section 24. Subsection (9) is added to section 403.412,
2369 Florida Statutes, to read:

2370 403.412 Environmental Protection Act.—

2371 (9) (a) A local government regulation, ordinance, code,
2372 rule, comprehensive plan, charter, or any other provision of law
2373 may not recognize or grant any legal rights to a plant, an
2374 animal, a body of water, or any other part of the natural
2375 environment that is not a person or political subdivision as
2376 defined in s. 1.01(8) or grant such person or political
2377 subdivision any specific rights relating to the natural
2378 environment not otherwise authorized in general law or

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2379 specifically granted in the State Constitution.

2380 (b) This subsection does not limit the power of an
2381 adversely affected party to challenge the consistency of a
2382 development order with a comprehensive plan as provided in s.
2383 163.3215 or to file an action for injunctive relief to enforce
2384 the terms of a development agreement or challenge compliance of
2385 the agreement as provided in s. 163.3243.

2386 (c) This subsection does not limit the standing of the
2387 Department of Legal Affairs, a political subdivision or
2388 municipality of the state, or a citizen of the state to maintain
2389 an action for injunctive relief as provided in this section.

2390 Section 25. The Legislature determines and declares that
2391 this act fulfills an important state interest.

2392 Section 26. Effective July 1, 2021, subsection (5) of
2393 section 153.54, Florida Statutes, is amended to read:

2394 153.54 Preliminary report by county commissioners with
2395 respect to creation of proposed district.—Upon receipt of a
2396 petition duly signed by not less than 25 qualified electors who
2397 are also freeholders residing within an area proposed to be
2398 incorporated into a water and sewer district pursuant to this
2399 law and describing in general terms the proposed boundaries of
2400 such proposed district, the board of county commissioners if it
2401 shall deem it necessary and advisable to create and establish
2402 such proposed district for the purpose of constructing,
2403 establishing or acquiring a water system or a sewer system or
2404 both in and for such district (herein called "improvements"),
2405 shall first cause a preliminary report to be made which such
2406 report together with any other relevant or pertinent matters,
2407 shall include at least the following:

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2408 (5) For the construction of a new proposed central sewerage
2409 system or the extension of an existing sewerage system that was
2410 not previously approved, the report shall include a study that
2411 includes the available information from the Department of
2412 Environmental Protection ~~Health~~ on the history of onsite sewage
2413 treatment and disposal systems currently in use in the area and
2414 a comparison of the projected costs to the owner of a typical
2415 lot or parcel of connecting to and using the proposed sewerage
2416 system versus installing, operating, and properly maintaining an
2417 onsite sewage treatment and disposal system that is approved by
2418 the Department of Environmental Protection ~~Health~~ and that
2419 provides for the comparable level of environmental and health
2420 protection as the proposed central sewerage system;
2421 consideration of the local authority's obligations or reasonably
2422 anticipated obligations for water body cleanup and protection
2423 under state or federal programs, including requirements for
2424 water bodies listed under s. 303(d) of the Clean Water Act, Pub.
2425 L. No. 92-500, 33 U.S.C. ss. 1251 et seq.; and other factors
2426 deemed relevant by the local authority.

2427
2428 Such report shall be filed in the office of the clerk of the
2429 circuit court and shall be open for the inspection of any
2430 taxpayer, property owner, qualified elector or any other
2431 interested or affected person.

2432 Section 27. Effective July 1, 2021, paragraph (c) of
2433 subsection (2) of section 153.73, Florida Statutes, is amended
2434 to read:

2435 153.73 Assessable improvements; levy and payment of special
2436 assessments.—Any district may provide for the construction or

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2437 reconstruction of assessable improvements as defined in s.
2438 153.52, and for the levying of special assessments upon
2439 benefited property for the payment thereof, under ~~the provisions~~
2440 ~~of~~ this section.

2441 (2)

2442 (c) For the construction of a new proposed central sewerage
2443 system or the extension of an existing sewerage system that was
2444 not previously approved, the report shall include a study that
2445 includes the available information from the Department of
2446 Environmental Protection ~~Health~~ on the history of onsite sewage
2447 treatment and disposal systems currently in use in the area and
2448 a comparison of the projected costs to the owner of a typical
2449 lot or parcel of connecting to and using the proposed sewerage
2450 system versus installing, operating, and properly maintaining an
2451 onsite sewage treatment and disposal system that is approved by
2452 the Department of Environmental Protection ~~Health~~ and that
2453 provides for the comparable level of environmental and health
2454 protection as the proposed central sewerage system;
2455 consideration of the local authority's obligations or reasonably
2456 anticipated obligations for water body cleanup and protection
2457 under state or federal programs, including requirements for
2458 water bodies listed under s. 303(d) of the Clean Water Act, Pub.
2459 L. No. 92-500, 33 U.S.C. ss. 1251 et seq.; and other factors
2460 deemed relevant by the local authority.

2461 Section 28. Effective July 1, 2021, subsection (2) of
2462 section 163.3180, Florida Statutes, is amended to read:
2463 163.3180 Concurrency.—

2464 (2) Consistent with public health and safety, sanitary
2465 sewer, solid waste, drainage, adequate water supplies, and

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2466 potable water facilities shall be in place and available to
2467 serve new development no later than the issuance by the local
2468 government of a certificate of occupancy or its functional
2469 equivalent. Prior to approval of a building permit or its
2470 functional equivalent, the local government shall consult with
2471 the applicable water supplier to determine whether adequate
2472 water supplies to serve the new development will be available no
2473 later than the anticipated date of issuance by the local
2474 government of a certificate of occupancy or its functional
2475 equivalent. A local government may meet the concurrency
2476 requirement for sanitary sewer through the use of onsite sewage
2477 treatment and disposal systems approved by the Department of
2478 Environmental Protection ~~Health~~ to serve new development.

2479 Section 29. Effective July 1, 2021, subsection (3) of
2480 section 180.03, Florida Statutes, is amended to read:

2481 180.03 Resolution or ordinance proposing construction or
2482 extension of utility; objections to same.-

2483 (3) For the construction of a new proposed central sewerage
2484 system or the extension of an existing central sewerage system
2485 that was not previously approved, the report shall include a
2486 study that includes the available information from the
2487 Department of Environmental Protection ~~Health~~ on the history of
2488 onsite sewage treatment and disposal systems currently in use in
2489 the area and a comparison of the projected costs to the owner of
2490 a typical lot or parcel of connecting to and using the proposed
2491 central sewerage system versus installing, operating, and
2492 properly maintaining an onsite sewage treatment and disposal
2493 system that is approved by the Department of Environmental
2494 Protection ~~Health~~ and that provides for the comparable level of

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2495 environmental and health protection as the proposed central
2496 sewerage system; consideration of the local authority's
2497 obligations or reasonably anticipated obligations for water body
2498 cleanup and protection under state or federal programs,
2499 including requirements for water bodies listed under s. 303(d)
2500 of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251
2501 et seq.; and other factors deemed relevant by the local
2502 authority. The results of such a study shall be included in the
2503 resolution or ordinance required under subsection (1).

2504 Section 30. Subsections (2), (3), and (6) of section
2505 311.105, Florida Statutes, are amended to read:

2506 311.105 Florida Seaport Environmental Management Committee;
2507 permitting; mitigation.—

2508 (2) Each application for a permit authorized pursuant to s.
2509 403.061(38) ~~s. 403.061(37)~~ must include:

2510 (a) A description of maintenance dredging activities to be
2511 conducted and proposed methods of dredged-material management.

2512 (b) A characterization of the materials to be dredged and
2513 the materials within dredged-material management sites.

2514 (c) A description of dredged-material management sites and
2515 plans.

2516 (d) A description of measures to be undertaken, including
2517 environmental compliance monitoring, to minimize adverse
2518 environmental effects of maintenance dredging and dredged-
2519 material management.

2520 (e) Such scheduling information as is required to
2521 facilitate state supplementary funding of federal maintenance
2522 dredging and dredged-material management programs consistent
2523 with beach restoration criteria of the Department of

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2524 Environmental Protection.

2525 (3) Each application for a permit authorized pursuant to s.
2526 403.061(39) ~~s. 403.061(38)~~ must include the provisions of
2527 paragraphs (2)(b)-(e) and the following:

2528 (a) A description of dredging and dredged-material
2529 management and other related activities associated with port
2530 development, including the expansion of navigation channels,
2531 dredged-material management sites, port harbors, turning basins,
2532 harbor berths, and associated facilities.

2533 (b) A discussion of environmental mitigation as is proposed
2534 for dredging and dredged-material management for port
2535 development, including the expansion of navigation channels,
2536 dredged-material management sites, port harbors, turning basins,
2537 harbor berths, and associated facilities.

2538 (6) Dredged-material management activities authorized
2539 pursuant to s. 403.061(38) ~~s. 403.061(37)~~ or s. 403.061(39) ~~(38)~~
2540 shall be incorporated into port master plans developed pursuant
2541 to s. 163.3178(2)(k).

2542 Section 31. Paragraph (d) of subsection (1) of section
2543 327.46, Florida Statutes, is amended to read:

2544 327.46 Boating-restricted areas.—

2545 (1) Boating-restricted areas, including, but not limited
2546 to, restrictions of vessel speeds and vessel traffic, may be
2547 established on the waters of this state for any purpose
2548 necessary to protect the safety of the public if such
2549 restrictions are necessary based on boating accidents,
2550 visibility, hazardous currents or water levels, vessel traffic
2551 congestion, or other navigational hazards or to protect
2552 seagrasses on privately owned submerged lands.

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2553 (d) Owners of private submerged lands that are adjacent to
2554 Outstanding Florida Waters, as defined in s. 403.061(28) ~~s.~~
2555 ~~403.061(27)~~, or an aquatic preserve established under ss.
2556 258.39-258.399 may request that the commission establish
2557 boating-restricted areas solely to protect any seagrass and
2558 contiguous seagrass habitat within their private property
2559 boundaries from seagrass scarring due to propeller dredging.
2560 Owners making a request pursuant to this paragraph must
2561 demonstrate to the commission clear ownership of the submerged
2562 lands. The commission shall adopt rules to implement this
2563 paragraph, including, but not limited to, establishing an
2564 application process and criteria for meeting the requirements of
2565 this paragraph. Each approved boating-restricted area shall be
2566 established by commission rule. For marking boating-restricted
2567 zones established pursuant to this paragraph, owners of
2568 privately submerged lands shall apply to the commission for a
2569 uniform waterway marker permit in accordance with ss. 327.40 and
2570 327.41, and shall be responsible for marking the boating-
2571 restricted zone in accordance with the terms of the permit.

2572 Section 32. Paragraph (d) of subsection (3) of section
2573 373.250, Florida Statutes, is amended to read:

2574 373.250 Reuse of reclaimed water.—

2575 (3)

2576 (d) The South Florida Water Management District shall
2577 require the use of reclaimed water made available by the
2578 elimination of wastewater ocean outfall discharges as provided
2579 for in s. 403.086(10) ~~s. 403.086(9)~~ in lieu of surface water or
2580 groundwater when the use of reclaimed water is available; is
2581 environmentally, economically, and technically feasible; and is

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2582 of such quality and reliability as is necessary to the user.
2583 Such reclaimed water may also be required in lieu of other
2584 alternative sources. In determining whether to require such
2585 reclaimed water in lieu of other alternative sources, the water
2586 management district shall consider existing infrastructure
2587 investments in place or obligated to be constructed by an
2588 executed contract or similar binding agreement as of July 1,
2589 2011, for the development of other alternative sources.

2590 Section 33. Subsection (9) of section 373.414, Florida
2591 Statutes, is amended to read:

2592 373.414 Additional criteria for activities in surface
2593 waters and wetlands.—

2594 (9) The department and the governing boards, on or before
2595 July 1, 1994, shall adopt rules to incorporate ~~the provisions of~~
2596 this section, relying primarily on the existing rules of the
2597 department and the water management districts, into the rules
2598 governing the management and storage of surface waters. Such
2599 rules shall seek to achieve a statewide, coordinated and
2600 consistent permitting approach to activities regulated under
2601 this part. Variations in permitting criteria in the rules of
2602 individual water management districts or the department shall
2603 only be provided to address differing physical or natural
2604 characteristics. Such rules adopted pursuant to this subsection
2605 shall include the special criteria adopted pursuant to s.
2606 403.061(30) ~~s. 403.061(29)~~ and may include the special criteria
2607 adopted pursuant to s. 403.061(35) ~~s. 403.061(34)~~. Such rules
2608 shall include a provision requiring that a notice of intent to
2609 deny or a permit denial based upon this section shall contain an
2610 explanation of the reasons for such denial and an explanation,

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2611 in general terms, of what changes, if any, are necessary to
2612 address such reasons for denial. Such rules may establish
2613 exemptions and general permits, if such exemptions and general
2614 permits do not allow significant adverse impacts to occur
2615 individually or cumulatively. Such rules may require submission
2616 of proof of financial responsibility which may include the
2617 posting of a bond or other form of surety prior to the
2618 commencement of construction to provide reasonable assurance
2619 that any activity permitted pursuant to this section, including
2620 any mitigation for such permitted activity, will be completed in
2621 accordance with the terms and conditions of the permit once the
2622 construction is commenced. Until rules adopted pursuant to this
2623 subsection become effective, existing rules adopted under this
2624 part and rules adopted pursuant to the authority of ss. 403.91-
2625 403.929 shall be deemed authorized under this part and shall
2626 remain in full force and effect. Neither the department nor the
2627 governing boards are limited or prohibited from amending any
2628 such rules.

2629 Section 34. Paragraph (b) of subsection (4) of section
2630 373.705, Florida Statutes, is amended to read:

2631 373.705 Water resource development; water supply
2632 development.—

2633 (4)

2634 (b) Water supply development projects that meet the
2635 criteria in paragraph (a) and that meet one or more of the
2636 following additional criteria shall be given first consideration
2637 for state or water management district funding assistance:

2638 1. The project brings about replacement of existing sources
2639 in order to help implement a minimum flow or minimum water

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2640 level;

2641 2. The project implements reuse that assists in the
2642 elimination of domestic wastewater ocean outfalls as provided in
2643 s. 403.086(10) ~~s. 403.086(9)~~; or

2644 3. The project reduces or eliminates the adverse effects of
2645 competition between legal users and the natural system.

2646 Section 35. Paragraph (f) of subsection (8) of section
2647 373.707, Florida Statutes, is amended to read:

2648 373.707 Alternative water supply development.—

2649 (8)

2650 (f) The governing boards shall determine those projects
2651 that will be selected for financial assistance. The governing
2652 boards may establish factors to determine project funding;
2653 however, significant weight shall be given to the following
2654 factors:

2655 1. Whether the project provides substantial environmental
2656 benefits by preventing or limiting adverse water resource
2657 impacts.

2658 2. Whether the project reduces competition for water
2659 supplies.

2660 3. Whether the project brings about replacement of
2661 traditional sources in order to help implement a minimum flow or
2662 level or a reservation.

2663 4. Whether the project will be implemented by a consumptive
2664 use permittee that has achieved the targets contained in a goal-
2665 based water conservation program approved pursuant to s.
2666 373.227.

2667 5. The quantity of water supplied by the project as
2668 compared to its cost.

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2669 6. Projects in which the construction and delivery to end
2670 users of reuse water is a major component.

2671 7. Whether the project will be implemented by a
2672 multijurisdictional water supply entity or regional water supply
2673 authority.

2674 8. Whether the project implements reuse that assists in the
2675 elimination of domestic wastewater ocean outfalls as provided in
2676 s. 403.086(10) ~~s. 403.086(9)~~.

2677 9. Whether the county or municipality, or the multiple
2678 counties or municipalities, in which the project is located has
2679 implemented a high-water recharge protection tax assessment
2680 program as provided in s. 193.625.

2681 Section 36. Subsection (4) of section 373.709, Florida
2682 Statutes, is amended to read:

2683 373.709 Regional water supply planning.—

2684 (4) The South Florida Water Management District shall
2685 include in its regional water supply plan water resource and
2686 water supply development projects that promote the elimination
2687 of wastewater ocean outfalls as provided in s. 403.086(10) ~~s.~~
2688 ~~403.086(9)~~.

2689 Section 37. Effective July 1, 2021, subsection (3) of
2690 section 373.807, Florida Statutes, is amended to read:

2691 373.807 Protection of water quality in Outstanding Florida
2692 Springs.—By July 1, 2016, the department shall initiate
2693 assessment, pursuant to s. 403.067(3), of Outstanding Florida
2694 Springs or spring systems for which an impairment determination
2695 has not been made under the numeric nutrient standards in effect
2696 for spring vents. Assessments must be completed by July 1, 2018.

2697 (3) As part of a basin management action plan that includes

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2698 an Outstanding Florida Spring, the department, ~~the Department of~~
2699 ~~Health~~, relevant local governments, and relevant local public
2700 and private wastewater utilities shall develop an onsite sewage
2701 treatment and disposal system remediation plan for a spring if
2702 the department determines onsite sewage treatment and disposal
2703 systems within a priority focus area contribute at least 20
2704 percent of nonpoint source nitrogen pollution or if the
2705 department determines remediation is necessary to achieve the
2706 total maximum daily load. The plan shall identify cost-effective
2707 and financially feasible projects necessary to reduce the
2708 nutrient impacts from onsite sewage treatment and disposal
2709 systems and shall be completed and adopted as part of the basin
2710 management action plan no later than the first 5-year milestone
2711 required by subparagraph (1)(b)8. The department is the lead
2712 agency in coordinating the preparation of and the adoption of
2713 the plan. The department shall:

2714 (a) Collect and evaluate credible scientific information on
2715 the effect of nutrients, particularly forms of nitrogen, on
2716 springs and springs systems; and

2717 (b) Develop a public education plan to provide area
2718 residents with reliable, understandable information about onsite
2719 sewage treatment and disposal systems and springs.

2720
2721 In addition to the requirements in s. 403.067, the plan shall
2722 include options for repair, upgrade, replacement, drainfield
2723 modification, addition of effective nitrogen reducing features,
2724 connection to a central sewerage system, or other action for an
2725 onsite sewage treatment and disposal system or group of systems
2726 within a priority focus area that contribute at least 20 percent

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2727 of nonpoint source nitrogen pollution or if the department
2728 determines remediation is necessary to achieve a total maximum
2729 daily load. For these systems, the department shall include in
2730 the plan a priority ranking for each system or group of systems
2731 that requires remediation and shall award funds to implement the
2732 remediation projects contingent on an appropriation in the
2733 General Appropriations Act, which may include all or part of the
2734 costs necessary for repair, upgrade, replacement, drainfield
2735 modification, addition of effective nitrogen reducing features,
2736 initial connection to a central sewerage system, or other
2737 action. In awarding funds, the department may consider expected
2738 nutrient reduction benefit per unit cost, size and scope of
2739 project, relative local financial contribution to the project,
2740 and the financial impact on property owners and the community.
2741 The department may waive matching funding requirements for
2742 proposed projects within an area designated as a rural area of
2743 opportunity under s. 288.0656.

2744 Section 38. Paragraph (k) of subsection (1) of section
2745 376.307, Florida Statutes, is amended to read:

2746 376.307 Water Quality Assurance Trust Fund.—

2747 (1) The Water Quality Assurance Trust Fund is intended to
2748 serve as a broad-based fund for use in responding to incidents
2749 of contamination that pose a serious danger to the quality of
2750 groundwater and surface water resources or otherwise pose a
2751 serious danger to the public health, safety, or welfare. Moneys
2752 in this fund may be used:

2753 (k) For funding activities described in s. 403.086(10) ~~s.~~
2754 ~~403.086(9)~~ which are authorized for implementation under the
2755 Leah Schad Memorial Ocean Outfall Program.

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2756 Section 39. Paragraph (i) of subsection (2), paragraph (b)
2757 of subsection (4), paragraph (j) of subsection (7), and
2758 paragraph (a) of subsection (9) of section 380.0552, Florida
2759 Statutes, are amended to read:

2760 380.0552 Florida Keys Area; protection and designation as
2761 area of critical state concern.—

2762 (2) LEGISLATIVE INTENT.—It is the intent of the Legislature
2763 to:

2764 (i) Protect and improve the nearshore water quality of the
2765 Florida Keys through federal, state, and local funding of water
2766 quality improvement projects, including the construction and
2767 operation of wastewater management facilities that meet the
2768 requirements of ss. 381.0065(4)(1) and 403.086(11) ~~403.086(10)~~,
2769 as applicable.

2770 (4) REMOVAL OF DESIGNATION.—

2771 (b) Beginning November 30, 2010, the state land planning
2772 agency shall annually submit a written report to the
2773 Administration Commission describing the progress of the Florida
2774 Keys Area toward completing the work program tasks specified in
2775 commission rules. The land planning agency shall recommend
2776 removing the Florida Keys Area from being designated as an area
2777 of critical state concern to the commission if it determines
2778 that:

2779 1. All of the work program tasks have been completed,
2780 including construction of, operation of, and connection to
2781 central wastewater management facilities pursuant to s.
2782 403.086(11) ~~s. 403.086(10)~~ and upgrade of onsite sewage
2783 treatment and disposal systems pursuant to s. 381.0065(4)(1);

2784 2. All local comprehensive plans and land development

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2785 regulations and the administration of such plans and regulations
2786 are adequate to protect the Florida Keys Area, fulfill the
2787 legislative intent specified in subsection (2), and are
2788 consistent with and further the principles guiding development;
2789 and

2790 3. A local government has adopted a resolution at a public
2791 hearing recommending the removal of the designation.

2792 (7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional,
2793 and local agencies and units of government in the Florida Keys
2794 Area shall coordinate their plans and conduct their programs and
2795 regulatory activities consistent with the principles for guiding
2796 development as specified in chapter 27F-8, Florida
2797 Administrative Code, as amended effective August 23, 1984, which
2798 is adopted and incorporated herein by reference. For the
2799 purposes of reviewing the consistency of the adopted plan, or
2800 any amendments to that plan, with the principles for guiding
2801 development, and any amendments to the principles, the
2802 principles shall be construed as a whole and specific provisions
2803 may not be construed or applied in isolation from the other
2804 provisions. However, the principles for guiding development are
2805 repealed 18 months from July 1, 1986. After repeal, any plan
2806 amendments must be consistent with the following principles:

2807 (j) Ensuring the improvement of nearshore water quality by
2808 requiring the construction and operation of wastewater
2809 management facilities that meet the requirements of ss.
2810 381.0065(4)(1) and 403.086(11) ~~403.086(10)~~, as applicable, and
2811 by directing growth to areas served by central wastewater
2812 treatment facilities through permit allocation systems.

2813 (9) MODIFICATION TO PLANS AND REGULATIONS.—

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2814 (a) Any land development regulation or element of a local
2815 comprehensive plan in the Florida Keys Area may be enacted,
2816 amended, or rescinded by a local government, but the enactment,
2817 amendment, or rescission becomes effective only upon approval by
2818 the state land planning agency. The state land planning agency
2819 shall review the proposed change to determine if it is in
2820 compliance with the principles for guiding development specified
2821 in chapter 27F-8, Florida Administrative Code, as amended
2822 effective August 23, 1984, and must approve or reject the
2823 requested changes within 60 days after receipt. Amendments to
2824 local comprehensive plans in the Florida Keys Area must also be
2825 reviewed for compliance with the following:

2826 1. Construction schedules and detailed capital financing
2827 plans for wastewater management improvements in the annually
2828 adopted capital improvements element, and standards for the
2829 construction of wastewater treatment and disposal facilities or
2830 collection systems that meet or exceed the criteria in s.
2831 403.086(11) ~~s. 403.086(10)~~ for wastewater treatment and disposal
2832 facilities or s. 381.0065(4)(l) for onsite sewage treatment and
2833 disposal systems.

2834 2. Goals, objectives, and policies to protect public safety
2835 and welfare in the event of a natural disaster by maintaining a
2836 hurricane evacuation clearance time for permanent residents of
2837 no more than 24 hours. The hurricane evacuation clearance time
2838 shall be determined by a hurricane evacuation study conducted in
2839 accordance with a professionally accepted methodology and
2840 approved by the state land planning agency.

2841 Section 40. Effective July 1, 2021, subsections (7) and
2842 (18) of section 381.006, Florida Statutes, are amended to read:

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2843 381.006 Environmental health.—The department shall conduct
2844 an environmental health program as part of fulfilling the
2845 state’s public health mission. The purpose of this program is to
2846 detect and prevent disease caused by natural and manmade factors
2847 in the environment. The environmental health program shall
2848 include, but not be limited to:

2849 ~~(7) An onsite sewage treatment and disposal function.~~

2850 (17)~~(18)~~ A food service inspection function for domestic
2851 violence centers that are certified by the Department of
2852 Children and Families and monitored by the Florida Coalition
2853 Against Domestic Violence under part XII of chapter 39 and group
2854 care homes as described in subsection (15) ~~(16)~~, which shall be
2855 conducted annually and be limited to the requirements in
2856 department rule applicable to community-based residential
2857 facilities with five or fewer residents.

2858
2859 The department may adopt rules to carry out the provisions of
2860 this section.

2861 Section 41. Effective July 1, 2021, subsection (1) of
2862 section 381.0061, Florida Statutes, is amended to read:

2863 381.0061 Administrative fines.—

2864 (1) In addition to any administrative action authorized by
2865 chapter 120 or by other law, the department may impose a fine,
2866 which may ~~shall~~ not exceed \$500 for each violation, for a
2867 violation of s. 381.006(15) ~~s. 381.006(16)~~, s. 381.0065, s.
2868 381.0066, s. 381.0072, or part III of chapter 489, for a
2869 violation of any rule adopted under this chapter, or for a
2870 violation of ~~any of the provisions of~~ chapter 386. Notice of
2871 intent to impose such fine shall be given by the department to

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2872 the alleged violator. Each day that a violation continues may
2873 constitute a separate violation.

2874 Section 42. Effective July 1, 2021, subsection (1) of
2875 section 381.0064, Florida Statutes, is amended to read:

2876 381.0064 Continuing education courses for persons
2877 installing or servicing septic tanks.—

2878 (1) The Department of Environmental Protection ~~Health~~ shall
2879 establish a program for continuing education which meets the
2880 purposes of ss. 381.0101 and 489.554 regarding the public health
2881 and environmental effects of onsite sewage treatment and
2882 disposal systems and any other matters the department determines
2883 desirable for the safe installation and use of onsite sewage
2884 treatment and disposal systems. The department may charge a fee
2885 to cover the cost of such program.

2886 Section 43. Effective July 1, 2021, paragraph (d) of
2887 subsection (7), subsection (8), and paragraphs (b), (c), and (d)
2888 of subsection (9) of section 381.00651, Florida Statutes, are
2889 amended to read:

2890 381.00651 Periodic evaluation and assessment of onsite
2891 sewage treatment and disposal systems.—

2892 (7) The following procedures shall be used for conducting
2893 evaluations:

2894 (d) *Assessment procedure.*—All evaluation procedures used by
2895 a qualified contractor shall be documented in the environmental
2896 health database of the Department of Environmental Protection
2897 ~~Health~~. The qualified contractor shall provide a copy of a
2898 written, signed evaluation report to the property owner upon
2899 completion of the evaluation and to the county health department
2900 within 30 days after the evaluation. The report must ~~shall~~

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2901 contain the name and license number of the company providing the
2902 report. A copy of the evaluation report shall be retained by the
2903 local county health department for a minimum of 5 years and
2904 until a subsequent inspection report is filed. The front cover
2905 of the report must identify any system failure and include a
2906 clear and conspicuous notice to the owner that the owner has a
2907 right to have any remediation of the failure performed by a
2908 qualified contractor other than the contractor performing the
2909 evaluation. The report must further identify any crack, leak,
2910 improper fit, or other defect in the tank, manhole, or lid, and
2911 any other damaged or missing component; any sewage or effluent
2912 visible on the ground or discharging to a ditch or other surface
2913 water body; any downspout, stormwater, or other source of water
2914 directed onto or toward the system; and any other maintenance
2915 need or condition of the system at the time of the evaluation
2916 which, in the opinion of the qualified contractor, would
2917 possibly interfere with or restrict any future repair or
2918 modification to the existing system. The report shall conclude
2919 with an overall assessment of the fundamental operational
2920 condition of the system.

2921 (8) The county health department, in coordination with the
2922 department, shall administer any evaluation program on behalf of
2923 a county, or a municipality within the county, that has adopted
2924 an evaluation program pursuant to this section. In order to
2925 administer the evaluation program, the county or municipality,
2926 in consultation with the county health department, may develop a
2927 reasonable fee schedule to be used solely to pay for the costs
2928 of administering the evaluation program. Such a fee schedule
2929 shall be identified in the ordinance that adopts the evaluation

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2930 program. When arriving at a reasonable fee schedule, the
2931 estimated annual revenues to be derived from fees may not exceed
2932 reasonable estimated annual costs of the program. Fees shall be
2933 assessed to the system owner during an inspection and separately
2934 identified on the invoice of the qualified contractor. Fees
2935 shall be remitted by the qualified contractor to the county
2936 health department. The county health department's administrative
2937 responsibilities include the following:

2938 (a) Providing a notice to the system owner at least 60 days
2939 before the system is due for an evaluation. The notice may
2940 include information on the proper maintenance of onsite sewage
2941 treatment and disposal systems.

2942 (b) In consultation with the department ~~of Health~~,
2943 providing uniform disciplinary procedures and penalties for
2944 qualified contractors who do not comply with the requirements of
2945 the adopted ordinance, including, but not limited to, failure to
2946 provide the evaluation report as required in this subsection to
2947 the system owner and the county health department. Only the
2948 county health department may assess penalties against system
2949 owners for failure to comply with the adopted ordinance,
2950 consistent with existing requirements of law.

2951 (9)

2952 (b) Upon receipt of the notice under paragraph (a), the
2953 department ~~of Environmental Protection~~ shall, within existing
2954 resources, notify the county or municipality of the potential
2955 use of, and access to, program funds under the Clean Water State
2956 Revolving Fund or s. 319 of the Clean Water Act, provide
2957 guidance in the application process to receive such moneys, and
2958 provide advice and technical assistance to the county or

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2959 municipality on how to establish a low-interest revolving loan
2960 program or how to model a revolving loan program after the low-
2961 interest loan program of the Clean Water State Revolving Fund.
2962 This paragraph does not obligate the department ~~of Environmental~~
2963 ~~Protection~~ to provide any county or municipality with money to
2964 fund such programs.

2965 (c) The department ~~of Health~~ may not adopt any rule that
2966 alters ~~the provisions of~~ this section.

2967 (d) The department ~~of Health~~ must allow county health
2968 departments and qualified contractors access to the
2969 environmental health database to track relevant information and
2970 assimilate data from assessment and evaluation reports of the
2971 overall condition of onsite sewage treatment and disposal
2972 systems. The environmental health database must be used by
2973 contractors to report each service and evaluation event and by a
2974 county health department to notify owners of onsite sewage
2975 treatment and disposal systems when evaluations are due. Data
2976 and information must be recorded and updated as service and
2977 evaluations are conducted and reported.

2978 Section 44. Effective July 1, 2021, paragraph (g) of
2979 subsection (1) of section 381.0101, Florida Statutes, is amended
2980 to read:

2981 381.0101 Environmental health professionals.—

2982 (1) DEFINITIONS.—As used in this section:

2983 (g) "Primary environmental health program" means those
2984 programs determined by the department to be essential for
2985 providing basic environmental and sanitary protection to the
2986 public. At a minimum, these programs shall include food
2987 protection program work ~~and onsite sewage treatment and disposal~~

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2988 ~~system evaluations.~~

2989 Section 45. Section 403.08601, Florida Statutes, is amended
2990 to read:

2991 403.08601 Leah Schad Memorial Ocean Outfall Program.—The
2992 Legislature declares that as funds become available the state
2993 may assist the local governments and agencies responsible for
2994 implementing the Leah Schad Memorial Ocean Outfall Program
2995 pursuant to s. 403.086(10) ~~s. 403.086(9)~~. Funds received from
2996 other sources provided for in law, the General Appropriations
2997 Act, from gifts designated for implementation of the plan from
2998 individuals, corporations, or other entities, or federal funds
2999 appropriated by Congress for implementation of the plan, may be
3000 deposited into an account of the Water Quality Assurance Trust
3001 Fund.

3002 Section 46. Section 403.0871, Florida Statutes, is amended
3003 to read:

3004 403.0871 Florida Permit Fee Trust Fund.—There is
3005 established within the department a nonlapsing trust fund to be
3006 known as the "Florida Permit Fee Trust Fund." All funds received
3007 from applicants for permits pursuant to ss. 161.041, 161.053,
3008 161.0535, 403.087(7) ~~403.087(6)~~, and 403.861(7) (a) shall be
3009 deposited in the Florida Permit Fee Trust Fund and shall be used
3010 by the department with the advice and consent of the Legislature
3011 to supplement appropriations and other funds received by the
3012 department for the administration of its responsibilities under
3013 this chapter and chapter 161. In no case shall funds from the
3014 Florida Permit Fee Trust Fund be used for salary increases
3015 without the approval of the Legislature.

3016 Section 47. Paragraph (a) of subsection (11) of section

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3017 403.0872, Florida Statutes, is amended to read:

3018 403.0872 Operation permits for major sources of air
3019 pollution; annual operation license fee.—Provided that program
3020 approval pursuant to 42 U.S.C. s. 7661a has been received from
3021 the United States Environmental Protection Agency, beginning
3022 January 2, 1995, each major source of air pollution, including
3023 electrical power plants certified under s. 403.511, must obtain
3024 from the department an operation permit for a major source of
3025 air pollution under this section. This operation permit is the
3026 only department operation permit for a major source of air
3027 pollution required for such source; provided, at the applicant's
3028 request, the department shall issue a separate acid rain permit
3029 for a major source of air pollution that is an affected source
3030 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits
3031 for major sources of air pollution, except general permits
3032 issued pursuant to s. 403.814, must be issued in accordance with
3033 the procedures contained in this section and in accordance with
3034 chapter 120; however, to the extent that chapter 120 is
3035 inconsistent with ~~the provisions of~~ this section, the procedures
3036 contained in this section prevail.

3037 (11) Each major source of air pollution permitted to
3038 operate in this state must pay between January 15 and April 1 of
3039 each year, upon written notice from the department, an annual
3040 operation license fee in an amount determined by department
3041 rule. The annual operation license fee shall be terminated
3042 immediately in the event the United States Environmental
3043 Protection Agency imposes annual fees solely to implement and
3044 administer the major source air-operation permit program in
3045 Florida under 40 C.F.R. s. 70.10(d).

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3046 (a) The annual fee must be assessed based upon the source's
3047 previous year's emissions and must be calculated by multiplying
3048 the applicable annual operation license fee factor times the
3049 tons of each regulated air pollutant actually emitted, as
3050 calculated in accordance with the department's emissions
3051 computation and reporting rules. The annual fee shall only apply
3052 to those regulated pollutants, except carbon monoxide and
3053 greenhouse gases, for which an allowable numeric emission
3054 limiting standard is specified in the source's most recent
3055 construction or operation permit; provided, however, that:

3056 1. The license fee factor is \$25 or another amount
3057 determined by department rule which ensures that the revenue
3058 provided by each year's operation license fees is sufficient to
3059 cover all reasonable direct and indirect costs of the major
3060 stationary source air-operation permit program established by
3061 this section. The license fee factor may be increased beyond \$25
3062 only if the secretary of the department affirmatively finds that
3063 a shortage of revenue for support of the major stationary source
3064 air-operation permit program will occur in the absence of a fee
3065 factor adjustment. The annual license fee factor may never
3066 exceed \$35.

3067 2. The amount of each regulated air pollutant in excess of
3068 4,000 tons per year emitted by any source, or group of sources
3069 belonging to the same Major Group as described in the Standard
3070 Industrial Classification Manual, 1987, may not be included in
3071 the calculation of the fee. Any source, or group of sources,
3072 which does not emit any regulated air pollutant in excess of
3073 4,000 tons per year, is allowed a one-time credit not to exceed
3074 25 percent of the first annual licensing fee for the prorated

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3075 portion of existing air-operation permit application fees
3076 remaining upon commencement of the annual licensing fees.

3077 3. If the department has not received the fee by March 1 of
3078 the calendar year, the permittee must be sent a written warning
3079 of the consequences for failing to pay the fee by April 1. If
3080 the fee is not postmarked by April 1 of the calendar year, the
3081 department shall impose, in addition to the fee, a penalty of 50
3082 percent of the amount of the fee, plus interest on such amount
3083 computed in accordance with s. 220.807. The department may not
3084 impose such penalty or interest on any amount underpaid,
3085 provided that the permittee has timely remitted payment of at
3086 least 90 percent of the amount determined to be due and remits
3087 full payment within 60 days after receipt of notice of the
3088 amount underpaid. The department may waive the collection of
3089 underpayment and may ~~shall~~ not be required to refund overpayment
3090 of the fee, if the amount due is less than 1 percent of the fee,
3091 up to \$50. The department may revoke any major air pollution
3092 source operation permit if it finds that the permitholder has
3093 failed to timely pay any required annual operation license fee,
3094 penalty, or interest.

3095 4. Notwithstanding the computational provisions of this
3096 subsection, the annual operation license fee for any source
3097 subject to this section may ~~shall~~ not be less than \$250, except
3098 that the annual operation license fee for sources permitted
3099 solely through general permits issued under s. 403.814 may ~~shall~~
3100 not exceed \$50 per year.

3101 5. Notwithstanding s. 403.087(7)(a)5.a., which authorizes
3102 ~~the provisions of s. 403.087(6)(a)5.a., authorizing air~~
3103 pollution construction permit fees, the department may not

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3104 require such fees for changes or additions to a major source of
3105 air pollution permitted pursuant to this section, unless the
3106 activity triggers permitting requirements under Title I, Part C
3107 or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-
3108 7514a. Costs to issue and administer such permits shall be
3109 considered direct and indirect costs of the major stationary
3110 source air-operation permit program under s. 403.0873. The
3111 department shall, however, require fees pursuant to s.
3112 403.087(7)(a)5.a. ~~the provisions of s. 403.087(6)(a)5.a.~~ for the
3113 construction of a new major source of air pollution that will be
3114 subject to the permitting requirements of this section once
3115 constructed and for activities triggering permitting
3116 requirements under Title I, Part C or Part D, of the federal
3117 Clean Air Act, 42 U.S.C. ss. 7470-7514a.

3118 Section 48. Paragraph (d) of subsection (3) of section
3119 403.707, Florida Statutes, is amended to read:

3120 403.707 Permits.—

3121 (3)

3122 (d) The department may adopt rules to administer this
3123 subsection. However, the department is not required to submit
3124 such rules to the Environmental Regulation Commission for
3125 approval. Notwithstanding the limitations of s. 403.087(7)(a) ~~s.~~
3126 ~~403.087(6)(a)~~, permit fee caps for solid waste management
3127 facilities shall be prorated to reflect the extended permit term
3128 authorized by this subsection.

3129 Section 49. Subsections (8) and (21) of section 403.861,
3130 Florida Statutes, are amended to read:

3131 403.861 Department; powers and duties.—The department shall
3132 have the power and the duty to carry out the provisions and

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3133 purposes of this act and, for this purpose, to:

3134 (8) Initiate rulemaking to increase each drinking water
3135 permit application fee authorized under s. 403.087(7) ~~s.~~
3136 ~~403.087(6)~~ and this part and adopted by rule to ensure that such
3137 fees are increased to reflect, at a minimum, any upward
3138 adjustment in the Consumer Price Index compiled by the United
3139 States Department of Labor, or similar inflation indicator,
3140 since the original fee was established or most recently revised.

3141 (a) The department shall establish by rule the inflation
3142 index to be used for this purpose. The department shall review
3143 the drinking water permit application fees authorized under s.
3144 403.087(7) ~~s. 403.087(6)~~ and this part at least once every 5
3145 years and shall adjust the fees upward, as necessary, within the
3146 established fee caps to reflect changes in the Consumer Price
3147 Index or similar inflation indicator. In the event of deflation,
3148 the department shall consult with the Executive Office of the
3149 Governor and the Legislature to determine whether downward fee
3150 adjustments are appropriate based on the current budget and
3151 appropriation considerations. The department shall also review
3152 the drinking water operation license fees established pursuant
3153 to paragraph (7)(b) at least once every 5 years to adopt, as
3154 necessary, the same inflationary adjustments provided for in
3155 this subsection.

3156 (b) The minimum fee amount shall be the minimum fee
3157 prescribed in this section, and such fee amount shall remain in
3158 effect until the effective date of fees adopted by rule by the
3159 department.

3160 (21) (a) Upon issuance of a construction permit to construct
3161 a new public water system drinking water treatment facility to

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3162 provide potable water supply using a surface water that, at the
3163 time of the permit application, is not being used as a potable
3164 water supply, and the classification of which does not include
3165 potable water supply as a designated use, the department shall
3166 add treated potable water supply as a designated use of the
3167 surface water segment in accordance with s. 403.061(30)(b) ~~s.~~
3168 ~~403.061(29)(b)~~.

3169 (b) For existing public water system drinking water
3170 treatment facilities that use a surface water as a treated
3171 potable water supply, which surface water classification does
3172 not include potable water supply as a designated use, the
3173 department shall add treated potable water supply as a
3174 designated use of the surface water segment in accordance with
3175 s. 403.061(30)(b) ~~s. 403.061(29)(b)~~.

3176 Section 50. Effective July 1, 2021, subsection (1) of
3177 section 489.551, Florida Statutes, is amended to read:

3178 489.551 Definitions.—As used in this part:

3179 (1) "Department" means the Department of Environmental
3180 Protection Health.

3181 Section 51. Paragraph (b) of subsection (10) of section
3182 590.02, Florida Statutes, is amended to read:

3183 590.02 Florida Forest Service; powers, authority, and
3184 duties; liability; building structures; Withlacoochee Training
3185 Center.—

3186 (10)

3187 (b) The Florida Forest Service may delegate to a county,
3188 municipality, or special district its authority:

3189 1. As delegated by the Department of Environmental
3190 Protection pursuant to ss. 403.061(29) ~~ss. 403.061(28)~~ and

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3191 403.081, to manage and enforce regulations pertaining to the
3192 burning of yard trash in accordance with s. 590.125(6).

3193 2. To manage the open burning of land clearing debris in
3194 accordance with s. 590.125.

3195 Section 52. The Division of Law Revision is directed to
3196 replace the phrase "before the rules identified in paragraph (e)
3197 take effect" as it is used in the amendment made by this act to
3198 s. 381.0065(4)(f), Florida Statutes, with the date such rules
3199 are adopted, as provided by the Department of Environmental
3200 Protection pursuant to s. 381.0065(4)(e), Florida Statutes, as
3201 amended by this act.

3202 Section 53. Except as otherwise expressly provided in this
3203 act, this act shall take effect July 1, 2020.

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/SB 712 — Environmental Resource Management

by Appropriations Committee; Community Affairs Committee; and Senators Mayfield, Harrell, Albritton, and Bradley

The “Clean Waterways Act” addresses a number of environmental issues including several provisions specifically related to water quality improvement.

Onsite Sewage Treatment and Disposal Systems (Septic Systems)

The bill transfers the Onsite Sewage Program from the Department of Health (DOH) to the Department of Environmental Protection (DEP) starting in 2021. The bill creates a temporary septic technical advisory committee within DEP.

The bill requires local governments to create septic remediation plans for certain basin management action plans (BMAPs). The bill also requires DEP to implement a fast track-approval process for NSF/ANSI 245 nutrient reducing septic systems and revises provisions relating to septic system setback rules.

Wastewater Treatment

The bill requires local governments to create wastewater treatment plans for certain BMAPs but authorizes different cost options for projects that meet pollution reduction requirements.

The bill creates a wastewater grant program that allows DEP to provide grants for projects within BMAPs, alternative restoration plans, or rural areas of opportunity that will reduce excess nutrient pollution. The bill prioritizes funding for certain wastewater projects in the grant program, the State Revolving Loan Fund Program, and the Small Community Sewer Construction Assistance Program.

The bill prohibits, beginning July 1, 2025, wastewater treatment facilities from discharging into the Indian River Lagoon without providing advanced waste treatment. The bill imposes new requirements on wastewater facilities and DEP to prevent sanitary sewer overflows and underground pipe leaks.

Stormwater

The bill requires DEP to: update its stormwater design and operation rules and Environmental Resource Permit Applicant’s Handbook; make revisions to its local pollution control staff training; evaluate the self-certification process for the construction, alteration, and maintenance of a stormwater management system; and revise the model stormwater management program.

Agriculture

The bill requires the Department of Agriculture and Consumer Services (DACS) to perform onsite inspections at least every 2 years of agricultural producers enrolled in best management practices (BMPs). DACS must prioritize inspections for producers in the BMAPs for Lake Okeechobee, the Indian River Lagoon, the Caloosahatchee River and Estuary, and Silver Springs.

The bill creates a cooperative agricultural regional water quality improvement element as part of a BMAP in areas where agriculture is a significant source of pollution. Projects under the element could include conservation easements and dispersed water management. The bill authorizes legislative budget requests to fund these projects and requires DEP to allocate at least 20 percent of the funds it receives for projects in areas with the highest nutrient concentrations.

The bill requires DACS, in coordination with the University of Florida Institute of Food and Agricultural Sciences (UF/IFAS) and other academic institutions, to annually develop research plans and legislative budget requests to address agricultural runoff.

Biosolids

The bill requires enrollment in DACS's BMP program and prohibits the application of Class A or Class B biosolids within 6 inches of the seasonal high water table, unless a nutrient management plan and water quality monitoring plan provide reasonable assurances that the application will not cause or contribute to water quality violations. Permits will have to comply with the statute within two years and with DEP's biosolids rule within two years of it becoming effective. The bill allows local governments to keep existing biosolids ordinances.

Fines and Penalties

The bill doubles the fines for wastewater violations and increases the cap on total administrative penalties that may be assessed by DEP from \$10,000 to \$50,000 and the cap per violator from \$5,000 to \$10,000.

Water Quality Monitoring

The bill requires DEP to establish a real-time water quality monitoring program, subject to appropriation.

Bottled Water

The bill requires DEP to conduct a study on the bottled water industry in the state.

Rights of Nature

The bill prohibits local governments from providing legal rights to any plant, animal, body of water, or other part of the natural environment unless otherwise specifically authorized by state law or the State Constitution.

Golf Courses

The bill requires DEP to work with UF/IFAS and regulated entities to consider the adoption by rule of BMPs for nutrient impacts from golf courses.

The bill requires DEP to complete rulemaking to implement several provisions and imposes numerous reporting requirements.

If approved by the Governor, these provisions take effect, except as otherwise expressly provided, July 1, 2020.

Vote: Senate 39-0; House 118-0

2021 SESSION DATES

August 1, 2020 Deadline for filing claim bills (Rule 4.81(2))

March 2, 2021 Regular Session convenes (Article III, section 3(b), State Constitution) 12:00 noon, deadline for filing bills for introduction (Rule 3.7(1))

April 17, 2021 Motion to reconsider made and considered the same day (Rule 6.4.(4)) All bills are immediately certified (Rule 6.8)

April 20, 2021 50th day – last day for regularly scheduled committee meetings (Rule 2.9(2))

April 30, 2021 60th day – last day of Regular Session (Article III, section 3(d), State Constitution)

***Helpful Information and Links
Coronavirus***

Governor Executive Orders

Florida Governor DeSantis Executive Orders

<https://www.flgov.com/2020-executive-orders/>

CDC

Center for Disease Control

<https://www.cdc.gov/coronavirus/2019-ncov/index.html>

Attorney General Hotline

Florida Price Gouging Hotline

[\(866\)966-7226](tel:(866)966-7226)

Florida Department of Health

Florida Department of Health

<http://www.floridahealth.gov/>

COVID-19 Call Center available 24/7 (866)779-6121 or email

COVID-19@flhealth.gov

Department of Health COVID-19 Toolkit

<https://floridahealthcovid19.gov/resources/#toolkitJump>

Florida Department of Health COVID Webpage

<https://floridahealthcovid19.gov/>

Florida Division of Emergency Management

Florida Division of Emergency Management

<https://floridadisaster.org/covid19/>

Florida Department of Economic Opportunity

Florida Department of Economic Opportunity

www.floridahobs.org

Florida Small Business Emergency Bridge Loan

<https://floridadisasterloan.org/>

Florida Department of Economic Opportunity Reemployment Assistance

http://www.floridajobs.org/docs/default-source/ra-dua-documentation/dua-faqs-3-17-20-updates.pdf?sfvrsn=805543b0_4

U.S Small Business Administration

U.S. Small Business Administration

www.sba.gov/page/corona-virus-covid-19-small-business-guidance-loan-resources

MIAF Bill Tracking

Ordered by Bill Number

SB 0034	Prohibited Discrimination by Rouson
	Prohibited Discrimination; Citing this act as the "Florida Competitive Workforce Act"; adding sexual orientation and gender identity as impermissible grounds for discrimination in public lodging establishments and public food service establishments; providing an exception for constitutionally protected free exercise of religion, etc. Effective Date: 7/1/2020
	Actions
	09/03/2019 SENATE Withdrawn prior to introduction
HB 0073	Environmental Regulation by Overdorf
	Environmental Regulation: Specifies requirements for contracts between residential recycling collectors or recovered materials processing facilities & counties or municipalities for collecting, transporting, & processing residential recycling material & contaminated recyclable material; prohibits local governments from requiring further verification from DEP for certain projects; revises types of dock & pier replacements & repairs that are exempt from such verification & certain permitting requirements. Effective Date: July 1, 2020
	Actions
	03/03/2020 HOUSE Enrolled Text (ER) Filed
SB 0090	Discrimination in Labor and Employment by Stewart
	Discrimination in Labor and Employment; Creating the "Senator Helen Gordon Davis Fair Pay Protection Act"; prohibiting an employer from providing less favorable employment opportunities to employees based on their sex; prohibiting an employer from taking certain employment actions against employees; prohibiting an employer from engaging in certain activities relating to wages and benefits, etc. Effective Date: 7/1/2020
	Actions
	03/14/2020 SENATE Died in Commerce and Tourism
SB 0112	Capital Relocation Study by Rader
	Capital Relocation Study; Requiring the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a study regarding the relocation of the state capital; prescribing requirements for the study; requiring OPPAGA to submit a report to the Legislature by a specified date, etc. Effective Date: 7/1/2020
	Actions
	03/14/2020 SENATE Died in Governmental Oversight and Accountability
HB 0133	Towing and Immobilizing Vehicles and Vessels by McClain
	Towing and Immobilizing Vehicles and Vessels: Authorizes local governments to enact rates to tow vessels on private property & remove & store vessels; prohibits counties or municipalities from enacting ordinances that impose costs or penalties on owners, persons in control, or lienholders of vehicles or vessels or that require wrecker operators or towing businesses to accept specified form of payment; authorizes persons to place liens on vehicles or vessels to recover fees or charges; revises requirement regarding notices & signs concerning towing or removal of vehicles & vessels. Effective Date: October 1, 2020
	Actions
	03/13/2020 HOUSE Enrolled Text (ER) Filed
SB 0142	Abolishing the Constitution Revision Commission by Brandes
	Abolishing the Constitution Revision Commission; Proposing amendments to the State Constitution to abolish the Constitution Revision Commission, etc.

Actions

03/14/2020 SENATE Died on Calendar

HB 0147 Water Resources by Jacobs

Water Resources: Requires DEP to conduct specified comprehensive & quantitative needs-based overview of state's water resources & submit report to Governor & Legislature. Effective Date: July 1, 2020

Actions

03/14/2020 HOUSE Died in Agriculture and Natural Resources Subcommittee

HB 0153 Indian River Lagoon State Matching Grant Program by Fine

Indian River Lagoon State Matching Grant Program: Provides that certain projects identified in Indian River Lagoon Comprehensive Conservation & Management Plan are eligible for state funding consideration; directs DEP to coordinate with water management districts to identify projects & grant recipients. Effective Date: July 1, 2020

Actions

03/14/2020 HOUSE Died in Agriculture and Natural Resources Appropriations Subcommittee

SB 0178 Public Financing of Construction Projects by Rodriguez (J)

Public Financing of Construction Projects; Prohibiting state-financed constructors from commencing construction of certain structures in coastal areas after a specified date without first taking certain steps regarding a sea level impact projection study; requiring the Department of Environmental Protection to develop by rule a standard for such studies; providing that such rule operates prospectively on projects that have not yet commenced as of the finalization of the rule, etc. Effective Date: Except as otherwise expressly provided in this act, this act shall take effect July 1, 2020

Actions

03/11/2020 SENATE Enrolled Text (ER) Filed

SB 0182 Preemption of Recyclable and Polystyrene Materials by Stewart

Preemption of Recyclable and Polystyrene Materials; Deleting preemptions of local law relating to the regulation of auxiliary containers, wrappings, or disposable plastic bags; repealing the preemption of local laws regarding the use or sale of polystyrene products to the Department of Agriculture and Consumer Services, etc. Effective Date: 7/1/2020

Actions

03/14/2020 SENATE Died in Community Affairs

SB 0200 Advanced Well Stimulation Treatment by Montford

Advanced Well Stimulation Treatment; Defining the terms "high-pressure well stimulation" and "matrix acidization"; prohibiting the performance of high-pressure well stimulation or matrix acidization; providing that permits for drilling or for operating a well do not authorize the performance of high-pressure well stimulation or matrix acidization, etc. Effective Date: Upon becoming a law

Actions

03/14/2020 SENATE Died in Innovation, Industry, and Technology

SB 0218 Licensure Requirements for Osteopathic Physicians by Harrell

Licensure Requirements for Osteopathic Physicians; Revising licensure requirements for persons seeking licensure or certification as an osteopathic physician, etc. Effective Date: Upon becoming a law

Actions

03/11/2020 SENATE Enrolled Text (ER) Filed

HB 0221 Osteopathic Physicians Certification and Licensure by Roach

Osteopathic Physicians Certification and Licensure: Requires successful completion of internship or residency in specified accredited program to be licensed or certified as osteopathic physician. Effective Date: upon becoming a law

Actions

03/10/2020 HOUSE Laid on Table

SB 0226 Athletic Trainers by Harrell

Athletic Trainers; Revising the definition of the term “athletic trainer”; requiring certain licensees to maintain certification in good standing without lapse as a condition of renewal of their athletic trainer licenses; requiring that an athletic trainer work within a specified scope of practice; requiring the direct supervision of an athletic training student to be in accordance with rules adopted by the Board of Athletic Training, etc. Effective Date: 7/1/2020

Actions

03/10/2020 SENATE Enrolled Text (ER) Filed

SB 0230 Department of Health by Harrell

Department of Health; Revising the purpose of patient care networks from serving patients with acquired immune deficiency syndrome to serving those with human immunodeficiency virus; requiring the Department of Health to develop strategies to maximize federal-state partnerships that provide incentives for physicians to practice in medically underserved or rural areas; revising provisions related to the department’s rules governing minimum standards for ground ambulances and emergency medical services vehicles; extending through 2025 the Florida Center for Nursing’s responsibility to study and issue an annual report on the implementation of nursing education programs, etc. Effective Date: Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2020

Actions

03/13/2020 SENATE Read Second Time; Substituted for HB 0713; Laid on Table, Refer to HB 0713

SB 0250 Development Orders by Berman

Development Orders; Deleting an entitlement for a prevailing party to recover reasonable attorney fees and costs incurred in challenging or defending a certain development order, etc. Effective Date: 7/1/2020

Actions

03/14/2020 SENATE Died in Community Affairs

HB 0255 Florida Commission on Human Relations by Antone

Florida Commission on Human Relations: Provides quorum requirements for Commission on Human Relations & its panels; revises number of persons commission may recommend for Florida Civil Rights Hall of Fame; provides limitation on time civil action may be filed after alleged violation of Florida Civil Rights Act; revises length of time commission or AG has to resolve complaint of discrimination in club membership; revises timeline relating to complaints alleging prohibited personnel action. Effective Date: July 1, 2020

Actions

03/12/2020 HOUSE Enrolled Text (ER) Filed

SB 0278 Climate Health Planning by Rodriguez (J)

Climate Health Planning; Requiring the Department of Health to prepare an annual climate health planning report that contains specified information and recommendations; requiring the report to be published on the department’s website and submitted to the Governor and the Legislature by a specified date, etc. Effective Date: 7/1/2020

Actions

03/14/2020 SENATE Died in Health Policy

HB 0279 Local Government Public Construction Works by Smith (D)

Local Government Public Construction Works: Revising disclosure requirements for bidding documents and other requests for proposals issued for bids by a local governmental entity and public contracts entered into between local governmental entities and contractors; requiring that a local government that performs projects using its own services, employees, and equipment provide a report to the local governing board with certain information, etc. Effective Date: July 1, 2020

Actions

03/12/2020 HOUSE Enrolled Text (ER) Filed

SB 0280 Climate Fiscal Responsibility by Rodriguez (J)

Climate Fiscal Responsibility; Requiring the Economic Estimating Conference to annually prepare a climate fiscal responsibility report and provide a copy of the report to the Governor and the Legislature; requiring the Office of Economic and Demographic Research to publish the report on its website; requiring the conference to coordinate with and obtain data from certain entities in preparing the report, etc. Effective Date: 7/1/2020

Actions

03/14/2020 SENATE Died in Infrastructure and Security

HB 0305 Preemption of Conditions of Employment by Rommel

Preemption of Conditions of Employment: Preempts to state right to regulate conditions of employment by an employer; voids certain ordinances, regulations, or policies that are preempted by act. Effective Date: upon becoming a law

Actions

03/14/2020 HOUSE Died in Commerce Committee

SB 0318 Sale of Sunscreen by Stewart

Sale of Sunscreen; Prohibiting the sale, offer for sale, or distribution of certain sunscreen products to a consumer who does not have a prescription for such product, etc. Effective Date: 7/1/2020

Actions

03/14/2020 SENATE Died in Environment and Natural Resources

SB 0326 Environmental Regulation by Perry

Environmental Regulation; Specifying requirements for contracts between residential recycling collectors or recovered materials processing facilities and counties or municipalities for the collection or processing of residential recycling material; providing that a residential recycling collector or recovered materials processing facility is not required to collect, transport, or process contaminated recyclable material except pursuant to specified contractual requirements after a contract is executed; prohibiting local governments from requiring further verification from the Department of Environmental Protection for certain projects, etc. Effective Date: 7/1/2020

Actions

02/19/2020 SENATE Read Second Time; Substituted for HB 0073; Laid on Table, Refer to HB 0073

SB 0332 Land Acquisition Trust Fund by Stewart

Land Acquisition Trust Fund; Requiring a specified annual appropriation to the Florida Forever Trust Fund; prohibiting moneys from the Land Acquisition Trust Fund from being used for specified costs, etc. Effective Date: 7/1/2020

Actions

03/14/2020 SENATE Died in Appropriations

HB 0343 Recreational Vehicle Industries by Fetterhoff

Recreational Vehicle Industries: Creates & revises provisions for recreational vehicle parks relating to

permit applications, preemption of permitting standards to DOH, transient guests, standards for rebuilding after damage or destruction, abandoned property, park operator authority to refuse access & eject guests & visitors, & certain immunity from liability; requires DACS to adopt rules for establishment & administration of certain examinations; authorizes certain qualifiers to engage in service & repair of recreational vehicles; requires specified LP gas experience or certification to apply for master qualifier certification. Effective Date: July 1, 2020

Actions

03/12/2020 HOUSE Enrolled Text (ER) Filed

HB 0365 Property Assessed Clean Energy Program by Watson (B)

Property Assessed Clean Energy Program: Revises definition of "qualifying improvements" to include sewage treatment and seawall improvements. Effective Date: July 1, 2020

Actions

03/14/2020 HOUSE Died Energy and Utilities Subcommittee

SB 0378 Motor Vehicle Insurance by Lee

Motor Vehicle Insurance; Repealing provisions which comprise the Florida Motor Vehicle No-Fault Law; revising the motor vehicle insurance coverages that an applicant must show to register certain vehicles with the Department of Highway Safety and Motor Vehicles; revising garage liability insurance requirements for motor vehicle dealer applicants; revising minimum liability coverage requirements for motor vehicle owners or operators, etc. CLAIM: \$83,651 Effective Date: Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect January 1, 2021

Actions

03/14/2020 SENATE Died in Banking and Insurance

SB 0390 Massage Therapy by Hooper

Massage Therapy; Revising requirements for licensure as a massage therapist; providing applicability for persons who were issued a license as a massage apprentice before a specified date, etc. Effective Date: 7/1/2020

Actions

03/14/2020 SENATE Died in Health Policy

HB 0395 Transportation by Andrade

Transportation: Revises & provides requirements relating to organization & responsibilities of DOT; rail enterprise & high-speed rail system; transportation funding; insurance & liability; motor vehicle & vessel operation; airport zoning regulations & contractors; utilities within rights-of-way; emergency response staging areas; M.P.O. projects; economic development transportation projects; & Jacksonville Transportation Authority leases; requires reports to Governor & Legislature. Effective Date: July 1, 2020

Actions

03/14/2020 SENATE Died in Infrastructure and Security

HB 0401 Shark Fins by Jacobs

Shark Fins: Prohibits import, export, & sale of shark fins. Effective Date: October 1, 2020

Actions

03/09/2020 HOUSE Laid on Table

HB 0405 Stormwater Management Systems by Good

Stormwater Management Systems: Directs water management districts, with DEP oversight, to adopt rules for standards relating to new development & redevelopment projects; directs DEP to incorporate such rules for district use; directs DEP & districts to amend such rules into applicant's handbook; provides rebuttable presumption relating to water quality standards for certain systems; revises requirements for

construction of certain systems; requires specified staff training; directs DEP & districts to initiate rulemaking. Effective Date: July 1, 2020

Actions

03/14/2020 HOUSE Died in Agriculture and Natural Resources Subcommittee

HB 0417 Anchoring Limitation Areas by Duggan

Anchoring Limitation Areas: Designates specified waterways as anchoring limitation areas. Effective Date: July 1, 2020

Actions

03/14/2020 HOUSE Died in Agriculture and Natural Resources Subcommittee

SB 0422 Recreational Vehicle Industries by Perry

Recreational Vehicle Industries; Preempting to the Department of Health the regulatory authority for permitting standards; providing standards for a damaged or destroyed recreational vehicle park to be rebuilt under certain circumstances; authorizing a park operator to refuse access to the premises and to eject transient guests or visitors based on specified conduct; providing for ejection from a park and specifying grounds and requirements therefor, etc. Effective Date: 7/1/2020

Actions

03/11/2020 SENATE Read Second Time; Substituted for HB 0343; Laid on Table, Refer to HB 0343

SB 0438 Land Acquisition Trust Fund by Harrell

Land Acquisition Trust Fund; Providing an appropriation for certain projects related to the Indian River Lagoon Comprehensive Conservation and Management Plan; authorizing the Department of Environmental Protection to make grants for such projects; providing for a specified local match for such grants, etc. Effective Date: 7/1/2020

Actions

03/14/2020 SENATE Died in Environment and Natural Resources

SB 0444 Customer Service Standards for State Agencies by Rader

Customer Service Standards for State Agencies; Requiring departments within the executive branch of state government to implement certain measures with respect to telephone calls placed by customers, etc. Effective Date: 10/1/2020

Actions

03/14/2020 SENATE Died in Innovation, Industry, and Technology

SB 0450 Whistleblower's Act by Brandes

Whistleblower's Act; Revising the actions that an agency or independent contractor is prohibited from taking against an employee who participates in protected activity or discloses certain information; specifying that whistleblower remedies and protections do not apply to certain persons; revising applicability of provisions relating to investigative procedures upon receipt of whistleblower information; revising investigative procedures in response to retaliatory actions, etc. Effective Date: 7/1/2020

Actions

03/14/2020 SENATE Died in Governmental Oversight and Accountability

SB 0456 Minimum Wage by Rodriguez (J)

Minimum Wage; Revising the formula for the adjusted state minimum wage, etc. Effective Date: 7/1/2020

Actions

03/14/2020 SENATE Died in Commerce and Tourism

HB 0465 High-Speed Passenger Rail Safety by Sirois

High-Speed Passenger Rail Safety: Provides for regulation of railroad companies; requires training for local emergency services under certain circumstances; provides requirements for railroad company reporting & DOT website publication; provides minimum safety standards for high-speed passenger rail; designates responsibility for maintenance of certain safety improvements; provides safety inspection requirements; requires certain fencing; provides liability for failure to construct or maintain fencing; provides for enforcement. Effective Date: July 1, 2020

Actions

03/14/2020 HOUSE Died in Transportation and Infrastructure Subcommittee

HB 0485 Athletic Trainers by Antone

Athletic Trainers: Revises definition of term "athletic trainer"; revises athletic trainer licensure requirements; requires certain licensees to maintain certification in good standing without lapse as condition of renewal of their athletic trainer licenses; requires that athletic trainer work within specified scope of practice; requires direct supervision of athletic training student to be in accordance with rules adopted by Board of Athletic Training. Effective Date: July 1, 2020

Actions

03/09/2020 HOUSE Laid on Table

HB 0489 Land Acquisition Trust Fund by Plasencia

Land Acquisition Trust Fund: Provides appropriation for certain projects related to Indian River Lagoon Comprehensive Conservation & Management Plan; authorizes DEP to make grants for such projects; provides for specified local match for such grants; requires department to submit annual report to Governor & Legislature. Effective Date: July 1, 2020

Actions

03/14/2020 HOUSE Died in Agriculture and Natural Resources Appropriations Subcommittee

SB 0504 Local Government Public Construction Works by Perry

Local Government Public Construction Works; Revising disclosure requirements for bidding documents and other requests for proposals issued for bids by a local governmental entity and public contracts entered into between local governmental entities and contractors; revising the term cost to include specified information; requiring estimated total construction project costs for certain projects to include specified costs, etc. Effective Date: 7/1/2020

Actions

03/11/2020 SENATE Read Second Time; Substituted for HB 0279; Laid on Table, Refer to HB 0279

HB 0513 Heat Illness Prevention by Smith (C)

Heat Illness Prevention: Requires certain employers to provide drinking water, shade, & annual training to employees & supervisors; requires DACS & DOH to adopt specified rules. Effective Date: October 1, 2020

Actions

03/14/2020 HOUSE Died in Workforce Development and Tourism Subcommittee

HB 0549 Pub. Rec./Site-specific Location Information of Endangered and Threatened Species by Overdorf

Pub. Rec./Site-specific Location Information of Endangered and Threatened Species: Provides exemption from public records requirements for site-specific location information of endangered & threatened species; provides for future legislative review & repeal of exemption; provides statement of public necessity. Effective Date: July 1, 2020

Actions

03/11/2020 HOUSE Enrolled Text (ER) Filed

HB 0571 Vehicle and Vessel Registration Data and Functionality by Fernandez-Barquin

Vehicle and Vessel Registration Data and Functionality: Requires tax collector to determine service charges collected by privately owned license plate agents for motor vehicle titles & registrations & for

vessel titles & registrations; requires license plate agent to enter into contract with tax collector; specifies tax collection systems for which certain fees may be used for integration with Florida Real Time Vehicle Information System; requires DHSMV to provide tax collectors & their approved vendors with same data access & interface functionality as provided to other third parties; specifies authorized uses for such data & functionality; requires tax collectors & their approved license plate agents to enter into memorandum of understanding with DHSMV. Effective Date: July 1, 2020

Actions

03/14/2020 HOUSE Died on Calendar

HB 0579 Public Financing of Construction Projects by Aloupis

Public Financing of Construction Projects: Requires sea level impact projection study of state-financed coastal structures before construction begins; requires DEP to develop study standards, publish studies on its website, enforce requirements, & adopt rules. Effective Date: July 1, 2020

Actions

03/10/2020 HOUSE Laid on Table

HB 0595 Medical Marijuana Employee Protection by Polsky

Medical Marijuana Employee Protection: Prohibits employers from taking adverse personnel action against employees or applicants who are qualified patients using medical marijuana; requires employers to provide certain written notice to employees or applicants who test positive for marijuana; provides procedures for if employee or applicant tests positive for marijuana; provides cause of action & damages. Effective Date: upon becoming a law

Actions

03/14/2020 HOUSE Died in Oversight, Transparency and Public Management Subcommittee

SB 0606 Anchoring Limitation Areas by Bean

Anchoring Limitation Areas; Designating specified waterways as anchoring limitation areas, etc. Effective Date: 7/1/2020

Actions

03/14/2020 SENATE Died in Community Affairs

SB 0638 Apalachicola Environmental Stewardship Act by Montford

Apalachicola Environmental Stewardship Act; Providing that this act may be referred to as "The Apalachicola Environmental Stewardship Act", appropriating a sum annually for a specified timeframe from the Florida Forever Fund to the Apalachicola Area of Critical State Concern for specified purposes; renaming the Apalachicola Bay Area of Critical State Concern as the Apalachicola Area of Critical State Concern; providing additional principles for guiding development within the Apalachicola Area of Critical State Concern to include projects that protect and improve water quality, etc. Effective Date: 7/1/2020

Actions

03/14/2020 SENATE Died in Appropriations

SB 0640 Indian River Lagoon State Matching Grant Program by Harrell

Indian River Lagoon State Matching Grant Program; Providing that certain projects identified in a specified Indian River Lagoon Comprehensive Conservation and Management Plan are eligible for state funding consideration; directing the Department of Environmental Protection to coordinate with the South Florida Water Management District and the St. Johns River Water Management District to identify projects and grant recipients and to submit an annual report to the Governor, the Legislature, and specified persons, etc. Effective Date: 7/1/2020

Actions

03/14/2020 SENATE Died in Appropriations Subcommittee on Agriculture, Environment, and General Government

SB 0648 Sargassum Seaweed Matching Grant Program by Berman

Sargassum Seaweed Matching Grant Program; Requiring the Department of Environmental Protection to establish a Sargassum Seaweed Matching Grant Program for a specified purpose; requiring the department to submit an annual report to the Governor and the Legislature by a specified date, etc. Effective Date: 7/1/2020

Actions

03/14/2020 SENATE Died in Appropriations Subcommittee on Agriculture, Environment, and General Government

SB 0664 Verification of Employment Eligibility by Lee

Verification of Employment Eligibility; Prohibiting the approval of certain economic development incentive applications after a specified date; requiring public employers, contractors, and subcontractors to register with and use the E-Verify system; prohibiting such entities from entering into a contract unless each party to the contract registers with and uses the E-Verify system; requiring private employers to verify the employment eligibility of newly hired employees beginning on a specified date, etc. Effective Date: 7/1/2020

Actions

03/13/2020 SENATE Enrolled Text (ER) Filed

SB 0676 High-speed Passenger Rail Safety by Mayfield

High-speed Passenger Rail Safety; Designating the "Florida High-Speed Passenger Rail Safety Act"; requiring the Department of Transportation to regulate railroad companies when that authority is not federally preempted; providing that certain railroad companies are responsible for ensuring that impacted roadbeds meet specified transition requirements under certain circumstances; requiring the department's railroad inspectors, in accordance with a specified program, to meet certain certification requirements and to coordinate their activities with those of federal inspectors in this state in compliance with certain federal regulations, etc. Effective Date: 7/1/2020

Actions

03/14/2020 SENATE Died in Appropriations Subcommittee on Transportation, Tourism, and Economic Development

HB 0677 Chiropractic Medicine by Smith (D)

Chiropractic Medicine: Authorizes chiropractic physicians who have completed specified training to administer articles of natural origin; authorizes licensed pharmacists to fill such chiropractors' orders for articles of natural origin; authorizes specified number of certain chiropractic continuing education hours to be completed online; provides requirements for such online chiropractic continuing education courses. Effective Date: July 1, 2020

Actions

03/14/2020 HOUSE Died in Health Quality Subcommittee

SB 0680 Shark Fins by Hutson

Shark Fins; Citing this act as the "Kristin Jacobs Ocean Conservation Act"; prohibiting the import, export, and sale of shark fins in this state; providing exceptions; requiring the Fish and Wildlife Conservation Commission to evaluate the potential economic impacts to the commercial shark fishing industry in this state; requiring the commission to review the potential impact on shark populations; requiring a report to the Legislature by a specified date; authorizing the Legislature to impose a ban on the domestic production of shark fins based upon the findings of the report, etc. Effective Date: 10/1/2020

Actions

03/13/2020 SENATE Enrolled Text (ER) Filed

SB 0686 Stormwater Management Systems by Gruters

Stormwater Management Systems; Directing the water management districts, with Department of Environmental Protection oversight, to adopt rules for specified design and performance standards relating

to new development and redevelopment projects; providing a rebuttable presumption that certain stormwater management systems do not cause or contribute to violations of applicable state water quality standards; requiring certain inspection training for department, water management district, and local pollution control program staff, etc. Effective Date: 7/1/2020

Actions

03/14/2020 SENATE Died in Environment and Natural Resources

SB 0690 Water Resources by Albritton

Water Resources; Requiring the Department of Environmental Protection to conduct a comprehensive and quantitative needs-based overview of this state's water resources; specifying requirements for the overview; requiring the department to submit a report every 5 years to the Governor and the Legislature by a specified date, etc. Effective Date: 7/1/2020

Actions

03/14/2020 SENATE Died in Environment and Natural Resources

HB 0691 Minimum Wage by Jacquet

Minimum Wage: Revises formula for adjusted state minimum wage. Effective Date: July 1, 2020

Actions

03/14/2020 HOUSE Died in Workforce Development and Tourism Subcommittee

HB 0707 Legislative Review of Occupational Regulations by Renner

Legislative Review of Occupational Regulations: Authorizes schedule for systematic review of occupational regulatory programs; authorizes Legislature to take certain actions before scheduled repeal of occupational regulatory program; provides regulation of occupation to state if such occupation's regulatory program has been repealed through this act; provides schedule of repeal for occupational regulatory programs. Effective Date: upon becoming a law

Actions

03/14/2020 SENATE Died in Governmental Oversight and Accountability

SB 0712 Environmental Resource Management by Mayfield

Environmental Resource Management; Citing this act as the "Clean Waterways Act"; requiring the Department of Health to provide a specified report to the Governor and the Legislature by a specified date; requiring the Department of Health and the Department of Environmental Protection to submit to the Governor and the Legislature, by a specified date, certain recommendations relating to the transfer of the Onsite Sewage Program; directing water management districts to submit consolidated annual reports to the Office of Economic and Demographic Research; removing provisions requiring certain onsite sewage treatment and disposal system research projects to be approved by a Department of Health technical review and advisory panel, etc. Effective Date: Except as otherwise expressly provided in this act, this act shall take effect July 1, 2020

Actions

03/11/2020 SENATE Enrolled Text (ER) Filed

HB 0713 Department of Health by Rodriguez (AM)

Health Regulation: Revising the purpose of patient care networks from serving patients with acquired immune deficiency syndrome to serving those with human immunodeficiency virus; requiring the Department of Health to develop strategies to maximize federal-state partnerships that provide incentives for physicians to practice in medically underserved or rural areas; revising term limits for Tier 3 cancer center designations within the Florida Consortium of National Cancer Institute Centers Program; requiring dentists and certified registered dental hygienists to report in writing certain adverse incidents to the department within a specified timeframe, etc. Effective Date: July 1, 2020

Actions

03/17/2020 HOUSE Enrolled Text (ER) Filed

HB 0715 Reclaimed Water by Maggard

Reclaimed Water: Requires certain domestic wastewater utilities to submit plans for eliminating nonbeneficial surface water discharges; requires DEP & WMDs to develop & execute memorandum of agreement for coordinated review of specified permits for indirect potable reuse projects; provides that potable reuse projects by private entities are eligible for certain expedited permitting & funding priorities; requires counties, municipalities, & special districts to authorize graywater technologies & provide incentives for implementation of such technologies; requires DEP to convene technical advisory group, & review & revise reclaimed water, potable reuse, drinking water, & aquifer recharge rules. Effective Date: upon becoming a law

Actions

03/14/2020 SENATE Died in Innovation, Industry, and Technology

SB 0722 Land Acquisition Trust Fund by Montford

Land Acquisition Trust Fund; Requiring that certain funds distributed into the Land Acquisition Trust Fund be used for conservation and management projects in certain counties; providing the types of projects for which the Department of Environmental Protection may use such funds, etc. Effective Date: 7/1/2020

Actions

03/14/2020 SENATE Died in Environment and Natural Resources

SB 0770 Property Assessed Clean Energy Program by Rodriguez (J)

Property Assessed Clean Energy Program; Amending the definition of “qualifying improvement” to include sewage treatment, seawall improvements, and certain improvements to underground infrastructure, etc. Effective Date: 7/1/2020

Actions

03/14/2020 SENATE Died in Community Affairs

HB 0771 Motor Vehicle Insurance by Grall

Motor Vehicle Insurance: Repeals provisions relating Florida Motor Vehicle No-Fault Law; revises garage liability insurance requirements; revises minimum coverage requirements for proof of financial responsibility for motor vehicles; revises amount of certificate of deposit required to elect certain method of proof of financial responsibility; revises excess liability coverage requirements; revises financial responsibility requirements for owners or lessees of for-hire passenger transportation vehicles; revises coverages of motor vehicle policy which are subject to stacking prohibition; revises insurance requirements for transportation network company drivers. Effective Date: January 1, 2021

Actions

03/14/2020 HOUSE Died on Calendar

HB 0775 Everglades Protection Area by Avila

Everglades Protection Area: Requires comprehensive plans & plan amendments that apply to certain lands within or near Everglades Protection Area to follow state coordinated review process; requires DEP to make determinations, consult, & coordinate with specified entities regarding such plans & amendments; provides additional limitation for compliance determination of such plans & plan amendments; prohibits & provides requirements for adoption of certain development amendments within Everglades Protection Area. Effective Date: July 1, 2020

Actions

03/14/2020 HOUSE Died in State Affairs Committee

HB 0777 Fish and Wildlife Activities by Gregory

Fish and Wildlife Activities: Prohibits certain harassment of hunters, trappers, & fishers in or on specified lands, areas, & waters; authorizes FWCC to designate additional free fishing days; prohibits certain

possession of specified reptiles; designates green iguanas & tegu lizards as prohibited reptiles; authorizes certain persons & entities to exhibit, sell, or breed green iguanas & tegu lizards commercially under specified conditions. Effective Date: July 1, 2020

Actions

03/10/2020 HOUSE Laid on Table

HB 0791 Florida National Estuary Program Act by Fitzenhagen

Florida National Estuary Program Act: Requires DEP to give funding consideration to estuaries identified under National Estuary Program; requires funds to be used for specified projects; requires programs receiving funding to submit report to Governor, Legislature, DEP, & water management districts. Effective Date: July 1, 2020

Actions

03/14/2020 HOUSE Died in Agriculture and Natural Resources Subcommittee

SB 0812 Public Records/Endangered and Threatened Species by Hutson

Public Records/Endangered and Threatened Species; Providing an exemption from public records requirements for the site-specific location information of certain endangered and threatened species; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. Effective Date: 7/1/2020

Actions

03/10/2020 SENATE Read Second Time; Substituted for HB 0549; Laid on Table, Refer to HB 0549

SB 0826 Marina Evacuations by Mayfield

Marina Evacuations; Prohibiting vessels under a specified weight from remaining in certain marinas that have been deemed unsuitable for refuge during a hurricane after the issuance of a hurricane watch; requiring a marina owner, operator, employee, or agent to remove specified vessels under certain circumstances; providing that such owner, operator, employee, or agent may charge the vessel owner a reasonable fee for such removal and may not be held liable for any damages as a result of such removal, etc. Effective Date: 7/1/2020

Actions

03/14/2020 HOUSE Died in Messages

HB 0889 Employment Practices by Davis

Employment Practices: Creates "Florida Family Leave Act"; requires employer to allow certain employees to take paid family leave to bond with minor child upon child's birth, adoption, or foster care placement; provides requirements, limitations, & duties; provides for civil action & penalties & criminal penalty; prohibits specified employment practices on basis of pregnancy, childbirth, or medical condition related to pregnancy or childbirth; provides for leave, maintenance of health coverage, reasonable accommodation & transfer, & return rights for employee who is disabled from pregnancy, childbirth, or medical condition related to pregnancy or childbirth. Effective Date: July 1, 2020

Actions

03/14/2020 HOUSE Died in Business and Professions Subcommittee

HB 0913 Florida Climate and Resiliency Research Program by Diamond

Florida Climate and Resiliency Research Program: Establishes program within DEP; provides for program purpose & participants; requires program to submit Florida Resiliency Plan to Governor & Legislature at specified intervals; provides plan requirements; directs DEP to coordinate & oversee program & provide staff support. Effective Date: July 1, 2020

Actions

03/14/2020 HOUSE Died in Agriculture and Natural Resources Subcommittee

SB 0962 Medical Marijuana Employee Protection by Berman

Medical Marijuana Employee Protection; Prohibiting an employer from taking adverse personnel action against an employee or job applicant who is a qualified patient using medical marijuana; requiring an employer to provide written notice to an employee or job applicant who tests positive for marijuana of his or her right to explain the positive test result; providing procedures when an employee or job applicant tests positive for marijuana; providing a cause of action and damages, etc. Effective Date: Upon becoming a law

Actions

03/14/2020 SENATE Died in Governmental Oversight and Accountability

SB 0998 Housing by Hutson

Housing; Authorizing a board of county commissioners to approve development of affordable housing on any parcel zoned for residential, commercial, or industrial use; requiring counties, municipalities, and special districts to include certain data relating to impact fees in their annual financial reports; revising applicable standards for the repair and remodeling of mobile and manufactured homes; authorizing the preclusion of an applicant or affiliate of an applicant from participation in Florida Housing Finance Corporation programs under certain conditions, etc. Effective Date: 7/1/2020

Actions

03/10/2020 SENATE Read Second Time; Substituted for HB 1339; Laid on Table, Refer to HB 1339

HB 1023 Train Crew Requirements by Valdes

Train Crew Requirements: Provides minimum crew requirements for freight or passenger train; provides exceptions; provides minimum crew requirements for train that is transporting certain hazardous materials; provides penalties. Effective Date: July 1, 2020

Actions

03/14/2020 HOUSE Died in Transportation and Infrastructure Subcommittee

SB 1030 Public Records/Vessel Title or Registration/Department of Highway Safety and Motor Vehicles by Stargel

Public Records/Vessel Title or Registration/Department of Highway Safety and Motor Vehicles; Creating public records exemptions for certain information contained in any record that pertains to a vessel title or vessel registration issued by the Department of Highway Safety and Motor Vehicles; providing exemptions from public records requirements for electronic mail addresses and cellular telephone numbers collected by the department; providing for future legislative review and repeal of the exemptions; providing statements of public necessity, etc. Effective Date: 7/1/2020

Actions

03/14/2020 SENATE Died in Governmental Oversight and Accountability

HB 1039 Transportation Network Companies by Rommel

Transportation Network Companies: Removes for-hire vehicles from list of vehicles that are not considered transportation network carriers or are not exempt from certain registration; provides insurance maintained by TNC vehicle owners may satisfy required insurance coverages; authorizes TNC drivers to contract with companies to install TNC digital advertising devices on TNC vehicles; provides immunity from certain liability for TNC drivers, TNC vehicle owners, owners & operators of TNC digital advertising devices, & certain TNCs; authorizes entities to elect to be regulated as luxury ground TNCs by notifying DFS; provides for preemption over local law on governance of luxury ground TNCs, luxury ground TNC drivers, & luxury ground TNC vehicles; provides that TNCs are not liable for certain harm to persons or property if certain conditions are met. Effective Date: upon becoming a law

Actions

03/11/2020 HOUSE Enrolled Text (ER) Filed

SB 1042 Aquatic Preserves by Albritton

Aquatic Preserves; Creating the Nature Coast Aquatic Preserve; designating the preserve for inclusion in the aquatic preserve system; outlining the authority of the Board of Trustees of the Internal Improvement

Trust Fund in respect to the preserve; prohibiting the establishment and management of the preserve from infringing upon the riparian rights of upland property owners adjacent to or within the preserve, etc.
Effective Date: 7/1/2020

Actions

03/10/2020 SENATE Read Second Time; Substituted for HB 1061; Laid on Table, Refer to HB 1061

HB 1061 Aquatic Preserves by Massullo, Jr.

Aquatic Preserves: Creates Nature Coast Aquatic Preserve; designates preserve for inclusion in aquatic preserve system & as Outstanding Florida Water; describes boundaries of preserve. Effective Date: July 1, 2020

Actions

03/11/2020 HOUSE Enrolled Text (ER) Filed

HB 1067 Florida Endangered and Threatened Species Act by Hattersley

Florida Endangered and Threatened Species Act: Directs FWCC & DACS to protect certain declassified species; revises criteria for placement of species on Regulated Plant Index by DACS; prohibits FWCC & DACS from considering certain costs when designating species as endangered or threatened. Effective Date: July 1, 2020

Actions

03/14/2020 HOUSE Died in Agriculture and Natural Resources Subcommittee

HB 1073 Statewide Office of Resiliency by Stevenson

Statewide Office of Resiliency: Establishes office within EOG; provides for appointment of Chief Resilience Officer by Governor; creates Statewide Sea-Level Rise Task Force within office; requires DEP to serve as task force's contract administrator; requires Environmental Regulation Commission to take certain action on task force's recommendations; provides for task force repeal; provides appropriation. Effective Date: July 1, 2020

Actions

03/14/2020 HOUSE Died in State Affairs Committee

SB 1086 Vehicle and Vessel Registration Data and Functionality by Diaz

Vehicle and Vessel Registration Data and Functionality; Requiring the Department of Highway Safety and Motor Vehicles to provide tax collectors and their approved agents and vendors with real-time access to certain vehicle and vessel registration data and functionality in the same manner as provided to other third parties, etc. Effective Date: 7/1/2020

Actions

03/14/2020 SENATE Died in Appropriations

HB 1091 Environmental Accountability by Fine

Environmental Accountability: Encouraging counties and municipalities, respectively, to establish a sanitary sewer lateral inspection program by a specified date; requiring a seller of real property to disclose any known defects in the property's sanitary sewer lateral; revising civil penalties for violations of certain provisions relating to the Biscayne Bay Aquatic Preserve, aquatic preserves, water resources, the Pollutant Discharge Prevention and Control Act, the Clean Ocean Act, regulation of oil and gas resources, the Phosphate Land Reclamation Act, artesian wells, terminal facilities, discharge contingency plans for vessels, sewage disposal facilities, dumping litter, small quantity generators, and coral reef protection, and other provisions relating to pollution and the environment, respectively; revising criminal penalties for violations of certain provisions relating to pollution and the environment, etc. Effective Date: July 1, 2020

Actions

03/13/2020 HOUSE Enrolled Text (ER) Filed

SB 1126 Employment Conditions by Gruters

Employment Conditions; Prohibiting a political subdivision from establishing, mandating, or otherwise requiring an employer to offer conditions of employment which are not otherwise required by state or federal law; specifying that the regulation of conditions of employment is expressly preempted to the state, etc. Effective Date: Upon becoming a law

Actions

03/14/2020 SENATE Died in Governmental Oversight and Accountability

SB 1172 Transportation by Albritton

Transportation; Revising requirements for determining the salaries of the secretary of the Department of Transportation and assistant secretaries; requiring certain contractors to be certified by the department as qualified; specifying conditions under which the limitation on liability of the department applies for personal injury, property damage, or death; authorizing the Governor to suspend payment of tolls when necessary to assist emergency evacuation, etc. Effective Date: 7/1/2020

Actions

03/14/2020 SENATE Died in Infrastructure and Security

SB 1176 Captive-bred Animal Culture by Perry

Captive-bred Animal Culture; Creating the "Florida Animal Policy Act"; providing duties of the Department of Agriculture and Consumer Services; requiring the department to submit a list of specified research and development projects with its annual legislative budget request to the Governor and the Legislature; requiring a captive-bred producer to apply to the department for a certificate of registration; creating the Captive-bred Animal Culture Advisory Council adjunct to the department, etc. Effective Date: 7/1/2020

Actions

03/14/2020 SENATE Died in Agriculture

HB 1177 Personal Watercraft by Thompson

Personal Watercraft: Provides requirements for persons operating, riding on, & being towed behind watercraft; increases age requirement for operation of watercraft; prohibits owner of, or person having charge of or control over, watercraft from authorizing or knowingly permitting operation by certain persons; provides specified liability insurance coverage, instruction, & information requirements for companies that provide watercraft; provides conditions prohibiting operation of certain watercraft; requires persons operating watercraft to have specified documentation on board. Effective Date: July 1, 2020

Actions

03/14/2020 HOUSE Died in Agriculture and Natural Resources Subcommittee

SB 1194 Employment Practices by Cruz

Employment Practices; Creating the "Florida Family Leave Act"; requiring an employer to allow certain employees to take paid family leave to bond with a new child upon the child's birth, adoption, or foster care placement; requiring that family leave be taken concurrently with any leave taken pursuant to federal family and medical leave provisions; requiring the Department of Economic Opportunity to create a poster and a model notice that specify family leave rights, etc. Effective Date: 7/1/2020

Actions

03/14/2020 SENATE Died in Commerce and Tourism

HB 1199 Environmental Protection Act by Ingoglia

Environmental Protection Act: Prohibits local governments from recognizing or granting certain legal rights to natural environment or granting such rights relating to natural environment to person or political subdivision. Effective Date: upon becoming a law

Actions

03/14/2020 HOUSE Died on Calendar

HB 1219 Electric Vehicles by Toledo

Electric Vehicles: Requires DOT to establish Electric Vehicle Infrastructure Grant Program; provides for distribution of grants to certain entities to install electric vehicle charging infrastructure; provides grant requirements; provides requirements for equipment installed; requires DOT to review emerging research, policies, & standards; authorizes DOT to develop model plan for local governments; requires DOT to develop master plan for charging stations; provides appropriation. Effective Date: July 1, 2020

Actions

03/14/2020 HOUSE Died in Transportation and Infrastructure Subcommittee

SB 1230 Electric Vehicles by Brandes

Electric Vehicles; Authorizing the Department of Transportation to adopt rules; requiring that certain funds be used for specified purposes relating to the Electric Vehicle Infrastructure Grant Program, beginning in specified years; requiring the department to establish the Electric Vehicle Infrastructure Grant Program; providing for the distribution of grants to certain entities to install electric vehicle charging infrastructure; providing grant requirements, etc. Effective Date: Except as otherwise expressly provided in this act, this act shall take effect July 1, 2020

Actions

03/14/2020 SENATE Died in Infrastructure and Security

SB 1232 Florida Climate and Resiliency Research Program by Rouson

Florida Climate and Resiliency Research Program; Establishing the program within the Department of Environmental Protection; providing for program purpose and participants; requiring the program to submit the Florida Resiliency Plan to the Governor and Legislature at specified intervals; providing plan requirements; directing the department to coordinate and oversee the program and provide staff support, etc. Effective Date: 7/1/2020

Actions

03/14/2020 SENATE Died in Infrastructure and Security

HB 1265 Verification of Employment Eligibility by Byrd

Verification of Employment Eligibility: Prohibits approval of certain applications after specified date; requires awardee to repay certain moneys within specified timeframe; requires public employers, contractors, & subcontractors to use E-Verify system for specified purposes; prohibits such entities from entering into contract unless each party to contract uses E-Verify system; authorizes termination of contract; provides liability; requires private employers to verify employment eligibility of newly hired employees; provides acceptable methods for verification; provides specified immunity & creates rebuttable presumption; requires private employers to provide copies of certain documents, upon request, to specified persons & entities for certain purposes; prohibits such persons & entities from making independent determination; requires affidavit; provides for suspension or revocation of certain licenses. Effective Date: July 1, 2020

Actions

03/10/2020 HOUSE Laid on Table

SB 1310 Hunting and Fishing Sales Tax Holiday by Mayfield

Hunting and Fishing Sales Tax Holiday; Providing an exemption from the sales and use tax for the retail sale of firearms, firearm ammunition, camping tents, and fishing supplies during a specified timeframe; defining the terms "firearms" and "fishing supplies"; specifying locations where the exemptions do not apply, etc. APPROPRIATION: \$237,000 Effective Date: Upon becoming a law

Actions

03/14/2020 SENATE Died in Commerce and Tourism

HB 1315 Transportation by Fetterhoff

Transportation: Revises DOT organization & responsibilities; revises provisions relating to distribution of certain moneys; removes scheduled repeal of certain provisions; requires vehicle operator to take certain actions when road & bridge maintenance or construction vehicle is on roadside; requires airport protection

zoning regulations to require certain permit applicants to submit final valid determination from FAA; revises date by which M.P.O. must submit list of project priorities to DOT district. Effective Date: upon becoming a law

Actions

03/14/2020 HOUSE Died in Transportation and Tourism Appropriations Subcommittee

HB 1329 Marina Evacuations by Plasencia

Marina Evacuations: Prohibits vessels under specified weight from remaining in certain marinas that have been deemed not suitable for refuge during hurricane after issuance of hurricane watch or warning for waters of marina; provides for civil penalties. Effective Date: July 1, 2020

Actions

03/14/2020 HOUSE Died in Agriculture and Natural Resources Subcommittee

SB 1332 Towing and Immobilizing Vehicles and Vessels by Hooper

Towing and Immobilizing Vehicles and Vessels; Authorizing local governments to enact rates to tow or immobilize vessels on private property and to remove and store vessels under specified circumstances; prohibiting counties from enacting certain ordinances or rules that impose fees or charges on authorized wrecker operators or towing businesses; authorizing certain persons to place liens on vehicles or vessels to recover specified fees or charges; deleting requirements regarding notices and signs concerning the towing or removal of vehicles or vessels, etc. Effective Date: 7/1/2020

Actions

03/10/2020 SENATE Read Second Time; Substituted for HB 0133; Laid on Table, Refer to HB 0133

HB 1343 Environmental Resource Management by Payne

Environmental Resource Management: Requires DOH & DEP to submit reports & recommendations relating to transfer of Onsite Sewage Program in DOH to DEP; transfers Onsite Sewage Program from DOH to DEP; requires WMDs to submit consolidated annual reports to OEDR; removes provisions relating to DOH technical review & advisory panel & research & review advisory committee; requires DEP to conduct bottled water study; prohibits approval of certain consumptive use permits; authorizes nutrient reducing OSTDS; creates OSTDS technical advisory committee; requires basin management action plans to include plans & cooperative elements; requires DEP to submit cost estimates to OEDR; provides priority funding for utility projects; provides for biosolids management & water quality monitoring; revises administrative penalties; prohibits legal rights for environment. Effective Date: July 1, 2020

Actions

03/10/2020 HOUSE Laid on Table

SB 1352 Transportation Companies by Brandes

Transportation Companies; Defining the term "transportation network company digital advertising device"; deleting for-hire vehicles from the list of vehicles that are excluded from transportation network company (TNC) provisions; authorizing TNC drivers or their designees to contract with companies to install TNC digital advertising devices on TNC vehicles; defining the term "luxury ground transportation network company"; authorizing entities to elect to be regulated as luxury ground TNCs by notifying the Department of Financial Services, etc. Effective Date: Upon becoming a law

Actions

03/10/2020 SENATE Read Second Time; Substituted for HB 1039; Laid on Table, Refer to HB 1039

SB 1360 Florida Endangered and Threatened Species Act by Rodriguez (J)

Florida Endangered and Threatened Species Act; Directing the Fish and Wildlife Conservation Commission to protect certain declassified species; prohibiting the commission from considering certain costs when designating a species as endangered or threatened; revising criteria for placement of species on the Regulated Plant Index by the Department of Agriculture and Consumer Services; directing the department, in consultation with the Endangered Plant Advisory Council, to protect certain declassified species, etc. Effective Date: 7/1/2020

Actions

03/14/2020 SENATE Died in Appropriations

HB 1363 Basin Management Action Plans by Overdorf

Basin Management Action Plans: Provides additional management strategies for such plans; requires certain plans to include specified elements; provides requirements for DEP, DACS, DOH, UF/IFAS, local governments, water management districts, & owners of agricultural operations; requires specified data collection & research; establishes nutrient reduction cost-share program within DEP; exempts rural homesteads from certain best management practices under certain conditions; requires DEP & DACS to include specified information in annual progress reports for such plans. Effective Date: July 1, 2020

Actions

03/14/2020 HOUSE Died in State Affairs Committee

SB 1378 Vessels by Rouson

Vessels; Specifying the conditions under which a vessel is and is not considered to be operating at slow speed, minimum wake; prohibiting certain parties within certain waterbodies from anchoring or mooring a vessel within a specified distance of a mangrove or to upland vegetation upon public lands; revising civil penalties relating to certain at-risk vessels and prohibited anchoring or mooring; providing procedures for abandoned or lost property relating to certain vessels, etc. Effective Date: 7/1/2020

Actions

03/14/2020 SENATE Died in Judiciary

SB 1382 Environmental Resource Management by Albritton

Environmental Resource Management; Providing additional management strategies for basin management action plans; requiring the Department of Agriculture and Consumer Services to work with the Department of Environmental Protection to improve the accuracy of data used to estimate certain agricultural land uses and to work with producers to identify certain agricultural technologies; prohibiting local governments from recognizing, granting, conveying, or extending legal rights or legal standing to animals or certain parts of the natural environment under certain circumstances, etc. Effective Date: 7/1/2020

Actions

03/14/2020 SENATE Died in Appropriations Subcommittee on Agriculture, Environment, and General Government

SB 1390 Everglades Protection Area by Simmons

Everglades Protection Area; Requiring comprehensive plans and plan amendments adopted by the governing bodies of local governments whose boundaries include any portion of the Everglades Protection Area to follow the state coordinated review process; requiring the Department of Environmental Protection to make certain determinations for such plans and amendments, to provide written notice of its determination to the local governments within a specified timeframe, and to coordinate with the local governments on certain mitigation measures, etc. Effective Date: 7/1/2020

Actions

03/14/2020 SENATE Died in Community Affairs

HB 1407 Vessels by Webb

Vessels: Prohibits operation of vessels at speeds faster than slow speed, minimum wake in hazardous situations; provides requirements for flags displayed from vessels & barges actively engaged in construction operations; prohibits anchoring or mooring of vessel to mangroves & vegetation on public lands; revises civil penalties. Effective Date: July 1, 2020

Actions

03/14/2020 HOUSE Died in Agriculture and Natural Resources Subcommittee

SB 1414 Fish and Wildlife Activities by Mayfield

Fish and Wildlife Activities; Prohibiting certain harassment of hunters, trappers, and fishers within or on public lands or publicly or privately owned wildlife and fish management areas, or in or on public waters; authorizing the Fish and Wildlife Conservation Commission to designate additional annual free freshwater and saltwater fishing days; prohibiting the keeping, possessing, importing, selling, bartering, trading, or breeding of certain species except for educational, research, or eradication or control purposes; including green iguanas and species of the genera *Salvator* and *Tupinambis* in such prohibition, etc. Effective Date: 7/1/2020

Actions

03/11/2020 SENATE Enrolled Text (ER) Filed

SB 1450 Environmental Accountability by Gruters

Environmental Accountability; Revising administrative penalties for violations of certain provisions relating to beach and shore construction and activities; revising civil penalties for violations of certain provisions relating to water resources, artesian wells, terminal facilities, discharge contingency plans for vessels, the Pollutant Discharge Prevention and Control Act, regulation of oil and gas resources, the Phosphate Land Reclamation Act, sewage disposal facilities, dumping litter, small quantity generators, and coral reef protection, respectively, etc. Effective Date: 7/1/2020

Actions

03/11/2020 SENATE Read Second Time; Substituted for HB 1091; Laid on Table, Refer to HB 1091

SB 1468 Trains by Taddeo

Trains; Requiring, as a condition of operation in this state, that trains used in connection with the movement of freight and passengers have a crew that consists of at least two individuals; providing exceptions; authorizing the Secretary of Transportation to exempt certain railroad carriers from specified provisions of law under certain conditions; authorizing the Department of Transportation to assess civil penalties against a person or an entity for a specified violation, subject to certain requirements, etc. Effective Date: 7/1/2020

Actions

03/14/2020 SENATE Died in Infrastructure and Security

SB 1656 Reclaimed Water by Albritton

Reclaimed Water; Prohibiting domestic wastewater treatment facilities from disposing of effluent, reclaimed water, or reuse water by surface water discharge beginning on a specified date; providing that reclaimed water is a water source for public water supply systems; providing specified groundwater and surface water quality protections for potable reuse projects; requiring counties, municipalities, and special districts to authorize graywater technologies under certain circumstances and to provide incentives for the implementation of such technologies; providing requirements for the use of graywater technologies, etc. Effective Date: Upon becoming a law

Actions

03/14/2020 SENATE Died in Appropriations

SB 1744 Personal Watercraft by Torres, Jr.

Personal Watercraft; Providing requirements for persons operating, riding on, and being towed behind personal watercraft; increasing the age requirement for operation of a personal watercraft; prohibiting the owner of, or a person having charge of or control over, any leased, hired, or rented personal watercraft from authorizing or knowingly allowing the watercraft to be operated by certain persons; requiring companies that provide personal watercraft for lease, hire, or rent to maintain specified liability insurance coverage, etc. Effective Date: 7/1/2020

Actions

03/14/2020 SENATE Died in Environment and Natural Resources

SB 1786 Vessel Safety by Stewart

Vessel Safety; Prohibiting a vessel operator from endangering the life, limb, or property of another person by allowing passengers to ride on the bow of the vessel; providing that careless operation includes causing wake to law enforcement vessels under certain circumstances, etc. Effective Date: 7/1/2020

Actions

03/14/2020 SENATE Died in Environment and Natural Resources

SB 1788 Boating-restricted Areas by Stewart

Boating-restricted Areas; Authorizing municipalities and counties to establish certain boating-restricted areas by ordinance for areas within a specified distance of any shoreline, etc. Effective Date: 7/1/2020

Actions

03/14/2020 SENATE Died in Community Affairs

SB 1822 Verification of Employment Eligibility by Gruters

Verification of Employment Eligibility; Requiring public employers, contractors, and subcontractors to register with and use the E-Verify system; prohibiting such entities from entering into a contract unless each party to the contract registers with and uses the E-Verify system; requiring private employers to verify the employment eligibility of newly hired employees, beginning on a specified date; providing acceptable methods for verifying employment eligibility, etc. Effective Date: 7/1/2020

Actions

03/14/2020 SENATE Died in Judiciary

SB 1878 Environmental Protection by Bradley

Environmental Protection; Requiring a minimum annual appropriation for Everglades restoration and the protection of water resources in this state beginning in a specified fiscal year; specifying requirements for the allocation of such funding; providing for future repeal of the appropriation unless reviewed and saved from repeal through reenactment by the Legislature; revising the minimum annual appropriation for certain appropriations from the Land Acquisition Trust Fund, etc. APPROPRIATION: Indeterminate Effective Date: 7/1/2020

Actions

03/14/2020 SENATE Died in Appropriations Subcommittee on Agriculture, Environment, and General Government

HB 6019 Development Orders by Casello

Development Orders: Removes provision allowing prevailing party in certain development order challenges to recover specified fees & costs. Effective Date: July 1, 2020

Actions

03/14/2020 HOUSE Died in Commerce Committee

HB 7001 OGSR/E-mail Addresses/Department of Highway Safety and Motor Vehicles by Oversight, Transparency & Public Management Subcommittee

OGSR/E-mail Addresses/Department of Highway Safety and Motor Vehicles: Removes scheduled repeal of public records exemption for certain e-mail addresses collected by DHSMV. Effective Date: October 1, 2020

Actions

03/03/2020 HOUSE Enrolled Text (ER) Filed

SB 7016 Statewide Office of Resiliency by Infrastructure and Security

Statewide Office of Resiliency; Establishing the office within the Executive Office of the Governor; creating the Statewide Sea-Level Rise Task Force within the office; authorizing the Department of Environmental

Protection to contract for specified services, upon request of the task force; requiring the Environmental Regulation Commission to take certain action on the task force's recommendations, etc.
APPROPRIATION: \$500,000 Effective Date: 7/1/2020

Actions

03/14/2020 HOUSE Died in Messages

SB 7054 Transportation by Infrastructure and Security

Transportation; Revising the organization of the Department of Transportation; revising uses for distributions made under the State Transportation Trust Fund in specified fiscal years; deleting the scheduled expiration of funding for the Intermodal Logistics Center Infrastructure Support Program; requiring airport protection zoning regulations to require certain permit applicants to submit a final valid determination from the Federal Aviation Administration, etc. Effective Date: Except as otherwise expressly provided in this act, this act shall take effect July 1, 2020

Actions

03/14/2020 SENATE Died in Appropriations

HB 9027 UF/IFAS Algal Bloom Research & Mitigation by Eagle

UF/IFAS Algal Bloom Research & Mitigation: Provides an appropriation for the UF/IFAS Algal Bloom Research & Mitigation. Effective Date: July 1, 2020

Actions

03/14/2020 HOUSE Indefinitely postponed and withdrawn from consideration