

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!

A handwritten signature in dark blue ink, appearing to read 'Margaret Timmins', with a stylized flourish at the end.

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 (DACS), 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

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

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

373.430 Prohibitions, violation, penalty, intent.—

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

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

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

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

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

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

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

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

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

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

376.071 Discharge contingency plan for vessels.—

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

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

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

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

376.16 Enforcement and penalties.—

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

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

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

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

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

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

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

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

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

(a) Pay the civil penalty;

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

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

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326
327 The department employee authorized to issue these citations may
328 indicate on the citation the time and location of the scheduled
329 hearing and shall indicate the applicable civil penalty.

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

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

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

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

340
341 A person cited for an infraction under this section who pays the
342 civil penalty or forfeits the bond has admitted the infraction
343 and waives the right to a hearing on the issue of commission of
344 the infraction. Such admission may not be used as evidence in
345 any other proceeding.

346 (7) Any person who elects to appear before the county
347 court or who is required to appear waives the limitations of the
348 civil penalties specified in subsection (2). The court, after a
349 hearing, shall make a determination as to whether an infraction
350 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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nor appears before the court commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

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

(6) PENALTIES.—

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

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

377.37 Penalties.—

(1)(a) Any person who violates ~~any provision of~~ this law or any rule, regulation, or order of the division made under this chapter or who violates the terms of any permit to drill for or produce oil, gas, or other petroleum products referred to in s. 377.242(1) or to store gas in a natural gas storage 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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the following amounts, and the court shall consider evidence in mitigation:

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

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

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

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

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

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

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

Section 17. Section 403.121, Florida Statutes, is amended

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to read:

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

(1) Judicial remedies:

(a) The department may institute a civil action in a court of competent jurisdiction to establish liability and 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.

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

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

(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 ~~no~~ 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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initiated by the department to impose administrative penalties. Any respondent choosing to opt out of the administrative process initiated by the department in an action that seeks the imposition of administrative penalties must file a written notice with the department within 20 days after service of the notice of violation opting out of the administrative process. A respondent's decision to opt out of the administrative process does not preclude the department from initiating a state court action seeking injunctive relief, damages, and the judicial imposition of civil penalties.

(d) If a person timely files a petition challenging a notice of violation, that person will thereafter be referred to as the respondent. The hearing requested by the respondent shall be held within 180 days after the department has referred the initial petition to the Division of Administrative Hearings unless the parties agree to a later date. The department has the burden of proving with the preponderance of the evidence that the respondent is responsible for the violation. ~~No~~ Administrative penalties should not be imposed unless the department satisfies that burden. Following the close of the hearing, the administrative law judge shall issue a final order on all matters, including the imposition of an administrative penalty. When the department seeks to enforce that portion of a final order imposing administrative penalties pursuant to s. 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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403.141, and this section to judicially pursue injunctive relief and damages, if a notice of violation seeking the imposition of administrative penalties has not been issued. The department has the authority to enter into a settlement, either before or after initiating a notice of violation, and the settlement may include a penalty amount different from the administrative penalty schedule. Any case filed in state court because it is alleged to exceed a total of \$50,000 ~~\$10,000~~ in penalties may be settled in the court action for less than \$50,000 ~~\$10,000~~.

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

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

(a) For a drinking water contamination violation, the department shall assess a penalty of \$3,000 ~~\$2,000~~ for a Maximum Containment Level (MCL) violation; plus \$1,500 ~~\$1,000~~ if the violation is for a primary inorganic, organic, or radiological Maximum Contaminant Level or it is a fecal coliform bacteria violation; plus \$1,500 ~~\$1,000~~ if the violation occurs at a community water system; and plus \$1,500 ~~\$1,000~~ if any Maximum Contaminant Level is exceeded by more than 100 percent. For failure to obtain a clearance letter before ~~prior to~~ placing a 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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one-quarter acre but less than or equal to one-half acre, and plus \$1,500 ~~\$1,000~~ if the area dredged or filled is greater than one-half acre but less than or equal to one acre. The administrative penalty schedule does ~~shall~~ not apply to a dredge and fill violation if the area dredged or filled exceeds one acre. The department retains the authority to seek the judicial imposition of civil penalties for all dredge and fill violations involving more than one acre. The department shall assess a penalty of \$4,500 ~~\$3,000~~ for the failure to complete required mitigation, failure to record a required conservation easement, or for a water quality violation resulting from dredging or filling activities, stormwater construction activities or failure of a stormwater treatment facility. For stormwater management systems serving less than 5 acres, the department shall assess a penalty of \$3,000 ~~\$2,000~~ for the failure to properly or timely construct a stormwater management system. In addition to the penalties authorized in this subsection, the department shall assess a penalty of \$7,500 ~~\$5,000~~ per violation against the contractor or agent of the owner or tenant that conducts unpermitted or unauthorized dredging or filling. For purposes of this paragraph, the preparation or signing of a permit application by a person currently licensed under chapter 471 to practice as a professional engineer does ~~shall~~ not make that person an agent of the owner or tenant.

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

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

(g) For storage tank system and petroleum contamination violations, the department shall assess a penalty of \$7,500 ~~\$5,000~~ for failure to empty a damaged storage system as necessary to ensure that a release does not occur until repairs to the storage system are completed; when a release has occurred from that storage tank system; for failure to timely recover free product; or for failure to conduct remediation or monitoring activities until a no-further-action or site-rehabilitation completion order has been issued. The department shall assess a penalty of \$4,500 ~~\$3,000~~ for failure to timely upgrade a storage tank system. The department shall assess a penalty of \$3,000 ~~\$2,000~~ for failure to conduct or maintain required release detection; failure to timely investigate a suspected release from a storage system; depositing motor fuel 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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Statutes, is amended to read:

403.141 Civil liability; joint and several liability.—

(1) A person who ~~Whoever~~ commits a violation specified in s. 403.161(1) is liable to the state for any damage caused to the air, waters, or property, including animal, plant, or aquatic life, of the state and for reasonable costs and expenses of the state in tracing the source of the discharge, in controlling and abating the source and the pollutants, and in restoring the air, waters, and property, including animal, plant, and aquatic life, of the state to their former condition, and furthermore is subject to the judicial imposition of a civil penalty for each offense in an amount of not more than \$15,000 ~~\$10,000~~ per offense. However, the court may receive evidence in mitigation. Each day during any portion of which such violation occurs constitutes a separate offense. If a 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 judgment. This section does not ~~Nothing herein shall~~ give the department the right to bring an action on behalf of any private person.

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

403.161 Prohibitions, violation, penalty, intent.—

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

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for civil penalties as provided in s. 403.141.

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

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

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

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

403.413 Florida Litter Law.—

(6) PENALTIES; ENFORCEMENT.—

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

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

403.7234 Small quantity generator notification and verification program.—

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

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

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Statutes, is amended to read:

403.726 Abatement of imminent hazard caused by hazardous substance.—

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

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

403.727 Violations; defenses, penalties, and remedies.—

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

(a) Any person who violates ~~the provisions of~~ this act, 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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823.11 Derelict vessels; relocation or removal; penalty.—

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

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

403.077 Public notification of pollution.—

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

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

403.131 Injunctive relief, remedies.—

(2) All the judicial and administrative remedies to 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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obtain from the court, ex parte, an injunction without paying
filing and service fees before ~~prior to~~ the filing and service
of process.

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

403.860 Penalties and remedies.—

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

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

403.708 Prohibition; penalty.—

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

Section 31. For the purpose of incorporating the amendment

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

403.7191 Toxics in packaging.—

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

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

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

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

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

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

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

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

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

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

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

(8) CIVIL PENALTY.—A person who engages in any act or practice declared in this section to be prohibited or unlawful, or who violates any of the rules of the department promulgated under this section, is liable to the state for any damage caused and for civil penalties in accordance with s. 403.141. The provisions of s. 403.161 are not applicable to this section. The 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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1
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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(b) Species identified in s. 379.372(2)(a);

(c) *Pterois volitans*, also known as red lionfish; and

(d) *Pterois miles*, also known as the common lionfish or
devil firefish.

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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amending s. 373.4131, F.S.; requiring the Department
of Environmental Protection to include stormwater
structural control inspections as part of its regular
staff training; requiring the department and the water
management districts to adopt rules regarding
stormwater design and operation regulations by a
specified date and address specified information as
part of such rule development; requiring the
department to review and evaluate data relating to
self-certification and provide the Legislature with
recommendations for improvements; amending s.
381.0065, F.S.; requiring the department to implement
an approval process for the use of specified nutrient-
reducing onsite sewage treatment and disposal systems
by a specified date; defining the term "department"
for the regulation of onsite sewage treatment and
disposal systems; revising the duties of the
department; requiring the Department of Environmental
Protection to adopt rules relating to the location of
onsite sewage treatment and disposal systems and
complete such rulemaking by a specified date;
providing requirements for such rules; requiring the
department to determine that a hardship exists for
certain variance applicants; providing that certain
provisions relating to existing setback requirements
are applicable to permits only until the effective
date of certain rules adopted by the department;
removing provisions requiring certain onsite sewage
treatment and disposal system research projects to be

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approved by a Department of Health technical review
and advisory panel; removing provisions prohibiting
the award of research projects to certain entities;
removing provisions establishing a Department of
Health onsite sewage treatment and disposal system
research review and advisory committee; conforming
provisions to changes made by the act; creating s.
381.00652, F.S.; defining the term "department";
creating the onsite sewage treatment and disposal
systems technical advisory committee within the
Department of Environmental Protection; authorizing
the department, in consultation with the Department of
Health, to appoint an onsite sewage treatment and
disposal systems technical advisory committee;
providing for committee purpose, membership, and
expiration; requiring the committee to submit its
recommendations to the Governor and Legislature;
providing for the expiration of the committee;
repealing s. 381.0068, F.S., relating to the
Department of Health onsite sewage treatment and
disposal systems technical review and advisory panel;
amending s. 403.061, F.S.; requiring the department to
adopt rules relating to domestic wastewater collection
and transmission system pipe leakages and inflow and
infiltration; requiring the department to adopt rules
to require public utilities or their affiliated
companies holding, applying for, or renewing a
domestic wastewater discharge permit to file certain
annual reports and data with the department; creating

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s. 403.0616, F.S.; requiring the department, subject to legislative appropriation, to establish a real-time water quality monitoring program; encouraging the formation of public-private partnerships; amending s. 403.064, F.S.; requiring the Department of Environmental Protection to initiate rule revisions based on certain potable reuse recommendations by a specified date; providing requirements for such rules; providing that reclaimed water is deemed a water source for public water supply systems; amending s. 403.067, F.S.; requiring basin management action plans for nutrient total maximum daily loads to include wastewater treatment and onsite sewage treatment and disposal system remediation plans that meet certain requirements; requiring the Department of Agriculture and Consumer Services to collect fertilizer application records from certain agricultural producers and provide the information to the department annually by a specified date; requiring the Department of Agriculture and Consumer Services to perform onsite inspections of the agricultural producers at specified intervals; providing for prioritization of such inspections; requiring certain basin management action plans to include cooperative agricultural regional water quality improvement elements; requiring the Department of Agriculture and Consumer Services, in cooperation with specified entities, to annually develop research plans and legislative budget requests relating to best

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management practices by a specified date; requiring
such entities to submit such plans to the Department
of Environmental Protection and the Department of
Agriculture and Consumer Services by a specific date;
requiring the Department of Environmental Protection
to work with specified entities to consider the
adoption of best management practices for nutrient
impacts from golf courses; creating s. 403.0671, F.S.;
directing the Department of Environmental Protection,
in coordination with specified entities, to submit
reports regarding wastewater projects identified in
the basin management action plans to the Governor and
the Legislature and to submit certain wastewater
project cost estimates to the Office of Economic and
Demographic Research by specified dates; creating s.
403.0673, F.S.; establishing a wastewater grant
program within the Department of Environmental
Protection; authorizing the department to distribute
appropriated funds for certain projects; providing
requirements for the distribution; requiring the
department to coordinate with each water management
district to identify grant recipients; requiring an
annual report to the Governor and Legislature by a
specified date; creating s. 403.0855, F.S.; providing
legislative findings regarding the regulation of
biosolids management in this state; requiring the
department to adopt rules for biosolids management;
providing that such rules are not effective until
ratified by the Legislature; providing permitting

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requirements for biosolids land application sites and facilities; requiring biosolids application sites and facilities to be enrolled in a specified best management practices program or be within a specified agricultural operation; providing requirements for the land application of biosolids; providing a definition; authorizing the enforcement or extension of certain local government regulations relating to the land application of biosolids until such regulations are repealed; amending s. 403.086, F.S.; prohibiting sewage disposal facilities from disposing waste into the Indian River Lagoon beginning on a specified date without certain advanced waste treatment; directing the Department of Environmental Protection, in consultation with specified entities, to submit a report to the Governor and the Legislature by a specified date; requiring sewage disposal facilities to have a power outage contingency plan, to take steps to prevent overflows and leaks and ensure that the wastewater reaches the facility for appropriate treatment, and to provide the Department of Environmental Protection with certain information; requiring the department to adopt rules; limiting the scope of such rules; authorizing utilities and operating entities to consolidate certain reports; providing that specified compliance is evidence in mitigation for assessment of certain penalties; amending s. 403.087, F.S.; requiring the department to issue operation permits for certain domestic

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wastewater treatment facilities under certain
circumstances; amending s. 403.088, F.S.; revising the
permit conditions for a water pollution operation
permit; requiring permittees to submit annual reports
to the department; requiring the department to submit
an annual report identifying all domestic wastewater
treatment facilities that experienced sanitary sewer
overflows to the Governor and the Legislature by a
specified date; amending s. 403.0891, F.S.; requiring
model stormwater management programs to contain model
ordinances for nutrient reduction practices and green
infrastructure; amending s. 403.121, F.S.; revising
administrative penalties for violations of ch. 403,
F.S.; amending ss. 403.1835 and 403.1838, F.S.;
requiring the Department of Environmental Protection
to give funding priority to certain domestic
wastewater utility projects; amending s. 403.412,
F.S.; prohibiting local governments from recognizing
or granting certain legal rights to the natural
environment or granting such rights relating to the
natural environment to a person or political
subdivision; providing construction; providing a
declaration of important state interest; amending ss.
153.54, 153.73, 163.3180, 180.03, 311.105, 327.46,
373.250, 373.414, 373.705, 373.707, 373.709, 373.807,
376.307, 380.0552, 381.006, 381.0061, 381.0064,
381.00651, 381.0101, 403.08601, 403.0871, 403.0872,
403.707, 403.861, 489.551, and 590.02, F.S.;
conforming cross-references and provisions to changes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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section 373.036, Florida Statutes, are amended to read:

373.036 Florida water plan; district water management plans.—

(7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.—

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

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

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

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

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

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

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

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

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

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

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

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

c. The estimated cost for each listed project;

d. The estimated completion date for each listed project;

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

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

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

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

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

(1) The study must:

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

1. The magnitude of the spring;

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

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

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

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

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

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

(b) Identify the labeling and marketing regulations

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

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

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

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

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

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

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

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

373.4131 Statewide environmental resource permitting rules.—

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

(6) By January 1, 2021:

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

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

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

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

381.0065 Onsite sewage treatment and disposal systems; regulation.—

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

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

381.0065 Onsite sewage treatment and disposal systems; regulation.—

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

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

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

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

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

(c) Develop a comprehensive program to ensure that onsite

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

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

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

(f) Issue annual operating permits under this section.

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

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

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

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

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

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

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

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

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

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

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~~no~~ fee is not associated with the processing of this supplemental information. A person may not contract to construct, modify, alter, repair, service, abandon, or maintain any portion of an onsite sewage treatment and disposal system without being registered under part III of chapter 489. A property owner who personally performs construction, maintenance, or repairs to a system serving his or her own owner-occupied single-family residence is exempt from registration requirements for performing such construction, maintenance, or repairs on that residence, but is subject to all permitting requirements. A municipality or political subdivision of the state may not issue a building or plumbing permit for any building that requires the use of an onsite sewage treatment and disposal system unless the owner or builder has received a construction permit for such system from the department. A building or structure may not be occupied and a municipality, political subdivision, or any state or federal agency may not authorize occupancy until the department approves the final installation of the onsite sewage treatment and disposal system. A municipality or political subdivision of the state may not approve any change in occupancy or tenancy of a building that uses an onsite sewage treatment and disposal system until the department has reviewed the use of the system with the proposed change, approved the change, and amended the operating permit.

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

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

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

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

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a developer or other appropriate entity.

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

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

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

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

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

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

4. Fifty feet from any nonpotable well.

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

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

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

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

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

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

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

1. Any residential lot that was platted and recorded on or after January 1, 1972, or that is part of a residential subdivision that was approved by the appropriate permitting agency on or after January 1, 1972, and that was eligible for an onsite sewage treatment and disposal system construction permit on the date of such platting and recording or approval shall be eligible for an onsite sewage treatment and disposal system construction permit, regardless of when the application for a permit is made. If rules in effect at the time the permit application is filed cannot be met, residential lots platted and recorded or approved on or after January 1, 1972, shall, to the maximum extent possible, comply with the rules in effect at the time the permit application is filed. At a minimum, however, those residential lots platted and recorded or approved on or after January 1, 1972, but before January 1, 1983, shall comply with those rules in effect on January 1, 1983, and those residential lots platted and recorded or approved on or after January 1, 1983, shall comply with those rules in effect at the time of such platting and recording or approval. In determining the maximum extent of compliance with current rules that is possible, the department shall allow structures and appurtenances thereto which were authorized at the time such lots were platted and recorded or approved.

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

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

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

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

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

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

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

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

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

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

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

b. A representative from the county health departments.

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

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

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

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

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Florida Association of Realtors.

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

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

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

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

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wastewater or toxic or hazardous chemicals.

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

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

(j) An onsite sewage treatment and disposal system designed

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

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

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

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

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

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

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

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

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

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

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

1. The county, each municipality, and those special districts established for the purpose of the collection, 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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holding tank with a high water alarm or an onsite sewage treatment and disposal system that meets the following minimum standards:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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the 2-year flood elevation; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. The system is not a sanitary nuisance; and

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

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

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

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

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

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

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

(1) As used in this section, the term “department” means
the Department of Environmental Protection.

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

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

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

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

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

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

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

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provided in s. 403.804.

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

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

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

403.0616 Real-time water quality monitoring program.—

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

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

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

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Florida Statutes, to read:

403.064 Reuse of reclaimed water.—

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

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

403.067 Establishment and implementation of total maximum daily loads.—

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

(a) *Basin management action plans.*—

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

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

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

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

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agencies, local soil and water conservation districts,
environmental groups, regulated interests, and affected
pollution sources, are invited to participate in the process.
The department shall hold at least one public meeting in the
vicinity of the watershed or basin to discuss and receive
comments during the planning process and shall otherwise
encourage public participation to the greatest practicable
extent. Notice of the public meeting must be published in a
newspaper of general circulation in each county in which the
watershed or basin lies at least ~~not less than~~ 5 days, but not
~~not~~ more than 15 days, before the public meeting. A basin
management action plan does not supplant or otherwise alter any
assessment made under subsection (3) or subsection (4) or any
calculation or initial allocation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

e. Public works including capital facilities; or

f. Land acquisition.

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

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

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

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

c. The basin management action plan does not relieve the discharger from any requirement to obtain, renew, or modify an 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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management action plan may be subject to enforcement action by the department or a water management district based upon a failure to implement the responsibilities ~~set forth~~ in subparagraph g.

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

(c) *Best management practices.*—

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

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

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

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

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

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

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

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

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

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

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

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

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

2. No later than January 1, 2017:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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under subparagraph (a)6.

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

(f) Data collection and research.—

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

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

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

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

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

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

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

403.0671 Basin management action plan wastewater reports.—

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

(a) Projects to:

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

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

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

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

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

(c) The estimated implementation timeline for each project;

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

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

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

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

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implementation of a project.

(b) Identify gaps in water quality monitoring.

(c) Recommend water quality monitoring needs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

403.0855 Biosolids management.—

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

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

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

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

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

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

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

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

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

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

403.086 Sewage disposal facilities; advanced and secondary

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waste treatment.—

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

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

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

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

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

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

(7) All sewage disposal facilities under subsection (2) which control a collection or transmission system of pipes and pumps to collect and transmit wastewater from domestic or industrial sources to the facility shall take steps to prevent sanitary sewer overflows or underground pipe leaks and ensure that collected wastewater reaches the facility for appropriate treatment. Facilities must use inflow and infiltration studies and leakage surveys to develop pipe assessment, repair, and 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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adopted pursuant to s. 403.086(7).

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

403.088 Water pollution operation permits; conditions.—

(2)

(c) A permit shall:

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

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

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

~~4.3.~~ Contain such additional conditions, requirements, and

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restrictions as the department deems necessary to preserve and protect the quality of the receiving waters;

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

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

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

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

(6) The department and the Department of Economic

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Opportunity, in cooperation with local governments in the coastal zone, shall develop a model stormwater management program that could be adopted by local governments. The model program must contain model ordinances that target nutrient reduction practices and use green infrastructure. The model program shall contain dedicated funding options, including a stormwater utility fee system based upon an equitable unit cost approach. Funding options shall be designed to generate capital to retrofit existing stormwater management systems, build new treatment systems, operate facilities, and maintain and service debt.

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

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

(2) Administrative remedies:

(b) If the department has reason to believe a violation has occurred, it may institute an administrative proceeding to order the prevention, abatement, or control of the conditions creating the violation or other appropriate corrective action. Except for violations involving hazardous wastes, asbestos, or underground injection, the department shall proceed administratively in all cases in which the department seeks administrative penalties that do not exceed \$50,000 ~~\$10,000~~ per assessment as calculated in accordance with subsections (3), (4), (5), (6), and (7).

Pursuant to 42 U.S.C. s. 300g-2, the administrative penalty

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assessed pursuant to subsection (3), subsection (4), or
subsection (5) against a public water system serving a
population of more than 10,000 may not ~~shall~~ be ~~not~~ less than
\$1,000 per day per violation. The department may ~~shall~~ not
impose administrative penalties in excess of \$50,000 ~~\$10,000~~ in
a notice of violation. The department may ~~shall~~ not have more
than one notice of violation seeking administrative penalties
pending against the same party at the same time unless the
violations occurred at a different site or the violations were
discovered by the department subsequent to the filing of a
previous notice of violation.

(g) This subsection does not prevent ~~Nothing herein shall~~
~~be construed as preventing~~ any other legal or administrative
action in accordance with law and does not. ~~Nothing in this~~
~~subsection shall~~ limit the department's authority provided in s.
~~ss.~~ 403.131, s. 403.141, and this section to judicially pursue
injunctive relief. When the department exercises its authority
to judicially pursue injunctive relief, penalties in any amount
up to the statutory maximum sought by the department must be
pursued as part of the state court action and not by initiating
a separate administrative proceeding. The department retains the
authority to judicially pursue penalties in excess of \$50,000
~~\$10,000~~ for violations not specifically included in the
administrative penalty schedule, or for multiple or multiday
violations alleged to exceed a total of \$50,000 ~~\$10,000~~. The
department also retains the authority provided in ss. 403.131,
403.141, and this section to judicially pursue injunctive relief
and damages, if a notice of violation seeking the imposition of
administrative penalties has not been issued. The department has

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the authority to enter into a settlement, ~~either~~ before or after initiating a notice of violation, and the settlement may include a penalty amount different from the administrative penalty schedule. Any case filed in state court because it is alleged to exceed a total of \$50,000 ~~\$10,000~~ in penalties may be settled in the court action for less than \$50,000 ~~\$10,000~~.

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

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

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

(9) The administrative penalties assessed for any

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

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

403.1835 Water pollution control financial assistance.—

(7) Eligible projects must be given priority according to the extent each project is intended to remove, mitigate, or prevent adverse effects on surface or ground water quality and public health. The relative costs of achieving environmental and public health benefits must be taken into consideration during the department's assignment of project priorities. The department shall adopt a priority system by rule. In developing the priority system, the department shall give priority to projects that:

(a) Eliminate public health hazards;

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

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

(d) Enable compliance with other pollution control requirements, including, but not limited to, toxics control,

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wastewater residuals management, and reduction of nutrients and bacteria;

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

(f) Promote reclaimed water reuse;

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

(h) Reduce pollutants to and otherwise promote the restoration of Florida's surface and ground waters;~~;~~

(i) Implement the requirements of s. 403.086(7) or s. 403.088(2)(c); or

(j) Promote efficiency by planning for the installation of wastewater transmission facilities to be constructed concurrently with other construction projects occurring within or along a transportation facility right-of-way.

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

403.1838 Small Community Sewer Construction Assistance Act.—

(3)

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

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

2. Require appropriate user charges, connection fees, and 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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specifically granted in the State Constitution.

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

(c) This subsection does not limit 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 provided in this section.

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

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

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

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

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

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

153.73 Assessable improvements; levy and payment of special assessments.—Any district may provide for the construction or

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reconstruction of assessable improvements as defined in s.
153.52, and for the levying of special assessments upon
benefited property for the payment thereof, under ~~the provisions~~
~~of~~ this section.

(2)

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

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

(2) Consistent with public health and safety, sanitary
sewer, solid waste, drainage, adequate water supplies, and

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potable water facilities shall be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent. Prior to approval of a building permit or its functional equivalent, the local government shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent. A local government may meet the concurrency requirement for sanitary sewer through the use of onsite sewage treatment and disposal systems approved by the Department of Environmental Protection ~~Health~~ to serve new development.

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

180.03 Resolution or ordinance proposing construction or extension of utility; objections to same.—

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

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environmental and health protection as the proposed central sewerage system; consideration of the local authority's obligations or reasonably anticipated obligations for water body cleanup and protection under state or federal programs, including requirements for water bodies listed under s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.; and other factors deemed relevant by the local authority. The results of such a study shall be included in the resolution or ordinance required under subsection (1).

Section 30. Subsections (2), (3), and (6) of section 311.105, Florida Statutes, are amended to read:

311.105 Florida Seaport Environmental Management Committee; permitting; mitigation.—

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

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

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

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

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

(e) Such scheduling information as is required to facilitate state supplementary funding of federal maintenance dredging and dredged-material management programs consistent with beach restoration criteria of the Department of

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Environmental Protection.

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

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

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

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

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

327.46 Boating-restricted areas.—

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

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(d) Owners of private submerged lands that are adjacent to Outstanding Florida Waters, as defined in s. 403.061(28) ~~s. 403.061(27)~~, or an aquatic preserve established under ss. 258.39-258.399 may request that the commission establish boating-restricted areas solely to protect any seagrass and contiguous seagrass habitat within their private property boundaries from seagrass scarring due to propeller dredging. Owners making a request pursuant to this paragraph must demonstrate to the commission clear ownership of the submerged lands. The commission shall adopt rules to implement this paragraph, including, but not limited to, establishing an application process and criteria for meeting the requirements of this paragraph. Each approved boating-restricted area shall be established by commission rule. For marking boating-restricted zones established pursuant to this paragraph, owners of privately submerged lands shall apply to the commission for a uniform waterway marker permit in accordance with ss. 327.40 and 327.41, and shall be responsible for marking the boating-restricted zone in accordance with the terms of the permit.

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

373.250 Reuse of reclaimed water.—

(3)

(d) The South Florida Water Management District shall require the use of reclaimed water made available by the elimination of wastewater ocean outfall discharges as provided for in s. 403.086(10) ~~s. 403.086(9)~~ in lieu of surface water or groundwater when the use of reclaimed water is available; is environmentally, economically, and technically feasible; and is

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of such quality and reliability as is necessary to the user.
Such reclaimed water may also be required in lieu of other
alternative sources. In determining whether to require such
reclaimed water in lieu of other alternative sources, the water
management district shall consider existing infrastructure
investments in place or obligated to be constructed by an
executed contract or similar binding agreement as of July 1,
2011, for the development of other alternative sources.

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

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

(9) The department and the governing boards, on or before
July 1, 1994, shall adopt rules to incorporate ~~the provisions of~~
this section, relying primarily on the existing rules of the
department and the water management districts, into the rules
governing the management and storage of surface waters. Such
rules shall seek to achieve a statewide, coordinated and
consistent permitting approach to activities regulated under
this part. Variations in permitting criteria in the rules of
individual water management districts or the department shall
only be provided to address differing physical or natural
characteristics. Such rules adopted pursuant to this subsection
shall include the special criteria adopted pursuant to s.
403.061(30) ~~s. 403.061(29)~~ and may include the special criteria
adopted pursuant to s. 403.061(35) ~~s. 403.061(34)~~. Such rules
shall include a provision requiring that a notice of intent to
deny or a permit denial based upon this section shall contain an
explanation of the reasons for such denial and an explanation,

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in general terms, of what changes, if any, are necessary to address such reasons for denial. Such rules may establish exemptions and general permits, if such exemptions and general permits do not allow significant adverse impacts to occur individually or cumulatively. Such rules may require submission of proof of financial responsibility which may include the posting of a bond or other form of surety prior to the commencement of construction to provide reasonable assurance that any activity permitted pursuant to this section, including any mitigation for such permitted activity, will be completed in accordance with the terms and conditions of the permit once the construction is commenced. Until rules adopted pursuant to this subsection become effective, existing rules adopted under this part and rules adopted pursuant to the authority of ss. 403.91-403.929 shall be deemed authorized under this part and shall remain in full force and effect. Neither the department nor the governing boards are limited or prohibited from amending any such rules.

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

373.705 Water resource development; water supply development.—

(4)

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

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

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level;

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

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

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

373.707 Alternative water supply development.—

(8)

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

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

2. Whether the project reduces competition for water supplies.

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

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

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

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

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

8. Whether the project implements reuse that assists in the elimination of domestic wastewater ocean outfalls as provided in s. 403.086(10) ~~s. 403.086(9)~~.

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

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

373.709 Regional water supply planning.—

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

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

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

(3) As part of a basin management action plan that includes

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an Outstanding Florida Spring, the department, ~~the Department of Health,~~ relevant local governments, and relevant local public and private wastewater utilities shall develop an onsite sewage treatment and disposal system remediation plan for a spring if the department determines onsite sewage treatment and disposal systems within a priority focus area contribute at least 20 percent of nonpoint source nitrogen pollution or if the department determines remediation is necessary to achieve the total maximum daily load. The plan shall identify cost-effective and financially feasible projects necessary to reduce the nutrient impacts from onsite sewage treatment and disposal systems and shall be completed and adopted as part of the basin management action plan no later than the first 5-year milestone required by subparagraph (1)(b)8. The department is the lead agency in coordinating the preparation of and the adoption of the plan. The department shall:

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

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

In addition to the requirements in s. 403.067, the plan shall include options for repair, upgrade, replacement, drainfield modification, addition of effective nitrogen reducing features, connection to a central sewerage system, or other action for an onsite sewage treatment and disposal system or group of systems within a priority focus area that contribute at least 20 percent

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of nonpoint source nitrogen pollution or if the department determines remediation is necessary to achieve a total maximum daily load. For these systems, the department shall include in the plan a priority ranking for each system or group of systems that requires remediation and shall award funds to implement the remediation projects contingent on an appropriation in the General Appropriations Act, which may include all or part of the costs necessary for repair, upgrade, replacement, drainfield modification, addition of effective nitrogen reducing features, initial connection to a central sewerage system, or other action. In awarding funds, the department may consider expected nutrient reduction benefit per unit cost, size and scope of project, relative local financial contribution to the project, and the financial impact on property owners and the community. The department may waive matching funding requirements for proposed projects within an area designated as a rural area of opportunity under s. 288.0656.

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

376.307 Water Quality Assurance Trust Fund.—

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

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

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

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

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

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

(4) REMOVAL OF DESIGNATION.—

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

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

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regulations and the administration of such plans and regulations are adequate to protect the Florida Keys Area, fulfill the legislative intent specified in subsection (2), and are consistent with and further the principles guiding development; and

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

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

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

(9) MODIFICATION TO PLANS AND REGULATIONS.—

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

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

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

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

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

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

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

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

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

381.0061 Administrative fines.—

(1) In addition to any administrative action authorized by chapter 120 or by other law, the department may impose a fine, which may ~~shall~~ not exceed \$500 for each violation, for a violation of s. 381.006(15) ~~s. 381.006(16)~~, s. 381.0065, s. 381.0066, s. 381.0072, or part III of chapter 489, for a violation of any rule adopted under this chapter, or for a violation of ~~any of the provisions of~~ chapter 386. Notice of intent to impose such fine shall be given by the department to

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the alleged violator. Each day that a violation continues may constitute a separate violation.

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

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

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

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

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

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

(d) *Assessment procedure.*—All evaluation procedures used by a qualified contractor shall be documented in the environmental health database of the Department of Environmental Protection ~~Health~~. The qualified contractor shall provide a copy of a written, signed evaluation report to the property owner upon completion of the evaluation and to the county health department within 30 days after the evaluation. The report must ~~shall~~

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contain the name and license number of the company providing the report. A copy of the evaluation report shall be retained by the local county health department for a minimum of 5 years and until a subsequent inspection report is filed. The front cover of the report must identify any system failure and include a clear and conspicuous notice to the owner that the owner has a right to have any remediation of the failure performed by a qualified contractor other than the contractor performing the evaluation. The report must further identify any crack, leak, improper fit, or other defect in the tank, manhole, or lid, and any other damaged or missing component; any sewage or effluent visible on the ground or discharging to a ditch or other surface water body; any downspout, stormwater, or other source of water directed onto or toward the system; and any other maintenance need or condition of the system at the time of the evaluation which, in the opinion of the qualified contractor, would possibly interfere with or restrict any future repair or modification to the existing system. The report shall conclude with an overall assessment of the fundamental operational condition of the system.

(8) The county health department, in coordination with the department, shall administer any evaluation program on behalf of a county, or a municipality within the county, that has adopted an evaluation program pursuant to this section. In order to administer the evaluation program, the county or municipality, in consultation with the county health department, may develop a reasonable fee schedule to be used solely to pay for the costs of administering the evaluation program. Such a fee schedule shall be identified in the ordinance that adopts the evaluation

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program. When arriving at a reasonable fee schedule, the estimated annual revenues to be derived from fees may not exceed reasonable estimated annual costs of the program. Fees shall be assessed to the system owner during an inspection and separately identified on the invoice of the qualified contractor. Fees shall be remitted by the qualified contractor to the county health department. The county health department's administrative responsibilities include the following:

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

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

(9)

(b) Upon receipt of the notice under paragraph (a), the department ~~of Environmental Protection~~ shall, within existing resources, notify the county or municipality of the potential use of, and access to, program funds under the Clean Water State Revolving Fund or s. 319 of the Clean Water Act, provide guidance in the application process to receive such moneys, and provide advice and technical assistance to the county or

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municipality on how to establish a low-interest revolving loan program or how to model a revolving loan program after the low-interest loan program of the Clean Water State Revolving Fund. This paragraph does not obligate the department ~~of Environmental Protection~~ to provide any county or municipality with money to fund such programs.

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

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

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

381.0101 Environmental health professionals.—

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

(g) "Primary environmental health program" means those programs determined by the department to be essential for providing basic environmental and sanitary protection to the public. At a minimum, these programs shall include food 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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403.0872, Florida Statutes, is amended to read:

403.0872 Operation permits for major sources of air pollution; annual operation license fee.—Provided that program approval pursuant to 42 U.S.C. s. 7661a has been received from the United States Environmental Protection Agency, beginning January 2, 1995, each major source of air pollution, including electrical power plants certified under s. 403.511, must obtain from the department an operation permit for a major source of air pollution under this section. This operation permit is the only department operation permit for a major source of air pollution required for such source; provided, at the applicant's request, the department shall issue a separate acid rain permit for a major source of air pollution that is an affected source within the meaning of 42 U.S.C. s. 7651a(1). Operation permits for major sources of air pollution, except general permits issued pursuant to s. 403.814, must be issued in accordance with the procedures contained in this section and in accordance with chapter 120; however, to the extent that chapter 120 is inconsistent with ~~the provisions of~~ this section, the procedures contained in this section prevail.

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

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

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

2. The amount of each regulated air pollutant in excess of 4,000 tons per year emitted by any source, or group of sources belonging to the same Major Group as described in the Standard Industrial Classification Manual, 1987, may not be included in the calculation of the fee. Any source, or group of sources, which does not emit any regulated air pollutant in excess of 4,000 tons per year, is allowed a one-time credit not to exceed 25 percent of the first annual licensing fee for the prorated

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portion of existing air-operation permit application fees
remaining upon commencement of the annual licensing fees.

3. If the department has not received the fee by March 1 of
the calendar year, the permittee must be sent a written warning
of the consequences for failing to pay the fee by April 1. If
the fee is not postmarked by April 1 of the calendar year, the
department shall impose, in addition to the fee, a penalty of 50
percent of the amount of the fee, plus interest on such amount
computed in accordance with s. 220.807. The department may not
impose such penalty or interest on any amount underpaid,
provided that the permittee has timely remitted payment of at
least 90 percent of the amount determined to be due and remits
full payment within 60 days after receipt of notice of the
amount underpaid. The department may waive the collection of
underpayment and may ~~shall~~ not be required to refund overpayment
of the fee, if the amount due is less than 1 percent of the fee,
up to \$50. The department may revoke any major air pollution
source operation permit if it finds that the permitholder has
failed to timely pay any required annual operation license fee,
penalty, or interest.

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

5. Notwithstanding s. 403.087(7)(a)5.a., which authorizes
~~the provisions of s. 403.087(6)(a)5.a., authorizing~~ air
pollution construction permit fees, the department may not

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require such fees for changes or additions to a major source of air pollution permitted pursuant to this section, unless the activity triggers permitting requirements under Title I, Part C or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-7514a. Costs to issue and administer such permits shall be considered direct and indirect costs of the major stationary source air-operation permit program under s. 403.0873. The department shall, however, require fees pursuant to s. 403.087(7)(a)5.a. ~~the provisions of s. 403.087(6)(a)5.a.~~ for the construction of a new major source of air pollution that will be subject to the permitting requirements of this section once constructed and for activities triggering permitting requirements under Title I, Part C or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-7514a.

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

403.707 Permits.—

(3)

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

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

403.861 Department; powers and duties.—The department shall have the power and the duty to carry out the provisions and

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purposes of this act and, for this purpose, to:

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

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

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

(21)(a) Upon issuance of a construction permit to construct a new public water system drinking water treatment facility to

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provide potable water supply using a surface water that, at the time of the permit application, is not being used as a potable water supply, and the classification of which does not include potable water supply as a designated use, the department shall add treated potable water supply as a designated use of the surface water segment in accordance with s. 403.061(30)(b) ~~s. 403.061(29)(b)~~.

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

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

489.551 Definitions.—As used in this part:

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

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

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

(10)

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

1. As delegated by the Department of Environmental Protection pursuant to ss. 403.061(29) ~~ss. 403.061(28)~~ and

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403.081, to manage and enforce regulations pertaining to the
burning of yard trash in accordance with s. 590.125(6).

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

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

Section 53. Except as otherwise expressly provided in this
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
