

1                   A bill to be entitled  
2           An act relating to water quality improvements;  
3           transferring the Onsite Sewage Program in the  
4           Department of Health to the Department of  
5           Environmental Protection; directing the Department of  
6           Health and the Department of Environmental Protection  
7           to submit recommendations regarding the transfer of  
8           the Onsite Sewage Program to the Governor and  
9           Legislature by a specified date; amending ss. 153.54,  
10          153.73, 163.3180, and 180.03, F.S.; conforming  
11          provisions to changes made by the act; amending s.  
12          373.036, F.S.; directing water management districts to  
13          submit consolidated annual reports to the Office of  
14          Economic and Demographic Research; requiring such  
15          reports to include connection and conversion projects  
16          for onsite sewage treatment and disposal systems;  
17          amending ss. 373.807, 381.006, 381.0061, and 381.0064,  
18          F.S.; conforming provisions to changes made by the act  
19          and conforming a cross-reference; amending s. 373.811,  
20          F.S.; providing criteria for calculating lot size  
21          within priority focus areas for Outstanding Florida  
22          Springs; amending s. 381.0065, F.S.; conforming  
23          provisions to changes made by the act; removing  
24          provisions requiring certain onsite sewage treatment  
25          and disposal system research projects to be approved

26 | by a Department of Health technical review and  
27 | advisory panel; removing provisions prohibiting the  
28 | award of research projects to certain entities;  
29 | removing provisions establishing a Department of  
30 | Health onsite sewage treatment and disposal system  
31 | research review and advisory committee; directing the  
32 | Department of Health to determine that a hardship  
33 | exists for certain onsite sewage treatment and  
34 | disposal system variance requests; providing a  
35 | definition; allowing the use of specified nutrient  
36 | removing onsite sewage treatment and disposal systems  
37 | to meet water quality protection and restoration  
38 | requirements; amending s. 381.00651, F.S.; directing  
39 | county health departments to coordinate with the  
40 | Department of Environmental Protection to administer  
41 | onsite sewage treatment and disposal system evaluation  
42 | and assessment programs; conforming provisions to  
43 | changes made by the act; creating s. 381.00652, F.S.;  
44 | authorizing the Department of Environmental  
45 | Protection, in consultation with the Department of  
46 | Health, to appoint an onsite sewage treatment and  
47 | disposal systems technical advisory committee;  
48 | providing for committee purpose, membership, and  
49 | expiration; directing the Department of Environmental  
50 | Protection to initiate rulemaking by a specified date

51 and to adopt specified rules; repealing s. 381.0068,  
52 F.S., relating to the Department of Health onsite  
53 sewage treatment and disposal systems technical review  
54 and advisory panel; amending s. 381.0101, F.S.;  
55 conforming provisions to changes made by the act;  
56 amending s. 403.067, F.S.; requiring certain basin  
57 management action plans to include wastewater  
58 treatment plans and onsite sewage treatment and  
59 disposal system remediation plans; creating s.  
60 403.0671, F.S.; directing the Department of  
61 Environmental Protection, in coordination with the  
62 county health departments, wastewater treatment  
63 facilities, and other governmental entities, to submit  
64 a report to the Governor and Legislature by a  
65 specified date and to submit certain wastewater  
66 project cost estimates to the Office of Economic and  
67 Demographic Research; creating s. 403.0673, F.S.;  
68 providing legislative findings; directing the  
69 Department of Environmental Protection to submit a  
70 report to the Governor and Legislature by a specified  
71 date; establishing a clean water grant program,  
72 subject to appropriation, for certain nutrient  
73 pollution reduction projects; directing the department  
74 to coordinate with each water management district, as  
75 necessary, to identify grant recipients; directing the

76 department to submit an annual report to the Governor  
77 and Legislature by a specified date; creating s.  
78 403.0771, F.S.; requiring a domestic wastewater  
79 treatment facility that unlawfully discharges raw or  
80 partially treated domestic wastewater to provide  
81 notice to the applicable county health department and  
82 local government; directing the county health  
83 department and local government to publish notice of  
84 such discharge on a publically accessible website for  
85 a specified period; requiring the wastewater treatment  
86 facility, in coordination with the county health  
87 department, to post certain signage for a specified  
88 period; requiring the local government to make a good  
89 faith effort to notify the public of such discharge  
90 through specified means; requiring the wastewater  
91 treatment facility or responsible entity to pay for  
92 certain notification costs; amending s. 403.086, F.S.;  
93 prohibiting sewage disposal facilities from disposing  
94 waste into the Indian River Lagoon without certain  
95 advanced waste treatment; directing the Department of  
96 Environmental Protection, in consultation with the  
97 water management districts and sewage disposal  
98 facilities, to submit a report to the Governor and  
99 Legislature by a specified date; creating s.  
100 403.08715, F.S.; providing for the management of

101 biosolids; providing legislative findings; providing a  
 102 definition; prohibiting the land application of  
 103 biosolids on certain sites; prohibiting the Department  
 104 of Environmental Protection from issuing or renewing  
 105 certain permits; providing for the continuation of  
 106 certain permits; directing the department to adopt  
 107 certain rules by a specified date; directing the  
 108 department to implement an offsite water quality  
 109 monitoring program; creating the biosolids alternative  
 110 management technical advisory committee; providing for  
 111 committee purpose, membership, meetings, and  
 112 expiration; providing applicability; amending s.  
 113 489.551, F.S.; conforming provisions to changes made  
 114 by the act; providing legislative findings; providing  
 115 effective dates.

116  
 117 Be It Enacted by the Legislature of the State of Florida:

118  
 119 Section 1. All powers, duties, functions, records,  
 120 offices, personnel, associated administrative support positions,  
 121 property, pending issues, existing contracts, administrative  
 122 authority, administrative rules, and unexpended balances of  
 123 appropriations, allocations, and other funds for the regulation  
 124 of onsite sewage treatment and disposal systems relating to the  
 125 Onsite Sewage Program in the Department of Health are

126 transferred by a type two transfer, as defined in s. 20.06(2),  
127 Florida Statutes, to the Department of Environmental Protection.

128 Section 2. Before December 1, 2019, the Department of  
129 Health and the Department of Environmental Protection shall  
130 submit recommendations to the Governor, the President of the  
131 Senate, and the Speaker of the House of Representatives  
132 regarding the type two transfer of the Onsite Sewage Program in  
133 section 1. The recommendations must address all aspects of the  
134 type two transfer, including the continued role of the county  
135 health departments in the permitting, inspection, and tracking  
136 of onsite sewage treatment and disposal systems under the  
137 direction of the Department of Environmental Protection. This  
138 section shall take effect upon becoming a law.

139 Section 3. Subsection (5) of section 153.54, Florida  
140 Statutes, is amended to read:

141 153.54 Preliminary report by county commissioners with  
142 respect to creation of proposed district.—Upon receipt of a  
143 petition duly signed by not less than 25 qualified electors who  
144 are also freeholders residing within an area proposed to be  
145 incorporated into a water and sewer district pursuant to this  
146 law and describing in general terms the proposed boundaries of  
147 such proposed district, the board of county commissioners if it  
148 shall deem it necessary and advisable to create and establish  
149 such proposed district for the purpose of constructing,  
150 establishing or acquiring a water system or a sewer system or

151 both in and for such district (herein called "improvements"),  
152 shall first cause a preliminary report to be made which such  
153 report together with any other relevant or pertinent matters,  
154 shall include at least the following:

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

175

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

180 Section 4. Paragraph (c) of subsection (2) of section  
 181 153.73, Florida Statutes, is amended to read:

182 153.73 Assessable improvements; levy and payment of  
 183 special assessments.—Any district may provide for the  
 184 construction or reconstruction of assessable improvements as  
 185 defined in s. 153.52, and for the levying of special assessments  
 186 upon benefited property for the payment thereof, under the  
 187 provisions of this section.

188 (2)

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

201 environmental and health protection as the proposed central  
202 sewerage system; consideration of the local authority's  
203 obligations or reasonably anticipated obligations for water body  
204 cleanup and protection under state or federal programs,  
205 including requirements for water bodies listed under s. 303(d)  
206 of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251  
207 et seq.; and other factors deemed relevant by the local  
208 authority.

209 Section 5. Subsection (2) of section 163.3180, Florida  
210 Statutes, is amended to read:

211 163.3180 Concurrency.—

212 (2) Consistent with public health and safety, sanitary  
213 sewer, solid waste, drainage, adequate water supplies, and  
214 potable water facilities shall be in place and available to  
215 serve new development no later than the issuance by the local  
216 government of a certificate of occupancy or its functional  
217 equivalent. Before ~~Prior to~~ approval of a building permit or its  
218 functional equivalent, the local government shall consult with  
219 the applicable water supplier to determine whether adequate  
220 water supplies to serve the new development will be available no  
221 later than the anticipated date of issuance by the local  
222 government of a certificate of occupancy or its functional  
223 equivalent. A local government may meet the concurrency  
224 requirement for sanitary sewer through the use of onsite sewage  
225 treatment and disposal systems approved by the Department of

226 | Environmental Protection ~~Health~~ to serve new development.

227 | Section 6. Subsection (3) of section 180.03, Florida  
 228 | Statutes, is amended to read:

229 | 180.03 Resolution or ordinance proposing construction or  
 230 | extension of utility; objections to same.—

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

251 the resolution or ordinance required under subsection (1).

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

254 373.036 Florida water plan; district water management  
255 plans.—

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

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

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

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

275 2. The department-approved minimum flows and minimum water

276 | levels annual priority list and schedule required by s.  
 277 | 373.042(3).

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

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

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

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

286 |         7. The mitigation donation annual report required by s.  
 287 | 373.414(1)(b)2.

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

290 |             a. A list of all specific projects identified to implement  
 291 | a basin management action plan, including any projects to  
 292 | connect onsite sewage treatment and disposal systems to central  
 293 | sewerage systems and convert onsite sewage treatment and  
 294 | disposal systems to advanced nutrient removing onsite sewage  
 295 | treatment and disposal systems, or a recovery or prevention  
 296 | strategy;

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

301 consolidated annual report;

302 c. The estimated cost for each listed project;

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

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

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

310 9. A grade for each watershed, water body, or water  
 311 segment in which a project listed under subparagraph 8. is  
 312 located representing the level of impairment and violations of  
 313 adopted minimum flow or minimum water levels. The grading system  
 314 must reflect the severity of the impairment of the watershed,  
 315 water body, or water segment.

316 Section 8. Subsection (3) of section 373.807, Florida  
 317 Statutes, is amended to read:

318 373.807 Protection of water quality in Outstanding Florida  
 319 Springs.—By July 1, 2016, the department shall initiate  
 320 assessment, pursuant to s. 403.067(3), of Outstanding Florida  
 321 Springs or spring systems for which an impairment determination  
 322 has not been made under the numeric nutrient standards in effect  
 323 for spring vents. Assessments must be completed by July 1, 2018.

324 (3) As part of a basin management action plan that  
 325 includes an Outstanding Florida Spring, the department, ~~the~~

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

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

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

347  
348 In addition to the requirements in s. 403.067, the plan shall  
349 include options for repair, upgrade, replacement, drainfield  
350 modification, addition of effective nitrogen reducing features,

351 connection to a central sewerage system, or other action for an  
352 onsite sewage treatment and disposal system or group of systems  
353 within a priority focus area that contribute at least 20 percent  
354 of nonpoint source nitrogen pollution or if the department  
355 determines remediation is necessary to achieve a total maximum  
356 daily load. For these systems, the department shall include in  
357 the plan a priority ranking for each system or group of systems  
358 that requires remediation and shall award funds to implement the  
359 remediation projects contingent on an appropriation in the  
360 General Appropriations Act, which may include all or part of the  
361 costs necessary for repair, upgrade, replacement, drainfield  
362 modification, addition of effective nitrogen reducing features,  
363 initial connection to a central sewerage system, or other  
364 action. In awarding funds, the department may consider expected  
365 nutrient reduction benefit per unit cost, size and scope of  
366 project, relative local financial contribution to the project,  
367 and the financial impact on property owners and the community.  
368 The department may waive matching funding requirements for  
369 proposed projects within an area designated as a rural area of  
370 opportunity under s. 288.0656.

371 Section 9. Effective July 1, 2019, subsection (2) of  
372 section 373.811, Florida Statutes, is amended to read:

373 373.811 Prohibited activities within a priority focus  
374 area.—The following activities are prohibited within a priority  
375 focus area in effect for an Outstanding Florida Spring:

376 (2) New onsite sewage treatment and disposal systems on  
377 lots of less than 1 acre, if the addition of the specific  
378 systems conflicts with an onsite treatment and disposal system  
379 remediation plan incorporated into a basin management action  
380 plan in accordance with s. 373.807(3). The department and the  
381 Department of Health shall include all portions of a lot subject  
382 to any easement, right-of-way, and right of entry when  
383 calculating the size of the lot.

384 Section 10. Section 381.006, Florida Statutes, is amended  
385 to read:

386 381.006 Environmental health.—The Department of Health  
387 shall conduct an environmental health program as part of  
388 fulfilling the state's public health mission. The purpose of  
389 this program is to detect and prevent disease caused by natural  
390 and manmade factors in the environment. The environmental health  
391 program shall include, but not be limited to:

392 (1) A drinking water function.

393 (2) An environmental health surveillance function which  
394 shall collect, compile, and correlate information on public  
395 health and exposure to hazardous substances through sampling and  
396 testing of water, air, or foods. Environmental health  
397 surveillance shall include a comprehensive assessment of  
398 drinking water under the department's supervision and an indoor  
399 air quality testing and monitoring program to assess health  
400 risks from exposure to chemical, physical, and biological agents

401 in the indoor environment.

402 (3) A toxicology and hazard assessment function which  
403 shall conduct toxicological and human health risk assessments of  
404 exposure to toxic agents, for the purposes of:

405 (a) Supporting determinations by the State Health Officer  
406 of safe levels of contaminants in water, air, or food if  
407 applicable standards or criteria have not been adopted. These  
408 determinations shall include issuance of health advisories to  
409 protect the health and safety of the public at risk from  
410 exposure to toxic agents.

411 (b) Provision of human toxicological health risk  
412 assessments to the public and other governmental agencies to  
413 characterize the risks to the public from exposure to  
414 contaminants in air, water, or food.

415 (c) Consultation and technical assistance to the  
416 Department of Environmental Protection and other governmental  
417 agencies on actions necessary to ameliorate exposure to toxic  
418 agents, including the emergency provision by the Department of  
419 Environmental Protection of drinking water in cases of drinking  
420 water contamination that present an imminent and substantial  
421 threat to the public's health, as required by s.  
422 376.30(3)(c)1.a.

423 (d) Monitoring and reporting the body burden of toxic  
424 agents to estimate past exposure to these toxic agents, predict  
425 future health effects, and decrease the incidence of poisoning

426 by identifying and eliminating exposure.

427 (4) A sanitary nuisance function, as that term is defined  
428 in chapter 386.

429 (5) A migrant labor function.

430 (6) A public facilities function, including sanitary  
431 practices relating to state, county, municipal, and private  
432 institutions serving the public; jointly with the Department of  
433 Education, publicly and privately owned schools; all places used  
434 for the incarceration of prisoners and inmates of state  
435 institutions for the mentally ill; toilets and washrooms in all  
436 public places and places of employment; any other condition,  
437 place, or establishment necessary for the control of disease or  
438 the protection and safety of public health.

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

440 (7)~~(8)~~ A biohazardous waste control function.

441 (8)~~(9)~~ A function to control diseases transmitted from  
442 animals to humans, including the segregation, quarantine, and  
443 destruction of domestic pets and wild animals having or  
444 suspected of having such diseases.

445 (9)~~(10)~~ An environmental epidemiology function which shall  
446 investigate food-borne disease, waterborne disease, and other  
447 diseases of environmental causation, whether of chemical,  
448 radiological, or microbiological origin. A \$10 surcharge for  
449 this function shall be assessed upon all persons permitted under  
450 chapter 500. This function shall include an educational program

451 for physicians and health professionals designed to promote  
452 surveillance and reporting of environmental diseases, and to  
453 further the dissemination of knowledge about the relationship  
454 between toxic substances and human health which will be useful  
455 in the formulation of public policy and will be a source of  
456 information for the public.

457 (10)~~(11)~~ Mosquito and pest control functions as provided  
458 in chapters 388 and 482.

459 (11)~~(12)~~ A radiation control function as provided in  
460 chapter 404 and part IV of chapter 468.

461 (12)~~(13)~~ A public swimming and bathing facilities function  
462 as provided in chapter 514.

463 (13)~~(14)~~ A mobile home park, lodging park, recreational  
464 vehicle park, and recreational camp function as provided in  
465 chapter 513.

466 (14)~~(15)~~ A sanitary facilities function, which shall  
467 include minimum standards for the maintenance and sanitation of  
468 sanitary facilities; public access to sanitary facilities; and  
469 fixture ratios for special or temporary events and for homeless  
470 shelters.

471 (15)~~(16)~~ A group-care-facilities function. As used in this  
472 subsection, the term "group care facility" means any public or  
473 private school, assisted living facility, adult family-care  
474 home, adult day care center, short-term residential treatment  
475 center, residential treatment facility, home for special

476 services, transitional living facility, crisis stabilization  
477 unit, hospice, prescribed pediatric extended care center,  
478 intermediate care facility for persons with developmental  
479 disabilities, or boarding school. The department may adopt rules  
480 necessary to protect the health and safety of residents, staff,  
481 and patrons of group care facilities. Rules related to public  
482 and private schools shall be developed by the Department of  
483 Education in consultation with the department. Rules adopted  
484 under this subsection may include definitions of terms;  
485 provisions relating to operation and maintenance of facilities,  
486 buildings, grounds, equipment, furnishings, and occupant-space  
487 requirements; lighting; heating, cooling, and ventilation; food  
488 service; water supply and plumbing; sewage; sanitary facilities;  
489 insect and rodent control; garbage; safety; personnel health,  
490 hygiene, and work practices; and other matters the department  
491 finds are appropriate or necessary to protect the safety and  
492 health of the residents, staff, students, faculty, or patrons.  
493 The department may not adopt rules that conflict with rules  
494 adopted by the licensing or certifying agency. The department  
495 may enter and inspect at reasonable hours to determine  
496 compliance with applicable statutes or rules. In addition to any  
497 sanctions that the department may impose for violations of rules  
498 adopted under this section, the department shall also report  
499 such violations to any agency responsible for licensing or  
500 certifying the group care facility. The licensing or certifying

501 agency may also impose any sanction based solely on the findings  
 502 of the department.

503 (16)~~(17)~~ A function for investigating elevated levels of  
 504 lead in blood. Each participating county health department may  
 505 expend funds for federally mandated certification or  
 506 recertification fees related to conducting investigations of  
 507 elevated levels of lead in blood.

508 (17)~~(18)~~ A food service inspection function for domestic  
 509 violence centers that are certified by the Department of  
 510 Children and Families and monitored by the Florida Coalition  
 511 Against Domestic Violence under part XII of chapter 39 and group  
 512 care homes as described in subsection (16), which shall be  
 513 conducted annually and be limited to the requirements in  
 514 department rule applicable to community-based residential  
 515 facilities with five or fewer residents.

516  
 517 The department may adopt rules to carry out ~~the provisions of~~  
 518 this section.

519 Section 11. Subsection (1) of section 381.0061, Florida  
 520 Statutes, is amended to read:

521 381.0061 Administrative fines.—

522 (1) In addition to any administrative action authorized by  
 523 chapter 120 or by other law, the department may impose a fine,  
 524 which shall not exceed \$500 for each violation, for a violation  
 525 of s. 381.006(15) ~~s. 381.006(16)~~, s. 381.0065, s. 381.0066, s.

526 | 381.0072, or part III of chapter 489, for a violation of any  
 527 | rule adopted under this chapter, or for a violation of any of  
 528 | the provisions of chapter 386. Notice of intent to impose such  
 529 | fine shall be given by the department to the alleged violator.  
 530 | Each day that a violation continues may constitute a separate  
 531 | violation.

532 |       Section 12. Subsection (1) of section 381.0064, Florida  
 533 | Statutes, is amended to read:

534 |       381.0064 Continuing education courses for persons  
 535 | installing or servicing septic tanks.—

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

544 |       Section 13. Effective July 1, 2019, paragraph (h) of  
 545 | subsection (4) of section 381.0065, Florida Statutes, is  
 546 | amended, and subsection (7) is added to that section, to read:

547 |       381.0065 Onsite sewage treatment and disposal systems;  
 548 | regulation.—

549 |       (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may  
 550 | not construct, repair, modify, abandon, or operate an onsite

551 sewage treatment and disposal system without first obtaining a  
552 permit approved by the department. The department may issue  
553 permits to carry out this section, but shall not make the  
554 issuance of such permits contingent upon prior approval by the  
555 Department of Environmental Protection, except that the issuance  
556 of a permit for work seaward of the coastal construction control  
557 line established under s. 161.053 shall be contingent upon  
558 receipt of any required coastal construction control line permit  
559 from the Department of Environmental Protection. A construction  
560 permit is valid for 18 months after ~~from~~ the date of issuance  
561 ~~date~~ and may be extended by the department for one 90-day period  
562 under rules adopted by the department. A repair permit is valid  
563 for 90 days after ~~from~~ the date of issuance. An operating permit  
564 must be obtained before ~~prior to~~ the use of any aerobic  
565 treatment unit or if the establishment generates commercial  
566 waste. Buildings or establishments that use an aerobic treatment  
567 unit or generate commercial waste shall be inspected by the  
568 department at least annually to assure compliance with the terms  
569 of the operating permit. The operating permit for a commercial  
570 wastewater system is valid for 1 year after ~~from~~ the date of  
571 issuance and must be renewed annually. The operating permit for  
572 an aerobic treatment unit is valid for 2 years after ~~from~~ the  
573 date of issuance and must be renewed every 2 years. If all  
574 information pertaining to the siting, location, and installation  
575 conditions or repair of an onsite sewage treatment and disposal

576 | system remains the same, a construction or repair permit for the  
577 | onsite sewage treatment and disposal system may be transferred  
578 | to another person, if the transferee files, within 60 days after  
579 | the transfer of ownership, an amended application providing all  
580 | corrected information and proof of ownership of the property. A  
581 | ~~There is no fee~~ is not associated with the processing of this  
582 | supplemental information. A person may not contract to  
583 | construct, modify, alter, repair, service, abandon, or maintain  
584 | any portion of an onsite sewage treatment and disposal system  
585 | without being registered under part III of chapter 489. A  
586 | property owner who personally performs construction,  
587 | maintenance, or repairs to a system serving his or her own  
588 | owner-occupied single-family residence is exempt from  
589 | registration requirements for performing such construction,  
590 | maintenance, or repairs on that residence, but is subject to all  
591 | permitting requirements. A municipality or political subdivision  
592 | of the state may not issue a building or plumbing permit for any  
593 | building that requires the use of an onsite sewage treatment and  
594 | disposal system unless the owner or builder has received a  
595 | construction permit for such system from the department. A  
596 | building or structure may not be occupied and a municipality,  
597 | political subdivision, or any state or federal agency may not  
598 | authorize occupancy until the department approves the final  
599 | installation of the onsite sewage treatment and disposal system.  
600 | A municipality or political subdivision of the state may not

601 approve any change in occupancy or tenancy of a building that  
 602 uses an onsite sewage treatment and disposal system until the  
 603 department has reviewed the use of the system with the proposed  
 604 change, approved the change, and amended the operating permit.

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

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

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

624 c. The discharge from the onsite sewage treatment and  
 625 disposal system will not adversely affect the health of the

626 applicant or the public or significantly degrade the groundwater  
627 or surface waters.

628  
629 Where soil conditions, water table elevation, and setback  
630 provisions are determined by the department to be satisfactory,  
631 special consideration must be given to those lots platted before  
632 1972.

633 2. The department shall determine that a hardship exists  
634 when an applicant for a variance demonstrates that the lot  
635 subject to the variance request is at least 0.85 acres and that  
636 other lots in the immediate proximity average at least 1 acre.  
637 For purposes of this subparagraph, the term "immediate  
638 proximity" means within the same unit or phase of a subdivision  
639 as, adjacent or contiguous to, or across the road from, the lot  
640 subject to the variance request.

641 ~~3.2.~~ The department shall appoint and staff a variance  
642 review and advisory committee, which shall meet monthly to  
643 recommend agency action on variance requests. The committee  
644 shall make its recommendations on variance requests at the  
645 meeting in which the application is scheduled for consideration,  
646 except for an extraordinary change in circumstances, the receipt  
647 of new information that raises new issues, or when the applicant  
648 requests an extension. The committee shall consider the criteria  
649 in subparagraph 1. in its recommended agency action on variance  
650 requests and shall also strive to allow property owners the full

651 use of their land where possible. The committee consists of the  
 652 following:

- 653 a. The State Surgeon General or his or her designee.
- 654 b. A representative from the county health departments.
- 655 c. A representative from the home building industry  
 656 recommended by the Florida Home Builders Association.
- 657 d. A representative from the septic tank industry  
 658 recommended by the Florida Onsite Wastewater Association.
- 659 e. A representative from the Department of Environmental  
 660 Protection.
- 661 f. A representative from the real estate industry who is  
 662 also a developer in this state who develops lots using onsite  
 663 sewage treatment and disposal systems, recommended by the  
 664 Florida Association of Realtors.
- 665 g. A representative from the engineering profession  
 666 recommended by the Florida Engineering Society.

667  
 668 Members shall be appointed for a term of 3 years, with such  
 669 appointments being staggered so that the terms of no more than  
 670 two members expire in any one year. Members shall serve without  
 671 remuneration, but if requested, shall be reimbursed for per diem  
 672 and travel expenses as provided in s. 112.061.

673 (7) USE OF NUTRIENT REMOVING ONSITE SEWAGE TREATMENT AND  
 674 DISPOSAL SYSTEMS.-In addition to allowing the use of other  
 675 department-approved nutrient removing onsite sewage treatment

676 and disposal systems to meet the requirements of a total maximum  
 677 daily load or basin management action plan adopted pursuant to  
 678 s. 403.067, a reasonable assurance plan, or other water quality  
 679 protection and restoration requirements, the department shall  
 680 allow the use of American National Standards Institute 245  
 681 systems approved by the National Sanitation Foundation  
 682 International before July 1, 2019.

683 Section 14. Paragraphs (d) and (e) and paragraphs (g)  
 684 through (q) of subsection (2) of section 381.0065, Florida  
 685 Statutes, are redesignated as paragraphs (e) and (g) and  
 686 paragraphs (h) through (r), respectively, paragraph (j) of  
 687 subsection (3) and subsection (4), as amended by this act, are  
 688 amended, and a new paragraph (d) is added to subsection (2) of  
 689 that section, to read:

690 381.0065 Onsite sewage treatment and disposal systems;  
 691 regulation.—

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

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

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

698 (j) Supervise research on, demonstration of, and training  
 699 on the performance, environmental impact, and public health  
 700 impact of onsite sewage treatment and disposal systems within

701 this state. Research fees collected under s. 381.0066(2)(k) must  
702 be used to develop and fund hands-on training centers designed  
703 to provide practical information about onsite sewage treatment  
704 and disposal systems to septic tank contractors, master septic  
705 tank contractors, contractors, inspectors, engineers, and the  
706 public and must also be used to fund research projects which  
707 focus on improvements of onsite sewage treatment and disposal  
708 systems, including use of performance-based standards and  
709 reduction of environmental impact. Research projects shall be  
710 ~~initially approved by the technical review and advisory panel~~  
711 ~~and shall be~~ applicable to and reflect the soil conditions  
712 specific to Florida. Such projects shall be awarded through  
713 competitive negotiation, using the procedures provided in s.  
714 287.055, to public or private entities that have experience in  
715 onsite sewage treatment and disposal systems in Florida and that  
716 are principally located in Florida. ~~Research projects shall not~~  
717 ~~be awarded to firms or entities that employ or are associated~~  
718 ~~with persons who serve on either the technical review and~~  
719 ~~advisory panel or the research review and advisory committee.~~  
720 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may  
721 not construct, repair, modify, abandon, or operate an onsite  
722 sewage treatment and disposal system without first obtaining a  
723 permit approved by the department. The department may issue  
724 permits to carry out this section, but shall not make the  
725 issuance of such permits contingent upon prior approval by the

726 department ~~of Environmental Protection~~, except that the issuance  
727 of a permit for work seaward of the coastal construction control  
728 line established under s. 161.053 shall be contingent upon  
729 receipt of any required coastal construction control line permit  
730 from the department ~~of Environmental Protection~~. A construction  
731 permit is valid for 18 months after the date of issuance and may  
732 be extended by the department for one 90-day period under rules  
733 adopted by the department. A repair permit is valid for 90 days  
734 after the date of issuance. An operating permit must be obtained  
735 before the use of any aerobic treatment unit or if the  
736 establishment generates commercial waste. Buildings or  
737 establishments that use an aerobic treatment unit or generate  
738 commercial waste shall be inspected by the department at least  
739 annually to assure compliance with the terms of the operating  
740 permit. The operating permit for a commercial wastewater system  
741 is valid for 1 year after the date of issuance and must be  
742 renewed annually. The operating permit for an aerobic treatment  
743 unit is valid for 2 years after the date of issuance and must be  
744 renewed every 2 years. If all information pertaining to the  
745 siting, location, and installation conditions or repair of an  
746 onsite sewage treatment and disposal system remains the same, a  
747 construction or repair permit for the onsite sewage treatment  
748 and disposal system may be transferred to another person, if the  
749 transferee files, within 60 days after the transfer of  
750 ownership, an amended application providing all corrected

751 information and proof of ownership of the property. A fee is not  
752 associated with the processing of this supplemental information.  
753 A person may not contract to construct, modify, alter, repair,  
754 service, abandon, or maintain any portion of an onsite sewage  
755 treatment and disposal system without being registered under  
756 part III of chapter 489. A property owner who personally  
757 performs construction, maintenance, or repairs to a system  
758 serving his or her own owner-occupied single-family residence is  
759 exempt from registration requirements for performing such  
760 construction, maintenance, or repairs on that residence, but is  
761 subject to all permitting requirements. A municipality or  
762 political subdivision of the state may not issue a building or  
763 plumbing permit for any building that requires the use of an  
764 onsite sewage treatment and disposal system unless the owner or  
765 builder has received a construction permit for such system from  
766 the department. A building or structure may not be occupied and  
767 a municipality, political subdivision, or any state or federal  
768 agency may not authorize occupancy until the department approves  
769 the final installation of the onsite sewage treatment and  
770 disposal system. A municipality or political subdivision of the  
771 state may not approve any change in occupancy or tenancy of a  
772 building that uses an onsite sewage treatment and disposal  
773 system until the department has reviewed the use of the system  
774 with the proposed change, approved the change, and amended the  
775 operating permit.

776 (a) Subdivisions and lots in which each lot has a minimum  
777 area of at least one-half acre and either a minimum dimension of  
778 100 feet or a mean of at least 100 feet of the side bordering  
779 the street and the distance formed by a line parallel to the  
780 side bordering the street drawn between the two most distant  
781 points of the remainder of the lot may be developed with a water  
782 system regulated under s. 381.0062 and onsite sewage treatment  
783 and disposal systems, provided the projected daily sewage flow  
784 does not exceed an average of 1,500 gallons per acre per day,  
785 and provided satisfactory drinking water can be obtained and all  
786 distance and setback, soil condition, water table elevation, and  
787 other related requirements of this section and rules adopted  
788 under this section can be met.

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

797 (c) Notwithstanding paragraphs (a) and (b), for  
798 subdivisions platted of record on or before October 1, 1991,  
799 when a developer or other appropriate entity has previously made  
800 or makes provisions, including financial assurances or other

801 commitments, acceptable to the department ~~of Health~~, that a  
802 central water system will be installed by a regulated public  
803 utility based on a density formula, private potable wells may be  
804 used with onsite sewage treatment and disposal systems until the  
805 agreed-upon densities are reached. In a subdivision regulated by  
806 this paragraph, the average daily sewage flow may not exceed  
807 2,500 gallons per acre per day. This section does not affect the  
808 validity of existing prior agreements. After October 1, 1991,  
809 the exception provided under this paragraph is not available to  
810 a developer or other appropriate entity.

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

818 (e) Onsite sewage treatment and disposal systems must not  
819 be placed closer than:

- 820 1. Seventy-five feet from a private potable well.
- 821 2. Two hundred feet from a public potable well serving a  
822 residential or nonresidential establishment having a total  
823 sewage flow of greater than 2,000 gallons per day.
- 824 3. One hundred feet from a public potable well serving a  
825 residential or nonresidential establishment having a total

826 sewage flow of less than or equal to 2,000 gallons per day.

827 4. Fifty feet from any nonpotable well.

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

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

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

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

841 (f) Except as provided under paragraphs (e) and (t), ~~no~~  
842 limitations may not ~~shall~~ be imposed by rule, relating to the  
843 distance between an onsite disposal system and any area that  
844 ~~either~~ permanently or temporarily has visible surface water.

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

849 1. Any residential lot that was platted and recorded on or  
850 after January 1, 1972, or that is part of a residential

851 subdivision that was approved by the appropriate permitting  
852 agency on or after January 1, 1972, and that was eligible for an  
853 onsite sewage treatment and disposal system construction permit  
854 on the date of such platting and recording or approval shall be  
855 eligible for an onsite sewage treatment and disposal system  
856 construction permit, regardless of when the application for a  
857 permit is made. If rules in effect at the time the permit  
858 application is filed cannot be met, residential lots platted and  
859 recorded or approved on or after January 1, 1972, shall, to the  
860 maximum extent possible, comply with the rules in effect at the  
861 time the permit application is filed. At a minimum, however,  
862 those residential lots platted and recorded or approved on or  
863 after January 1, 1972, but before January 1, 1983, shall comply  
864 with those rules in effect on January 1, 1983, and those  
865 residential lots platted and recorded or approved on or after  
866 January 1, 1983, shall comply with those rules in effect at the  
867 time of such platting and recording or approval. In determining  
868 the maximum extent of compliance with current rules that is  
869 possible, the department shall allow structures and  
870 appurtenances thereto which were authorized at the time such  
871 lots were platted and recorded or approved.

872 2. Lots platted before 1972 are subject to a 50-foot  
873 minimum surface water setback and are not subject to lot size  
874 requirements. The projected daily flow for onsite sewage  
875 treatment and disposal systems for lots platted before 1972 may

876 not exceed:

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

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

881 (h)1. The department may grant variances in hardship cases  
882 which may be less restrictive than specified in this section. If  
883 a variance is granted and the onsite sewage treatment and  
884 disposal system construction permit has been issued, the  
885 variance may be transferred with the system construction permit,  
886 if the transferee files, within 60 days after the transfer of  
887 ownership, an amended construction permit application providing  
888 all corrected information and proof of ownership of the property  
889 and if the same variance would have been required for the new  
890 owner of the property as was originally granted to the original  
891 applicant for the variance. A fee is not associated with the  
892 processing of this supplemental information. A variance may not  
893 be granted under this section until the department is satisfied  
894 that:

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

897 b. A reasonable alternative, taking into consideration  
898 factors such as cost, does not exist for the treatment of the  
899 sewage; and

900 c. The discharge from the onsite sewage treatment and

901 disposal system will not adversely affect the health of the  
902 applicant or the public or significantly degrade the groundwater  
903 or surface waters.

904

905 Where soil conditions, water table elevation, and setback  
906 provisions are determined by the department to be satisfactory,  
907 special consideration must be given to those lots platted before  
908 1972.

909 2. The department shall determine that a hardship exists  
910 when an applicant for a variance demonstrates that the lot  
911 subject to the variance request is at least 0.85 acres and that  
912 other lots in the immediate proximity average at least 1 acre.  
913 For purposes of this subparagraph, the term "immediate  
914 proximity" means within the same unit or phase of a subdivision  
915 as, adjacent or contiguous to, or across the road from, the lot  
916 subject to the variance request.

917 3. The department shall appoint and staff a variance  
918 review and advisory committee, which shall meet monthly to  
919 recommend agency action on variance requests. The committee  
920 shall make its recommendations on variance requests at the  
921 meeting in which the application is scheduled for consideration,  
922 except for an extraordinary change in circumstances, the receipt  
923 of new information that raises new issues, or when the applicant  
924 requests an extension. The committee shall consider the criteria  
925 in subparagraph 1. in its recommended agency action on variance

926 requests and shall also strive to allow property owners the full  
927 use of their land where possible. The committee consists of the  
928 following:

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

931 b. A representative from the county health departments.

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

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

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

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

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

944

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

950 (i) A construction permit may not be issued for an onsite

951 sewage treatment and disposal system in any area zoned or used  
 952 for industrial or manufacturing purposes, or its equivalent,  
 953 where a publicly owned or investor-owned sewage treatment system  
 954 is available, or where a likelihood exists that the system will  
 955 receive toxic, hazardous, or industrial waste. An existing  
 956 onsite sewage treatment and disposal system may be repaired if a  
 957 publicly owned or investor-owned sewage treatment ~~sewerage~~  
 958 system is not available within 500 feet of the building sewer  
 959 stub-out and if system construction and operation standards can  
 960 be met. This paragraph does not require publicly owned or  
 961 investor-owned sewage ~~sewerage~~ treatment systems to accept  
 962 anything other than domestic wastewater.

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

971 2. Each person who owns or operates a business or facility  
 972 in an area zoned or used for industrial or manufacturing  
 973 purposes, or its equivalent, or who owns or operates a business  
 974 that has the potential to generate toxic, hazardous, or  
 975 industrial wastewater or toxic or hazardous chemicals, and uses

976 an onsite sewage treatment and disposal system that is installed  
977 on or after July 5, 1989, must obtain an annual system operating  
978 permit from the department. A person who owns or operates a  
979 business that uses an onsite sewage treatment and disposal  
980 system that was installed and approved before July 5, 1989, does  
981 not need to ~~not~~ obtain a system operating permit. However, upon  
982 change of ownership or tenancy, the new owner or operator must  
983 notify the department of the change, and the new owner or  
984 operator must obtain an annual system operating permit,  
985 regardless of the date that the system was installed or  
986 approved.

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

998 (j) An onsite sewage treatment and disposal system  
999 designed by a professional engineer registered in the state and  
1000 certified by such engineer as complying with performance

1001 criteria adopted by the department must be approved by the  
1002 department subject to the following:

1003 1. The performance criteria applicable to engineer-  
1004 designed systems must be limited to those necessary to ensure  
1005 that such systems do not adversely affect the public health or  
1006 significantly degrade the groundwater or surface water. Such  
1007 performance criteria shall include consideration of the quality  
1008 of system effluent, the proposed total sewage flow per acre,  
1009 wastewater treatment capabilities of the natural or replaced  
1010 soil, water quality classification of the potential surface-  
1011 water-receiving body, and the structural and maintenance  
1012 viability of the system for the treatment of domestic  
1013 wastewater. However, performance criteria shall address only the  
1014 performance of a system and not a system's design.

1015 2. A person electing to use ~~utilize~~ an engineer-designed  
1016 system shall, upon completion of the system design, submit such  
1017 design, certified by a registered professional engineer, to the  
1018 county health department. The county health department may use  
1019 ~~utilize~~ an outside consultant to review the engineer-designed  
1020 system, with the actual cost of such review to be borne by the  
1021 applicant. Within 5 working days after receiving an engineer-  
1022 designed system permit application, the county health department  
1023 shall request additional information if the application is not  
1024 complete. Within 15 working days after receiving a complete  
1025 application for an engineer-designed system, the county health

1026 department ~~either~~ shall issue the permit or, if it determines  
1027 that the system does not comply with the performance criteria,  
1028 shall notify the applicant of that determination and refer the  
1029 application to the department for a determination as to whether  
1030 the system should be approved, disapproved, or approved with  
1031 modification. The department engineer's determination shall  
1032 prevail over the action of the county health department. The  
1033 applicant shall be notified in writing of the department's  
1034 determination and of the applicant's rights to pursue a variance  
1035 or seek review under the provisions of chapter 120.

1036 3. The owner of an engineer-designed performance-based  
1037 system must maintain a current maintenance service agreement  
1038 with a maintenance entity permitted by the department. The  
1039 maintenance entity shall inspect each system at least twice each  
1040 year and shall report quarterly to the department on the number  
1041 of systems inspected and serviced. The reports may be submitted  
1042 electronically.

1043 4. The property owner of an owner-occupied, single-family  
1044 residence may be approved and permitted by the department as a  
1045 maintenance entity for his or her own performance-based  
1046 treatment system upon written certification from the system  
1047 manufacturer's approved representative that the property owner  
1048 has received training on the proper installation and service of  
1049 the system. The maintenance service agreement must conspicuously  
1050 disclose that the property owner has the right to maintain his

1051 or her own system and is exempt from contractor registration  
1052 requirements for performing construction, maintenance, or  
1053 repairs on the system but is subject to all permitting  
1054 requirements.

1055 5. The property owner shall obtain a biennial system  
1056 operating permit from the department for each system. The  
1057 department shall inspect the system at least annually, or on  
1058 such periodic basis as the fee collected permits, and may  
1059 collect system-effluent samples if appropriate to determine  
1060 compliance with the performance criteria. The fee for the  
1061 biennial operating permit shall be collected beginning with the  
1062 second year of system operation.

1063 6. If an engineer-designed system fails to properly  
1064 function or fails to meet performance standards, the system  
1065 shall be re-engineered, if necessary, to bring the system into  
1066 compliance with the provisions of this section.

1067 (k) An innovative system may be approved in conjunction  
1068 with an engineer-designed site-specific system that ~~which~~ is  
1069 certified by the engineer to meet the performance-based criteria  
1070 adopted by the department.

1071 (l) For the Florida Keys, the department shall adopt a  
1072 special rule for the construction, installation, modification,  
1073 operation, repair, maintenance, and performance of onsite sewage  
1074 treatment and disposal systems which considers the unique soil  
1075 conditions and water table elevations, densities, and setback

1076 requirements. On lots where a setback distance of 75 feet from  
1077 surface waters, saltmarsh, and buttonwood association habitat  
1078 areas cannot be met, an injection well, approved and permitted  
1079 by the department, may be used for disposal of effluent from  
1080 onsite sewage treatment and disposal systems. The following  
1081 additional requirements apply to onsite sewage treatment and  
1082 disposal systems in Monroe County:

1083         1. The county, each municipality, and those special  
1084 districts established for the purpose of the collection,  
1085 transmission, treatment, or disposal of sewage shall ensure, in  
1086 accordance with the specific schedules adopted by the  
1087 Administration Commission under s. 380.0552, the completion of  
1088 onsite sewage treatment and disposal system upgrades to meet the  
1089 requirements of this paragraph.

1090         2. Onsite sewage treatment and disposal systems must cease  
1091 discharge by December 31, 2015, or must comply with department  
1092 rules and provide the level of treatment which, on a permitted  
1093 annual average basis, produces an effluent that contains no more  
1094 than the following concentrations:

- 1095             a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.  
1096             b. Suspended Solids of 10 mg/l.  
1097             c. Total Nitrogen, expressed as N, of 10 mg/l or a  
1098 reduction in nitrogen of at least 70 percent. A system that has  
1099 been tested and certified to reduce nitrogen concentrations by  
1100 at least 70 percent shall be deemed to be in compliance with

1101 | this standard.

1102 |         d. Total Phosphorus, expressed as P, of 1 mg/l.

1103 |

1104 | In addition, onsite sewage treatment and disposal systems  
 1105 | discharging to an injection well must provide basic disinfection  
 1106 | as defined by department rule.

1107 |         3. In areas not scheduled to be served by a central  
 1108 | sewerage system ~~sewer~~, onsite sewage treatment and disposal  
 1109 | systems must, by December 31, 2015, comply with department rules  
 1110 | and provide the level of treatment described in subparagraph 2.

1111 |         4. In areas scheduled to be served by a central sewerage  
 1112 | system ~~sewer~~ by December 31, 2015, if the property owner has  
 1113 | paid a connection fee or assessment for connection to the  
 1114 | central sewerage ~~sewer~~ system, the property owner may install a  
 1115 | holding tank with a high water alarm or an onsite sewage  
 1116 | treatment and disposal system that meets the following minimum  
 1117 | standards:

1118 |             a. The existing tanks must be pumped and inspected and  
 1119 | certified as being watertight and free of defects in accordance  
 1120 | with department rule; and

1121 |             b. A sand-lined drainfield or injection well in accordance  
 1122 | with department rule must be installed.

1123 |         5. Onsite sewage treatment and disposal systems must be  
 1124 | monitored for total nitrogen and total phosphorus concentrations  
 1125 | as required by department rule.

1126           6. The department shall enforce proper installation,  
1127 operation, and maintenance of onsite sewage treatment and  
1128 disposal systems pursuant to this chapter, including ensuring  
1129 that the appropriate level of treatment described in  
1130 subparagraph 2. is met.

1131           7. The authority of a local government, including a  
1132 special district, to mandate connection of an onsite sewage  
1133 treatment and disposal system is governed by s. 4, chapter 99-  
1134 395, Laws of Florida.

1135           8. Notwithstanding any other ~~provision of~~ law, an onsite  
1136 sewage treatment and disposal system installed after July 1,  
1137 2010, in unincorporated Monroe County, excluding special  
1138 wastewater districts, that complies with the standards in  
1139 subparagraph 2. is not required to connect to a central sewerage  
1140 ~~sewer~~ system until December 31, 2020.

1141           (m) Any ~~No~~ product sold in the state for use in onsite  
1142 sewage treatment and disposal systems may not contain any  
1143 substance in concentrations or amounts that would interfere with  
1144 or prevent the successful operation of such system, or that  
1145 would cause discharges from such systems to violate applicable  
1146 water quality standards. The department shall publish criteria  
1147 for products known or expected to meet the conditions of this  
1148 paragraph. If ~~In the event~~ a product does not meet such  
1149 criteria, such product may be sold if the manufacturer  
1150 satisfactorily demonstrates to the department that the

1151 conditions of this paragraph are met.

1152 (n) Evaluations for determining the seasonal high-water  
1153 table elevations or the suitability of soils for the use of a  
1154 new onsite sewage treatment and disposal system shall be  
1155 performed by department personnel, professional engineers  
1156 registered in the state, or such other persons with expertise,  
1157 as defined by rule, in making such evaluations. Evaluations for  
1158 determining mean annual flood lines shall be performed by those  
1159 persons identified in paragraph (2)(j). The department shall  
1160 accept evaluations submitted by professional engineers and such  
1161 other persons as meet the expertise established by this section  
1162 or by rule unless the department has a reasonable scientific  
1163 basis for questioning the accuracy or completeness of the  
1164 evaluation.

1165 ~~(o) The department shall appoint a research review and~~  
1166 ~~advisory committee, which shall meet at least semiannually. The~~  
1167 ~~committee shall advise the department on directions for new~~  
1168 ~~research, review and rank proposals for research contracts, and~~  
1169 ~~review draft research reports and make comments. The committee~~  
1170 ~~is comprised of:~~

1171 ~~1. A representative of the State Surgeon General, or his~~  
1172 ~~or her designee.~~

1173 ~~2. A representative from the septic tank industry.~~

1174 ~~3. A representative from the home building industry.~~

1175 ~~4. A representative from an environmental interest group.~~

1176 ~~5. A representative from the State University System, from~~  
 1177 ~~a department knowledgeable about onsite sewage treatment and~~  
 1178 ~~disposal systems.~~

1179 ~~6. A professional engineer registered in this state who~~  
 1180 ~~has work experience in onsite sewage treatment and disposal~~  
 1181 ~~systems.~~

1182 ~~7. A representative from local government who is~~  
 1183 ~~knowledgeable about domestic wastewater treatment.~~

1184 ~~8. A representative from the real estate profession.~~

1185 ~~9. A representative from the restaurant industry.~~

1186 ~~10. A consumer.~~

1187  
 1188 ~~Members shall be appointed for a term of 3 years, with the~~  
 1189 ~~appointments being staggered so that the terms of no more than~~  
 1190 ~~four members expire in any one year. Members shall serve without~~  
 1191 ~~remuneration, but are entitled to reimbursement for per diem and~~  
 1192 ~~travel expenses as provided in s. 112.061.~~

1193 ~~(o)~~<sup>(p)</sup> An application for an onsite sewage treatment and  
 1194 disposal system permit shall be completed in full, signed by the  
 1195 owner or the owner's authorized representative, or by a  
 1196 contractor licensed under chapter 489, and shall be accompanied  
 1197 by all required exhibits and fees. ~~No~~ Specific documentation of  
 1198 property ownership is not ~~shall be~~ required as a prerequisite to  
 1199 the review of an application or the issuance of a permit. The  
 1200 issuance of a permit does not constitute determination by the

1201 department of property ownership.

1202 (p)~~(q)~~ The department may not require any form of  
 1203 subdivision analysis of property by an owner, developer, or  
 1204 subdivider before ~~prior to~~ submission of an application for an  
 1205 onsite sewage treatment and disposal system.

1206 (q)~~(r)~~ ~~Nothing in~~ This section does not limit ~~limits~~ the  
 1207 power of a municipality or county to enforce other laws for the  
 1208 protection of the public health and safety.

1209 (r)~~(s)~~ In the siting of onsite sewage treatment and  
 1210 disposal systems, including drainfields, shoulders, and slopes,  
 1211 guttering may ~~shall~~ not be required on single-family residential  
 1212 dwelling units for systems located greater than 5 feet from the  
 1213 roof drip line of the house. If guttering is used on residential  
 1214 dwelling units, the downspouts shall be directed away from the  
 1215 drainfield.

1216 (s)~~(t)~~ Notwithstanding ~~the provisions of~~ subparagraph  
 1217 (g)1., onsite sewage treatment and disposal systems located in  
 1218 floodways of the Suwannee and Aucilla Rivers must adhere to the  
 1219 following requirements:

- 1220 1. The absorption surface of the drainfield may ~~shall~~ not  
 1221 be subject to flooding based on 10-year flood elevations.  
 1222 Provided, however, for lots or parcels created by the  
 1223 subdivision of land in accordance with applicable local  
 1224 government regulations before ~~prior to~~ January 17, 1990, if an  
 1225 applicant cannot construct a drainfield system with the

1226 absorption surface of the drainfield at an elevation equal to or  
 1227 above 10-year flood elevation, the department shall issue a  
 1228 permit for an onsite sewage treatment and disposal system within  
 1229 the 10-year floodplain of rivers, streams, and other bodies of  
 1230 flowing water if all of the following criteria are met:

- 1231 a. The lot is at least one-half acre in size;
- 1232 b. The bottom of the drainfield is at least 36 inches  
 1233 above the 2-year flood elevation; and
- 1234 c. The applicant installs ~~either:~~ a waterless,  
 1235 incinerating, or organic waste composting toilet and a graywater  
 1236 system and drainfield in accordance with department rules; an  
 1237 aerobic treatment unit and drainfield in accordance with  
 1238 department rules; a system ~~approved by the State Health Office~~  
 1239 that is capable of reducing effluent nitrate by at least 50  
 1240 percent in accordance with department rules; or a system other  
 1241 than a system using alternative drainfield materials in  
 1242 accordance with department rules ~~approved by the county health~~  
 1243 ~~department pursuant to department rule other than a system using~~  
 1244 ~~alternative drainfield materials~~. The United States Department  
 1245 of Agriculture Soil Conservation Service soil maps, State of  
 1246 Florida Water Management District data, and Federal Emergency  
 1247 Management Agency Flood Insurance maps are resources that shall  
 1248 be used to identify flood-prone areas.

1249 2. The use of fill or mounding to elevate a drainfield  
 1250 system out of the 10-year floodplain of rivers, streams, or

1251 other bodies of flowing water may ~~shall~~ not be permitted if such  
1252 a system lies within a regulatory floodway of the Suwannee and  
1253 Aucilla Rivers. In cases where the 10-year flood elevation does  
1254 not coincide with the boundaries of the regulatory floodway, the  
1255 regulatory floodway will be considered for the purposes of this  
1256 subsection to extend at a minimum to the 10-year flood  
1257 elevation.

1258 (t)1. ~~(u)1.~~ The owner of an aerobic treatment unit system  
1259 shall maintain a current maintenance service agreement with an  
1260 aerobic treatment unit maintenance entity permitted by the  
1261 department. The maintenance entity shall inspect each aerobic  
1262 treatment unit system at least twice each year and shall report  
1263 quarterly to the department on the number of aerobic treatment  
1264 unit systems inspected and serviced. The reports may be  
1265 submitted electronically.

1266 2. The property owner of an owner-occupied, single-family  
1267 residence may be approved and permitted by the department as a  
1268 maintenance entity for his or her own aerobic treatment unit  
1269 system upon written certification from the system manufacturer's  
1270 approved representative that the property owner has received  
1271 training on the proper installation and service of the system.  
1272 The maintenance entity service agreement must conspicuously  
1273 disclose that the property owner has the right to maintain his  
1274 or her own system and is exempt from contractor registration  
1275 requirements for performing construction, maintenance, or

1276 repairs on the system but is subject to all permitting  
 1277 requirements.

1278 3. A septic tank contractor licensed under part III of  
 1279 chapter 489, if approved by the manufacturer, may not be denied  
 1280 access by the manufacturer to aerobic treatment unit system  
 1281 training or spare parts for maintenance entities. After the  
 1282 original warranty period, component parts for an aerobic  
 1283 treatment unit system may be replaced with parts that meet  
 1284 manufacturer's specifications but are manufactured by others.  
 1285 The maintenance entity shall maintain documentation of the  
 1286 substitute part's equivalency for 2 years and shall provide such  
 1287 documentation to the department upon request.

1288 4. The owner of an aerobic treatment unit system shall  
 1289 obtain a system operating permit from the department and allow  
 1290 the department to inspect during reasonable hours each aerobic  
 1291 treatment unit system at least annually, and such inspection may  
 1292 include collection and analysis of system-effluent samples for  
 1293 performance criteria established by rule of the department.

1294 (u)~~(v)~~ The department may require the submission of  
 1295 detailed system construction plans that are prepared by a  
 1296 professional engineer registered in this state. The department  
 1297 shall establish by rule criteria for determining when such a  
 1298 submission is required.

1299 (v)~~(w)~~ Any permit issued and approved by the department  
 1300 for the installation, modification, or repair of an onsite

1301 sewage treatment and disposal system shall transfer with the  
 1302 title to the property in a real estate transaction. A title may  
 1303 not be encumbered at the time of transfer by new permit  
 1304 requirements by a governmental entity for an onsite sewage  
 1305 treatment and disposal system which differ from the permitting  
 1306 requirements in effect at the time the system was permitted,  
 1307 modified, or repaired. An inspection of a system may not be  
 1308 mandated by a governmental entity at the point of sale in a real  
 1309 estate transaction. This paragraph does not affect a septic tank  
 1310 phase-out deferral program implemented by a consolidated  
 1311 government as defined in s. 9, Art. VIII of the State  
 1312 Constitution (1885).

1313 (w)~~(\*)~~ A governmental entity, including a municipality,  
 1314 county, or statutorily created commission, may not require an  
 1315 engineer-designed performance-based treatment system, excluding  
 1316 a passive engineer-designed performance-based treatment system,  
 1317 before the completion of the Florida Onsite Sewage Nitrogen  
 1318 Reduction Strategies Project. This paragraph does not apply to a  
 1319 governmental entity, including a municipality, county, or  
 1320 statutorily created commission, which adopted a local law,  
 1321 ordinance, or regulation on or before January 31, 2012.  
 1322 Notwithstanding this paragraph, an engineer-designed  
 1323 performance-based treatment system may be used to meet the  
 1324 requirements of the variance review and advisory committee  
 1325 recommendations.

1326        (x)1.~~(y)1.~~ An onsite sewage treatment and disposal system  
 1327 is not considered abandoned if the system is disconnected from a  
 1328 structure that was made unusable or destroyed following a  
 1329 disaster and if the system was properly functioning at the time  
 1330 of disconnection and was not adversely affected by the disaster.  
 1331 The onsite sewage treatment and disposal system may be  
 1332 reconnected to a rebuilt structure if:

1333            a. The reconnection of the system is to the same type of  
 1334 structure which contains the same number of bedrooms or fewer,  
 1335 if the square footage of the structure is less than or equal to  
 1336 110 percent of the original square footage of the structure that  
 1337 existed before the disaster;

1338            b. The system is not a sanitary nuisance; and

1339            c. The system has not been altered without prior  
 1340 authorization.

1341            2. An onsite sewage treatment and disposal system that  
 1342 serves a property that is foreclosed upon is not considered  
 1343 abandoned.

1344        (y)~~(z)~~ If an onsite sewage treatment and disposal system  
 1345 permittee receives, relies upon, and undertakes construction of  
 1346 a system based upon a validly issued construction permit under  
 1347 rules applicable at the time of construction but a change to a  
 1348 rule occurs within 5 years after the approval of the system for  
 1349 construction but before the final approval of the system, the  
 1350 rules applicable and in effect at the time of construction

1351 approval apply at the time of final approval if fundamental site  
1352 conditions have not changed between the time of construction  
1353 approval and final approval.

1354 (z)~~(aa)~~ An existing-system inspection or evaluation and  
1355 assessment, or a modification, replacement, or upgrade of an  
1356 onsite sewage treatment and disposal system is not required for  
1357 a remodeling addition or modification to a single-family home if  
1358 a bedroom is not added. However, a remodeling addition or  
1359 modification to a single-family home may not cover any part of  
1360 the existing system or encroach upon a required setback or the  
1361 unobstructed area. To determine if a setback or the unobstructed  
1362 area is impacted, the local health department shall review and  
1363 verify a floor plan and site plan of the proposed remodeling  
1364 addition or modification to the home submitted by a remodeler  
1365 which shows the location of the system, including the distance  
1366 of the remodeling addition or modification to the home from the  
1367 onsite sewage treatment and disposal system. The local health  
1368 department may visit the site or otherwise determine the best  
1369 means of verifying the information submitted. A verification of  
1370 the location of a system is not an inspection or evaluation and  
1371 assessment of the system. The review and verification must be  
1372 completed within 7 business days after receipt by the local  
1373 health department of a floor plan and site plan. If the review  
1374 and verification is not completed within such time, the  
1375 remodeling addition or modification to the single-family home,

1376 | for the purposes of this paragraph, is approved.

1377 |       Section 15. Paragraph (d) of subsection (7) and  
 1378 | subsections (8) and (9) of section 381.00651, Florida Statutes,  
 1379 | are amended to read:

1380 |       381.00651 Periodic evaluation and assessment of onsite  
 1381 | sewage treatment and disposal systems.—

1382 |       (7) The following procedures shall be used for conducting  
 1383 | evaluations:

1384 |       (d) Assessment procedure.—All evaluation procedures used  
 1385 | by a qualified contractor shall be documented in the  
 1386 | environmental health database of the department ~~of Health~~. The  
 1387 | qualified contractor shall provide a copy of a written, signed  
 1388 | evaluation report to the property owner upon completion of the  
 1389 | evaluation and to the county health department within 30 days  
 1390 | after the evaluation. The report shall contain the name and  
 1391 | license number of the company providing the report. A copy of  
 1392 | the evaluation report shall be retained by the local county  
 1393 | health department for a minimum of 5 years and until a  
 1394 | subsequent inspection report is filed. The front cover of the  
 1395 | report must identify any system failure and include a clear and  
 1396 | conspicuous notice to the owner that the owner has a right to  
 1397 | have any remediation of the failure performed by a qualified  
 1398 | contractor other than the contractor performing the evaluation.  
 1399 | The report must further identify any crack, leak, improper fit,  
 1400 | or other defect in the tank, manhole, or lid, and any other

1401 damaged or missing component; any sewage or effluent visible on  
1402 the ground or discharging to a ditch or other surface water  
1403 body; any downspout, stormwater, or other source of water  
1404 directed onto or toward the system; and any other maintenance  
1405 need or condition of the system at the time of the evaluation  
1406 which, in the opinion of the qualified contractor, would  
1407 possibly interfere with or restrict any future repair or  
1408 modification to the existing system. The report shall conclude  
1409 with an overall assessment of the fundamental operational  
1410 condition of the system.

1411 (8) The county health department, in coordination with the  
1412 department, shall administer any evaluation program on behalf of  
1413 a county, or a municipality within the county, that has adopted  
1414 an evaluation program pursuant to this section. In order to  
1415 administer the evaluation program, the county or municipality,  
1416 in consultation with the county health department, may develop a  
1417 reasonable fee schedule to be used solely to pay for the costs  
1418 of administering the evaluation program. Such a fee schedule  
1419 shall be identified in the ordinance that adopts the evaluation  
1420 program. When arriving at a reasonable fee schedule, the  
1421 estimated annual revenues to be derived from fees may not exceed  
1422 reasonable estimated annual costs of the program. Fees shall be  
1423 assessed to the system owner during an inspection and separately  
1424 identified on the invoice of the qualified contractor. Fees  
1425 shall be remitted by the qualified contractor to the county

1426 health department. The county health department's administrative  
1427 responsibilities include the following:

1428 (a) Providing a notice to the system owner at least 60  
1429 days before the system is due for an evaluation. The notice may  
1430 include information on the proper maintenance of onsite sewage  
1431 treatment and disposal systems.

1432 (b) In consultation with the department ~~of Health,~~  
1433 providing uniform disciplinary procedures and penalties for  
1434 qualified contractors who do not comply with the requirements of  
1435 the adopted ordinance, including, but not limited to, failure to  
1436 provide the evaluation report as required in this subsection to  
1437 the system owner and the county health department. Only the  
1438 county health department may assess penalties against system  
1439 owners for failure to comply with the adopted ordinance,  
1440 consistent with existing requirements of law.

1441 (9) (a) A county or municipality that adopts an onsite  
1442 sewage treatment and disposal system evaluation and assessment  
1443 program pursuant to this section shall notify the Secretary of  
1444 Environmental Protection, the Department of Health, and the  
1445 applicable county health department upon the adoption of its  
1446 ordinance establishing the program.

1447 (b) Upon receipt of the notice under paragraph (a), the  
1448 department ~~of Environmental Protection~~ shall, within existing  
1449 resources, notify the county or municipality of the potential  
1450 use of, and access to, program funds under the Clean Water State

1451 Revolving Fund or s. 319 of the Clean Water Act, provide  
1452 guidance in the application process to receive such moneys, and  
1453 provide advice and technical assistance to the county or  
1454 municipality on how to establish a low-interest revolving loan  
1455 program or how to model a revolving loan program after the low-  
1456 interest loan program of the Clean Water State Revolving Fund.  
1457 This paragraph does not obligate the department ~~of Environmental~~  
1458 ~~Protection~~ to provide any county or municipality with money to  
1459 fund such programs.

1460 (c) The department ~~of Health~~ may not adopt any rule that  
1461 alters the provisions of this section.

1462 (d) The department ~~of Health~~ must allow county health  
1463 departments and qualified contractors access to the  
1464 environmental health database to track relevant information and  
1465 assimilate data from assessment and evaluation reports of the  
1466 overall condition of onsite sewage treatment and disposal  
1467 systems. The environmental health database must be used by  
1468 contractors to report each service and evaluation event and by a  
1469 county health department to notify owners of onsite sewage  
1470 treatment and disposal systems when evaluations are due. Data  
1471 and information must be recorded and updated as service and  
1472 evaluations are conducted and reported.

1473 Section 16. Effective July 1, 2019, section 381.00652,  
1474 Florida Statutes, is created to read:

1475 381.00652 Onsite sewage treatment and disposal systems

1476 technical advisory committee.—

1477 (1) An onsite sewage treatment and disposal systems  
1478 technical advisory committee, a committee as defined in s.  
1479 20.03(8), is created within the department. The committee shall:

1480 (a) Provide recommendations to increase the availability  
1481 of nutrient removing onsite sewage treatment and disposal  
1482 systems in the marketplace, including such systems that are  
1483 cost-effective, low maintenance, and reliable.

1484 (b) Consider and recommend regulatory options, such as  
1485 fast-track approval, prequalification, or expedited permitting,  
1486 to facilitate the introduction and use of nutrient removing  
1487 onsite sewage treatment and disposal systems that have been  
1488 reviewed and approved by a national agency or organization, such  
1489 as the American National Standards Institute 245 systems  
1490 approved by the National Sanitation Foundation International.

1491 (2) The department shall use existing and available  
1492 resources to administer and support the activities of the onsite  
1493 sewage treatment and disposal systems technical advisory  
1494 committee.

1495 (3) (a) By August 1, 2019, the department, in consultation  
1496 with the Department of Health, shall appoint members to the  
1497 onsite sewage treatment and disposal systems technical advisory  
1498 committee. The committee must consist of no more than nine  
1499 members and must include the following members:

1500 1. A professional engineer.

- 1501           2. A septic tank contractor.
- 1502           3. A representative from the home building industry.
- 1503           4. A representative from the real estate industry.
- 1504           5. A representative from the onsite sewage treatment and  
 1505 disposal system industry.
- 1506           6. A representative from local government.

1507           (b) Members shall serve without compensation and are not  
 1508 entitled to reimbursement for per diem or travel expenses.

1509           (4) By August 1, 2020, the onsite sewage treatment and  
 1510 disposal systems technical advisory committee shall submit its  
 1511 recommendations to the Governor, the President of the Senate,  
 1512 and the Speaker of the House of Representatives.

1513           (5) This section expires August 15, 2020.

1514           Section 17. Section 381.0068, Florida Statutes, is  
 1515 repealed.

1516           Section 18. Paragraphs (g) of subsection (1) of section  
 1517 381.0101, Florida Statutes, is amended to read:

1518           381.0101 Environmental health professionals.—

1519           (1) DEFINITIONS.—As used in this section:

1520           (g) "Primary environmental health program" means those  
 1521 programs determined by the department to be essential for  
 1522 providing basic environmental and sanitary protection to the  
 1523 public. At a minimum, these programs shall include food  
 1524 protection program work ~~and onsite sewage treatment and disposal~~  
 1525 ~~system evaluations.~~

1526 Section 19. Effective July 1, 2019, paragraph (a) of  
 1527 subsection (7) of section 403.067, Florida Statutes, is amended  
 1528 to read:

1529 403.067 Establishment and implementation of total maximum  
 1530 daily loads.—

1531 (7) DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS AND  
 1532 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

1533 (a) Basin management action plans.—

1534 1. In developing and implementing the total maximum daily  
 1535 load for a water body, the department, or the department in  
 1536 conjunction with a water management district, may develop a  
 1537 basin management action plan that addresses some or all of the  
 1538 watersheds and basins tributary to the water body. Such plan  
 1539 must integrate the appropriate management strategies available  
 1540 to the state through existing water quality protection programs  
 1541 to achieve the total maximum daily loads and may provide for  
 1542 phased implementation of these management strategies to promote  
 1543 timely, cost-effective actions as provided for in s. 403.151.  
 1544 The plan must establish a schedule implementing the management  
 1545 strategies, establish a basis for evaluating the plan's  
 1546 effectiveness, and identify feasible funding strategies for  
 1547 implementing the plan's management strategies. The management  
 1548 strategies may include regional treatment systems or other  
 1549 public works, where appropriate, and voluntary trading of water  
 1550 quality credits to achieve the needed pollutant load reductions.

1551           2. A basin management action plan must equitably allocate,  
1552 pursuant to paragraph (6) (b), pollutant reductions to individual  
1553 basins, as a whole to all basins, or to each identified point  
1554 source or category of nonpoint sources, as appropriate. For  
1555 nonpoint sources for which best management practices have been  
1556 adopted, the initial requirement specified by the plan must be  
1557 those practices developed pursuant to paragraph (c). When ~~Where~~  
1558 appropriate, the plan may take into account the benefits of  
1559 pollutant load reduction achieved by point or nonpoint sources  
1560 that have implemented management strategies to reduce pollutant  
1561 loads, including best management practices, before the  
1562 development of the basin management action plan. The plan must  
1563 also identify the mechanisms that will address potential future  
1564 increases in pollutant loading.

1565           3. The basin management action planning process is  
1566 intended to involve the broadest possible range of interested  
1567 parties, with the objective of encouraging the greatest amount  
1568 of cooperation and consensus possible. In developing a basin  
1569 management action plan, the department shall assure that key  
1570 stakeholders, including, but not limited to, applicable local  
1571 governments, water management districts, the Department of  
1572 Agriculture and Consumer Services, other appropriate state  
1573 agencies, local soil and water conservation districts,  
1574 environmental groups, regulated interests, and affected  
1575 pollution sources, are invited to participate in the process.

1576 The department shall hold at least one public meeting in the  
1577 vicinity of the watershed or basin to discuss and receive  
1578 comments during the planning process and shall otherwise  
1579 encourage public participation to the greatest practicable  
1580 extent. Notice of the public meeting must be published in a  
1581 newspaper of general circulation in each county in which the  
1582 watershed or basin lies at least ~~not less than~~ 5 days but not  
1583 ~~nor~~ more than 15 days before the public meeting. A basin  
1584 management action plan does not supplant or otherwise alter any  
1585 assessment made under subsection (3) or subsection (4) or any  
1586 calculation or initial allocation.

1587 4. Each new or revised basin management action plan shall  
1588 include:

1589 a. The appropriate management strategies available through  
1590 existing water quality protection programs to achieve total  
1591 maximum daily loads, which may provide for phased implementation  
1592 to promote timely, cost-effective actions as provided ~~for~~ in s.  
1593 403.151;

1594 b. A description of best management practices adopted by  
1595 rule;

1596 c. A list of projects in priority ranking with a planning-  
1597 level cost estimate and estimated date of completion for each  
1598 listed project;

1599 d. The source and amount of financial assistance to be  
1600 made available by the department, a water management district,

1601 or other entity for each listed project, if applicable; and

1602 e. A planning-level estimate of each listed project's  
1603 expected load reduction, if applicable.

1604 5. The department shall adopt all or any part of a basin  
1605 management action plan and any amendment to such plan by  
1606 secretarial order pursuant to chapter 120 to implement ~~the~~  
1607 ~~provisions of~~ this section.

1608 6. The basin management action plan must include  
1609 milestones for implementation and water quality improvement, and  
1610 an associated water quality monitoring component sufficient to  
1611 evaluate whether reasonable progress in pollutant load  
1612 reductions is being achieved over time. An assessment of  
1613 progress toward these milestones shall be conducted every 5  
1614 years, and revisions to the plan shall be made as appropriate.  
1615 Revisions to the basin management action plan shall be made by  
1616 the department in cooperation with basin stakeholders. Revisions  
1617 to the management strategies required for nonpoint sources must  
1618 follow the procedures set forth in subparagraph (c)4. Revised  
1619 basin management action plans must be adopted pursuant to  
1620 subparagraph 5.

1621 7. In accordance with procedures adopted by rule under  
1622 paragraph (9)(c), basin management action plans, and other  
1623 pollution control programs under local, state, or federal  
1624 authority as provided in subsection (4), may allow point or  
1625 nonpoint sources that will achieve greater pollutant reductions

1626 than required by an adopted total maximum daily load or  
1627 wasteload allocation to generate, register, and trade water  
1628 quality credits for the excess reductions to enable other  
1629 sources to achieve their allocation; however, the generation of  
1630 water quality credits does not remove the obligation of a source  
1631 or activity to meet applicable technology requirements or  
1632 adopted best management practices. Such plans must allow trading  
1633 between NPDES permittees, and trading that may or may not  
1634 involve NPDES permittees, where the generation or use of the  
1635 credits involve an entity or activity not subject to department  
1636 water discharge permits whose owner voluntarily elects to obtain  
1637 department authorization for the generation and sale of credits.

1638 8. The provisions of the department's rule relating to the  
1639 equitable abatement of pollutants into surface waters do not  
1640 apply to water bodies or water body segments for which a basin  
1641 management plan that takes into account future new or expanded  
1642 activities or discharges has been adopted under this section.

1643 9. A basin management action plan for a nutrient total  
1644 maximum daily load must include the following:

1645 a. A wastewater treatment plan to address domestic  
1646 wastewater developed by each local government, in cooperation  
1647 with the department, the water management district, and the  
1648 public and private domestic wastewater facilities within the  
1649 jurisdiction of the local government. The wastewater treatment  
1650 plan must:

1651 (I) Provide for construction, expansion, or upgrades  
1652 necessary to achieve the total maximum daily load requirements  
1653 applicable to the domestic wastewater facility.

1654 (II) Include the permitted capacity in gallons per day for  
1655 the domestic wastewater facility, the average nutrient  
1656 concentration and the estimated average nutrient load of the  
1657 domestic wastewater, a timeline of the dates by which the  
1658 construction of any facility improvements will begin and be  
1659 completed and the date by which operations of the improved  
1660 facility will begin, and the identification of responsible  
1661 parties.

1662  
1663 The wastewater treatment plan must be adopted as part of the  
1664 basin management action plan no later than the date of the first  
1665 5-year milestone assessment. A local government that does not  
1666 have a domestic wastewater treatment facility in its  
1667 jurisdiction is not required to develop a wastewater treatment  
1668 plan unless there is a demonstrated need to establish a domestic  
1669 wastewater treatment facility within its jurisdiction to improve  
1670 water quality necessary to achieve a total maximum daily load.

1671 b. An onsite sewage treatment and disposal system  
1672 remediation plan developed by the department, in cooperation  
1673 with the Department of Health, water management districts, local  
1674 governments, and public and private domestic wastewater  
1675 facilities, if the department identifies that onsite sewage

1676 treatment and disposal systems are contributing to at least 20  
1677 percent of nonpoint source nutrient pollution or determines that  
1678 the remediation of onsite sewage treatment and disposal systems  
1679 is necessary to achieve a total maximum daily load.

1680 (I) The onsite sewage treatment and disposal system  
1681 remediation plan must identify cost-effective and financially  
1682 feasible projects necessary to achieve the nutrient load  
1683 reductions required for onsite sewage treatment and disposal  
1684 systems. To identify cost-effective and financially feasible  
1685 projects for remediation of onsite sewage treatment and disposal  
1686 systems, the department may identify and prioritize one or more  
1687 priority focus areas in the plan by considering soil conditions,  
1688 groundwater or surface water travel time, proximity to surface  
1689 waters, including predominantly marine waters, hydrogeology,  
1690 density of onsite sewage treatment and disposal systems,  
1691 nutrient load, and other factors that may lead to water quality  
1692 degradation.

1693 (II) The department shall develop and adopt the onsite  
1694 sewage treatment and disposal system remediation plan as part of  
1695 the basin management action plan no later than the date of the  
1696 first 5-year milestone assessment or as required for Outstanding  
1697 Florida Springs under s. 373.807(1)(b)8.

1698 10. When identifying wastewater projects in a basin  
1699 management action plan, the department may not require the  
1700 higher cost option if it achieves the same nutrient load

1701 reduction as a lower cost option. A regulated entity may choose  
1702 a different cost option if it provides additional benefits or  
1703 meets other water quality or water supply requirements.

1704 Section 20. Effective July 1, 2019, section 403.0671,  
1705 Florida Statutes, is created to read:

1706 403.0671 Basin management action plan wastewater reports.-

1707 (1) By July 1, 2020, the department, in coordination with  
1708 the county health departments, wastewater treatment facilities,  
1709 and other governmental entities, shall submit a report to the  
1710 Governor, the President of the Senate, and the Speaker of the  
1711 House of Representatives evaluating the costs of wastewater  
1712 projects identified in the basin management action plans  
1713 developed pursuant to ss. 373.807 and 403.067(7) and the onsite  
1714 sewage treatment and disposal system remediation plans and other  
1715 restoration plans developed to meet the total maximum daily  
1716 loads required under s. 403.067. The report must include:

1717 (a) Projects to:

1718 1. Replace onsite sewage treatment and disposal systems  
1719 with enhanced nutrient removing onsite sewage treatment and  
1720 disposal systems.

1721 2. Install or retrofit onsite sewage treatment and  
1722 disposal systems with enhanced nutrient removing technologies.

1723 3. Construct, upgrade, or expand wastewater facilities to  
1724 meet the wastewater treatment plan required under s.

1725 403.067(7)(a)9.

1726 4. Connect onsite sewage treatment and disposal systems to  
1727 wastewater treatment facilities;

1728 (b) The estimated costs, nutrient load reduction  
1729 estimates, and other benefits of each project;

1730 (c) The estimated implementation timeline for each  
1731 project;

1732 (d) A proposed 5-year funding plan for each project and  
1733 the source and amount of financial assistance the department, a  
1734 water management district, or other project partner will make  
1735 available to fund the project; and

1736 (e) The projected costs of installing nutrient removing  
1737 onsite sewage treatment and disposal systems on buildable lots  
1738 in priority focus areas to comply with s. 373.811.

1739 (2) By July 1, 2020, the department shall submit a report  
1740 to the Governor, the President of the Senate, and the Speaker of  
1741 the House of Representatives that provides an assessment of the  
1742 water quality monitoring being conducted for each basin  
1743 management action plan implementing a nutrient total maximum  
1744 daily load. In developing the report, the department may  
1745 coordinate with water management districts and any applicable  
1746 university. The report must:

1747 (a) Evaluate the water quality monitoring prescribed for  
1748 each basin management action plan to determine if it is  
1749 sufficient to detect changes in water quality caused by the  
1750 implementation of a project.

1751 (b) Identify gaps in water quality monitoring.  
 1752 (c) Recommend water quality monitoring needs.  
 1753 (3) Beginning January 1, 2021, and each January 1  
 1754 thereafter, the department shall submit to the Office of  
 1755 Economic and Demographic Research the cost estimates for  
 1756 projects required in s. 403.067(7)(a)9. The office shall include  
 1757 the project cost estimates in its annual assessment conducted  
 1758 pursuant to s. 403.928.

1759 Section 21. Effective July 1, 2019, section 403.0673,  
 1760 Florida Statutes, is created to read:

1761 403.0673 Clean water grant program.-

1762 (1) LEGISLATIVE FINDINGS.-The Legislature finds that it is  
 1763 in the public interest to create predictability and transparency  
 1764 for grant funding and cost-share requirements for implementing a  
 1765 nutrient total maximum daily load.

1766 (2) REPORT.-By January 1, 2020, the department shall  
 1767 submit a report to the Governor, the President of the Senate,  
 1768 and the Speaker of the House of Representatives that includes:

1769 (a) A process to prioritize projects considered for grant  
 1770 funding under this section. In developing the prioritization  
 1771 process, the department must consider a project's:

- 1772 1. Estimated nutrient load reduction.
- 1773 2. Cost effectiveness.
- 1774 3. Overall environmental benefit.
- 1775 4. Readiness for implementation.

1776 5. Location within a basin management action plan area.

1777 6. Available funding.

1778 (b) A process to allocate cost-share requirements for the  
1779 projects described in s. 403.0671(2). The process must include a  
1780 minimum cost-share match for local governments, water management  
1781 districts, public and private domestic wastewater facilities,  
1782 and homeowners for each project type, as applicable, and  
1783 hardship criteria for lowering the cost-share requirements.

1784 (3) CLEAN WATER GRANT PROGRAM.—

1785 (a) Effective July 1, 2020, a clean water grant program is  
1786 created within the department to provide grants for projects  
1787 described in s. 403.0671(2), subject to legislative  
1788 appropriation, that will individually or collectively reduce  
1789 excess nutrient pollution pursuant to a basin management action  
1790 plan or an alternative restoration plan adopted by order of the  
1791 Secretary of Environmental Protection to meet the total maximum  
1792 daily load requirements in s. 403.067.

1793 (b) The department shall coordinate with each water  
1794 management district, as necessary, to identify grant recipients  
1795 in each district.

1796 (c) Beginning October 1, 2021, and each October 1  
1797 thereafter, the department shall submit a progress report on  
1798 projects funded pursuant to this section to the Governor, the  
1799 President of the Senate, and the Speaker of the House of  
1800 Representatives.

1801 Section 22. Section 403.0771, Florida Statutes, is created  
1802 to read:

1803 403.0771 Sewage discharge notification.-

1804 (1) In addition to the public notification requirements  
1805 under s. 403.077, a domestic wastewater treatment facility that  
1806 has an unauthorized discharge of raw or partially treated  
1807 domestic wastewater as defined in s. 367.021(5), which requires  
1808 notice to the department pursuant to s. 403.077, shall also  
1809 provide notice to the county health department and to the local  
1810 governments that have jurisdiction over the area where the  
1811 discharge occurred.

1812 (2) The county health department and the local governments  
1813 notified by a domestic wastewater treatment facility pursuant to  
1814 subsection (1) shall publish on a website accessible by the  
1815 public all notices submitted by the facility within 24 hours  
1816 after receiving notification of the discharge. Each notice must  
1817 remain on the website until the discharge has ceased or, if the  
1818 discharge endangers the public health or environment, until the  
1819 danger no longer exists, whichever period is longer.

1820 (3) The domestic wastewater treatment facility, in  
1821 coordination with the county health department, shall post signs  
1822 indicating a discharge described in subsection (1) has occurred  
1823 next to any surface water or publically accessible area impacted  
1824 by the discharge. Each sign shall remain posted until the  
1825 discharge has ceased or, if the discharge endangers the public

1826 health or environment, until the danger no longer exists,  
 1827 whichever period is longer.

1828 (4) The local government shall make a good faith effort to  
 1829 notify the public of a discharge described in subsection (1)  
 1830 within 24 hours after receiving notice of the discharge through  
 1831 press releases, digital strategies, social media, and any other  
 1832 form of messaging deemed necessary and appropriate to notify the  
 1833 public.

1834 (5) The costs of notification for the unlawful discharge  
 1835 under this section shall be paid by the domestic wastewater  
 1836 treatment facility or responsible entity.

1837 Section 23. Effective July 1, 2019, subsection (1) of  
 1838 section 403.086, Florida Statutes, is amended to read:

1839 403.086 Sewage disposal facilities; advanced and secondary  
 1840 waste treatment.—

1841 (1) (a) ~~Neither~~ The Department of Health or ~~nor~~ any other  
 1842 state agency, county, special district, or municipality may not  
 1843 ~~shall~~ approve construction of any sewage disposal facilities ~~for~~  
 1844 ~~sanitary sewage disposal~~ which do not provide for secondary  
 1845 waste treatment and, in addition thereto, advanced waste  
 1846 treatment as deemed necessary and ordered by the department.

1847 (b) Sewage disposal ~~No~~ facilities ~~for sanitary sewage~~  
 1848 ~~disposal~~ constructed after June 14, 1978, may not ~~shall~~ dispose  
 1849 of any wastes by deep well injection without providing for  
 1850 secondary waste treatment and, in addition thereto, advanced

1851 waste treatment deemed necessary by the department to protect  
 1852 adequately the beneficial use of the receiving waters.

1853 (c) Notwithstanding ~~any other provisions of~~ this chapter  
 1854 or chapter 373, sewage disposal facilities ~~for sanitary sewage~~  
 1855 ~~disposal~~ may not dispose of any wastes into Old Tampa Bay, Tampa  
 1856 Bay, Hillsborough Bay, Boca Ciega Bay, St. Joseph Sound,  
 1857 Clearwater Bay, Sarasota Bay, Little Sarasota Bay, Roberts Bay,  
 1858 Lemon Bay, or Charlotte Harbor Bay, or into any river, stream,  
 1859 channel, canal, bay, bayou, sound, or other water tributary  
 1860 thereto, without providing advanced waste treatment, as defined  
 1861 in subsection (4), approved by the department. This paragraph  
 1862 does ~~shall~~ not apply to facilities which were permitted by  
 1863 February 1, 1987, and which discharge secondary treated  
 1864 effluent, followed by water hyacinth treatment, to tributaries  
 1865 of tributaries of the named waters; or to facilities permitted  
 1866 to discharge to the nontidally influenced portions of the Peace  
 1867 River. Effective July 1, 2024, this paragraph applies to the  
 1868 Indian River Lagoon.

1869 (d) By July 1, 2020, the department, in consultation with  
 1870 the water management districts and sewage disposal facilities,  
 1871 shall submit to the Governor, the President of the Senate, and  
 1872 the Speaker of the House of Representatives a progress report on  
 1873 the status of upgrades made by each facility to meet the  
 1874 advanced treatment requirements under paragraph (c). The report  
 1875 must include a list of sewage disposal facilities in the Indian

1876 River Lagoon area that will be required to upgrade to advanced  
1877 waste treatment, the preliminary cost estimates for the  
1878 upgrades, and a projected timeline of the dates the upgrades  
1879 will begin and be completed and the date by which operations of  
1880 the upgraded facility will begin.

1881 Section 24. Effective July 1, 2019, section 403.08715,  
1882 Florida Statutes, is created to read:

1883 403.08715 Biosolids management.-

1884 (1) LEGISLATIVE FINDINGS.-The Legislature finds it is in  
1885 the best interest of the state to:

1886 (a) Regulate biosolids management to minimize the  
1887 migration of nutrients that may impair or contribute to the  
1888 impairment of waterbodies.

1889 (b) Expedite implementation of the recommendations of the  
1890 biosolids technical advisory committee, which includes  
1891 permitting based on site-specific application conditions,  
1892 increased inspection frequencies, groundwater and surface water  
1893 monitoring protocols, and nutrient management research to  
1894 improve the management of biosolids and protect the state's  
1895 water resources and water quality.

1896 (c) Expedite the implementation of biosolids processing  
1897 innovative technologies as a means to improve biosolids  
1898 management and protect the state's water resources and water  
1899 quality.

1900 (2) DEFINITION.-As used in this section, the term

1901 "biosolids" has the same meaning as in s. 373.4595(2).

1902 (3) PROHIBITED LAND APPLICATION.—

1903 (a) Effective July 1, 2022, the land application of  
 1904 biosolids is prohibited on any site when the biosolids  
 1905 application zone interacts with the seasonal high ground water  
 1906 level.

1907 (b) The department may not issue a new permit or renew an  
 1908 existing permit for the land application of biosolids for any  
 1909 site where the land application of biosolids is prohibited  
 1910 pursuant to paragraph (a).

1911 (c) A permit issued before July 1, 2019, shall continue in  
 1912 effect until July 1, 2022, or the termination date of the  
 1913 permit, whichever date is earlier.

1914 (4) RULEMAKING.—

1915 (a) The department shall adopt rules for biosolids  
 1916 management to:

1917 1. Permit the use of biosolids in a manner that minimizes  
 1918 the migration of nutrients, including nitrogen and phosphorus,  
 1919 that impair or contribute to the impairment of surface water and  
 1920 groundwater quality, including:

1921 a. Site-specific land application rates of biosolids based  
 1922 on soil characteristics, soil adsorption capacity, water table  
 1923 characteristics, hydrogeology, site use, and distance to surface  
 1924 water;

1925 b. An evaluation of the percentage of water-extractable

1926 | phosphorus in all biosolids to determine the appropriate  
 1927 | application rate;  
 1928 | c. Criteria for low-, medium-, and high-risk sites that  
 1929 | guide application practices and required water quality  
 1930 | monitoring; and  
 1931 | 2. Establish site specific groundwater and surface water  
 1932 | monitoring requirements.  
 1933 | (b) The department shall initiate rulemaking by August 1,  
 1934 | 2019.  
 1935 | (5) WATER QUALITY MONITORING.—The department shall  
 1936 | implement an offsite water quality monitoring program sufficient  
 1937 | to determine impacts from the land application of biosolids on  
 1938 | downstream and nearby surface water and groundwater quality.  
 1939 | (6) BIOSOLIDS ALTERNATIVE MANAGEMENT TECHNICAL ADVISORY  
 1940 | COMMITTEE.—  
 1941 | (a) The biosolids alternative management technical  
 1942 | advisory committee, a committee as defined in s. 20.03(8), is  
 1943 | created within the department for the purpose of reviewing the  
 1944 | recommendations of the biosolids technical advisory committee,  
 1945 | the costs and impacts of proposed future regulation of the land  
 1946 | application of biosolids, the identification of alternative  
 1947 | management approaches, and the identification of new biosolids  
 1948 | processing technologies.  
 1949 | (b) The secretary shall appoint nine members to the  
 1950 | biosolids alternative management technical advisory committee.

1951 | The chair of the committee shall be a representative of the  
 1952 | department. The committee shall consist of the following  
 1953 | members:

- 1954 |     1. A representative from a wastewater facility that  
 1955 | applies biosolids on land.
- 1956 |     2. A representative from a wastewater facility that uses  
 1957 | an alternative biosolids disposal method.
- 1958 |     3. An agricultural representative who is knowledgeable of  
 1959 | biosolids land application.
- 1960 |     4. A representative from a nonuniversity, public or  
 1961 | private environmental organization.
- 1962 |     5. A representative from a university or educational  
 1963 | institution who is knowledgeable of alternative biosolids uses  
 1964 | or disposal methods.
- 1965 |     6. A biosolids hauler.
- 1966 |     7. A representative from local government.
- 1967 |     8. A professional engineer who is experienced in biosolids  
 1968 | management.

1969 |     (c) The biosolids alternative management technical  
 1970 | advisory committee shall:

- 1971 |     1. Conduct its first meeting on or before August 1, 2019;
- 1972 |     2. Conduct at least three meetings for the purpose of  
 1973 | receiving input from the public regarding alternative management  
 1974 | approaches and the identification of biosolids processing  
 1975 | technologies. At least 7 days before each public meeting, notice

1976 | of the time, date, and location of the meeting shall be  
 1977 | published in the Florida Administrative Register; and  
 1978 | 3. Conduct additional meetings as often as necessary in  
 1979 | order to fulfill its responsibilities under this subsection. Any  
 1980 | additional meetings may be conducted in person, by  
 1981 | teleconference, or by any other electronic means.  
 1982 | (d) In evaluating the costs and impacts of the land  
 1983 | application of biosolids, the identification of alternative  
 1984 | management approaches, and the identification of biosolids  
 1985 | processing technologies, the biosolids alternative management  
 1986 | technical advisory committee must consider:  
 1987 | 1. The existing costs associated with the land application  
 1988 | of biosolids;  
 1989 | 2. The costs related to the elimination of land  
 1990 | application of biosolids;  
 1991 | 3. The alternative processing technologies available for  
 1992 | biosolids management; and  
 1993 | 4. Identification of new alternative technologies for  
 1994 | biosolids management.  
 1995 | (e) By July 1, 2020, the biosolids alternative management  
 1996 | technical advisory committee shall submit a report of its  
 1997 | findings and recommendations to the Governor, the President of  
 1998 | the Senate, and the Speaker of the House of Representatives.  
 1999 | (f) This subsection expires July 15, 2020.  
 2000 | (7) APPLICABILITY.—

2001            (a) This section does not conflict with or supersede s.  
 2002 373.4595 or s. 373.811.

2003            (b) This section does not apply to Class AA biosolids that  
 2004 are marketed and distributed as fertilizer products in  
 2005 accordance with department rule.

2006            (c)1. This section does not preempt a municipality or  
 2007 county from enforcing or extending an ordinance, regulation,  
 2008 resolution, rule, moratorium, or policy adopted before February  
 2009 1, 2019, relating to the land application of Class B biosolids  
 2010 until the ordinance, regulation, resolution, rule, moratorium,  
 2011 or policy is repealed by the municipality or county or until the  
 2012 effective date of the rules adopted by the department pursuant  
 2013 to subsection (4).

2014            2. Upon adoption of rules by the department pursuant to  
 2015 subsection (4), a municipality or county may not adopt or  
 2016 enforce any ordinance, regulation, resolution, rule, moratorium,  
 2017 or policy relating to biosolids.

2018            Section 25. Subsection (1) of section 489.551, Florida  
 2019 Statutes, is amended to read:

2020            489.551 Definitions.—As used in this part:

2021            (1) "Department" means the Department of Environmental  
 2022 Protection Health.

2023            Section 26. The Legislature finds that the development of  
 2024 wastewater treatment plans and the reporting of unauthorized  
 2025 wastewater discharges is essential to the protection of public

2026 | health and natural resources. Therefore, the Legislature  
2027 | determines and declares that this act fulfills an important  
2028 | state interest.

2029 |       Section 27. Except as otherwise expressly provided in this  
2030 | act and except for this section, which shall take effect upon  
2031 | this act becoming a law, this act shall take effect July 1,  
2032 | 2020.