The world we are living in now is completely different from the world we lived in seven weeks ago. FPMA has been actively monitoring and updating on COVID information. The information is constantly changing and can be frustrating and confusing. We will continue to do our best to keep you updated on information as soon as we receive it. The good news is pest control is an “essential service”.

We have attached for you a quick reference guide for many of the most requested website addresses for COVID related agencies. We hope you find the helpful and we will continue to update it as requested.

Even though COVID has consumed the headlines and our lives, we need to tie up a few loose ends from this Legislative Session. Overall, FPMA had a good Session. The Legislature whimpered to a close on March 19th. They had to extend for a few days to finish the budget negotiations. Ultimately, the Legislature passed a $93.2 billion budget. Some of the highlights include $500 million increase for teacher pay, fully funded affordable housing, pay increase for state employees and reauthorized and funded VISIT Florida.

We monitored numerous bills and amendments on behalf of FPMA. Every year is different and has its own personality. This Session was no exception. Below are some of the bills we actively monitored on Florida Pest Management Association’s behalf.

**FPMA Bills**

SB 1514 relating to the Department of Agriculture and Consumer Services passed at the last minute the House and the Senate. House Bill 921 relating to the Department of Agriculture and Consumer Services included language regarding the Pest Control Trust Fund. The enrolled bill contains language extend the sunset provision from 2020 to 2024. Specifically, June 30, 2024. The language allows that monies may be used to carry out provision of FS 570.44.

As we always stress weekly, especially toward the end of Session we must stay on heightened alert for amendments fled to legislation at the last minute. This was the case this year unfortunately to the Department of Agriculture and Consumer Services bill. FPMA worked closely with DACS to defeat the unfriendly amendment. Many FPMA members
jumped into action to reach out to House members to get the amendment withdrawn on the floor. We are grateful for everyone’s hard work and diligence on this issue that popped up at the last minute on the House floor.

SB 1336 relating to Pre-Emption of Local Licensing died in Senate Innovation, Industry and Technology Committee. The House companion, HB passed the House Special Order 78-40. The bill ultimately passed the House but died in the Senate waiting to be heard.

CS/SB 712 by Mayfield regarding Water Quality passed the Florida Legislature and will be sent to the Governor for approval. The bill passed the House 118-0 and the Senate 39-0. The bill is very comprehensive from transferring Onsite Sewage program from Department of Health to the Department of Environmental Protection to prohibiting a local government from adopting a regulation recognizing or granting any legal right to a plant, body of water, animal or environment. I have attached a copy of the enrolled bill for your review. If you do not want to read the entire bill, I have also attached the Senate summary of the bill.

House Bill 1091 regarding Environmental Accountability passed the Senate 38-0 and the House 115-0. The bill is a comprehensive bill increasing penalties for violating specific environmental regulations. I have attached a copy of the enrolled bill for your convenience and the Senate summary that highlights the main provisions of the legislation.

Finally, E-Verify passed the Florida Legislature. The hotly contested bill passed the Senate 23-17 and the House 73-45. I have attached a copy of the enrolled bill for your review.

The budget took a couple extra days to finalize, but we have a Fiscal Year 2020-21 Appropriations Act….for now. Due to the COVID expenses we do not know what actions the Governor will take with regard to the budget. There are several scenarios that could play out in the next few weeks. Rumors of a Special Session are swirling around in Tallahassee, but unfortunately this is such an unprecedented event actual costs are unknown at this time. This will be an evolving story over the next few weeks. Below is a budget item of interest to FPMA.

**FPMA Budget**

1446 AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - OPERATION CLEAN SWEEP

FROM GENERAL INSPECTION TRUST FUND . 100,000

**Legislative Session 2021 Dates**

As hard as it is to believe, we already have Legislative Session dates for 2021. Attached for your convenience are the dates so you can plan accordingly.

Thank you again for the opportunity to represent you in Tallahassee

As always let us know if we can provide you more information.

Stay safe!

Margaret “Missy” Timmins
President
Timmins Consulting, LLC
**PREEMPTION OF LOCAL OCCUPATIONAL LICENSING**

**Senate Bill 1336 // Sen. Keith Perry // Referred to: Community Affairs; Innovation, Industry, and Technology; Rules**

**House Bill 3 // Rep. Michael Grant // Referred to: Business & Professions Subcommittee; Commerce Committee**

**HOUSE/SENATE BILL RELATIONSHIP: SIMILAR**

**Senate Bill 1336**: CS/SB 1336 expressly preempts the licensing of occupations to the state and supersedes any local government licensing of occupations. However, any local government licensing of occupations authorized by general law or those local occupational licenses adopted prior to October 1, 2020 are exempt from this preemption. In addition, nothing in the bill is intended to prevent or restrict a local government’s ability to enact residency requirements for licenses or licensees.

The bill specifically prohibits local governments from requiring a license for a person whose job scope does not substantially correspond to that of a contractor or journeyman type licensed by the Construction Industry Licensing Board, within the Department of Business and Professional Regulation. It specifically precludes local governments from requiring a license for: painting, flooring, cabinetry, interior remodeling, driveway or tennis court installation, decorative stone, tile, marble, granite, or terrazzo installation, plastering, stuccoing, caulking, canvas awning installation, and ornamental iron installation.

Finally, the bill authorizes counties and municipalities to issue journeyman licenses in the plumbing, pipe fitting, mechanical and HVAC trades, as well as, the electrical and alarm system trades, which is the current practice by counties and municipalities. Local journeyman licensing is exempt from the preemption in the bill.

**Most Recent Action**: Died in Innovation, Industry, and Technology

**CS/House Bill 3**: The Florida Constitution grants local governments broad home rule authority. Non-charter county governments may exercise those powers of self-government that are provided by general or special law. Those counties operating under a county charter have all powers of self-government not inconsistent with general law or special law approved by vote of the electors. Likewise, municipalities have governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform functions, provide services, and exercise any power for municipal purposes, except as otherwise provided by law.

General law directs a number of state agencies and licensing boards to regulate many professions and occupations. General law can also authorize or preempt local regulation of professions and occupations, which is typically done specifically and individually by subject matter, business type, or occupation.

The bill expressly preempts the licensing of occupations to the state and supersedes any local government licensing of occupations. However, any licensing of occupations adopted prior to July
1, 2020, will continue to be effective until July 1, 2022, at which time it will expire. Any licensing of occupations authorized by general law is exempt from the preemption.

The bill specifically prohibits local governments from requiring a license for a person whose job scope does not substantially correspond to that of a contractor or journeyman type licensed by the Construction Industry Licensing Board, within the Department of Business and Professional Regulation, and specifically precludes local governments from requiring a license for: painting, flooring, cabinetry, interior remodeling, driveway or tennis court installation, decorative stone, tile, marble, granite, or terrazzo installation, plastering, stuccoing, caulking, canvas awning installation, and ornamental iron installation.

The bill also expressly authorizes counties and municipalities to issue journeyman licenses in the plumping, pipe fitting, mechanical and HVAC trades, as well as, the electrical and alarm system trades, which is the current practice by counties and municipalities. Local journeyman licensing is exempt from the preemption in the bill.

The bill does not appear to have a fiscal impact on the state, but may have an indeterminate fiscal impact on local governments.

The bill has an effective date of July 1, 2020.

Most Recent Action: Died in Community Affairs

Attached documents: None

// HEAT ILLNESS PREVENTION

Senate Bill 882 // Sen. Victor Torres // Referred to: Agriculture; Health Policy; Rules
House Bill 513 // Rep. Carlos Smith // Referred to: Workforce Development & Tourism Subcommittee; Appropriations Committee; Commerce Committee

HOUSE/SENATE BILL RELATIONSHIP: IDENTICAL

Senate Bill 882: Providing responsibilities of certain employers and employees; requiring certain employers to provide annual training for employees and supervisors; requiring the Department of Agriculture and Consumer Services, in conjunction with the Department of Health, to adopt specified rules, etc.

Most Recent Action: Died in Agriculture

House Bill 513: Requires certain employers to provide drinking water, shade, & annual training to employees & supervisors; requires DACS & DOH to adopt specified rules.
Most Recent Action: Died in Workforce Development and Tourism Subcommittee

Attached documents: None

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

**Senate Bill 1514 // Sen. Ben Albritton // Referred to: Agriculture; Innovation, Industry, and Technology; Appropriations**

**House Bill 921 // Rep. Chuck Brannan // Referred to: Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee**

HOUSE/SENATE BILL RELATIONSHIP: COMPARE

**Senate Bill 1514**: CS/SB 1514 addresses various issues related to agriculture and certain powers and duties of the Department of Agriculture and Consumer Services (department). Specifically, the bill:

- Specifies a methodology for a property appraiser to assess buildings or structures on agricultural lands which are used for production, packaging, processing, or storage;
- Eliminates a distance requirement for vehicles making local trips while transporting agricultural products;
- Authorizes the department to purchase private insurance policies to cover expenses related to the payment of required firefighter cancer benefits;
- Postpones a sunsetting provision for certain Pest Control Trust Fund expenditures;
- Revises the Florida Service’s training requirements and certifications for firefighters; and
- Requires the Department of Environmental Protection, in coordination with the Department of Agriculture and Consumer Services, the Florida chapter of the National Waste and Recycling Association, and the Florida Natural Gas Association, to develop a study to estimate the potential benefits of renewable natural gas in Florida.

**Most Recent Action**: Read Second Time; Substituted for HB 0921; Laid on Table, Refer to HB 0921

**CS/CS/House Bill 921**: CS/CS/HB 921 passed the House on May 9, 2020. The bill was amended in the Senate on March 13, 2020, and returned to the House. The House concurred in the Senate amendment to the House bill and subsequently passed the bill as amended on March 13, 2020. The bill includes portions of CS/CS/HB 343, CS/CS/SB 422, CS/CS/HB 1063, and CS/CS/CS/SB 1876.
Under Florida law, a vehicle may not be driven or moved on any highway unless the vehicle is constructed or loaded to prevent any of its load from escaping from the vehicle. This requirement does not apply to vehicles carrying agricultural products locally from a harvest site or to or from a farm on roads where the posted speed limit is 65 miles per hour or less and the distance driven on public roads is less than 20 miles. The bill removes the 20-mile maximum distance that a vehicle carrying agricultural products may travel on roads where the posted speed limit is 65 miles per hour or less without covering and securing the load.

The Department of Agriculture and Consumer Services (DACS) is the primary agency charged with regulating the liquefied petroleum (LP) gas industry, including licensing, inspection, training, and examination requirements. The bill requires DACS to establish by rule certain requirements related to competency examinations required for LP gas licensure as well as licenses to service and repair recreational vehicles. The bill also revises the eligibility requirements for applying to be a master qualifier for a LP gas business.

DACS is authorized to use funds from the Pest Control Trust Fund (Trust Fund) to carry out the duties of the Division of Agricultural Environmental Services (division) within DACS until June 30, 2020. The bill extends the expiration date of DACS’s authority to use funds from the Trust Fund to carry out the division’s duties to June 30, 2024.

In 2019, the Legislature created the state hemp program within DACS to regulate the cultivation of hemp in Florida. The bill amends the definition for the term “hemp extract;” amends the packaging and labeling requirements for hemp extract; provides that hemp extract distributed or sold in the state in violation of the hemp extract labeling requirements is considered adulterated or misbranded; and prohibits the sale of products that contain hemp extract intended for inhalation to persons under 21 years of age.

In order to raise aquatic species for commercial sale, entities must acquire an aquaculture certificate of registration. The bill authorizes DACS to revoke an aquaculture certificate of registration if DACS determines that aquaculture is not the primary purpose of the certified entity’s operation.

The Florida Forest Service (FFS) firefighters must complete a fire training course approved by the Florida State Fire College of the Division of State Fire Marshal and a minimum of 250 hours of wildfire training. The bill requires the FFS firefighter training curriculum to include a minimum of 40 hours each of structural firefighter training and emergency medical training and to increase the minimum number of hours of wildfire training required from 250 hours to 376 hours.

The bill may have an indeterminate fiscal impact on state government.

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

**Most Recent Action:** Read Third Time; Amendment Adopted (158898); Passed (Vote: 39 Yeas / 0 Nays); Received from Messages; Concurred with Amendment (158898); Passed (Vote: 111 Yeas / 0 Nays); Enrolled Text (ER) Filed

*Attached documents: HB 921 (Enrolled) + final bill analysis*
ENIRONMENTAL ENFORCEMENT

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

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

HOUSE/SENATE BILL RELATIONSHIP: IDENTICAL

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

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

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

The bill is effective July 1, 2020.

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

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

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

The bill increases various statutory penalties for violations of environmental laws. For certain violations, the bill specifies that each day during any portion of which the violation occurs constitutes a separate offense. The bill further specifies that each day the cause of an unauthorized discharge of domestic wastewater is not addressed constitutes a separate offense until the violation is resolved by order or judgment.
A sanitary sewer lateral is the portion of the sewer network connecting individual private properties to the public sewer system. Sanitary sewer laterals are often in poor condition, and defects can occur due to aging systems, structural failure, lack of maintenance, or poor construction and design practices. Defects in sanitary sewer laterals can have a significant impact on the performance of the sewer system and treatment plan.

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

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

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

Most Recent Action: Read Third Time; Passed (Vote: 38 Yeas / 0 Nays); Received from Messages; Concurred with Amendment (812222); Passed (Vote: 115 Yeas / 0 Nays); Enrolled Text (ER) Filed

Attached documents: HB 1091 (Enrolled) + final bill analysis

// MEDICAL MARIJUANA EMPLOYEE PROTECTION

Senate Bill 962 // Sen. Lori Berman // Referred to: Governmental Oversight and Accountability; Judiciary; Rules

House Bill 595 // Rep. Tina Polsky // Referred to: Oversight, Transparency & Public Management Subcommittee; Appropriations Committee; State Affairs Committee

HOUSE/SENATE BILL RELATIONSHIP: SIMILAR

Senate Bill 962: Prohibiting an employer from taking adverse personnel action against an employee or job applicant who is a qualified patient using medical marijuana; requiring an employer to provide written notice to an employee or job applicant who tests positive for marijuana of his or her right to explain the positive test result; providing procedures when an employee or job applicant tests positive for marijuana; providing a cause of action and damages, etc.

Most Recent Action: Died in Governmental Oversight and Accountability
House Bill 595: Prohibits employers from taking adverse personnel action against employees or applicants who are qualified patients using medical marijuana; requires employers to provide certain written notice to employees or applicants who test positive for marijuana; provides procedures for if employee or applicant tests positive for marijuana; provides cause of action & damages.

Most Recent Action: Died in Oversight, Transparency and Public Management Subcommittee

Attached documents: None

// WATER QUALITY IMPROVEMENTS

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

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

HOUSE/SENATE BILL RELATIONSHIP: IDENTICAL

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

Onsite Sewage Treatment and Disposal Systems (Septic Systems)

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

The bill requires local governments to create septic remediation plans for certain basin management action plans (BMAPs). The bill also requires DEP to implement a fast track approval process for NSF/ANSI 245 nutrient reducing septic systems and revises provisions relating to septic system setback rules.

Wastewater Treatment

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

The bill creates a wastewater grant program that allows DEP to provide grants for projects within BMAPs, alternative restoration plans, or rural areas of opportunity that will reduce excess nutrient pollution. The bill prioritizes funding for certain wastewater projects in the grant program, the State Revolving Loan Fund Program, and the Small Community Sewer Construction Assistance Program.
The bill prohibits, beginning July 1, 2025, wastewater treatment facilities from discharging into the Indian River Lagoon without providing advanced waste treatment. The bill imposes new requirements on wastewater facilities and DEP to prevent sanitary sewer overflows and underground pipe leaks.

**Stormwater**

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

**Agriculture**

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

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

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

**Biosolids**

The bill requires enrollment in DACS’s BMP program and prohibits the application of Class A or Class B biosolids within 6 inches of the seasonal high water table, unless a nutrient management plan and water quality monitoring plan provide reasonable assurances that the application will not cause or contribute to water quality violations. Permits will have to comply with the statute within two years and with DEP’s biosolids rule within two years of it becoming effective. The bill allows local governments to keep existing biosolids ordinances.

**Fines and Penalties**

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

**Water Quality Monitoring**

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

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

Rights of Nature

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

Golf Courses

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

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

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

Vote: Senate 39-0; House 118-0

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

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

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

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

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

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

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

**Most Recent Action:** Laid on Table

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

// ENVIRONMENTAL PROTECTION

**Senate Bill 1878 // Sen. Rob Bradley // Referred to: Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations**
**CS/Senate Bill 1878:** SB 1878 creates a new section of law that includes an annual appropriation, beginning in fiscal year 2020-2021, of a minimum of $625 million for the purposes of Everglades restoration and the protection of water resources in the state. The appropriation would be repealed on June 30, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

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

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

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

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

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

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

**Attached documents:** None
ENVIRONMENTAL RESOURCE MANAGEMENT

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

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

HOUSE/SENATE BILL RELATIONSHIP: COMPARE

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

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

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

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

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

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

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

House Bill 1199: Florida authorizes a citizen to assert standing to stop an activity that will affect his or her use or enjoyment of air, water, or natural resources. However, court rulings and legislation in the U.S. and worldwide have suggested that specific legal rights of nature may exist, authorizing a person to assert standing on behalf of natural resources.
While U.S. Supreme Court precedent clearly limits standing for environmental claims to only an action causing injury to a human, dissenting opinions suggesting otherwise have recently garnered the attention of environmental activists attempting to assert standing on behalf of the environment, often resulting in lengthy, yet unsuccessful, litigation.

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

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

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

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

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

The bill is effective upon becoming law.

Most Recent Action: Died on Calendar

Attached documents: None
Helpful Information and Links
Coronavirus

Governor Executive Orders

Florida Governor DeSantis Executive Orders

CDC

Center for Disease Control

Attorney General Hotline

Florida Price Gouging Hotline
(866)966-7226

Florida Department of Health

Florida Department of Health
http://www.floridahealth.gov/

COIVD-19 Call Center available 24/7 (866)779-6121 or email COVID-19@flhealth.gov-

Department of Health COIVD-19 Toolkit
https://floridahealthcovid19.gov/resources/#toolkitJump

Florida Department of Health COIVD Webpage
https://floridahealthcovid19.gov/

Florida Division of Emergency Management

Florid Division of Emergency Management
https://floridadisaster.org/covid19/

Florida Department of Economic Opportunity
Florid Department of Economic Opportunity
www.floridahobs.org

Florida Small Business Emergency Bridge Loan
https://floridadisasterloan.org/

Florida Department of Economic Opportunity Reemployment Assistance
http://www.floridajobs.org/docs/default-source/ra-dua-documentation/dua-faqs-3-17-20-updates.pdf?sfvrsn=805543b0_4

U.S Small Business Administration

U.S. Small Business Administration
2021 SESSION DATES

August 1, 2020 Deadline for filing claim bills (Rule 4.81(2))

March 2, 2021 Regular Session convenes (Article III, section 3(b), State Constitution) 12:00 noon, deadline for filing bills for introduction (Rule 3.7(1))

April 17, 2021 Motion to reconsider made and considered the same day (Rule 6.4.(4)) All bills are immediately certified (Rule 6.8)

April 20, 2021 50th day – last day for regularly scheduled committee meetings (Rule 2.9(2))

April 30, 2021 60th day – last day of Regular Session (Article III, section 3(d), State Constitution)
An act relating to the Department of Agriculture and Consumer Services; amending s. 316.520, F.S.; revising application of agricultural load securing requirements; amending s. 527.01, F.S.; defining the term "recreational vehicle"; amending s. 527.0201, F.S.; requiring the Department of Agriculture and Consumer Services to adopt rules specifying requirements for agents to administer certain competency examinations and establishing a competency examination for a license to engage in activities solely related to the service and repair of recreational vehicles; authorizing certain qualifiers and master qualifiers to engage in activities solely related to the service and repair of recreational vehicles; requiring verifiable LP gas experience or professional certification by an LP gas manufacturer in order to apply for certification as a master qualifier; amending s. 570.441, F.S.; extending the scheduled expiration for the Department of Agriculture and Consumer Services' use of funds from the Pest Control Trust Fund for certain duties of the department; amending s. 581.217, F.S.; redefining the term "hemp extract"; providing that hemp extract that does not meet certain requirements will be considered...
adulterated or misbranded; prohibiting the sale of certain hemp extract products to individuals under a specified age; amending s. 590.02, F.S.; directing the Florida Forest Service to develop a training curriculum for wildland firefighters; providing requirements for such training; amending s. 597.003, F.S.; authorizing the Department of Agriculture and Consumer Services to revoke an aquaculture certificate of registration under certain conditions; amending s. 633.408, F.S.; providing wildland firefighter training and certification for certain firefighters and volunteer firefighters; providing an effective date.

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

Section 1. Subsection (4) of section 316.520, Florida Statutes, is amended to read:

316.520 Loads on vehicles.—

(4) The provision of subsection (2) requiring covering and securing the load with a close-fitting tarpaulin or other appropriate cover does not apply to vehicles carrying agricultural products locally from a harvest site or to or from a farm on roads where the posted speed limit is 65 miles per hour or less and the distance driven on public roads is less than 20 miles.
Section 2. Subsection (18) is added to section 527.01, Florida Statutes, to read:

527.01 Definitions.—As used in this chapter:

(18) "Recreational vehicle" means a motor vehicle that is designed to provide temporary living quarters for recreational, camping, or travel use and that has its own propulsion or is mounted on or towed by another motor vehicle.

Section 3. Subsection (1) and paragraph (a) of subsection (5) of section 527.0201, Florida Statutes, are amended to read:

527.0201 Qualifiers; master qualifiers; examinations.—

(1) In addition to the requirements of s. 527.02, any person applying for a license to engage in category I, category II, or category V activities must prove competency by passing a written examination administered by the department or its agent with a grade of 70 percent or above in each area tested. Each applicant for examination shall submit a $20 nonrefundable fee.

(a) The department shall by rule specify the general areas of competency to be covered by each examination and the relative weight to be assigned in grading each area tested.

(b) The department shall by rule specify the requirements for agents qualified to administer the written competency examinations required by this part.

(c)1. The department shall by rule establish a separate written competency examination for a person applying for a license to engage in category I activities solely related to the
service and repair of recreational vehicles. The category I recreational vehicle dealer/installer examination must include and ensure competency in the following activities as they relate to recreational vehicles:

a. Operating a liquefied petroleum gas dispensing unit to serve liquid product to a consumer for industrial, commercial, or domestic use;

b. Selling or offering to sell, or leasing or offering to lease, apparatus, appliances, and equipment for the use of liquefied petroleum gas; and

c. Installing, servicing, or repairing recreational vehicle liquefied petroleum gas appliances and equipment.

2. A qualifier or master qualifier who has passed the category I recreational vehicle dealer/installer examination may engage in category I activities solely related to the service and repair of recreational vehicles.

(5) In addition to all other licensing requirements, each category I and category V licensee must, at the time of application for licensure, identify to the department one master qualifier who is a full-time employee at the licensed location. This person shall be a manager, owner, or otherwise primarily responsible for overseeing the operations of the licensed location and must provide documentation to the department as provided by rule. The master qualifier requirement shall be in addition to the requirements of subsection (1).
(a) In order to apply for certification as a master qualifier, each applicant must have been a registered qualifier for a minimum of 3 years of verifiable LP gas experience or hold a professional certification by an LP gas manufacturer as adopted by department rule immediately preceding submission of the application, must be employed by a licensed category I or category V licensee, or an applicant for such license, and must pass a master qualifier competency examination administered by the department or its agent. Master qualifier examinations shall be based on Florida's laws, rules, and adopted codes governing liquefied petroleum gas safety, general industry safety standards, and administrative procedures. The applicant must successfully pass the examination with a grade of 70 percent or above. Each applicant for master qualifier registration must submit to the department a nonrefundable $30 examination fee before the examination.

Section 4. Subsection (4) of section 570.441, Florida Statutes, is amended to read

570.441 Pest Control Trust Fund.—
(4) In addition to the uses authorized under subsection (2), moneys collected or received by the department under chapter 482 may be used to carry out the provisions of s. 570.44. This subsection expires June 30, 2024.

Section 5. Paragraph (e) of subsection (3) and subsection (7) of section 581.217, Florida Statutes, are amended to read:
581.217  State hemp program.—

(3) DEFINITIONS.—As used in this section, the term:

(e) "Hemp extract" means a substance or compound intended for ingestion, containing more than trace amounts of cannabinoid, or for inhalation which is derived from or contains hemp and does not contain other controlled substances. The term does not include synthetic CBD or seeds or seed-derived ingredients that are generally recognized as safe by the United States Food and Drug Administration.

(7) DISTRIBUTION AND RETAIL SALE OF HEMP EXTRACT.—

(a) Hemp extract may only be distributed and sold in the state if the product:

1. Has a certificate of analysis prepared by an independent testing laboratory that states:
   a. The hemp extract is the product of a batch tested by the independent testing laboratory;
   b. The batch contained a total delta-9-tetrahydrocannabinol concentration that did not exceed 0.3 percent on a dry-weight basis pursuant to the testing of a random sample of the batch; and
   c. The batch does not contain contaminants unsafe for human consumption.

2. Is distributed or sold in a container packaging that includes:
   a. A scannable barcode or quick response code linked to
the certificate of analysis of the hemp extract batch by an independent testing laboratory;

b. 2. The batch number;
c. 3. The Internet address of a website where batch information may be obtained;
d. 4. The expiration date; and
e. 5. The number of milligrams of each marketed cannabinoid per serving hemp extract; and

6. A statement that the product contains a total delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry-weight basis.

(b) Hemp extract distributed or sold in violation of this section shall be considered adulterated or misbranded pursuant to chapter 500, chapter 502, or chapter 580.

(c) Products that are intended for inhalation and contain hemp extract may not be sold in this state to a person who is under 21 years of age.

Section 6. Paragraph (e) of subsection (1) of section 590.02, Florida Statutes, is amended to read:

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

(1) The Florida Forest Service has the following powers, authority, and duties to:

(e) Develop a training curriculum for wildland forestry
firefighters which must contain a minimum of 40 hours of structural firefighter training, a minimum of 40 hours of emergency medical training, the basic volunteer structural fire training course approved by the Florida State Fire College of the Division of State Fire Marshal and a minimum of 250 hours of wildfire training;

Section 7. Paragraph (a) of subsection (1) of section 597.003, Florida Statutes, is amended to read:

597.003 Powers and duties of Department of Agriculture and Consumer Services.—

(1) The department is hereby designated as the lead agency in encouraging the development of aquaculture in the state and shall have and exercise the following functions, powers, and duties with regard to aquaculture:

(a) Issue or deny aquaculture certificates that identify aquaculture producers and aquaculture products, and collect all related fees. The department may revoke an aquaculture certificate of registration issued pursuant to s. 597.004 upon a finding that aquaculture is not the primary purpose of the certified entity's operation.

Section 8. Subsection (8) of section 633.408, Florida Statutes, is amended to read:

633.408 Firefighter and volunteer firefighter training and certification.—

(8)(a) Pursuant to s. 590.02(1)(e), the division shall
establish a structural fire training program of not less than 40 hours. The division shall issue to a person satisfactorily complying with this training program and who has successfully passed an examination as prescribed by the division and who has met the requirements of s. 590.02(1)(e), a Wildland Firefighter Forestry Certificate of Compliance.

(b) An individual who holds a current and valid Wildland Firefighter Forestry Certificate of Compliance is entitled to the same rights, privileges, and benefits provided for by law as a firefighter.

Section 9. This act shall take effect July 1, 2020.
SUMMARY ANALYSIS

CS/CS/HB 921 passed the House on May 9, 2020. The bill was amended in the Senate on March 13, 2020, and returned to the House. The House concurred in the Senate amendment to the House bill and subsequently passed the bill as amended on March 13, 2020. The bill includes portions of CS/CS/HB 343, CS/CS/SB 422, CS/CS/HB 1063, and CS/CS/CS/SB 1876.

Under Florida law, a vehicle may not be driven or moved on any highway unless the vehicle is constructed or loaded to prevent any of its load from escaping from the vehicle. This requirement does not apply to vehicles carrying agricultural products locally from a harvest site or to or from a farm on roads where the posted speed limit is 65 miles per hour or less and the distance driven on public roads is less than 20 miles. The bill removes the 20-mile maximum distance that a vehicle carrying agricultural products may travel on roads where the posted speed limit is 65 miles per hour or less without covering and securing the load.

The Department of Agriculture and Consumer Services (DACS) is the primary agency charged with regulating the liquefied petroleum (LP) gas industry, including licensing, inspection, training, and examination requirements. The bill requires DACS to establish by rule certain requirements related to competency examinations required for LP gas licensure as well as licenses to service and repair recreational vehicles. The bill also revises the eligibility requirements for applying to be a master qualifier for a LP gas business.

DACS is authorized to use funds from the Pest Control Trust Fund (Trust Fund) to carry out the duties of the Division of Agricultural Environmental Services (division) within DACS until June 30, 2020. The bill extends the expiration date of DACS's authority to use funds from the Trust Fund to carry out the division's duties to June 30, 2024.

In 2019, the Legislature created the state hemp program within DACS to regulate the cultivation of hemp in Florida. The bill amends the definition for the term “hemp extract;” amends the packaging and labeling requirements for hemp extract; provides that hemp extract distributed or sold in the state in violation of the hemp extract labeling requirements is considered adulterated or misbranded; and prohibits the sale of products that contain hemp extract intended for inhalation to persons under 21 years of age.

In order to raise aquatic species for commercial sale, entities must acquire an aquaculture certificate of registration. The bill authorizes DACS to revoke an aquaculture certificate of registration if DACS determines that aquaculture is not the primary purpose of the certified entity’s operation.

The Florida Forest Service (FFS) firefighters must complete a fire training course approved by the Florida State Fire College of the Division of State Fire Marshal and a minimum of 250 hours of wildfire training. The bill requires the FFS firefighter training curriculum to include a minimum of 40 hours each of structural firefighter training and emergency medical training and to increase the minimum number of hours of wildfire training required from 250 hours to 376 hours.

The bill may have an indeterminate fiscal impact on state government.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2020.
I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

**Agricultural Loads on Vehicles**

**Background**
Under Florida law, a vehicle may not be driven or moved on any highway unless the vehicle is constructed or loaded to prevent any of its load from dropping, shifting, leaking, blowing, or otherwise escaping from the vehicle.\(^1\) Every vehicle owner and driver has a duty to prevent items from escaping from his or her vehicle and may do so by using an appropriate cover or load-securing device that meets federal requirements, or a device designed to reasonably ensure that cargo will not shift or fall from the vehicle.\(^2\)

Currently, the requirements to cover and secure the load do not apply to vehicles carrying agricultural products locally from a harvest site or to or from a farm on roads where the posted speed limit is 65 miles per hour or less and the distance driven on public roads is less than 20 miles.\(^3\)

**Effect of the Bill**
The bill removes the 20-mile maximum distance that a vehicle carrying agricultural products may travel without covering and securing the load.

**Liquefied Petroleum Gas**

**Background**
The Department of Agriculture and Consumer Services (DACS), through its Bureau of Compliance, is the primary agency charged with regulating the liquefied petroleum (LP) gas industry, including licensing, inspection, training, and examination requirements.\(^4\) LP gas is defined as any material composed predominantly of any of the following hydrocarbons, or mixtures of the same:

- Propane;
- Propylene;
- Butanes (normal butane or isobutane); and
- Butylenes.\(^5\)

Propane, the most widely used LP gas, is an energy source for hotels, restaurants, schools, hospitals, nursing homes, universities, private homes, recreational vehicles, and agricultural and industrial facilities. It is also used as an alternative fuel for vehicles.\(^6\)

**Business Licenses**
Current law provides licensing requirements for businesses that engage in certain LP gas-related activities, including sales, installations, service and repair work, manufacture of equipment, and other miscellaneous activities. DACS must license applicants that it determines to be competent, qualified, and trustworthy.\(^7\)

The license categories and associated fees are as follows:\(^8\)

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\(^1\) Section 316.520(1), F.S.
\(^2\) Section 316.520(2), F.S.
\(^3\) Section 316.520(4), F.S.
\(^4\) Chapter 527, F.S.
\(^5\) Section 527.01(1), F.S.
\(^7\) Section 527.02, F.S.
\(^8\) Id.
<table>
<thead>
<tr>
<th>License Category</th>
<th>Annual License Fee</th>
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<td>Category I LP gas dealer</td>
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<tr>
<td>Category II LP gas dispenser</td>
<td>$400</td>
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<tr>
<td>Category III LP gas cylinder exchange unit operator</td>
<td>$65</td>
</tr>
<tr>
<td>Category IV dealer in appliances and equipment</td>
<td>$65</td>
</tr>
<tr>
<td>Category V LP gas installer</td>
<td>$200</td>
</tr>
<tr>
<td>Category VI miscellaneous operator</td>
<td>$200</td>
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</tbody>
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Licensees may elect to renew their license annually, biennially, or triennially, and are required to meet the same requirements and conditions, including fee amounts, for each licensed year. An expired license will become inoperative, and the fee for restoration of an expired license is equal to the original license fee and must be paid before the licensee is allowed to resume operations.\(^9\)

**Training and Examinations**
DACS is responsible for enforcing reasonable standards of competency, including, but not limited to, the training, licensure, testing, and qualifying of persons participating in the LP gas industry.\(^{10}\) DACS is also authorized to adopt rules that are:\(^{11}\)

- In the interest of public health, safety, and welfare and to promote the safe handling of LP gas, equipment, and systems; and
- Reasonably necessary to assure the competence of persons to safely engage in the business of LP gas.

Training is required for all employees of a LP gas-related business, and refresher training must be conducted at three-year intervals.\(^{12}\) In addition, any person applying for a license to engage in category I dealer, category II dispenser, or category V installer activities must prove competency by passing a written examination administered by DACS or its agent.\(^{13}\)

**Qualifiers**
Each category I dealer, category II dispenser, or category V installer licensee must employ a full-time employee who has received a qualifier certificate from DACS. Qualifiers are required to function in a supervisory capacity, and a separate qualifier must be present for every 10 employees.\(^{14}\)

An applicant for a qualifier certificate must:

- Be employed by a category I dealer, category II dispenser, or category V installer licensee;
- Submit to DACS a nonrefundable $20 examination fee; and
- Pass a competency examination with a grade of 70 percent or above in each area tested.\(^{15}\)

Qualifier registration expires three years after the date of issuance. Qualifiers must renew their qualification 30 calendar days before expiration by submitting to DACS a renewal application, payment for the $20 renewal fee, and documentation that shows the completion of a minimum of 16 hours of approved continuing education courses, as defined by DACS rule, during the previous three-year period.\(^{16}\) Persons failing to renew before the expiration date must reapply and take a qualifier competency examination in order to reestablish qualifier status.\(^{17}\)

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\(^9\) Section 527.03, F.S.
\(^{10}\) Section 527.055(1)(b), F.S.
\(^{11}\) Section 527.06, F.S.
\(^{13}\) Section 527.0201(1), F.S.
\(^{14}\) Section 527.0201(1)-(4), F.S.
\(^{15}\) *Id.*
\(^{16}\) *Id.*
\(^{17}\) *Id.*
Master Qualifiers
In addition to the qualifier requirements, each category I dealer and category V installer licensee is required to have a manager, an owner, or an employee at each licensed location who has received a master qualifier certificate from DACS. The master qualifier must be a manager, an owner, or someone otherwise primarily responsible for overseeing the operations of the licensed location and must provide documentation to DACS.18

An applicant for a master qualifier certificate must:
- Be employed by a category I dealer or category V installer licensee;
- Submit to DACS a nonrefundable $30 examination fee;
- Have been a registered qualifier for at least three years immediately preceding the application; and
- Pass a master qualifier competency examination with a grade of 70 percent or above in each area tested.19

Master qualifier registration expires three years after the date of issuance20 and may be renewed by submitting to DACS proof of employment, payment of a $30 certificate renewal fee, and documentation of the completion of a minimum of 16 hours of approved continuing education courses, as defined by department rule, during the previous three-year period.21

Recreational Vehicle Dealers or Installers
Propane is widely used in recreational vehicles (RVs) to regulate temperature, cook meals, provide hot water, and refrigerate food. Typically, motorized RVs have a fixed propane tank and towable RVs have a removable propane tank.22 In Florida, the refilling, repairing, or replacing of propane gas and equipment must be completed by a properly trained employee of a licensed LP gas-related business, referred to as RV dealers/installers.23

Since July 2018, depending on the type of work being performed, a RV dealer/installer is required to obtain either a category I dealer, category II dispenser, or category V installer license and is required to meet all applicable licensing and examination requirements in order to operate lawfully in the state. Current law does not provide a separate LP gas license category specifically for RV dealers/installers.

According to DACS, RV dealers/installers are required to obtain a category V installer license, and if the RV dealer/installer also dispenses LP gas, a category II dispenser license must be obtained as well. In lieu of multiple licenses, RV dealers/installers may obtain a category I dealer license that allows them to perform both service and dispensing functions.24 Currently, there are 50 licensed RV dealers/installers in the state.25

Effect of the Bill
The bill defines an “RV” as a motor vehicle that is designed to provide temporary living quarters for recreational, camping, or travel use and that has its own propulsion or is mounted on or towed by another motor vehicle.

The bill requires DACS to specify by rule the requirements for agents qualified to administer written competency examinations required for LP gas licensure.

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18 Section 527.0201(5), F.S.
19 Id.
20 Id.
21 Id.
23 See ch. 527, F.S.
24 Florida Department of Agriculture and Consumer Services, Agency Analysis of 2018 House Bill 553, 1 (Nov. 21, 2017).
25 Id. at 3.
The bill requires DACS to establish by rule a separate test for persons applying for a license to engage in category I activities solely related to the service or repair of RVs. The bill specifies that the category I RV dealer/installer test must include and ensure competency in the following activities as they relate to RVs:

- Operating a LP gas dispensing unit to serve liquid product to a consumer for industrial, commercial, or domestic use;
- Selling or offering to sell, or leasing or offering to lease, apparatus, appliances, and equipment for the use of LP gas; and
- Installing, servicing, or repairing RV LP gas appliances and equipment.

The bill limits a qualifier or master qualifier who has passed the category I RV dealer/installer test to category I activities solely related to the service and repair of RVs.

The bill also requires master qualifier applicants to have a minimum of three years of verifiable LP gas experience or hold a professional certification by a LP gas manufacturer.

**Pest Control Trust Fund**

**Background**

The Pest Control Trust Fund (Trust Fund) is used to carry out the various responsibilities of the Department of Agriculture and Consumer Services (DACS) related to the regulation of pest control, including the licensing of pest control businesses, examinations for operators’ certificates, and the education of the pest control industry.\(^{26}\) Revenue sources of the Trust Fund include fines as well as license, examination, certification, and commercial fees imposed by DACS.\(^{27}\)

In addition to DACS’s pest control responsibilities, current law also allows DACS to use funds from the Trust Fund to carry out the duties of its Division of Agricultural Environmental Services (division), which include:

- Inspecting and drawing samples of commercial feeds for sale, seeds for sale, certified seed grown in Florida, fertilizers for sale, and pesticides;
- Conducting general inspection activities in regard to weights, measures, and standards of articles for sale;
- Reviewing and evaluating technical and scientific data associated with the production, manufacture, storage, transportation, sale, or use of any article or product with respect to any statutory authority conferred on DACS;
- Analyzing samples of fertilizer, pesticide formulations, commercial feed, and certain seeds offered for sale; and
- Investigating, evaluating, and developing new or improved technology to enhance the analytical capability and efficiency of all divisional laboratories and perform other related analyses as deemed necessary.\(^{28}\)

DACS’s authority to use funds from the Trust Fund to carry out the division’s duties is set to expire on June 30, 2020.

**Effect of the Bill**

The bill extends the expiration date of DACS’s authority to use funds from the Trust Fund to carry out the division’s duties to June 30, 2024.

**The State Hemp Program**

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\(^{26}\) Section 570.441, F.S.; ch. 482, F.S.

\(^{27}\) Chapter 482, F.S.

\(^{28}\) Section 570.44, F.S.
Background
Hemp, also called industrial hemp, is defined as the plant *Cannabis sativa L.* and any part of that plant, including seeds, derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers thereof, whether growing or not, with a delta-9 tetrahydrocannabinol (THC) concentration that does not exceed 0.3 percent on a dry weight basis. While hemp and marijuana are both grown from the *Cannabis sativa L.* plant, they are different varieties that have been genetically bred and grown for different uses. Hemp can be distinguished from marijuana by its lower concentrations of THC, and higher concentrations of cannabidiol (CBD).

Hemp is an agricultural commodity grown and used worldwide to produce a variety of industrial and commercial products, including rope, textiles, clothing, shoes, food, paper, bioplastics, insulation, biofuel, cosmetic products, animal bedding, animal and bird feed, and human food and nutritional supplements.

*Agriculture Improvement Act of 2018*
Section 10113 of the Agriculture Improvement Act of 2018 (2018 Farm Bill) created the Hemp Farming Act to allow the cultivation of hemp. The 2018 Farm Bill removed hemp-derived products from Schedule I of the Controlled Substances Act. While the law legalized hemp as an agricultural product, the law did not legalize CBD generally. CBD derived from hemp is considered legal if the hemp is grown by a licensed grower, produced in a manner that is consistent with the 2018 Farm Bill, and complies with other federal and state regulations.

The 2018 Farm Bill defined “hemp” to mean the plant *Cannabis sativa L.* and any part of that plant, including the seeds thereof, and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 THC concentration of not more than 0.3 percent on a dry weight basis.

The 2018 Farm Bill allows a state department of agriculture or an Indian tribe to submit a plan to the Secretary of the United States Department of Agriculture (Secretary) and apply for primary regulatory authority over the production of hemp in their state or tribal territory. A state or tribal plan must include:
- A procedure for tracking land upon which hemp will be cultivated, including a legal land description and global positioning coordinates;
- A procedure for maintaining records for at least three years and reporting to the Secretary;
- Testing procedures that use post-decarboxylation or other similarly reliable methods for determining THC concentration levels of hemp;
- Procedures for methods to effectively dispose of hemp plants, growing or not, and products made from hemp plants grown in violation of the 2018 Farm Bill;
- Annual inspection procedures;
- Violations and corrective actions;
- Enforcement procedures;
- A procedure for submitting information on land where hemp is cultivated to the Secretary not more than 30 days after the date on which the information is received by the state or tribe;

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29 7 U.S.C. s. 5940 (2014); 7 U.S.C. s. 1639o (2018); see also s. 581.217, F.S.
30 Marijuana is identified in the United States drug laws as cannabis having high THC levels that are associated with psychotropic effects and is typically made from the flowering tops and leaves of the *Cannabis sativa L.* plant (sativa or indica varieties). The Controlled Substances Act was enacted as Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970. 84 s. 1236 (1970).
• Certification that the state or tribe has the resources and personnel to carry out the practices and procedures in the state or tribal plan; and
• Any other practice or procedure established by the state or tribe that is consistent with the 2018 Farm Bill.\footnote{7 U.S.C. s. 1639p (2018).}

The 2018 Farm Bill requires the Secretary to approve or disapprove a state or tribal plan within 60 days of receipt. It further requires the Secretary to consult with the United States Attorney General when carrying out the requirements associated with state and tribal plans. The Secretary is authorized to provide technical assistance to states and tribes in the development of a state or tribal plan. The 2018 Farm Bill further authorizes the Secretary to conduct compliance audits of state and tribal plans. If noncompliance is determined, the Secretary is required to collaborate with the state or tribe to develop a corrective action plan in the case of a first instance of noncompliance. The Secretary is authorized to revoke the approval of a state or tribal plan in the case of a second or subsequent instance of noncompliance.\footnote{Id.}

The Secretary must establish a United States Department of Agriculture (USDA) plan to be used where a state or tribal plan is not approved. The 2018 Farm Bill directed the Secretary to promulgate regulations and guidelines to implement the 2018 Farm Bill requirements for hemp production as expeditiously as possible.\footnote{Id.}

**USDA Domestic Hemp Program Rules**
On October 31, 2019, the USDA published an interim final rule (USDA rule) to administer and oversee the domestic hemp program established by the 2018 Farm Bill.\footnote{7 C.F.R. s. 990(1) (2019). A copy of the USDA rules can be found online at: https://www.ams.usda.gov/rules-regulations/hemp (last visited Jan. 30, 2020).} The USDA rules provide specific details for both federally regulated hemp production and state-approved plans. The USDA rules include provisions for maintaining information on the land where hemp is produced, testing the levels of delta-9 THC, disposing of plants not meeting the definition of hemp, and ensuring compliance with the federal law.

**State Hemp Program**
In 2019, the Legislature created the state hemp program (program) within the Department of Agriculture and Consumer Services (DACS) to regulate the cultivation of hemp in Florida.\footnote{Chapter 2019-132, L.O.F.; codified as s. 581.217, F.S.} Consistent with federal law, the program defines the term “hemp” as the plant Cannabis sativa L. and any part of that plant, including the seeds thereof, and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers thereof, whether growing or not, that has a total delta-9 THC concentration that does not exceed 0.3 percent on a dry-weight basis.\footnote{Section 581.217(3)(d), F.S.}

The program prohibits the cultivation of hemp without a license. As such, any person seeking to cultivate hemp must apply for a license with DACS and provide specified information concerning the legal land description and global positioning coordinates of the area where hemp will be cultivated.

The program provides that a licensee may only use hemp seeds and cultivars certified by a certifying agency or a university conducting an industrial hemp pilot project.

The program allows hemp extract to be distributed and sold in the state only if the product has a certificate of analysis that states the batch does not exceed the total delta-9 THC concentration for hemp and does not contain contaminants unsafe for human consumption. In addition, the packaging for a product containing hemp extract must include a scannable barcode or quick response code linked to the certificate of analysis by an independent testing laboratory, the batch number, the Internet address

\footnote{7 U.S.C. s. 1639p (2018).}
\footnote{Id.}
\footnote{Id.}
\footnote{7 C.F.R. s. 990(1) (2019). A copy of the USDA rules can be found online at: https://www.ams.usda.gov/rules-regulations/hemp (last visited Jan. 30, 2020).}
\footnote{Chapter 2019-132, L.O.F.; codified as s. 581.217, F.S.}
\footnote{Section 581.217(3)(d), F.S.}
of a website where batch information may be obtained, the expiration date, the number of milligrams of hemp extract, and a statement that the product contains a total delta-9 THC concentration that does not exceed 0.3 percent on a dry-weight basis.

DACS must maintain a registry of land on which hemp is cultivated, including the global positioning coordinates and legal land description for each location where hemp has been grown within the past three calendar years and submit monthly to the Secretary a report that includes such location and the contact information for each licensee.

DACS must enforce the program and every state attorney, sheriff, police officer, and other appropriate county or municipal officer must enforce, or assist any agent of DACS in the enforcement of, the program and rules adopted by DACS. DACS or its agent may enter any public or private premises during regular business hours in the performance of its duties related to hemp cultivation and DACS must conduct random inspections, at least annually, of each licensee to ensure that only certified hemp seeds are being used and that hemp is being cultivated in compliance with the program.

The program required DACS, in consultation with the Department of Health and the Department of Business and Professional Regulation, to initiate rulemaking by August 1, 2019. The program requires DACS to seek approval of the state plan from the Secretary within 30 days after adopting rules.

On June 6, 2019, DACS initiated rulemaking by publishing a Notice of Rule Development in the Florida Administrative Register. The USDA rules were published after DACS initiated rulemaking and include requirements that may necessitate revisions to the DACS proposed hemp rules. Although rulemaking was timely initiated by DACS, the rules governing licensure and the regulation of the cultivation of hemp have not been finalized or adopted. Because the rules have not been adopted, DACS has not submitted the state plan for federal approval and cannot issue licenses for the cultivation of hemp.

Effect of the Bill
The bill amends provisions related to the state hemp program.

The bill amends the definition for the term “hemp extract” to clarify that it does not include synthetic CBD or seeds or seed-derived ingredients that are generally recognized as safe by the United States Food and Drug Administration and to provide that it includes substances and compounds intended for ingestion or inhalation containing more than trace amounts of cannabinoids. Because of this change, the labeling requirements relating to the distribution and retail sale of hemp extract will not apply to certain foods that do not contain more than trace amounts of cannabinoids, such as hemp seeds.

The bill amends the packaging requirements for hemp extract to provide that the label must include the number of milligrams of each marketed cannabinoid per serving, rather than the number of milligrams of hemp extract. The bill also removes from the label the statement that the product does not contain more than 0.3 percent THC on a dry-weight basis. The bill provides that hemp extract sold or distributed in the state in violation of the hemp labeling requirements is considered adulterated or misbranded.

The bill also prohibits the sale of products that contain hemp extract intended for inhalation to persons under 21 years of age.

42 See Rule 5B-57.014 titled “Hemp Program.” The Notice of Proposed Rule was published on October 10, 2019, and a notice of correction was filed on October 11, 2019. Since then, the rule has not been changed or filed for adoption. A copy of the notices for the hemp program rule can be found online at: https://www.frules.org/gateway/ruleNo.asp?id=5B-57.014 (last visited Jan. 30, 2020).
Forest Service Firefighters

Background
Each year, thousands of acres of wildland and many homes are destroyed by wildfires that can erupt at any time of the year from a variety of causes, including arson, lightning, and debris burning.43 The Florida Forest Service (FFS) within DACS works to protect and manage the forest resources of Florida by providing fire protection for forests and natural areas as well as firefighting assistance to municipal and volunteer fire departments.44

To become licensed, FFS firefighters must complete a fire training course approved by the Florida State Fire College of the Division of State Fire Marshal and a minimum of 250 hours of wildfire training.45 The fire training course consists of two parts and equates to 39846 hours, collectively referred to as the “Minimum Standards Course.”47 When an FFS firefighter completes the training program and has passed an examination as required by the Division of State Fire Marshal, FFS firefighters are granted a Forestry Certificate of Compliance and are entitled to the same rights, privileges, and benefits provided by law to firefighters.48

Effect of the Bill
The bill revises the requirements for the training curriculum for FFS firefighters to require the curriculum to include a minimum of 40 hours of structural firefighter training and a minimum of 40 hours of emergency medical training and to increase the minimum number of hours of wildfire training required from 250 hours to 376 hours.

The bill changes the title of the certificate of compliance for FFS firefighters from “Forestry Certificate of Compliance” to “Wildland Firefighter Certificate of Compliance.”

Aquaculture

Background
DACS serves as the state’s lead aquaculture agency and works to coordinate the development and regulation of aquaculture to protect and conserve Florida’s natural resources. There are an estimated 1,500 species of fish, plants, mollusks, crustaceans, and reptiles grown in the aquaculture industry in Florida.49

In order to raise aquatic species for commercial sale, entities must acquire an aquaculture certificate of registration from DACS.50 The certificate authorizes the certificate holder to plant, harvest, and sell aquaculture products; entitles the holder to the same benefits provided to other agricultural producers, including tax benefits; and reduces the number of permits the holder must obtain from other agencies.51

Applicants for the certificate must submit their name, company name, complete mailing address, legal property description of all aquaculture facilities, the actual physical street address for each aquaculture facility, a description of production facilities, a description of the aquaculture products to be produced,

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45 Section 590.02(1)(e), F.S.
46 Part I is 206 hours and Part II is an additional 192 hours; r. 69A-37.055(1), F.A.C.
47 Id.
48 Sections 633.408(8)(a) and (b), F.S.
51 Id.
an annual registration fee of $100, documentation of compliance with DACS rules, and, for some applicants, a certificate of training. Each applicant is also required to comply with DACS-approved best management practices to ensure proper effluent treatment. Upon approval, DACS issues the applicant an aquaculture certificate of registration for a period of one year, which must be renewed each June 30 with the accompanying fee.

Effect of the Bill
The bill authorizes DACS to revoke an aquaculture certificate of registration if DACS determines that aquaculture is not the primary purpose of the certified entity’s operation.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
   None.

2. Expenditures:
   The bill may have an indeterminate positive fiscal impact on DACS as a result of extending DACS’s authority to use funds from the Trust Fund to carry out the duties of its Division of Agricultural Environmental Services until June 30, 2024.

   The bill may have an indeterminate negative fiscal impact on FFS associated with the costs of implementing more training hours for FFS firefighters; however, these costs can likely be absorbed within existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
   None.

2. Expenditures:
   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

   The bill clarifies the definition of “hemp extract” to provide that it does not include synthetic CBD or seeds or seed-derived ingredients generally recognized as safe by the United States Food and Drug Administration and must contain more than trace amounts of cannabinoids. As such, the required labeling provisions will not apply to certain food products currently sold and consumed that do not contain more than trace amounts of cannabinoids, such as hemp seeds.

D. FISCAL COMMENTS:

   None.

52 Section 597.004(1), F.S.; r. 5L-3.005(1)(i), F.A.C.
53 Section 597.004(2), F.S.; r. 5L-3.005, F.A.C.
54 Section 597.004(6)(a), F.S.
An act relating to environmental accountability; creating ss. 125.569 and 166.0481, F.S.; defining the term "sanitary sewer lateral"; encouraging counties and municipalities, respectively, to establish a sanitary sewer lateral inspection program by a specified date; providing parameters for such a program; creating s. 689.301, F.S.; requiring a seller of real property to disclose any known defects in the property's sanitary sewer lateral; defining the term "sanitary sewer lateral"; amending s. 161.054, F.S.; revising administrative penalties for violations of certain provisions relating to beach and shore construction and activities; making technical changes; amending ss. 258.397, 258.46, 373.129, 376.16, 376.25, 377.37, 378.211, and 403.141, F.S.; revising civil penalties for violations of certain provisions relating to the Biscayne Bay Aquatic Preserve, aquatic preserves, water resources, the Pollutant Discharge Prevention and Control Act, the Clean Ocean Act, regulation of oil and gas resources, the Phosphate Land Reclamation Act, and other provisions relating to pollution and the environment, respectively; providing that each day that certain violations occur constitutes a separate offense; making technical
changes; amending ss. 373.209, 376.065, 376.071, 403.086, 403.413, 403.7234, and 403.93345, F.S.; revising civil penalties for violations of certain provisions relating to artesian wells, terminal facilities, discharge contingency plans for vessels, sewage disposal facilities, dumping litter, small quantity generators, and coral reef protection, respectively; making technical changes; amending ss. 373.430 and 403.161, F.S.; revising criminal penalties for violations of certain provisions relating to pollution and the environment; providing that each day that the cause of unauthorized discharges of domestic wastewater is not addressed constitutes a separate offense; making technical changes; amending s. 403.121, F.S.; revising civil and administrative penalties for violations of certain provisions relating to pollution and the environment; providing that each day that the cause of unauthorized discharges of domestic wastewater is not addressed constitutes a separate offense; increasing the amount of penalties that can be assessed administratively; making technical changes; amending ss. 403.726 and 403.727, F.S.; revising civil penalties for violations of certain provisions relating to hazardous waste; making technical changes; reenacting s. 823.11(5),
Be It Enacted by the Legislature of the State of Florida:

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

125.569 Sanitary sewer lateral inspection programs for counties.—

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

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

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

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

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

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

166.0481 Sanitary sewer lateral inspection programs for municipalities.—

(1) As used in this section, the term "sanitary sewer lateral" means a privately owned pipeline connecting a property to the main sewer line which is maintained and repaired by the
(2) By July 1, 2022, each municipality is encouraged to establish an evaluation and rehabilitation program for sanitary sewer laterals on residential and commercial properties within the municipality's jurisdiction to identify and reduce extraneous flow from leaking sanitary sewer laterals. At a minimum, the program may do all of the following:

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

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

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

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

689.301 Disclosure of known defects in sanitary sewer laterals to prospective purchaser.—Before executing a contract
for sale, a seller of real property shall disclose to a prospective purchaser any defects in the property's sanitary sewer lateral which are known to the seller. As used in this section, the term "sanitary sewer lateral" means the privately owned pipeline connecting a property to the main sewer line.

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

161.054 Administrative fines; liability for damage; liens.—

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

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

258.397 Biscayne Bay Aquatic Preserve.—

(7) ENFORCEMENT. The provisions of this section may be enforced in accordance with the provisions of ss. 403.412. In addition, the Department of Legal Affairs is authorized to bring an action for civil penalties of $7,500 per day.
against any person, natural or corporate, who violates the
provisions of this section or any rule or regulation issued
hereunder. Each day during any portion of which such violation
occurs constitutes a separate offense. Enforcement of applicable
state regulations shall be supplemented by the Miami-Dade County
Department of Environmental Resources Management through the
creation of a full-time enforcement presence along the Miami
River.

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

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

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

373.129 Maintenance of actions.—The department, the
governing board of any water management district, any local
board, or a local government to which authority has been
delegated pursuant to s. 373.103(8), is authorized to commence and maintain proper and necessary actions and proceedings in any court of competent jurisdiction for any of the following purposes:

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

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

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

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

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

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

373.209 Artesian wells; penalties for violation.—
(3) Any person who violates any provision of this section
is shall be subject to either:
(a) The remedial measures provided for in s. 373.436; or
(b) A civil penalty of $150 $100 a day for each and every
day of such violation and for each and every act of violation.
The civil penalty may be recovered by the water management board
of the water management district in which the well is located or
by the department in a suit in a court of competent jurisdiction
in the county where the defendant resides, in the county of
residence of any defendant if there is more than one defendant,
or in the county where the violation took place. The place of
suit shall be selected by the board or department, and the suit,
by direction of the board or department, shall be instituted and
conducted in the name of the board or department by appropriate
counsel. The payment of any such damages does not impair or
abridge any cause of action which any person may have against the person violating any provision of this section.

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

373.430 Prohibitions, violation, penalty, intent.—

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

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

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

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

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

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

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

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

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

376.071 Discharge contingency plan for vessels.—

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

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

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

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

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

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

(a) For discharges of gasoline or diesel over 5 gallons, the civil penalty for the second discharge shall be $750 $500.
and the civil penalty for each subsequent discharge within a 12-
month period shall be $1,500 $1,000, except as otherwise
provided in this section.

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

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

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

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

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

(a) Pay the civil penalty;

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

(c) Sign and accept a citation indicating a promise to
appear before the county court.
The department employee authorized to issue these citations may indicate on the citation the time and location of the scheduled hearing and shall indicate the applicable civil penalty. 

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

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

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

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

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

(7) Any person who elects to appear before the county court or who is required to appear waives the limitations of the civil penalties specified in subsection (2). The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction is
proved, the court may impose a civil penalty up to, but not exceeding, $750 $500 for the second discharge of gasoline or diesel and a civil penalty up to, but not exceeding, $1,500 $1,000 for each subsequent discharge of gasoline or diesel within a 12-month period.

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

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

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

(11) Any person who has not posted bond and who neither pays the applicable civil penalty, as specified in subsection (2) or subsection (3) within 30 days of receipt of the citation.
nor appears before the court commits a misdemeanor of the second
degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

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

(6) PENALTIES.—

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

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

377.37 Penalties.—

(1)(a) Any person who violates any provision of this law
or any rule, regulation, or order of the division made under
this chapter or who violates the terms of any permit to drill
for or produce oil, gas, or other petroleum products referred to
in s. 377.242(1) or to store gas in a natural gas storage
facility, or any lessee, permitholder, or operator of equipment
or facilities used in the exploration for, drilling for, or
production of oil, gas, or other petroleum products, or storage
of gas in a natural gas storage facility, who refuses inspection
by the division as provided in this chapter, is liable to the
state for any damage caused to the air, waters, or property,
including animal, plant, or aquatic life, of the state and for
reasonable costs and expenses of the state in tracing the source
of the discharge, in controlling and abating the source and the
pollutants, and in restoring the air, waters, and property,
including animal, plant, and aquatic life, of the state.
Furthermore, such person, lessee, permitholder, or operator is
subject to the judicial imposition of a civil penalty in an
amount of not more than $15,000 $10,000 for each offense.
However, the court may receive evidence in mitigation. Each day
during any portion of which such violation occurs constitutes a
separate offense. This section does not Nothing herein shall
give the department the right to bring an action on behalf of
any private person.

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

378.211 Violations; damages; penalties.—
(2) The department may institute a civil action in a court
of competent jurisdiction to impose and recover a civil penalty
for violation of this part or of any rule adopted or order
issued pursuant to this part. The penalty may not exceed
the following amounts, and the court shall consider evidence in mitigation:

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

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

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

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

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

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

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

Section 17. Section 403.121, Florida Statutes, is amended
to read:

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

(1) Judicial remedies:

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

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

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

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

(b) If the department has reason to believe a violation has occurred, it may institute an administrative proceeding to order the prevention, abatement, or control of the conditions creating the violation or other appropriate corrective action. Except for violations involving hazardous wastes, asbestos, or underground injection, the department shall proceed administratively in all cases in which the department seeks administrative penalties that do not exceed $50,000 per assessment as calculated in accordance with subsections (3), (4), (5), (6), and (7). Pursuant to 42 U.S.C. s. 300g-2, the administrative penalty assessed pursuant to subsection (3), subsection (4), or subsection (5) against a public water system serving a population of more than 10,000 shall be not less than $1,000 per day per violation. The department shall not impose administrative penalties in excess of $50,000 in a notice of violation. The department shall not have more than one notice of violation seeking administrative penalties.
pending against the same party at the same time unless the violations occurred at a different site or the violations were discovered by the department subsequent to the filing of a previous notice of violation.

(c) An administrative proceeding shall be instituted by the department's serving of a written notice of violation upon the alleged violator by certified mail. If the department is unable to effect service by certified mail, the notice of violation may be hand delivered or personally served in accordance with chapter 48. The notice shall specify the provision of the law, rule, regulation, permit, certification, or order of the department alleged to be violated and the facts alleged to constitute a violation thereof. An order for corrective action, penalty assessment, or damages may be included with the notice. When the department is seeking to impose an administrative penalty for any violation by issuing a notice of violation, any corrective action needed to correct the violation or damages caused by the violation must be pursued in the notice of violation or they are waived. However, an order is not shall become effective until after service and an administrative hearing, if requested within 20 days after service. Failure to request an administrative hearing within this time period constitutes shall constitute a waiver thereof, unless the respondent files a written notice with the department within this time period opting out of the administrative process.
initiated by the department to impose administrative penalties. Any respondent choosing to opt out of the administrative process initiated by the department in an action that seeks the imposition of administrative penalties must file a written notice with the department within 20 days after service of the notice of violation opting out of the administrative process. A respondent's decision to opt out of the administrative process does not preclude the department from initiating a state court action seeking injunctive relief, damages, and the judicial imposition of civil penalties.

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

CODING: Words stricken are deletions; words underlined are additions.
inappropriateness of the administrative remedy. The department
retains its final-order authority in all administrative actions
that do not request the imposition of administrative penalties.

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

(f) In any administrative proceeding brought by the
department, the prevailing party shall recover all costs as
provided in ss. 57.041 and 57.071. The costs must be included in
the final order. The respondent is the prevailing party when an order is entered awarding no penalties to the department and such order has not been reversed on appeal or the time for seeking judicial review has expired. The respondent shall be entitled to an award of attorney's fees if the administrative law judge determines that the notice of violation issued by the department seeking the imposition of administrative penalties was not substantially justified as defined in s. 57.111(3)(e). An award of attorney's fees as provided by this subsection may not exceed $15,000.

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

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

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

(a) For a drinking water contamination violation, the department shall assess a penalty of $3,000 for a Maximum Containment Level (MCL) violation; plus $1,500 if the violation is for a primary inorganic, organic, or radiological Maximum Contaminant Level or it is a fecal coliform bacteria violation; plus $1,500 if the violation occurs at a community water system; and plus $1,500 if any Maximum Contaminant Level is exceeded by more than 100 percent. For failure to obtain a clearance letter before placing a drinking water system into service when the system would not
have been eligible for clearance, the department shall assess a penalty of $4,500 $3,000.

(b) For failure to obtain a required wastewater permit, other than a permit required for surface water discharge, the department shall assess a penalty of $2,000 $1,000. For a domestic or industrial wastewater violation not involving a surface water or groundwater quality violation, the department shall assess a penalty of $4,000 $2,000 for an unpermitted or unauthorized discharge or effluent-limitation exceedance. For an unpermitted or unauthorized discharge or effluent-limitation exceedance that resulted in a surface water or groundwater quality violation, the department shall assess a penalty of $10,000 $5,000. Each day the cause of an unauthorized discharge of domestic wastewater is not addressed constitutes a separate offense.

(c) For a dredge and fill or stormwater violation, the department shall assess a penalty of $1,500 $1,000 for unpermitted or unauthorized dredging or filling or unauthorized construction of a stormwater management system against the person or persons responsible for the illegal dredging or filling, or unauthorized construction of a stormwater management system plus $3,000 $2,000 if the dredging or filling occurs in an aquatic preserve, an Outstanding Florida Water, a conservation easement, or a Class I or Class II surface water, plus $1,500 $1,000 if the area dredged or filled is greater than
one-quarter acre but less than or equal to one-half acre, and 
plus $1,500 $1,000 if the area dredged or filled is greater than 
one-half acre but less than or equal to one acre. The 
administrative penalty schedule \textit{does} \textit{shall} not apply to a dredge 
and fill violation if the area dredged or filled exceeds one 
acre. The department retains the authority to seek the judicial 
imposition of civil penalties for all dredge and fill violations 
involving more than one acre. The department shall assess a 
penalty of $4,500 $3,000 for the failure to complete required 
mitigation, failure to record a required conservation easement, 
or for a water quality violation resulting from dredging or 
filling activities, stormwater construction activities or 
failure of a stormwater treatment facility. For stormwater 
management systems serving less than 5 acres, the department 
shall assess a penalty of $3,000 $2,000 for the failure to 
properly or timely construct a stormwater management system. In 
addition to the penalties authorized in this subsection, the 
department shall assess a penalty of $7,500 $5,000 per violation 
against the contractor or agent of the owner or tenant that 
conducts unpermitted or unauthorized dredging or filling. For 
purposes of this paragraph, the preparation or signing of a 
permit application by a person currently licensed under chapter 
471 to practice as a professional engineer \textit{does} \textit{shall} not make 
that person an agent of the owner or tenant. 

\begin{itemize}
(d) For mangrove trimming or alteration violations, the
department shall assess a penalty of $7,500 $5,000 per violation against the contractor or agent of the owner or tenant that conducts mangrove trimming or alteration without a permit as required by s. 403.9328. For purposes of this paragraph, the preparation or signing of a permit application by a person currently licensed under chapter 471 to practice as a professional engineer does not make that person an agent of the owner or tenant.

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

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

(g) For storage tank system and petroleum contamination
violations, the department shall assess a penalty of $7,500
$5,000 for failure to empty a damaged storage system as
necessary to ensure that a release does not occur until repairs
to the storage system are completed; when a release has occurred
from that storage tank system; for failure to timely recover
free product; or for failure to conduct remediation or
monitoring activities until a no-further-action or site-
rehabilitation completion order has been issued. The department
shall assess a penalty of $4,500 $3,000 for failure to timely
upgrade a storage tank system. The department shall assess a
penalty of $3,000 $2,000 for failure to conduct or maintain
required release detection; failure to timely investigate a
suspected release from a storage system; depositing motor fuel
into an unregistered storage tank system; failure to timely
assess or remediate petroleum contamination; or failure to
properly install a storage tank system. The department shall
assess a penalty of $1,500 $1,000 for failure to properly
operate, maintain, or close a storage tank system.

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

(a) For failure to satisfy financial responsibility
requirements or for violation of s. 377.371(1), $7,500 $5,000.
(b) For failure to install, maintain, or use a required
pollution control system or device, $6,000 $4,000.
(c) For failure to obtain a required permit before
construction or modification, $4,500 $3,000.
(d) For failure to conduct required monitoring or testing;
failure to conduct required release detection; or failure to
construct in compliance with a permit, $3,000 $2,000.
(e) For failure to maintain required staff to respond to
emergencies; failure to conduct required training; failure to
prepare, maintain, or update required contingency plans; failure
to adequately respond to emergencies to bring an emergency
situation under control; or failure to submit required
notification to the department, $1,500 $1,000.
(f) Except as provided in subsection (2) with respect to
public water systems serving a population of more than 10,000,
for failure to prepare, submit, maintain, or use required
reports or other required documentation, $750 $500.

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

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

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

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

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

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

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

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

(10) The administrative law judge may receive evidence in mitigation. The penalties identified in subsection (3), subsection (4), and subsection (5) may be reduced up to 50 percent by the administrative law judge for mitigating
circumstances, including good faith efforts to comply before or after discovery of the violations by the department. Upon an affirmative finding that the violation was caused by circumstances beyond the reasonable control of the respondent and could not have been prevented by respondent's due diligence, the administrative law judge may further reduce the penalty.

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

(12) The purpose of the administrative penalty schedule and process is to provide a more predictable and efficient manner for individuals and businesses to resolve relatively minor environmental disputes. Subsections (3)-(7) may not be construed as limiting a state court in the assessment of damages. The administrative penalty schedule does not apply to the judicial imposition of civil penalties in state court as provided in this section.
403.141 Civil liability; joint and several liability.—

(1) A person who commits a violation specified in s. 403.161(1) is liable to the state for any damage caused to the air, waters, or property, including animal, plant, or aquatic life, of the state and for reasonable costs and expenses of the state in tracing the source of the discharge, in controlling and abating the source and the pollutants, and in restoring the air, waters, and property, including animal, plant, and aquatic life, of the state to their former condition, and furthermore is subject to the judicial imposition of a civil penalty for each offense in an amount of not more than $15,000 $10,000 per offense. However, the court may receive evidence in mitigation. Each day during any portion of which such violation occurs constitutes a separate offense. If a violation is an unauthorized discharge of domestic wastewater, each day the cause of the violation is not addressed constitutes a separate offense until the violation is resolved by order or judgment.  

This section does not Nothing herein shall give the department the right to bring an action on behalf of any private person.

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

403.161 Prohibitions, violation, penalty, intent.—

(2) A person who commits a violation specified in subsection (1) is liable to the state for any damage caused and
for civil penalties as provided in s. 403.141.

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

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

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

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

403.413 Florida Litter Law.—

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

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

403.7234 Small quantity generator notification and verification program.—
(5) Any small quantity generator who does not comply with the requirements of subsection (4) and who has received a notification and survey in person or through one certified letter from the county is subject to a fine of between $75 $50 and $150 $100 per day for a maximum of 100 days. The county may collect such fines and deposit them in its general revenue fund. Fines collected by the county shall be used to carry out the notification and verification procedure established in this section. If there are excess funds after the notification and verification procedures have been completed, such funds shall be used for hazardous and solid waste management purposes only.

Section 22. Subsection (3) of section 403.726, Florida Statutes, is amended to read:

CODING: Words stricken are deletions; words underlined are additions.
Statutes, is amended to read:

403.726 Abatement of imminent hazard caused by hazardous substance.—

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

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

403.727 Violations; defenses, penalties, and remedies.—

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

(a) Any person who violates the provisions of this act, the rules or orders of the department, or the conditions of a
permit is liable to the state for any damages specified in s. 403.141 and for a civil penalty of not more than \$75,000 \$50,000 for each day of continued violation, except as otherwise provided herein. The department may revoke any permit issued to the violator. In any action by the department against a small hazardous waste generator for the improper disposal of hazardous wastes, a rebuttable presumption of improper disposal shall be created if the generator was notified pursuant to s. 403.7234; the generator shall then have the burden of proving that the disposal was proper. If the generator was not so notified, the burden of proving improper disposal shall be placed upon the department.

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

403.93345 Coral reef protection.—
(8) In addition to the compensation described in subsection (5), the department may assess, per occurrence, civil penalties according to the following schedule:
(a) For any anchoring of a vessel on a coral reef or for any other damage to a coral reef totaling less than or equal to an area of 1 square meter, \$225 \$150, provided that a responsible party who has anchored a recreational vessel as defined in s. 327.02 which is lawfully registered or exempt from registration pursuant to chapter 328 is issued, at least once, a warning letter in lieu of penalty; with aggravating
circumstances, an additional $225 $150; occurring within a state
park or aquatic preserve, an additional $225 $150.

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

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

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

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

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

(g) The total of penalties levied may not exceed $375,000
$250,000 per occurrence.

Section 25. For the purpose of incorporating the amendment
made by this act to s. 376.16, Florida Statutes, in a reference
thereto, subsection (5) of s. 823.11, Florida Statutes, is
reenacted to read:
823.11 Derelict vessels; relocation or removal; penalty.—
(5) A person, firm, or corporation violating this section commits a misdemeanor of the first degree and shall be punished as provided by law. A conviction under this section does not bar the assessment and collection of the civil penalty provided in s. 376.16 for violation of s. 376.15. The court having jurisdiction over the criminal offense, notwithstanding any jurisdictional limitations on the amount in controversy, may order the imposition of such civil penalty in addition to any sentence imposed for the first criminal offense.

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

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

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

403.131 Injunctive relief, remedies.—
(2) All the judicial and administrative remedies to recover damages and penalties in this section and s. 403.121 are
alternative and mutually exclusive.

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

403.4154 Phosphogypsum management program.—

(3) ABATEMENT OF IMMINENT HAZARD.—

(d) If the department determines that the failure of an owner or operator to comply with department rules requiring demonstration of financial responsibility or that the physical condition, maintenance, operation, or closure of a phosphogypsum stack system poses an imminent hazard, the department shall request access to the property on which such stack system is located from the owner or operator of the stack system for the purposes of taking action to abate or substantially reduce the imminent hazard. If the department, after reasonable effort, is unable to timely obtain the necessary access to abate or substantially reduce the imminent hazard, the department may institute action in its own name, using the procedures and remedies of s. 403.121 or s. 403.131, to abate or substantially reduce an imminent hazard. Whenever serious harm to human health, safety, or welfare, to the environment, or to private or public property may occur before prior to completion of an administrative hearing or other formal proceeding that might be initiated to abate the risk of serious harm, the department may
obtain from the court, ex parte, an injunction without paying filing and service fees before prior to the filing and service of process.

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

403.860 Penalties and remedies.—

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

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

403.708 Prohibition; penalty.—

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

Section 31. For the purpose of incorporating the amendment
made by this act to section 403.141, Florida Statutes, in a reference thereto, subsection (7) of section 403.7191, Florida Statutes, is reenacted to read:

403.7191  Toxics in packaging.—

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

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

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

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

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

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

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

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

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

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

(8) CIVIL PENALTY.—A person who engages in any act or
practice declared in this section to be prohibited or unlawful,
or who violates any of the rules of the department promulgated
under this section, is liable to the state for any damage caused
and for civil penalties in accordance with s. 403.141. The
provisions of s. 403.161 are not applicable to this section. The
penalty may be waived if the person previously has taken
appropriate corrective action to remedy the actual damages, if any, caused by the unlawful act or practice or rule violation. A civil penalty so collected shall accrue to the state and shall be deposited as received into the Solid Waste Management Trust Fund for the purposes specified in paragraph (5)(a).

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

403.7255 Placement of signs.—

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

Section 35. This act shall take effect July 1, 2020.
CS/CS/HB 1091 passed the House on March 6, 2020. The bill was amended in the Senate on March 12, 2020, and returned to the House. The House concurred in the Senate amendment to the House bill and subsequently passed the bill as amended on March 12, 2020. The bill includes portions of SB 150, CS/CS/SB 712, and CS/HB 1343.

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

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

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

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

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

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2020.
I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Environmental Violations

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

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

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

Administrative penalties may be levied directly by DEP or in a proceeding in DOAH.6 The formal administrative enforcement process is typically initiated by serving a notice of violation, and is finalized through entry of a consent order or final order.9 In most administrative proceedings, DEP has the final decision.9 An administrative law judge has the final decision for administrative proceedings involving the Environmental Litigation Reform Act (Reform Act), codified in s. 403.121, F.S., which is the primary statute addressing DEP’s administrative penalties.11 Compared to the judicial process, the administrative process is generally considered less expensive, faster, and more conducive to negotiated settlement.12 However, if DEP is seeking immediate injunctive relief, which compels a party to act or stop acting, an order must be obtained from a court.13

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1 DEP, About DEP, available at https://floridadep.gov/about-dep (last visited Jan. 27, 2020); s. 20.255, F.S.
4 See s. 403.121, F.S.
5 See ss. 403.121 and 403.141, F.S.
6 See BLACK’S LAW DICTIONARY 1247 (9th ed. 2009).
8 See ch. 120, F.S. The administrative process is formalized in the Administrative Procedure Act.
10 Id.
11 Id. at 58-59, 66-70; ch. 2001-258, Laws of Fla.
13 Id. at 59-60.
DEP must proceed administratively when it seeks administrative penalties that do not exceed $10,000 per assessment; DEP is prohibited from imposing administrative penalties in excess of $10,000 in a single notice of violation.\textsuperscript{14} DEP also may not have more than one notice of violation pending against a party unless the additional violation occurred at a different site or was discovered subsequent to the filing of a previous notice of violation.\textsuperscript{15}

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

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

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

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

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

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

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

\textsuperscript{15} Id.
\textsuperscript{16} Section 403.121, F.S.
\textsuperscript{18} Id.
\textsuperscript{19} Section 403.121(1)(b), F.S.
\textsuperscript{20} Section 403.121, F.S.
\textsuperscript{21} Section 403.161, F.S.
\textsuperscript{22} Id.
\textsuperscript{23} Section 403.412, F.S.
<table>
<thead>
<tr>
<th>SECTION OF LAW</th>
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</tr>
</thead>
<tbody>
<tr>
<td>161.054</td>
<td>DEP is required to assess a civil penalty for refusing to comply with the requirements of a coastal construction; a reconstruction or change of existing structures; a construction or physical activity undertaken specifically for shore protection purposes; or certain other structures and physical activities.</td>
<td>Up to $10,000 per day</td>
<td>Up to $15,000 per day</td>
</tr>
<tr>
<td>258.397</td>
<td>The Department of Legal Affairs is authorized to bring a civil action for a violation of the requirements of the Biscayne Bay Aquatic Preserve.</td>
<td>$5,000 per day</td>
<td>$7,500 per day</td>
</tr>
<tr>
<td>258.46</td>
<td>The Board of Trustees of the Internal Improvement Trust Fund is required to charge a civil penalty for violations of regulations for all aquatic preserves.</td>
<td>Between $500 and $5,000 per day</td>
<td>Between $750 and $7,500 per day</td>
</tr>
<tr>
<td>373.129</td>
<td>DEP and the water management districts are authorized to bring actions and proceedings to enforce rules, regulations, and adopted or issued orders; enjoin or abate violations of law, rules, regulations, and adopted orders; protect and preserve the water resources of the state; defend all actions and proceedings involving their powers and duties pertaining to the water resources of the state; and recover a civil penalty for each offense.</td>
<td>$10,000 per offense</td>
<td>$15,000 per offense</td>
</tr>
<tr>
<td>373.209</td>
<td>DEP is required to assess a civil penalty for violations of regulations for artesian wells.</td>
<td>$100 per day for each offense</td>
<td>$150 per day for each offense</td>
</tr>
<tr>
<td>373.430</td>
<td>A person who causes pollution or fails to obtain a required permit commits a second degree misdemeanor.</td>
<td>$5,000</td>
<td>$10,000</td>
</tr>
<tr>
<td>376.065</td>
<td>DEP is required to assess a civil penalty for the operation of a terminal facility without a discharge prevention and response certificate.</td>
<td>$500</td>
<td>$750</td>
</tr>
<tr>
<td>376.071</td>
<td>DEP is required to assess a civil penalty for any vessel with a pollutant capacity of 10,000 gallons or more that fails to maintain a discharge prevention and control contingency plan.</td>
<td>$5,000</td>
<td>$7,500</td>
</tr>
<tr>
<td>376.16</td>
<td>DEP is required to assess a civil penalty for violations of the Pollutant Discharge Prevention and Control Act.</td>
<td>Up to $50,000 per day for each offense</td>
<td>Up to $75,000 per day for each offense</td>
</tr>
<tr>
<td>376.16</td>
<td>DEP is required to assess a civil penalty for a second or subsequent discharge of more than five gallons of gasoline or diesel within 12 months of the first discharge.</td>
<td>2nd discharge: $500</td>
<td>2nd discharge: $750</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Subsequent discharges: $1,000</td>
<td>Subsequent discharges: $1,500</td>
</tr>
<tr>
<td>376.16</td>
<td>DEP is required to assess a civil penalty for a second or subsequent discharge of any pollutant other than gasoline or diesel within 12 months of the first discharge.</td>
<td>2nd discharge: $2,500</td>
<td>2nd discharge: $3,750</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Subsequent discharges: $5,000</td>
<td>Subsequent discharges: $7,500</td>
</tr>
<tr>
<td>376.16</td>
<td>DEP is required to assess a civil penalty for a subsequent discharge of gasoline or diesel equal to or less than five gallons within 12 months of the first discharge.</td>
<td>$50</td>
<td>$75</td>
</tr>
<tr>
<td>SECTION OF LAW</td>
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</tr>
<tr>
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<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td></td>
<td>DEP is required to assess a civil penalty for a subsequent discharge of a pollutant other than gasoline or diesel equal to or less than five gallons within 12 months of the first discharge.</td>
<td>$100</td>
<td>$150</td>
</tr>
<tr>
<td>376.25</td>
<td>A county court is authorized to impose a civil penalty if a violator elects to appear before the court and the court determines that an infraction has been committed for the discharge of gasoline or diesel.</td>
<td>2nd discharge: Up to $500</td>
<td>2nd discharge: Up to $750</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Subsequent discharges: Up to $1,000</td>
<td>Subsequent discharges: Up to $1,500</td>
</tr>
<tr>
<td>377.37</td>
<td>A county court is authorized to impose a civil penalty if a violator elects to appear before the court and the court determines that an infraction has been committed for the discharge of a pollutant other than gasoline or diesel.</td>
<td>2nd discharge: Up to $5,000</td>
<td>2nd discharge: Up to $7,500</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Subsequent discharges: Up to $10,000</td>
<td>Subsequent discharges: Up to $15,000</td>
</tr>
<tr>
<td>378.211</td>
<td>DEP is required to assess a civil penalty for violations of regulations for gambling vessels.</td>
<td>Up to $50,000 for each violation</td>
<td>Up to $75,000 for each violation</td>
</tr>
<tr>
<td>403.086</td>
<td>DEP is required to assess a civil penalty for failing to conform to regulations for sewage disposal facilities using advanced and secondary waste treatment.</td>
<td>$500 per day</td>
<td>$750 per day</td>
</tr>
<tr>
<td>403.121</td>
<td>DEP is required to assess an administrative penalty for failing to obtain a clearance letter prior to placing a drinking water system into service when the system would not have been eligible for clearance.</td>
<td>$3,000</td>
<td>$4,500</td>
</tr>
<tr>
<td></td>
<td>DEP is required to assess an administrative penalty for failing to obtain a wastewater permit other than a surface water discharge permit.</td>
<td>$1,000</td>
<td>$2,000</td>
</tr>
<tr>
<td>SECTION OF LAW</td>
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<td>PROPOSED FINE/PENALTY</td>
</tr>
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</tr>
<tr>
<td>DEP is required to assess an administrative penalty for an unpermitted or unauthorized wastewater discharge that did not result in a water quality violation.</td>
<td>$2,000</td>
<td>$4,000</td>
<td></td>
</tr>
<tr>
<td>DEP is required to assess an administrative penalty for the unpermitted or unauthorized discharge that resulted in a water quality violation.</td>
<td>$5,000</td>
<td>$10,000</td>
<td></td>
</tr>
</tbody>
</table>
| DEP is required to assess an administrative penalty for a dredge and fill or stormwater violation with additional penalties under the following conditions:  
  - If the violation occurs in a certain waterbody |
| plus $2,000 | plus $3,000 |
|  - If the violation occurs in an area of a certain size |
| plus $1,000 | plus $1,500 |
| DEP is required to assess an administrative penalty for failing to complete required mitigation, record a conservation easement, or a water quality violation resulting from certain activities. | $3,000 | $4,500 |
| DEP is required to assess an administrative penalty for failing to properly or timely construct a stormwater management system for systems serving less than 5 acres. | $2,000 | $3,000 |
| DEP is required to assess an administrative penalty against a contractor that conducts unpermitted or unauthorized dredging or filling. | $5,000 | $7,500 |
| DEP is required to assess an administrative penalty against a contractor for mangrove trimming or alteration violations. | $5,000 | $7,500 |
| DEP is required to assess an administrative penalty for the unpermitted or unauthorized disposal of solid waste, with additional penalties for certain conditions. | $2,000 plus $1,000 per condition | $3,000 plus $1,500 per condition |
| DEP is required to assess an administrative penalty for failure to properly maintain leachate control. | $3,000 | $4,500 |
| DEP is required to assess an administrative penalty for failing to construct or maintain a required stormwater management system. | $2,000 | $3,000 |
| DEP is required to assess an administrative penalty for an unpermitted or unauthorized air emission or air-emission-permit exceedance, with additional penalties if:  
  - The emission was from a major source and the source was major for the pollutant in violation | $3,000 | $4,500 |
<p>|  - The emission was more than 150 percent of the allowable level |
| $1,000 | $1,500 |
| DEP is required to assess an administrative penalty for storage tank system and petroleum contamination violations. | $5,000 | $7,500 |
| DEP is required to assess an administrative penalty for failing to timely upgrade a storage tank system. | $3,000 | $4,500 |
| DEP is required to assess an administrative penalty for release violations of storage tank systems. | $2,000 | $3,000 |</p>
<table>
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<tr>
<th>SECTION OF LAW</th>
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<tbody>
<tr>
<td></td>
<td>DEP is required to assess an administrative penalty for failing to properly operate, maintain, or close a storage tank system.</td>
<td>$1,000</td>
<td>$1,500</td>
</tr>
<tr>
<td></td>
<td>DEP is required to assess an administrative penalty for failure to satisfy financial responsibility requirements or pollution of land, water, wildlife, or property by drilling for oil, gas, or other petroleum products.</td>
<td>$5,000</td>
<td>$7,500</td>
</tr>
<tr>
<td></td>
<td>DEP is required to assess an administrative penalty for failing to install, maintain, or use a required pollution control system or device.</td>
<td>$4,000</td>
<td>$6,000</td>
</tr>
<tr>
<td></td>
<td>DEP is required to assess an administrative penalty for failing to obtain a required permit before construction or modification.</td>
<td>$3,000</td>
<td>$4,500</td>
</tr>
<tr>
<td></td>
<td>DEP is required to assess an administrative penalty for failing to conduct regular monitoring or testing, to conduct required release detection, or to construct in compliance with a permit.</td>
<td>$2,000</td>
<td>$3,000</td>
</tr>
<tr>
<td></td>
<td>DEP is required to assess an administrative penalty for failing to maintain and train staff; prepare and maintain contingency plans; adequately respond to emergencies; or submit required notification to DEP.</td>
<td>$1,000</td>
<td>$1,500</td>
</tr>
<tr>
<td></td>
<td>DEP is required to assess an administrative penalty for failing to prepare, submit, maintain, or use required reports or other documentation.</td>
<td>$500</td>
<td>$750</td>
</tr>
<tr>
<td></td>
<td>DEP is required to assess an administrative penalty for failing to comply with any departmental regulatory statute or rule not described above.</td>
<td>$500</td>
<td>$1,000</td>
</tr>
<tr>
<td></td>
<td>When considering the economic benefit gained by a violator from a violation, the law specifies that the total administrative penalty may not exceed a certain amount.</td>
<td>$10,000</td>
<td>$15,000</td>
</tr>
<tr>
<td></td>
<td>The law specifies that the administrative penalties assessed for any violation may not exceed a certain amount against any one violator unless the violator has a history of noncompliance or the economic benefit exceeds a certain amount.</td>
<td>$5,000 per violator unless economic benefit exceeds $5,000</td>
<td>$10,000 per violator unless economic benefit exceeds $10,000</td>
</tr>
<tr>
<td></td>
<td>The law specifies that the total administrative penalties per assessment for all violations attributable to a specific person may not exceed a certain amount.</td>
<td>$10,000 per assessment</td>
<td>$50,000 per assessment</td>
</tr>
<tr>
<td>403.141</td>
<td>Any person who causes pollution, fails to obtain a permit, knowingly makes false statements, or fails to provide required notice is liable to the state for any damage to airs, waters, or properties (including wildlife) of the state and is subject to a civil penalty for each offense.</td>
<td>Up to $10,000 per offense</td>
<td>Up to $15,000 per offense</td>
</tr>
<tr>
<td>403.161</td>
<td>Any person who fails to obtain a permit due to reckless indifference commits a 2nd degree misdemeanor punishable by 60 days in jail, a fine, or both for each offense.</td>
<td>Up to $5,000 per offense</td>
<td>Up to $10,000 per offense</td>
</tr>
<tr>
<td>403.413</td>
<td>A law enforcement officer is required to assess a civil penalty for dumping litter.</td>
<td>$100</td>
<td>$150</td>
</tr>
<tr>
<td>SECTION OF LAW</td>
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<td>-------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>403.7234</td>
<td>DEP is required to assess a civil penalty for any small quantity generator who does not comply with the small quantity generator notification and verification program</td>
<td>Between $50 and $100 per day for up to 100 days</td>
<td>Between $75 and $150 for up to 100 days</td>
</tr>
<tr>
<td>403.726</td>
<td>DEP is authorized impose a civil penalty for a violation of hazardous substance regulations.</td>
<td>Up to $25,000 per day</td>
<td>Up to $37,500 per day</td>
</tr>
<tr>
<td>403.727</td>
<td>DEP is required to assess a civil penalty for a violation of hazardous waste regulations.</td>
<td>Up to $50,000 per day</td>
<td>Up to $75,000 per day</td>
</tr>
<tr>
<td></td>
<td>DEP is authorized to impose a civil penalty for any anchoring of a vessel on a coral reef or any other damage to a coral reef totaling less than one square meter, if the responsible party has been previously issued at least one warning letter, with additional penalties for violations that occur under certain conditions.</td>
<td>$150 plus $150 per condition</td>
<td>$225 plus $225 per condition</td>
</tr>
<tr>
<td>403.93345</td>
<td>DEP is authorized to impose a civil penalty for damage totaling more than one square meter but less than or equal to 10 square meters of a coral reef, with additional penalties for damage occurring under certain conditions.</td>
<td>$300 plus $300 per condition</td>
<td>$450 plus $450 per condition</td>
</tr>
<tr>
<td></td>
<td>DEP is authorized to impose a civil penalty for damage totaling more than 10 square meters of a coral reef, with additional penalties for damage occurring under certain conditions.</td>
<td>$1,000 plus $1,000 per condition</td>
<td>$1,500 plus $1,500 per condition</td>
</tr>
<tr>
<td></td>
<td>The law specifies that the total penalties DEP may impose for damage totaling more than 10 square meters of a coral reef may not exceed a certain amount per occurrence.</td>
<td>$250,000</td>
<td>$375,000</td>
</tr>
</tbody>
</table>

### Sanitary Sewer Laterals

**Background**

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

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

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25 *Id.* at 1-2.

26 *Id.* at 2.

27 *Id.* at 4.

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

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

\textit{Required Disclosures for a Contract for Sale in Florida}

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

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

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

\textbf{Effect of the Bill}

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

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

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

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

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

\textsuperscript{29} Florida Building Code – Plumbing, 6\textsuperscript{th} edition (July 2017) ch. 7, s. 701.3.
\textsuperscript{30} Ch. 30.02, s. 4.2(k), City of Orlando Code of Ordinances; Chapter 20, article IX, s. 20-110(d), City of Tarpon Springs Code of Ordinances.
\textsuperscript{31} Section 627.7073(2)(c), F.S.
\textsuperscript{32} Section 161.57(2), F.S.
\textsuperscript{33} Section 720.401(1), F.S.
\textsuperscript{34} Section 404.056(5), F.S.
\textsuperscript{35} Section 689.261, F.S.
\textsuperscript{36} Section 689.29, F.S.
\textsuperscript{37} Jensen v. Bailey, 76 So. 3d 980, 983-984 (Fla. 2d DCA 2011).
The bill requires a seller of real property, before executing a contract for sale, to disclose to a prospective purchaser any known defects in the property’s sanitary sewer lateral.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

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

2. Expenditures:
   None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

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

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

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

D. FISCAL COMMENTS:

   None.
An act relating to environmental resource management; providing a short title; requiring the Department of Health to provide a specified report to the Governor and the Legislature by a specified date; requiring the Department of Health and the Department of Environmental Protection to submit to the Governor and the Legislature, by a specified date, certain recommendations relating to the transfer of the Onsite Sewage Program; requiring the departments to enter into an interagency agreement that meets certain requirements by a specified date; transferring the Onsite Sewage Program within the Department of Health to the Department of Environmental Protection by a type two transfer by a specified date; providing that certain employees retain and transfer certain types of leave upon the transfer; amending s. 373.036, F.S.; directing water management districts to submit consolidated annual reports to the Office of Economic and Demographic Research; requiring such reports to include connection and conversion projects for onsite sewage treatment and disposal systems; requiring the Department of Environmental Protection, in coordination with the water management districts, to conduct a study on the bottled water industry in this state; providing requirements for the study; requiring the department to submit a report containing the findings of the study to the Governor and the Legislature by a specified date; defining terms;
amending s. 373.4131, F.S.; requiring the Department of Environmental Protection to include stormwater structural control inspections as part of its regular staff training; requiring the department and the water management districts to adopt rules regarding stormwater design and operation regulations by a specified date and address specified information as part of such rule development; requiring the department to review and evaluate data relating to self-certification and provide the Legislature with recommendations for improvements; amending s. 381.0065, F.S.; requiring the department to implement an approval process for the use of specified nutrient-reducing onsite sewage treatment and disposal systems by a specified date; defining the term “department” for the regulation of onsite sewage treatment and disposal systems; revising the duties of the department; requiring the Department of Environmental Protection to adopt rules relating to the location of onsite sewage treatment and disposal systems and complete such rulemaking by a specified date; providing requirements for such rules; requiring the department to determine that a hardship exists for certain variance applicants; providing that certain provisions relating to existing setback requirements are applicable to permits only until the effective date of certain rules adopted by the department; removing provisions requiring certain onsite sewage treatment and disposal system research projects to be
approved by a Department of Health technical review
and advisory panel; removing provisions prohibiting
the award of research projects to certain entities;
removing provisions establishing a Department of
Health onsite sewage treatment and disposal system
research review and advisory committee; conforming
provisions to changes made by the act; creating s.
381.00652, F.S.; defining the term “department”;
creating the onsite sewage treatment and disposal
systems technical advisory committee within the
Department of Environmental Protection; authorizing
the department, in consultation with the Department of
Health, to appoint an onsite sewage treatment and
disposal systems technical advisory committee;
providing for committee purpose, membership, and
expiration; requiring the committee to submit its
recommendations to the Governor and Legislature;
providing for the expiration of the committee;
repealing s. 381.0068, F.S., relating to the
Department of Health onsite sewage treatment and
disposal systems technical review and advisory panel;
amending s. 403.061, F.S.; requiring the department to
adopt rules relating to domestic wastewater collection
and transmission system pipe leakages and inflow and
infiltration; requiring the department to adopt rules
to require public utilities or their affiliated
companies holding, applying for, or renewing a
domestic wastewater discharge permit to file certain
annual reports and data with the department; creating
s. 403.0616, F.S.; requiring the department, subject
to legislative appropriation, to establish a real-time
water quality monitoring program; encouraging the
formation of public-private partnerships; amending s.
403.064, F.S.; requiring the Department of
Environmental Protection to initiate rule revisions
based on certain potable reuse recommendations by a
specified date; providing requirements for such rules;
providing that reclaimed water is deemed a water
source for public water supply systems; amending s.
403.067, F.S.; requiring basin management action plans
for nutrient total maximum daily loads to include
wastewater treatment and onsite sewage treatment and
disposal system remediation plans that meet certain
requirements; requiring the Department of Agriculture
and Consumer Services to collect fertilizer
application records from certain agricultural
producers and provide the information to the
department annually by a specified date; requiring the
Department of Agriculture and Consumer Services to
perform onsite inspections of the agricultural
producers at specified intervals; providing for
prioritization of such inspections; requiring certain
basin management action plans to include cooperative
agricultural regional water quality improvement
elements; requiring the Department of Agriculture and
Consumer Services, in cooperation with specified
tentities, to annually develop research plans and
legislative budget requests relating to best
management practices by a specified date; requiring such entities to submit such plans to the Department of Environmental Protection and the Department of Agriculture and Consumer Services by a specific date; requiring the Department of Environmental Protection to work with specified entities to consider the adoption of best management practices for nutrient impacts from golf courses; creating s. 403.0671, F.S.; directing the Department of Environmental Protection, in coordination with specified entities, to submit reports regarding wastewater projects identified in the basin management action plans to the Governor and the Legislature and to submit certain wastewater project cost estimates to the Office of Economic and Demographic Research by specified dates; creating s. 403.0673, F.S.; establishing a wastewater grant program within the Department of Environmental Protection; authorizing the department to distribute appropriated funds for certain projects; providing requirements for the distribution; requiring the department to coordinate with each water management district to identify grant recipients; requiring an annual report to the Governor and Legislature by a specified date; creating s. 403.0855, F.S.; providing legislative findings regarding the regulation of biosolids management in this state; requiring the department to adopt rules for biosolids management; providing that such rules are not effective until ratified by the Legislature; providing permitting
requirements for biosolids land application sites and facilities; requiring biosolids application sites and facilities to be enrolled in a specified best management practices program or be within a specified agricultural operation; providing requirements for the land application of biosolids; providing a definition; authorizing the enforcement or extension of certain local government regulations relating to the land application of biosolids until such regulations are repealed; amending s. 403.086, F.S.; prohibiting sewage disposal facilities from disposing waste into the Indian River Lagoon beginning on a specified date without certain advanced waste treatment; directing the Department of Environmental Protection, in consultation with specified entities, to submit a report to the Governor and the Legislature by a specified date; requiring sewage disposal facilities to have a power outage contingency plan, to take steps to prevent overflows and leaks and ensure that the wastewater reaches the facility for appropriate treatment, and to provide the Department of Environmental Protection with certain information; requiring the department to adopt rules; limiting the scope of such rules; authorizing utilities and operating entities to consolidate certain reports; providing that specified compliance is evidence in mitigation for assessment of certain penalties; amending s. 403.087, F.S.; requiring the department to issue operation permits for certain domestic
wastewater treatment facilities under certain circumstances; amending s. 403.088, F.S.; revising the permit conditions for a water pollution operation permit; requiring permittees to submit annual reports to the department; requiring the department to submit an annual report identifying all domestic wastewater treatment facilities that experienced sanitary sewer overflows to the Governor and the Legislature by a specified date; amending s. 403.0891, F.S.; requiring model stormwater management programs to contain model ordinances for nutrient reduction practices and green infrastructure; amending s. 403.121, F.S.; revising administrative penalties for violations of ch. 403, F.S.; amending ss. 403.1835 and 403.1838, F.S.; requiring the Department of Environmental Protection to give funding priority to certain domestic wastewater utility projects; amending s. 403.412, F.S.; prohibiting local governments from recognizing or granting certain legal rights to the natural environment or granting such rights relating to the natural environment to a person or political subdivision; providing construction; providing a declaration of important state interest; amending ss. 153.54, 153.73, 163.3180, 180.03, 311.105, 327.46, 373.250, 373.414, 373.705, 373.707, 373.709, 373.807, 376.307, 380.0552, 381.006, 381.0061, 381.0064, 381.00651, 381.0101, 403.08601, 403.0871, 403.0872, 403.707, 403.861, 489.551, and 590.02, F.S.; conforming cross-references and provisions to changes
Be It Enacted by the Legislature of the State of Florida:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

373.036 Florida water plan; district water management plans.—

(7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.—

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

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

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

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

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

4. The alternative water supplies annual report required by s. 373.707(8)(n).
5. The final annual 5-year water resource development work program required by s. 373.536(6)(a)4.


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

8. Information on all projects related to water quality or water quantity as part of a 5-year work program, including:
   a. A list of all specific projects identified to implement a basin management action plan, including any projects to connect onsite sewage treatment and disposal systems to central sewerage systems and convert onsite sewage treatment and disposal systems to enhanced nutrient-reducing onsite sewage treatment and disposal systems, or a recovery or prevention strategy;
   b. A priority ranking for each listed project for which state funding through the water resources development work program is requested, which must be made available to the public for comment at least 30 days before submission of the consolidated annual report;
   c. The estimated cost for each listed project;
   d. The estimated completion date for each listed project;
   e. The source and amount of financial assistance to be made available by the department, a water management district, or other entity for each listed project; and
   f. A quantitative estimate of each listed project’s benefit to the watershed, water body, or water segment in which it is located.

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

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

(1) The study must:

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

1. The magnitude of the spring;
2. Whether the spring has been identified as an Outstanding Florida Spring as defined in s. 373.802, Florida Statutes;
3. Any department- or water management district-adopted minimum flow or minimum water levels, the status of any adopted minimum flow or minimum water levels, and any associated recovery or prevention strategy;
4. The permitted and actual use associated with the consumptive use permits;
5. The reduction in flow associated with the permitted and actual use associated with the consumptive use permits;
6. The impact on springs of bottled water facilities as compared to other users; and
7. Types of water conservation measures employed at bottled water facilities permitted to derive water from a spring.

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

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

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

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

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

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

(3) As used in this section, the term “bottled water” has the same meaning as in s. 500.03, Florida Statutes, and the term “water derived from a spring” means water derived from an underground formation from which water flows naturally to the surface of the earth in the manner described in 21 C.F.R. s. 165.110(a)(2)(vi).
Section 5. Subsection (5) of section 373.4131, Florida
Statutes, is amended, and subsection (6) is added to that
section, to read:

373.4131 Statewide environmental resource permitting

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

(6) By January 1, 2021:

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

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

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

381.0065 Onsite sewage treatment and disposal systems; regulation.—

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

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

381.0065 Onsite sewage treatment and disposal systems; regulation.—

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

(d) “Department” means the Department of Environmental Protection.

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

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

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

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

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

(f) Issue annual operating permits under this section.

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

(h) Conduct enforcement activities, including imposing fines, issuing citations, suspensions, revocations, injunctions, and emergency orders for violations of this section, part I of chapter 386, or part III of chapter 489 or for a violation of any rule adopted under this section, part I of chapter 386, or part III of chapter 489.
(i) Provide or conduct education and training of department personnel, service providers, and the public regarding onsite sewage treatment and disposal systems.

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

(k) Approve the installation of individual graywater disposal systems in which blackwater is treated by a central sewerage system.
(l) Regulate and permit the sanitation, handling, treatment, storage, reuse, and disposal of byproducts from any system regulated under this chapter and not regulated by the Department of Environmental Protection.

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

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

(4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not construct, repair, modify, abandon, or operate an onsite sewage treatment and disposal system without first obtaining a permit...
approved by the department. The department may issue permits to
carry out this section, but shall not make the issuance of such
permits contingent upon prior approval by the department of
Environmental Protection, except that the issuance of a permit
for work seaward of the coastal construction control line
established under s. 161.053 shall be contingent upon receipt of
any required coastal construction control line permit from the
department of Environmental Protection. A construction permit is
valid for 18 months after from the date of issuance and may
be extended by the department for one 90-day period under rules
adopted by the department. A repair permit is valid for 90 days
after from the date of issuance. An operating permit must be
obtained before prior to the use of any aerobic treatment unit
or if the establishment generates commercial waste. Buildings or
establishments that use an aerobic treatment unit or generate
commercial waste shall be inspected by the department at least
annually to assure compliance with the terms of the operating
permit. The operating permit for a commercial wastewater system
is valid for 1 year after from the date of issuance and must be
renewed annually. The operating permit for an aerobic treatment
unit is valid for 2 years after from the date of issuance and
must be renewed every 2 years. If all information pertaining to
the siting, location, and installation conditions or repair of
an onsite sewage treatment and disposal system remains the same,
a construction or repair permit for the onsite sewage treatment
and disposal system may be transferred to another person, if the
transferee files, within 60 days after the transfer of
ownership, an amended application providing all corrected
information and proof of ownership of the property. A There is
no fee is not associated with the processing of this supplemental information. A person may not contract to construct, modify, alter, repair, service, abandon, or maintain any portion of an onsite sewage treatment and disposal system without being registered under part III of chapter 489. A property owner who personally performs construction, maintenance, or repairs to a system serving his or her own owner-occupied single-family residence is exempt from registration requirements for performing such construction, maintenance, or repairs on that residence, but is subject to all permitting requirements. A municipality or political subdivision of the state may not issue a building or plumbing permit for any building that requires the use of an onsite sewage treatment and disposal system unless the owner or builder has received a construction permit for such system from the department. A building or structure may not be occupied and a municipality, political subdivision, or any state or federal agency may not authorize occupancy until the department approves the final installation of the onsite sewage treatment and disposal system. A municipality or political subdivision of the state may not approve any change in occupancy or tenancy of a building that uses an onsite sewage treatment and disposal system until the department has reviewed the use of the system with the proposed change, approved the change, and amended the operating permit.

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

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

(c) Notwithstanding paragraphs (a) and (b), for
subdivisions platted of record on or before October 1, 1991,
when a developer or other appropriate entity has previously made
or makes provisions, including financial assurances or other
commitments, acceptable to the department of Health, that a
central water system will be installed by a regulated public
utility based on a density formula, private potable wells may be
used with onsite sewage treatment and disposal systems until the
agreed-upon densities are reached. In a subdivision regulated by
this paragraph, the average daily sewage flow may not exceed
2,500 gallons per acre per day. This section does not affect the
validity of existing prior agreements. After October 1, 1991,
the exception provided under this paragraph is not available to
(d) Paragraphs (a) and (b) do not apply to any proposed residential subdivision with more than 50 lots or to any proposed commercial subdivision with more than 5 lots where a publicly owned or investor-owned sewage treatment system is available. It is the intent of this paragraph not to allow development of additional proposed subdivisions in order to evade the requirements of this paragraph.

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

1. Seventy-five feet from a private potable well.
2. Two hundred feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of greater than 2,000 gallons per day.
3. One hundred feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of less than or equal to 2,000 gallons per day.
4. Fifty feet from any nonpotable well.
5. Ten feet from any storm sewer pipe, to the maximum extent possible, but in no instance shall the setback be less than 5 feet.
6. Seventy-five feet from the mean high-water line of a tidally influenced surface water body.
7. Seventy-five feet from the mean annual flood line of a permanent nontidal surface water body.
8. Fifteen feet from the design high-water line of retention areas, detention areas, or swales designed to contain standing or flowing water for less than 72 hours after a rainfall or the design high-water level of normally dry drainage ditches or normally dry individual lot stormwater retention areas.

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

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

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

2. Lots platted before 1972 are subject to a 50-foot minimum surface water setback and are not subject to lot size requirements. The projected daily flow for onsite sewage
treatment and disposal systems for lots platted before 1972 may not exceed:
   a. Two thousand five hundred gallons per acre per day for lots served by public water systems as defined in s. 403.852.
   b. One thousand five hundred gallons per acre per day for lots served by water systems regulated under s. 381.0062.

(h)1. The department may grant variances in hardship cases which may be less restrictive than the provisions specified in this section. If a variance is granted and the onsite sewage treatment and disposal system construction permit has been issued, the variance may be transferred with the system construction permit, if the transferee files, within 60 days after the transfer of ownership, an amended construction permit application providing all corrected information and proof of ownership of the property and if the same variance would have been required for the new owner of the property as was originally granted to the original applicant for the variance. A There is no fee is not associated with the processing of this supplemental information. A variance may not be granted under this section until the department is satisfied that:
   a. The hardship was not caused intentionally by the action of the applicant;
   b. No reasonable alternative, taking into consideration factors such as cost, does not exist for the treatment of the sewage; and
   c. The discharge from the onsite sewage treatment and disposal system will not adversely affect the health of the applicant or the public or significantly degrade the groundwater or surface waters.
Where soil conditions, water table elevation, and setback provisions are determined by the department to be satisfactory, special consideration must be given to those lots platted before 1972.

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

a. The Secretary of Environmental Protection or his or her designee.

b. A representative from the county health departments.

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

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

e. A representative from the Department of Environmental Protection.

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

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

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

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

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

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

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

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

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

2. A person electing to use utilize an engineer-designed
system shall, upon completion of the system design, submit such
design, certified by a registered professional engineer, to the
county health department. The county health department may use
utilize an outside consultant to review the engineer-designed
system, with the actual cost of such review to be borne by the
applicant. Within 5 working days after receiving an engineer-
designed system permit application, the county health department
shall request additional information if the application is not
complete. Within 15 working days after receiving a complete
application for an engineer-designed system, the county health
department either shall issue the permit or, if it determines
that the system does not comply with the performance criteria,
shall notify the applicant of that determination and refer the
application to the department for a determination as to whether
the system should be approved, disapproved, or approved with
modification. The department engineer’s determination shall
prevail over the action of the county health department. The
applicant shall be notified in writing of the department’s
determination and of the applicant’s rights to pursue a variance
or seek review under the provisions of chapter 120.

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

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

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

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

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

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

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

2. Onsite sewage treatment and disposal systems must cease discharge by December 31, 2015, or must comply with department rules and provide the level of treatment which, on a permitted annual average basis, produces an effluent that contains no more than the following concentrations:
   a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
   b. Suspended Solids of 10 mg/l.
   c. Total Nitrogen, expressed as N, of 10 mg/l or a reduction in nitrogen of at least 70 percent. A system that has been tested and certified to reduce nitrogen concentrations by at least 70 percent shall be deemed to be in compliance with this standard.
   d. Total Phosphorus, expressed as P, of 1 mg/l.

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

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

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

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

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

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

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

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

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

(m) A product sold in the state for use in onsite sewage
treatment and disposal systems may not contain any substance in
concentrations or amounts that would interfere with or prevent
the successful operation of such system, or that would cause
discharges from such systems to violate applicable water quality
standards. The department shall publish criteria for products
known or expected to meet the conditions of this paragraph. If
in the event a product does not meet such criteria, such product
may be sold if the manufacturer satisfactorily demonstrates to
the department that the conditions of this paragraph are met.

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

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

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

2. A representative from the septic tank industry.
3. A representative from the home building industry.
4. A representative from an environmental interest group.
5. A representative from the State University System, from a department knowledgeable about onsite sewage treatment and disposal systems.
6. A professional engineer registered in this state who has work experience in onsite sewage treatment and disposal systems.
7. A representative from local government who is knowledgeable about domestic wastewater treatment.
8. A representative from the real estate profession.
9. A representative from the restaurant industry.
10. A consumer.

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

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

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

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

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

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

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

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

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

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

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

(t)1.1-1. The owner of an aerobic treatment unit system shall maintain a current maintenance service agreement with an aerobic treatment unit maintenance entity permitted by the department. The maintenance entity shall inspect each aerobic
treatment unit system at least twice each year and shall report quarterly to the department on the number of aerobic treatment unit systems inspected and serviced. The reports may be submitted electronically.

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

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

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

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

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

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

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

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

b. The system is not a sanitary nuisance; and

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

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

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

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

Section 8. Section 381.00652, Florida Statutes, is created to read:
381.00652 Onsite sewage treatment and disposal systems technical advisory committee.—

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

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

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

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

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

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

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

1. A professional engineer.
2. A septic tank contractor.
3. Two representatives from the home building industry.

4. A representative from the real estate industry.

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

6. A representative from local government.

7. Two representatives from the environmental community.

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

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

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

(6) This section expires August 15, 2022.

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

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

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

(7) Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this act. Any rule adopted pursuant...
to this act **must** **shall** be consistent with the provisions of federal law, if any, relating to control of emissions from motor vehicles, effluent limitations, pretreatment requirements, or standards of performance. A **No** county, municipality, or political subdivision **may not** **shall** adopt or enforce any local ordinance, special law, or local regulation requiring the installation of Stage II vapor recovery systems, as currently defined by department rule, unless such county, municipality, or political subdivision is or has been in the past designated by federal regulation as a moderate, serious, or severe ozone nonattainment area. Rules adopted pursuant to this act **may** **shall** not require dischargers of waste into waters of the state to improve natural background conditions. The department **shall** adopt rules to reasonably limit, reduce, and eliminate domestic wastewater collection and transmission system pipe leakages and inflow and infiltration. Discharges from steam electric generating plants existing or licensed under this chapter on July 1, 1984, **may** **shall** not be required to be treated to a greater extent than may be necessary to assure that the quality of nonthermal components of discharges from nonrecirculated cooling water systems is as high as the quality of the makeup waters; that the quality of nonthermal components of discharges from recirculated cooling water systems is no lower than is allowed for blowdown from such systems; or that the quality of noncooling system discharges which receive makeup water from a receiving body of water which does not meet applicable department water quality standards is as high as the quality of the receiving body of water. The department may not adopt standards more stringent than federal regulations, except as
provided in s. 403.804.

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

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

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

403.0616 Real-time water quality monitoring program.—

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

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

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

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

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

403.067 Establishment and implementation of total maximum daily loads.—
(7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—
(a) Basin management action plans.—
1. In developing and implementing the total maximum daily load for a water body, the department, or the department in conjunction with a water management district, may develop a basin management action plan that addresses some or all of the watersheds and basins tributary to the water body. Such plan must integrate the appropriate management strategies available to the state through existing water quality protection programs to achieve the total maximum daily loads and may provide for phased implementation of these management strategies to promote timely, cost-effective actions as provided for in s. 403.151.

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

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

3. The basin management action planning process is intended to involve the broadest possible range of interested parties, with the objective of encouraging the greatest amount of cooperation and consensus possible. In developing a basin management action plan, the department shall assure that key stakeholders, including, but not limited to, applicable local governments, water management districts, the Department of Agriculture and Consumer Services, other appropriate state...
agencies, local soil and water conservation districts, environmental groups, regulated interests, and affected pollution sources, are invited to participate in the process. The department shall hold at least one public meeting in the vicinity of the watershed or basin to discuss and receive comments during the planning process and shall otherwise encourage public participation to the greatest practicable extent. Notice of the public meeting must be published in a newspaper of general circulation in each county in which the watershed or basin lies at least not less than 5 days, but not more than 15 days, before the public meeting. A basin management action plan does not supplant or otherwise alter any assessment made under subsection (3) or subsection (4) or any calculation or initial allocation.

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

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

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

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

d. The source and amount of financial assistance to be made available by the department, a water management district, or other entity for each listed project, if applicable; and
e. A planning-level estimate of each listed project’s expected load reduction, if applicable.

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

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

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

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

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

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

(I) Provide for construction, expansion, or upgrades
necessary to achieve the total maximum daily load requirements
applicable to the domestic wastewater treatment facility.
(II) Include the permitted capacity in average annual gallons per day for the domestic wastewater treatment facility; the average nutrient concentration and the estimated average nutrient load of the domestic wastewater; a projected timeline of the dates by which the construction of any facility improvements will begin and be completed and the date by which operations of the improved facility will begin; the estimated cost of the improvements; and the identity of responsible parties.

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

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

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

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

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

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

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

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

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

(b) Total maximum daily load implementation.—

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

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

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

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

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

e. Public works including capital facilities; or

f. Land acquisition.

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

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

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

c. The basin management action plan does not relieve the 
discharger from any requirement to obtain, renew, or modify an 
NPDES permit or to abide by other requirements of the permit.
d. Management strategies set forth in a basin management action plan to be implemented by a discharger subject to permitting by the department must be completed pursuant to the schedule set forth in the basin management action plan. This implementation schedule may extend beyond the 5-year term of an NPDES permit.

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

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

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

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

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

(c) Best management practices.—

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

2. The Department of Agriculture and Consumer Services may develop and adopt by rule pursuant to ss. 120.536(1) and 120.54 suitable interim measures, best management practices, or other
measures necessary to achieve the level of pollution reduction
established by the department for agricultural pollutant sources
in allocations developed pursuant to subsection (6) and this
subsection or for programs implemented pursuant to paragraph
(12)(b). These practices and measures may be implemented by
those parties responsible for agricultural pollutant sources and
the department, the water management districts, and the
Department of Agriculture and Consumer Services shall assist
with implementation. In the process of developing and adopting
rules for interim measures, best management practices, or other
measures, the Department of Agriculture and Consumer Services
shall consult with the department, the Department of Health, the
water management districts, representatives from affected
farming groups, and environmental group representatives. Such
rules must also incorporate provisions for a notice of intent to
implement the practices and a system to assure the
implementation of the practices, including site inspection and
recordkeeping requirements.

3. When interim measures, best management practices,
or other measures are adopted by rule, the effectiveness of such
practices in achieving the levels of pollution reduction
established in allocations developed by the department pursuant
to subsection (6) and this subsection or in programs implemented
pursuant to paragraph (12)(b) must be verified at representative
sites by the department. The department shall use best
professional judgment in making the initial verification that
the best management practices are reasonably expected to be
effective and, when where applicable, shall must notify the
appropriate water management district or the Department of
Agriculture and Consumer Services of its initial verification before the adoption of a rule proposed pursuant to this paragraph. Implementation, in accordance with rules adopted under this paragraph, of practices that have been initially verified to be effective, or verified to be effective by monitoring at representative sites, by the department, shall provide a presumption of compliance with state water quality standards and release from the provisions of s. 376.307(5) for those pollutants addressed by the practices, and the department is not authorized to institute proceedings against the owner of the source of pollution to recover costs or damages associated with the contamination of surface water or groundwater caused by those pollutants. Research projects funded by the department, a water management district, or the Department of Agriculture and Consumer Services to develop or demonstrate interim measures or best management practices shall be granted a presumption of compliance with state water quality standards and a release from the provisions of s. 376.307(5). The presumption of compliance and release is limited to the research site and only for those pollutants addressed by the interim measures or best management practices. Eligibility for the presumption of compliance and release is limited to research projects on sites where the owner or operator of the research site and the department, a water management district, or the Department of Agriculture and Consumer Services have entered into a contract or other agreement that, at a minimum, specifies the research objectives, the cost-share responsibilities of the parties, and a schedule that details the beginning and ending dates of the project.

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

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

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

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

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

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

2. No later than January 1, 2017:
   a. The department, in consultation with the water management districts and the Department of Agriculture and Consumer Services, shall initiate rulemaking to adopt procedures to verify implementation of water quality monitoring required in lieu of implementation of best management practices or other measures pursuant to sub-subparagraph (b)2.g.;
   b. The department, in consultation with the water management districts and the Department of Agriculture and Consumer Services, shall initiate rulemaking to adopt procedures to verify implementation of nonagricultural interim measures, best management practices, or other measures adopted by rule pursuant to subparagraph (c)1.; and
   c. The Department of Agriculture and Consumer Services, in consultation with the water management districts and the department, shall initiate rulemaking to adopt procedures to
verify implementation of agricultural interim measures, best
management practices, or other measures adopted by rule pursuant
to subparagraph (c)2.

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

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

(e) Cooperative agricultural regional water quality
improvement element.—
1. The department, the Department of Agriculture and
Consumer Services, and owners of agricultural operations in the
basin shall develop a cooperative agricultural regional water
quality improvement element as part of a basin management action plan only if:

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

b. Agricultural nonpoint sources contribute to at least 20 percent of nonpoint source nutrient discharges; and
c. The department determines that additional measures, in combination with state-sponsored regional projects and other management strategies included in the basin management action plan, are necessary to achieve the total maximum daily load.

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

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

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

(f) Data collection and research.—

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

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

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

   c. Develop agricultural nutrient runoff reduction projects that willing participants could implement on a site-specific, cooperative basis, in addition to best management practices. The department may consider these projects for inclusion in a basin management action plan. These nutrient runoff reduction projects must reduce the nutrient impacts from agricultural operations on water quality when evaluated with the projects and management strategies currently included in the basin management action plan.
2. To be considered for funding, the University of Florida Institute of Food and Agricultural Sciences and other state universities and Florida College System institutions that have agricultural research programs must submit such plans to the department and the Department of Agriculture and Consumer Services by August 1, 2021, and each May 1 thereafter.

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

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

403.0671 Basin management action plan wastewater reports.—
(1) By July 1, 2021, the department, in coordination with the county health departments, wastewater treatment facilities, and other governmental entities, shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives evaluating the costs of wastewater projects identified in the basin management action plans developed pursuant to ss. 373.807 and 403.067(7) and the onsite sewage treatment and disposal system remediation plans and other restoration plans developed to meet the total maximum daily loads required under s. 403.067. The report must include:

(a) Projects to:
1. Replace onsite sewage treatment and disposal systems with enhanced nutrient-reducing onsite sewage treatment and disposal systems.
2. Install or retrofit onsite sewage treatment and disposal systems with enhanced nutrient-reducing technologies.

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

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

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

   (c) The estimated implementation timeline for each project;

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

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

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

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

(c) Recommend water quality monitoring needs.

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

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

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

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

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

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

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

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

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

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

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

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

403.0855 Biosolids management.—

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) By December 31, 2020, the department, in consultation
with the water management districts and sewage disposal facilities, shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a progress report on the status of upgrades made by each facility to meet the advanced waste treatment requirements under paragraph (c). The report must include a list of sewage disposal facilities required to upgrade to advanced waste treatment, the preliminary cost estimates for the upgrades, and a projected timeline of the dates by which the upgrades will begin and be completed and the date by which operations of the upgraded facility will begin.

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

(7) All sewage disposal facilities under subsection (2) which control a collection or transmission system of pipes and pumps to collect and transmit wastewater from domestic or industrial sources to the facility shall take steps to prevent sanitary sewer overflows or underground pipe leaks and ensure that collected wastewater reaches the facility for appropriate treatment. Facilities must use inflow and infiltration studies and leakage surveys to develop pipe assessment, repair, and replacement action plans with a 5-year planning horizon that
comply with department rule to limit, reduce, and eliminate
leaks, seepages, or inputs into wastewater treatment systems’
underground pipes. The pipe assessment, repair, and replacement
action plans must be reported to the department. The facility
action plans must include information regarding the annual
expenditures dedicated to the inflow and infiltration studies
and the required replacement action plans; expenditures that are
dedicated to pipe assessment, repair, and replacement; and
expenditures designed to limit the presence of fats, roots,
oils, and grease in the facility’s collection system. The
department shall adopt rules regarding the implementation of
inflow and infiltration studies and leakage surveys; however,
such rules may not fix or revise utility rates or budgets. A
utility or an operating entity subject to this subsection and s.
403.061(14) may submit one report to comply with both
requirements. Substantial compliance with this subsection is
evidence in mitigation for the purposes of assessing penalties
pursuant to ss. 403.121 and 403.141.

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

403.087 Permits; general issuance; denial; revocation;
prohibition; penalty.—

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

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

       403.088 Water pollution operation permits; conditions.—
       (2)
       (c) A permit shall:

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

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

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

       4.3 Contain such additional conditions, requirements, and
restrictions as the department deems necessary to preserve and protect the quality of the receiving waters;

5. Be valid for the period of time specified therein; and

6. Constitute the state National Pollutant Discharge Elimination System permit when issued pursuant to the authority in s. 403.0885.

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

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

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

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

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

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

(2) Administrative remedies:

(b) If the department has reason to believe a violation has occurred, it may institute an administrative proceeding to order the prevention, abatement, or control of the conditions creating the violation or other appropriate corrective action. Except for violations involving hazardous wastes, asbestos, or underground injection, the department shall proceed administratively in all cases in which the department seeks administrative penalties that do not exceed $50,000 per assessment as calculated in accordance with subsections (3), (4), (5), (6), and (7). Pursuant to 42 U.S.C. s. 300g-2, the administrative penalty

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

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

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

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

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

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

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

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

(a) Eliminate public health hazards;
(b) Enable compliance with laws requiring the elimination of discharges to specific water bodies, including the requirements of s. 403.086(10) and s. 403.086(9) regarding domestic wastewater ocean outfalls;
(c) Assist in the implementation of total maximum daily loads adopted under s. 403.067;
(d) Enable compliance with other pollution control requirements, including, but not limited to, toxics control,
wastewater residuals management, and reduction of nutrients and
bacteria;

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

(f) Promote reclaimed water reuse;

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

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

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

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

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

403.1838 Small Community Sewer Construction Assistance
Act.—

(3)

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

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

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

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

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

5. Establish a system to determine the relative priority of grant applications. The system must consider public health protection and water pollution prevention or abatement and must prioritize projects that plan for the installation of wastewater transmission facilities to be constructed concurrently with other construction projects occurring within or along a transportation facility right-of-way.

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

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

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

403.412 Environmental Protection Act.—

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

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

    (c) This subsection does not limit the standing of the Department of Legal Affairs, a political subdivision or municipality of the state, or a citizen of the state to maintain an action for injunctive relief as provided in this section.

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

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

    153.54 Preliminary report by county commissioners with respect to creation of proposed district.—Upon receipt of a petition duly signed by not less than 25 qualified electors who are also freeholders residing within an area proposed to be incorporated into a water and sewer district pursuant to this law and describing in general terms the proposed boundaries of such proposed district, the board of county commissioners if it shall deem it necessary and advisable to create and establish such proposed district for the purpose of constructing, establishing or acquiring a water system or a sewer system or both in and for such district (herein called “improvements”), shall first cause a preliminary report to be made which such report together with any other relevant or pertinent matters, shall include at least the following:
(5) For the construction of a new proposed central sewerage system or the extension of an existing sewerage system that was not previously approved, the report shall include a study that includes the available information from the Department of Environmental Protection Health on the history of onsite sewage treatment and disposal systems currently in use in the area and a comparison of the projected costs to the owner of a typical lot or parcel of connecting to and using the proposed sewerage system versus installing, operating, and properly maintaining an onsite sewage treatment and disposal system that is approved by the Department of Environmental Protection Health and that provides for the comparable level of environmental and health protection as the proposed central sewerage system; consideration of the local authority’s obligations or reasonably anticipated obligations for water body cleanup and protection under state or federal programs, including requirements for water bodies listed under s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.; and other factors deemed relevant by the local authority.

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

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

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

(2)

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

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

163.3180 Concurrency.—

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

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

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

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

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

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

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

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

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

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

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

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

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CODING: Words __stricken__ are deletions; words __underlined__ are additions.
Environmental Protection.

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

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

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

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

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

327.46 Boating-restricted areas.—

(1) Boating-restricted areas, including, but not limited to, restrictions of vessel speeds and vessel traffic, may be established on the waters of this state for any purpose necessary to protect the safety of the public if such restrictions are necessary based on boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards or to protect seagrasses on privately owned submerged lands.
(d) Owners of private submerged lands that are adjacent to Outstanding Florida Waters, as defined in s. 403.061(28), or an aquatic preserve established under ss. 258.39-258.399 may request that the commission establish boating-restricted areas solely to protect any seagrass and contiguous seagrass habitat within their private property boundaries from seagrass scarring due to propeller dredging. Owners making a request pursuant to this paragraph must demonstrate to the commission clear ownership of the submerged lands. The commission shall adopt rules to implement this paragraph, including, but not limited to, establishing an application process and criteria for meeting the requirements of this paragraph. Each approved boating-restricted area shall be established by commission rule. For marking boating-restricted zones established pursuant to this paragraph, owners of privately submerged lands shall apply to the commission for a uniform waterway marker permit in accordance with ss. 327.40 and 327.41, and shall be responsible for marking the boating-restricted zone in accordance with the terms of the permit.

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

373.250 Reuse of reclaimed water.—

(3)

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

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

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

(9) The department and the governing boards, on or before July 1, 1994, shall adopt rules to incorporate the provisions of this section, relying primarily on the existing rules of the department and the water management districts, into the rules governing the management and storage of surface waters. Such rules shall seek to achieve a statewide, coordinated and consistent permitting approach to activities regulated under this part. Variations in permitting criteria in the rules of individual water management districts or the department shall only be provided to address differing physical or natural characteristics. Such rules adopted pursuant to this subsection shall include the special criteria adopted pursuant to §403.061(30) e. 403.061(29) and may include the special criteria adopted pursuant to §403.061(35) e. 403.061(34). Such rules shall include a provision requiring that a notice of intent to deny or a permit denial based upon this section shall contain an explanation of the reasons for such denial and an explanation,
in general terms, of what changes, if any, are necessary to address such reasons for denial. Such rules may establish exemptions and general permits, if such exemptions and general permits do not allow significant adverse impacts to occur individually or cumulatively. Such rules may require submission of proof of financial responsibility which may include the posting of a bond or other form of surety prior to the commencement of construction to provide reasonable assurance that any activity permitted pursuant to this section, including any mitigation for such permitted activity, will be completed in accordance with the terms and conditions of the permit once the construction is commenced. Until rules adopted pursuant to this subsection become effective, existing rules adopted under this part and rules adopted pursuant to the authority of ss. 403.91-403.929 shall be deemed authorized under this part and shall remain in full force and effect. Neither the department nor the governing boards are limited or prohibited from amending any such rules.

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

    373.705 Water resource development; water supply development.—
    (4)
    (b) Water supply development projects that meet the criteria in paragraph (a) and that meet one or more of the following additional criteria shall be given first consideration for state or water management district funding assistance:
    1. The project brings about replacement of existing sources in order to help implement a minimum flow or minimum water
level;

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

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

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

373.707 Alternative water supply development.—

(8)

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

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

2. Whether the project reduces competition for water supplies.

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

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

5. The quantity of water supplied by the project as compared to its cost.
6. Projects in which the construction and delivery to end users of reuse water is a major component.

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

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

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

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

373.709 Regional water supply planning.—

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

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

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

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

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

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

In addition to the requirements in s. 403.067, the plan shall include options for repair, upgrade, replacement, drainfield modification, addition of effective nitrogen reducing features, connection to a central sewerage system, or other action for an onsite sewage treatment and disposal system or group of systems within a priority focus area that contribute at least 20 percent
of nonpoint source nitrogen pollution or if the department determines remediation is necessary to achieve a total maximum daily load. For these systems, the department shall include in the plan a priority ranking for each system or group of systems that requires remediation and shall award funds to implement the remediation projects contingent on an appropriation in the General Appropriations Act, which may include all or part of the costs necessary for repair, upgrade, replacement, drainfield modification, addition of effective nitrogen reducing features, initial connection to a central sewerage system, or other action. In awarding funds, the department may consider expected nutrient reduction benefit per unit cost, size and scope of project, relative local financial contribution to the project, and the financial impact on property owners and the community. The department may waive matching funding requirements for proposed projects within an area designated as a rural area of opportunity under s. 288.0656.

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

376.307 Water Quality Assurance Trust Fund.—

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

(k) For funding activities described in s. 403.086(10) which are authorized for implementation under the Leah Schad Memorial Ocean Outfall Program.
Section 39. Paragraph (i) of subsection (2), paragraph (b) of subsection (4), paragraph (j) of subsection (7), and paragraph (a) of subsection (9) of section 380.0552, Florida Statutes, are amended to read:

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

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

(i) Protect and improve the nearshore water quality of the Florida Keys through federal, state, and local funding of water quality improvement projects, including the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(4)(l) and 403.086(11) and upgrade of onsite sewage treatment and disposal systems pursuant to s. 381.0065(4)(l);

(4) REMOVAL OF DESIGNATION.—

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

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

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

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

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

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

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

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

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

Section 40. Effective July 1, 2021, subsections (7) and (18) of section 381.006, Florida Statutes, are amended to read:
381.006 Environmental health.—The department shall conduct an environmental health program as part of fulfilling the state’s public health mission. The purpose of this program is to detect and prevent disease caused by natural and manmade factors in the environment. The environmental health program shall include, but not be limited to:

(7) An onsite sewage treatment and disposal function.

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

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

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

381.0061 Administrative fines.—

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

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

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

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

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

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

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

(d) Assessment procedure.—All evaluation procedures used by a qualified contractor shall be documented in the environmental health database of the Department of Environmental Protection Health. The qualified contractor shall provide a copy of a written, signed evaluation report to the property owner upon completion of the evaluation and to the county health department within 30 days after the evaluation. The report must shall
contain the name and license number of the company providing the report. A copy of the evaluation report shall be retained by the local county health department for a minimum of 5 years and until a subsequent inspection report is filed. The front cover of the report must identify any system failure and include a clear and conspicuous notice to the owner that the owner has a right to have any remediation of the failure performed by a qualified contractor other than the contractor performing the evaluation. The report must further identify any crack, leak, improper fit, or other defect in the tank, manhole, or lid, and any other damaged or missing component; any sewage or effluent visible on the ground or discharging to a ditch or other surface water body; any downspout, stormwater, or other source of water directed onto or toward the system; and any other maintenance need or condition of the system at the time of the evaluation which, in the opinion of the qualified contractor, would possibly interfere with or restrict any future repair or modification to the existing system. The report shall conclude with an overall assessment of the fundamental operational condition of the system.

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

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

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

(9)

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

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

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

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

381.0101 Environmental health professionals.—
(1) DEFINITIONS.—As used in this section:

(g) “Primary environmental health program” means those programs determined by the department to be essential for providing basic environmental and sanitary protection to the public. At a minimum, these programs shall include food protection program work and onsite sewage treatment and disposal system oversight.
Section 45. Section 403.08601, Florida Statutes, is amended to read:

403.08601 Leah Schad Memorial Ocean Outfall Program.—The Legislature declares that as funds become available the state may assist the local governments and agencies responsible for implementing the Leah Schad Memorial Ocean Outfall Program pursuant to s. 403.086(10) and s. 403.086(9). Funds received from other sources provided for in law, the General Appropriations Act, from gifts designated for implementation of the plan from individuals, corporations, or other entities, or federal funds appropriated by Congress for implementation of the plan, may be deposited into an account of the Water Quality Assurance Trust Fund.

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

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

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

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

(11) Each major source of air pollution permitted to operate in this state must pay between January 15 and April 1 of each year, upon written notice from the department, an annual operation license fee in an amount determined by department rule. The annual operation license fee shall be terminated immediately in the event the United States Environmental Protection Agency imposes annual fees solely to implement and administer the major source air-operation permit program in Florida under 40 C.F.R. s. 70.10(d).
(a) The annual fee must be assessed based upon the source’s previous year’s emissions and must be calculated by multiplying the applicable annual operation license fee factor times the tons of each regulated air pollutant actually emitted, as calculated in accordance with the department’s emissions computation and reporting rules. The annual fee shall only apply to those regulated pollutants, except carbon monoxide and greenhouse gases, for which an allowable numeric emission limiting standard is specified in the source’s most recent construction or operation permit; provided, however, that:

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

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

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

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

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

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

403.707 Permits.—
(3)
(d) The department may adopt rules to administer this subsection. However, the department is not required to submit such rules to the Environmental Regulation Commission for approval. Notwithstanding the limitations of s. 403.087(7)(a)5.a. and s. 403.087(6)(a), permit fee caps for solid waste management facilities shall be prorated to reflect the extended permit term authorized by this subsection.

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

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

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

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

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

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

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

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

489.551 Definitions.—As used in this part:

(1) “Department” means the Department of Environmental
Protection Health.

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

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

(10)

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

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

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

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

Section 53. Except as otherwise expressly provided in this
act, this act shall take effect July 1, 2020.
The “Clean Waterways Act” addresses a number of environmental issues including several provisions specifically related to water quality improvement.

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

The bill requires local governments to create septic remediation plans for certain basin management action plans (BMAPs). The bill also requires DEP to implement a fast track-approval process for NSF/ANSI 245 nutrient reducing septic systems and revises provisions relating to septic system setback rules.

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

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

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

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

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

This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.
The bill creates a cooperative agricultural regional water quality improvement element as part of a BMAP in areas where agriculture is a significant source of pollution. Projects under the element could include conservation easements and dispersed water management. The bill authorizes legislative budget requests to fund these projects and requires DEP to allocate at least 20 percent of the funds it receives for projects in areas with the highest nutrient concentrations.

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

**Biosolids**

The bill requires enrollment in DACS’s BMP program and prohibits the application of Class A or Class B biosolids within 6 inches of the seasonal high water table, unless a nutrient management plan and water quality monitoring plan provide reasonable assurances that the application will not cause or contribute to water quality violations. Permits will have to comply with the statute within two years and with DEP’s biosolids rule within two years of it becoming effective. The bill allows local governments to keep existing biosolids ordinances.

**Fines and Penalties**

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

**Water Quality Monitoring**

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

**Bottled Water**

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

**Rights of Nature**

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

**Golf Courses**

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

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

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

*Vote: Senate 39-0; House 118-0*
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<td>HB 0003</td>
<td>Preemption of Local Occupational Licensing</td>
<td>Senator Died in Community Affairs</td>
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<td>Preemption of Local Occupational Licensing: Preempts licensing of occupations to state; prohibits local governments from imposing or modifying certain licensing requirements; specifies certain local licensing may not be enforced; specifies certain specialty contractors are not required to register with Construction Industry Licensing Board; prohibits local governments from requiring certain specialty contractors to obtain license; specifies job scopes for which local government may not require license; authorizes counties &amp; municipalities to issue journeyman licenses. Effective Date: July 1, 2020</td>
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<td>HB 0027</td>
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<td>House Died in Transportation and Infrastructure Subcommittee</td>
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<td>Specialty License Plates: Directs DHSMV to develop Florida State Beekeepers Association license plate; provides for distribution &amp; use of fees collected from sale of plates. Effective Date: October 1, 2020, but only if HB 29 or similar legislation takes effect</td>
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<td>Specialty License Plate Fees</td>
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<td>Specialty License Plate Fees: Establishes fee for Florida State Beekeepers Association license plate. Effective Date: on the same date that HB 27 or similar legislation takes effect</td>
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### Similar Bills

- **SB 1336**: Preemption of Local Occupational Licensing (Perry)
- **SB 0110**: Fees/Florida State Beekeepers Association License Plate (Rader)
- **SB 0412**: License Plates (Bean)
- **SB 0108**: Specialty License Plates/Florida State Beekeepers Association (Rader)
- **SB 0412**: License Plates (Bean)
- **HB 1135**: License Plates (Grant (J))
- **HB 0029**: Specialty License Plate Fees (Bell)
- **SB 0108**: Specialty License Plates/Florida State Beekeepers Association (Rader)
- **SB 0110**: Fees/Florida State Beekeepers Association License Plate (Rader)
- **HB 0027**: Specialty License Plates (Bell)
SB 0034  **Prohibited Discrimination** by Rouson

Prohibited Discrimination; Citing this act as the "Florida Competitive Workforce Act"; adding sexual orientation and gender identity as impermissible grounds for discrimination in public lodging establishments and public food service establishments; providing an exception for constitutionally protected free exercise of religion, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** No Current Committee

**Actions**

09/03/2019  SENATE Withdrawn prior to introduction

**Similar**

HB 0161  Prohibited Discrimination (Toledo)
SB 0206  Prohibited Discrimination (Rouson)

SB 0040  **Prohibition of Plastic Carryout Bags and Straws** by Rader

Prohibition of Plastic Carryout Bags and Straws; Prohibiting a store or food service business from providing to a customer a carryout bag made of plastic film; prohibiting a food service business from selling or providing to a customer a single-use plastic straw, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Commerce and Tourism

**Actions**

03/14/2020  SENATE Died in Commerce and Tourism

SB 0066  **Student Loans and Scholarship Obligations of Health Care Practitioners** by Cruz

Student Loans and Scholarship Obligations of Health Care Practitioners; Establishing that a health care practitioner’s failure to repay a student loan or to comply with service scholarship obligations does not constitute grounds for disciplinary action; removing a civil fine; removing the requirement that the Department of Health investigate and prosecute health care practitioners for failing to repay a student loan or to comply with scholarship service obligations; removing the requirement, and related provisions, that the department immediately suspend the licenses of certain health care practitioners for failing to provide within a specified timeframe proof of new payment terms for student loans in default, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Appropriations Subcommittee on Education

**Actions**

03/14/2020  SENATE Died in Appropriations Subcommittee on Education

**Compare**

HB 0115  Keep Our Graduates Working Act (Duran)
SB 0230  Department of Health (Harrell)
SB 0356  Keep Our Graduates Working Act (Hutson)
SB 0474  Deregulation of Professions and Occupations (Albritton)
HB 0713  Department of Health (Rodriguez (AM))
SB 0926  Health Care Practitioner Licensure (Harrell)
HB 1193  Deregulation of Professions and Occupations (Ingoglia)

**Similar**

HB 0077  Student Loans and Scholarship Obligations of Health Care Practitioners (Goff-Marcil)

HB 0077  **Student Loans and Scholarship Obligations of Health Care Practitioners** by Goff-Marcil

Provides that failure to repay specified student loan by health care practitioners is not considered failure to perform statutory or legal obligation; repeals language relating to health care practitioners in default on student loan or scholarship obligations; deletes provision relating to the immediate suspension of health
care practitioner license upon default on specified student loan. Effective Date: July 1, 2020

**Current Committee of Reference:** No Current Committee

### Actions

**01/10/2020** HOUSE Withdrawn prior to introduction

### Compare

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<td>SB 0066</td>
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**SB 0090** *Discrimination in Labor and Employment* by Stewart

Discrimination in Labor and Employment; Creating the “Senator Helen Gordon Davis Fair Pay Protection Act”; prohibiting an employer from providing less favorable employment opportunities to employees based on their sex; prohibiting an employer from taking certain employment actions against employees; prohibiting an employer from engaging in certain activities relating to wages and benefits, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Commerce and Tourism

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<td>HB 0739</td>
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**SB 0108** *Specialty License Plates/Florida State Beekeepers Association* by Rader

Specialty License Plates/Florida State Beekeepers Association; Directing the Department of Highway Safety and Motor Vehicles to develop a Florida State Beekeepers Association license plate, etc. Effective Date: October 1, 2020, but only if SB 110 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law

**Current Committee of Reference:** Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development

### Actions

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<td>SB 0110</td>
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### SB 0110 Fees/Florida State Beekeepers Association License Plate by Rader

Fees/Florida State Beekeepers Association License Plate; Creating a fee for a certain specialty license plate, etc. Effective Date: On the same date that SB 108 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law

**Current Committee of Reference:** Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development

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**Compare**

- HB 0027  Specialty License Plates (Bell)
- HB 1135  License Plates (Grant (J))

**Identical**

- HB 0029  Specialty License Plate Fees (Bell)

**Linked**

- SB 0108  Specialty License Plates/Florida State Beekeepers Association (Rader)

### SB 0112 Capital Relocation Study by Rader

Capital Relocation Study; Requiring the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a study regarding the relocation of the state capital; prescribing requirements for the study; requiring OPPAGA to submit a report to the Legislature by a specified date, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Governmental Oversight and Accountability

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### HB 0115 Keep Our Graduates Working Act by Duran

Keep Our Graduates Working Act: Prohibits state authority from denying license, refusing to renew license, or suspending or revoking license on basis of delinquency or default in payment of his or her student loan; provides exception to requirement that certain entities prohibit candidate from being examined for or issued, or having renewed license, certificate, or registration to practice health care profession if he or she is listed on specified federal list of excluded individuals & entities; repeals provisions relating to health care practitioners in default on student loan or scholarship obligations. Effective Date: July 1, 2020

**Current Committee of Reference:** No Current Committee

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**Compare**

- SB 0066  Student Loans and Scholarship Obligations of Health Care Practitioners (Cruz)
- HB 0077  Student Loans and Scholarship Obligations of Health Care Practitioners (Goff-Marcil)
- SB 0230  Department of Health (Harrell)
- SB 0474  Deregulation of Professions and Occupations (Albritton)
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<td>Abolishing the Constitution Revision Commission; Proposing amendments to the State Constitution to abolish the Constitution Revision Commission, etc.</td>
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<td>Similar</td>
<td></td>
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<tr>
<td>HB 0301</td>
<td>Repeal of Constitution Revision Commission (Drake)</td>
<td></td>
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<tr>
<td>HB 0147</td>
<td>Water Resources by Jacobs</td>
<td><strong>House Agriculture &amp; Natural Resources Subcommittee</strong></td>
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<tr>
<td></td>
<td>Water Resources: Requires DEP to conduct specified comprehensive &amp; quantitative needs-based overview of state's water resources &amp; submit report to Governor &amp; Legislature. Effective Date: July 1, 2020</td>
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<td></td>
<td><strong>Current Committee of Reference:</strong> House Agriculture &amp; Natural Resources Subcommittee</td>
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<td></td>
<td><strong>Actions</strong></td>
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<tr>
<td>03/14/2020</td>
<td>HOUSE Died in Agriculture and Natural Resources Subcommittee</td>
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<tr>
<td>Identical</td>
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<tr>
<td>SB 0690</td>
<td>Water Resources (Albritton)</td>
<td></td>
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<tr>
<td>HB 0153</td>
<td>Indian River Lagoon State Matching Grant Program by Fine</td>
<td><strong>House Agriculture &amp; Natural Resources Appropriations Subcommittee</strong></td>
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<td></td>
<td>Indian River Lagoon State Matching Grant Program: Provides that certain projects identified in Indian River Lagoon Comprehensive Conservation &amp; Management Plan are eligible for state funding consideration; directs DEP to coordinate with water management districts to identify projects &amp; grant recipients. Effective Date: July 1, 2020</td>
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<td></td>
<td><strong>Current Committee of Reference:</strong> House Agriculture &amp; Natural Resources Appropriations Subcommittee</td>
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<td><strong>Actions</strong></td>
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<tr>
<td>03/14/2020</td>
<td>HOUSE Died in Agriculture and Natural Resources Appropriations Subcommittee</td>
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<tr>
<td>Compare</td>
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<tr>
<td>SB 0712</td>
<td>Environmental Resource Management (Mayfield)</td>
<td></td>
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<td>Similar</td>
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<tr>
<td>SB 0640</td>
<td>Indian River Lagoon State Matching Grant Program (Harrell)</td>
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<tr>
<td>SB 0178</td>
<td>Public Financing of Construction Projects by Rodriguez (J)</td>
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<td></td>
<td>Public Financing of Construction Projects; Prohibiting state-financed constructors from commencing construction of certain structures in coastal areas after a specified date without first taking certain steps regarding a sea level impact projection study; requiring the Department of Environmental Protection to develop by rule a standard for such studies; providing that such rule operates prospectively on projects that have not yet commenced as of the finalization of the rule, etc. Effective Date: Except as otherwise expressly provided in this act, this act shall take effect July 1, 2020</td>
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<td><strong>Current Committee of Reference:</strong> No Current Committee</td>
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<td><strong>Actions</strong></td>
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<tr>
<td>03/11/2020</td>
<td>SENATE Enrolled Text (ER) Filed</td>
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<tr>
<td>Bill Number</td>
<td>Bill Title</td>
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<tr>
<td>HB 0579</td>
<td>Public Financing of Construction Projects (Aloupis)</td>
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<tr>
<td>SB 0182</td>
<td>Preemption of Recyclable and Polystyrene Materials by Stewart</td>
<td>Preemption of Recyclable and Polystyrene Materials; Deleting preemptions of local law relating to the regulation of auxiliary containers, wrappings, or disposable plastic bags; repealing the preemption of local laws regarding the use or sale of polystyrene products to the Department of Agriculture and Consumer Services, etc. Effective Date: 7/1/2020</td>
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<td></td>
<td><strong>Current Committee of Reference:</strong> Senate Community Affairs</td>
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<td><strong>Actions</strong></td>
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<tr>
<td>03/14/2020</td>
<td>SENATE Died in Community Affairs</td>
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<tr>
<td>Compare</td>
<td>SB 1722 Recyclable Materials (Taddeo)</td>
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<tr>
<td>Identical</td>
<td>HB 6043 Preemption of Recyclable and Polystyrene Materials (Grieco)</td>
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<td>HB 0191</td>
<td>Young Farmers and Ranchers by Bell</td>
<td>Creates Florida Young Farmers &amp; Ranchers Matching Grant Program within DACS; provides requirements for recipient eligibility &amp; grant awards; specifies that grant funding is contingent upon specific legislative appropriation. Effective Date: July 1, 2020</td>
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<td><strong>Current Committee of Reference:</strong> House Agriculture &amp; Natural Resources Subcommittee</td>
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<td><strong>Actions</strong></td>
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<tr>
<td>03/14/2020</td>
<td>HOUSE Died in Agriculture and Natural Resources Subcommittee</td>
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<tr>
<td>Identical</td>
<td>SB 1130 Young Farmers and Ranchers (Albritton)</td>
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<tr>
<td>SB 0218</td>
<td>Licensure Requirements for Osteopathic Physicians by Harrell</td>
<td>Revising licensure requirements for persons seeking licensure or certification as an osteopathic physician, etc. Effective Date: Upon becoming a law</td>
<td></td>
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<td></td>
<td><strong>Current Committee of Reference:</strong> No Current Committee</td>
<td></td>
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<td><strong>Actions</strong></td>
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<tr>
<td>03/11/2020</td>
<td>SENATE Enrolled Text (ER) Filed</td>
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<tr>
<td>Compare</td>
<td>SB 0230 Department of Health (Harrell)</td>
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<tr>
<td></td>
<td>HB 0713 Department of Health (Rodriguez (AM))</td>
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<tr>
<td>Identical</td>
<td>HB 0221 Osteopathic Physicians Certification and Licensure (Roach)</td>
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<tr>
<td>HB 0221</td>
<td>Osteopathic Physicians Certification and Licensure by Roach</td>
<td>Requires successful completion of internship or residency in specified accredited program to be licensed or certified as osteopathic physician. Effective Date: upon becoming a law</td>
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<td><strong>Current Committee of Reference:</strong> No Current Committee</td>
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<td><strong>Actions</strong></td>
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<tr>
<td>03/10/2020</td>
<td>HOUSE Laid on Table</td>
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</tbody>
</table>
Athletic Trainers by Harrell

Athletic Trainers; Revising the definition of the term “athletic trainer”; requiring certain licensees to maintain certification in good standing without lapse as a condition of renewal of their athletic trainer licenses; requiring that an athletic trainer work within a specified scope of practice; requiring the direct supervision of an athletic training student to be in accordance with rules adopted by the Board of Athletic Training, etc. Effective Date: 7/1/2020

Current Committee of Reference: No Current Committee

Actions
03/10/2020 SENATE Enrolled Text (ER) Filed

Compare

SB 0230 Department of Health (Harrell)
HB 0713 Department of Health (Rodriguez (AM))

Identical
HB 0485 Athletic Trainers (Antone)

Department of Health by Harrell

Department of Health; Revising the purpose of patient care networks from serving patients with acquired immune deficiency syndrome to serving those with human immunodeficiency virus; requiring the Department of Health to develop strategies to maximize federal-state partnerships that provide incentives for physicians to practice in medically underserved or rural areas; revising provisions related to the department’s rules governing minimum standards for ground ambulances and emergency medical services vehicles; extending through 2025 the Florida Center for Nursing’s responsibility to study and issue an annual report on the implementation of nursing education programs, etc. Effective Date: Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2020

Current Committee of Reference: No Current Committee

Actions
03/13/2020 SENATE Read Second Time; Substituted for HB 0713; Laid on Table, Refer to HB 0713

Compare

SB 0066 Student Loans and Scholarship Obligations of Health Care Practitioners (Cruz)
HB 0077 Student Loans and Scholarship Obligations of Health Care Practitioners (Goff-Marcil)
HB 0115 Keep Our Graduates Working Act (Duran)
SB 0218 Licensure Requirements for Osteopathic Physicians (Harrell)
SB 0226 Athletic Trainers (Harrell)
HB 0713 Department of Health (Rodriguez (AM))

Agricultural Products by Roth

Agricultural Products: Revises & provides definition. Effective Date: July 1, 2020

Current Committee of Reference: House Agriculture & Natural Resources Subcommittee

Actions
03/14/2020 HOUSE Died in Agriculture and Natural Resources Subcommittee
<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Bill Title</th>
<th>Sponsor</th>
<th>Description</th>
<th>Current Committee of Reference:</th>
<th>Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>SB 0250</td>
<td>Development Orders by Berman</td>
<td></td>
<td>Development Orders: Deleting an entitlement for a prevailing party to recover reasonable attorney fees and costs incurred in challenging or defending a certain development order, etc. Effective Date: 7/1/2020</td>
<td>Senate Community Affairs</td>
<td>03/14/2020 SENATE Died in Community Affairs</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Miscellaneous clauses relating to the bill's description.</td>
<td></td>
<td>Identify: Development Orders (Casello)</td>
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<tr>
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<td></td>
<td>Miscellaneous clauses relating to the bill's description.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HB 0255</td>
<td>Florida Commission on Human Relations by Antone</td>
<td></td>
<td>Florida Commission on Human Relations: Provides quorum requirements for Commission on Human Relations &amp; its panels; revises number of persons commission may recommend for Florida Civil Rights Hall of Fame; provides limitation on time civil action may be filed after alleged violation of Florida Civil Rights Act; revises length of time commission or AG has to resolve complaint of discrimination in club membership; revises timeline relating to complaints alleging prohibited personnel action. Effective Date: July 1, 2020</td>
<td>No Current Committee</td>
<td>03/12/2020 HOUSE Enrolled Text (ER) Filed</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>Miscellaneous clauses relating to the bill's description.</td>
<td></td>
<td>Compare: Whistleblower’s Act (Brandes)</td>
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<td></td>
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<td></td>
<td>Miscellaneous clauses relating to the bill's description.</td>
<td></td>
<td>Similar: Florida Commission on Human Relations (Rouson)</td>
</tr>
<tr>
<td>SB 0278</td>
<td>Climate Health Planning by Rodriguez (J)</td>
<td></td>
<td>Climate Health Planning; Requiring the Department of Health to prepare an annual climate health planning report that contains specified information and recommendations; requiring the report to be published on the department’s website and submitted to the Governor and the Legislature by a specified date, etc. Effective Date: 7/1/2020</td>
<td>Senate Health Policy</td>
<td>03/14/2020 SENATE Died in Health Policy</td>
</tr>
<tr>
<td>SB 0280</td>
<td>Climate Fiscal Responsibility by Rodriguez (J)</td>
<td></td>
<td>Climate Fiscal Responsibility; Requiring the Economic Estimating Conference to annually prepare a climate fiscal responsibility report and provide a copy of the report to the Governor and the Legislature; requiring the Office of Economic and Demographic Research to publish the report on its website; requiring the conference to coordinate with and obtain data from certain entities in preparing the report, etc. Effective Date: 7/1/2020</td>
<td>Senate Infrastructure and Security</td>
<td>03/14/2020 SENATE Died in Infrastructure and Security</td>
</tr>
<tr>
<td>HB 0305</td>
<td>Preemption of Conditions of Employment by Rommel</td>
<td></td>
<td>Preemption of Conditions of Employment: Preempts to state right to regulate conditions of employment by an employer; voids certain ordinances, regulations, or policies that are preempted by act. Effective Date: upon becoming a law</td>
<td>House Commerce Committee</td>
<td></td>
</tr>
</tbody>
</table>
### Sale of Sunscreen by Stewart

Sale of Sunscreen; Prohibiting the sale, offer for sale, or distribution of certain sunscreen products to a consumer who does not have a prescription for such product, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Environment and Natural Resources

#### Actions

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
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<tbody>
<tr>
<td>03/14/2020</td>
<td>SENATE Died in Environment and Natural Resources</td>
</tr>
</tbody>
</table>

### Land Acquisition Trust Fund by Stewart

Land Acquisition Trust Fund; Requiring a specified annual appropriation to the Florida Forever Trust Fund; prohibiting moneys from the Land Acquisition Trust Fund from being used for specified costs, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Appropriations

#### Actions

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
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<tbody>
<tr>
<td>03/14/2020</td>
<td>SENATE Died in Appropriations</td>
</tr>
</tbody>
</table>

### Keep Our Graduates Working Act by Hutson

Keep Our Graduates Working Act; Creating the "Keep Our Graduates Working Act of 2020"; prohibiting a state authority from suspending or revoking a person's professional license, certificate, registration, or permit solely on the basis of a delinquency or default in the payment of his or her student loan, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** No Current Committee

#### Actions

<table>
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<tr>
<th>Date</th>
<th>Action</th>
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<tbody>
<tr>
<td>02/06/2020</td>
<td>SENATE Read Second Time; Substituted for HB 0115; Laid on Table, Refer to HB 0115</td>
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**Compare**

<table>
<thead>
<tr>
<th>Bill</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>SB 0066</td>
<td>Student Loans and Scholarship Obligations of Health Care Practitioners (Cruz)</td>
</tr>
<tr>
<td>HB 0077</td>
<td>Student Loans and Scholarship Obligations of Health Care Practitioners (Goff-Marci)</td>
</tr>
<tr>
<td>SB 0474</td>
<td>Deregulation of Professions and Occupations (Albritton)</td>
</tr>
<tr>
<td>HB 0713</td>
<td>Department of Health (Rodriguez (AM))</td>
</tr>
<tr>
<td>SB 0926</td>
<td>Health Care Practitioner Licensure (Harrell)</td>
</tr>
<tr>
<td>HB 1193</td>
<td>Deregulation of Professions and Occupations (Ingoglia)</td>
</tr>
</tbody>
</table>

### Internship Tax Credit Program by Jones

Internship Tax Credit Program: Provides corporate income tax credit up to specified amount for qualified business that hires employees who have completed specified internships; provides eligibility criteria; limits amount of tax credit which qualified business may claim; authorizes Department of Revenue to adopt rules governing applications & establishing qualification requirements; authorizes business to carry forward tax credit for specified period. Effective Date: July 1, 2020

**Similar**

<table>
<thead>
<tr>
<th>Bill</th>
<th>Description</th>
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<tbody>
<tr>
<td>HB 0115</td>
<td>Keep Our Graduates Working Act (Duran)</td>
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</table>
**SB 0390**  
**Massage Therapy** by Hooper

Massage Therapy; Revising requirements for licensure as a massage therapist; providing applicability for persons who were issued a license as a massage apprentice before a specified date, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Health Policy

**Actions**

03/14/2020  
SENATE Died in Health Policy

**Compare**

- HB 0707  
  Legislative Review of Occupational Regulations (Renner)
- HB 0713  
  Department of Health (Rodriguez (AM))
- SB 1124  
  Occupational Regulatory Programs (Diaz)
- HB 1143  
  Department of Health (Gregory)

**Similar**

- HB 1341  
  Massage Therapy (Goff-Marcil)

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**HB 0405**  
**Stormwater Management Systems** by Good

Stormwater Management Systems: Directs water management districts, with DEP oversight, to adopt rules for standards relating to new development & redevelopment projects; directs DEP to incorporate such rules for district use; directs DEP & districts to amend such rules into applicant's handbook; provides rebuttable presumption relating to water quality standards for certain systems; revises requirements for construction of certain systems; requires specified staff training; directs DEP & districts to initiate rulemaking. Effective Date: July 1, 2020

**Current Committee of Reference:** House Agriculture & Natural Resources Subcommittee

**Actions**

03/14/2020  
HOUSE Died in Agriculture and Natural Resources Subcommittee

**Compare**

- SB 0712  
  Environmental Resource Management (Mayfield)
- HB 1343  
  Environmental Resource Management (Payne)

**Identical**

- SB 0686  
  Stormwater Management Systems (Gruters)

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**HB 0439**  
**Internship Tax Credit Program** by Daley

Internship Tax Credit Program: Provides corporate income tax credit up to specified amount for qualified business that hires employees who have completed specified internships; provides eligibility criteria; limits
amount of tax credit which qualified business may claim; authorizes Department of Revenue to adopt rules governing applications & establishing qualification requirements; authorizes business to carry forward tax credit for specified period. Effective Date: July 1, 2020

Current Committee of Reference: No Current Committee

**Actions**

11/13/2019       HOUSE Withdrawn prior to introduction

**Compare**

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<tr>
<td>HB 1101</td>
<td>Internship Tax Credit Program (Daley)</td>
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<td>SB 1412</td>
<td>Internship Tax Credit Program (Powell)</td>
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**Similar**

<table>
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<tbody>
<tr>
<td>HB 0357</td>
<td>Internship Tax Credit Program (Jones)</td>
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<tr>
<td>SB 0642</td>
<td>Internship Tax Credit Program (Powell)</td>
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</table>

**SB 0444 Customer Service Standards for State Agencies** by Rader

Customer Service Standards for State Agencies; Requiring departments within the executive branch of state government to implement certain measures with respect to telephone calls placed by customers, etc. Effective Date: 10/1/2020

Current Committee of Reference: Senate Innovation, Industry, and Technology

**Actions**

03/14/2020       SENATE Died in Innovation, Industry, and Technology

**Identical**

<table>
<thead>
<tr>
<th>Bill</th>
<th>Description</th>
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<tbody>
<tr>
<td>HB 1107</td>
<td>Customer Service Standards for State Agencies (Mercado)</td>
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</table>

**SB 0450 Whistleblower’s Act** by Brandes

Whistleblower’s Act; Revising the actions that an agency or independent contractor is prohibited from taking against an employee who participates in protected activity or discloses certain information; specifying that whistleblower remedies and protections do not apply to certain persons; revising applicability of provisions relating to investigative procedures upon receipt of whistleblower information; revising investigative procedures in response to retaliatory actions, etc. Effective Date: 7/1/2020

Current Committee of Reference: Senate Governmental Oversight and Accountability

**Actions**

03/14/2020       SENATE Died in Governmental Oversight and Accountability

**Compare**

<table>
<thead>
<tr>
<th>Bill</th>
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<tbody>
<tr>
<td>HB 0255</td>
<td>Florida Commission on Human Relations (Antone)</td>
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<tr>
<td>SB 0726</td>
<td>Florida Commission on Human Relations (Rouson)</td>
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</table>

**SB 0456 Minimum Wage** by Rodriguez (J)

Minimum Wage; Revising the formula for the adjusted state minimum wage, etc. Effective Date: 7/1/2020

Current Committee of Reference: Senate Commerce and Tourism

**Actions**

03/14/2020       SENATE Died in Commerce and Tourism

**Similar**

<table>
<thead>
<tr>
<th>Bill</th>
<th>Description</th>
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<tbody>
<tr>
<td>HB 0691</td>
<td>Minimum Wage (Jacquet)</td>
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</tbody>
</table>

**SB 0474 Deregulation of Professions and Occupations** by Albritton
Deregulation of Professions and Occupations; Citing this act as the “Occupational Freedom and Opportunity Act”; requiring the Department of Highway Safety and Motor Vehicles to waive the requirement to pass the Commercial Driver License Skills Tests for certain servicemembers and veterans; deleting the requirement that a yacht broker maintain a separate license for each branch office; specifying that the failure to repay certain student loans is not considered a failure to perform a statutory or legal obligation for which certain disciplinary action can be taken; revising licensure requirements for engineers who hold specified licenses in another state, etc. Effective Date: Except as otherwise expressly provided in this act, this act shall take effect July 1, 2020

**Current Committee of Reference:** No Current Committee

**Actions**

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<th>Date</th>
<th>Action</th>
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<tbody>
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<td>03/12/2020</td>
<td>SENATE Read Second Time; Substituted for HB 1193; Laid on Table, Refer to HB 1193</td>
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<td>Student Loans and Scholarship Obligations of Health Care Practitioners (Cruz)</td>
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<td>Student Loans and Scholarship Obligations of Health Care Practitioners (Goff-Marcel)</td>
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<tr>
<td>HB 0115</td>
<td>Keep Our Graduates Working Act (Duran)</td>
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<tr>
<td>SB 0356</td>
<td>Keep Our Graduates Working Act (Hutson)</td>
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<tr>
<td>HB 0707</td>
<td>Legislative Review of Occupational Regulations (Renner)</td>
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<tr>
<td>SB 1124</td>
<td>Occupational Regulatory Programs (Diaz)</td>
</tr>
<tr>
<td>HB 5401</td>
<td>Department of Environmental Protection (Agriculture &amp; Natural Resources Appropriations Subcommittee)</td>
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</table>

**Similar**

<table>
<thead>
<tr>
<th>Bill No.</th>
<th>Title</th>
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<tbody>
<tr>
<td>HB 1193</td>
<td>Deregulation of Professions and Occupations (Ingoglia)</td>
</tr>
</tbody>
</table>

**HB 0485 Athletic Trainers** by Antone

Athletic Trainers: Revises definition of term "athletic trainer"; revises athletic trainer licensure requirements; requires certain licensees to maintain certification in good standing without lapse as condition of renewal of their athletic trainer licenses; requires that athletic trainer work within specified scope of practice; requires direct supervision of athletic training student to be in accordance with rules adopted by Board of Athletic Training. Effective Date: July 1, 2020

**Current Committee of Reference:** No Current Committee

**Actions**

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<tr>
<th>Date</th>
<th>Action</th>
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<tbody>
<tr>
<td>03/09/2020</td>
<td>HOUSE Laid on Table</td>
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**Compare**

<table>
<thead>
<tr>
<th>Bill No.</th>
<th>Title</th>
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<tbody>
<tr>
<td>HB 0713</td>
<td>Department of Health (Rodriguez (AM))</td>
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**Identical**

<table>
<thead>
<tr>
<th>Bill No.</th>
<th>Title</th>
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<tbody>
<tr>
<td>SB 0226</td>
<td>Athletic Trainers (Harrell)</td>
</tr>
</tbody>
</table>

**HB 0511 Insulation Products** by Fine

Insulation Products: Specifies that person who takes certain actions relating to interior building envelope insulation products for residential dwellings without having certain test report is subject to Florida Deceptive & Unfair Trade Practices Act; requires that such test report be provided, upon request, to local building official; provides that product evaluation report may not be provided in lieu of test report. Effective Date: July 1, 2020

**Current Committee of Reference:** No Current Committee

**Actions**
<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Title</th>
<th>Sponsor</th>
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<tbody>
<tr>
<td><strong>HB 0513</strong></td>
<td>Heat Illness Prevention</td>
<td>Smith (C)</td>
</tr>
<tr>
<td><strong>HB 0579</strong></td>
<td>Public Financing of Construction Projects</td>
<td>Aloupis</td>
</tr>
<tr>
<td><strong>HB 0595</strong></td>
<td>Medical Marijuana Employee Protection</td>
<td>Polsky</td>
</tr>
<tr>
<td><strong>HB 0633</strong></td>
<td>Human Trafficking Prevention</td>
<td>Donalds</td>
</tr>
</tbody>
</table>

**HB 0513 Heat Illness Prevention** by Smith (C)

Heat Illness Prevention: Requires certain employers to provide drinking water, shade, & annual training to employees & supervisors; requires DACS & DOH to adopt specified rules. Effective Date: October 1, 2020

**Current Committee of Reference:** House Workforce Development & Tourism Subcommittee

**Actions**

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<tr>
<th>Date</th>
<th>Action Description</th>
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<tbody>
<tr>
<td>03/14/2020</td>
<td>HOUSE Died in Workforce Development and Tourism Subcommittee</td>
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<th>Bill Number</th>
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<tbody>
<tr>
<td><strong>SB 0882</strong></td>
<td>Heat Illness Prevention (Torres, Jr.)</td>
</tr>
</tbody>
</table>

**HB 0579 Public Financing of Construction Projects** by Aloupis

Public Financing of Construction Projects: Requires sea level impact projection study of state-financed coastal structures before construction begins; requires DEP to develop study standards, publish studies on its website, enforce requirements, & adopt rules. Effective Date: July 1, 2020

**Current Committee of Reference:** No Current Committee

**Actions**

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<tbody>
<tr>
<td><strong>HB 1073</strong></td>
<td>Statewide Office of Resiliency (Stevenson)</td>
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<tr>
<td><strong>SB 7016</strong></td>
<td>Statewide Office of Resiliency (Infrastructure and Security)</td>
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**Similar**

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<tr>
<td><strong>SB 0178</strong></td>
<td>Public Financing of Construction Projects (Rodriguez (J))</td>
</tr>
</tbody>
</table>

**HB 0595 Medical Marijuana Employee Protection** by Polsky

Medical Marijuana Employee Protection: Prohibits employers from taking adverse personnel action against employees or applicants who are qualified patients using medical marijuana; requires employers to provide certain written notice to employees or applicants who test positive for marijuana; provides procedures for if employee or applicant tests positive for marijuana; provides cause of action & damages. Effective Date: upon becoming a law

**Current Committee of Reference:** House Oversight, Transparency & Public Management Subcommittee

**Actions**

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<tbody>
<tr>
<td><strong>SB 0962</strong></td>
<td>Medical Marijuana Employee Protection (Berman)</td>
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</table>

**HB 0633 Human Trafficking Prevention** by Donalds

Human Trafficking Prevention: Requires employees of certain businesses to complete specified courses on the detection of human trafficking; requires specified number of hours in school bus training program be allocated to human trafficking prevention. Effective Date: October 1, 2020

**Current Committee of Reference:** House Business & Professions Subcommittee

**Actions**

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<td>03/14/2020</td>
<td>HOUSE Died in Business and Professions Subcommittee</td>
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</table>

**Compare**
### SB 0638
**Apalachicola Environmental Stewardship Act** by Montford

Apalachicola Environmental Stewardship Act; Providing that this act may be referred to as “The Apalachicola Environmental Stewardship Act”, appropriating a sum annually for a specified timeframe from the Florida Forever Fund to the Apalachicola Area of Critical State Concern for specified purposes; renaming the Apalachicola Bay Area of Critical State Concern as the Apalachicola Area of Critical State Concern; providing additional principles for guiding development within the Apalachicola Area of Critical State Concern to include projects that protect and improve water quality, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Appropriations

#### Actions

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<tbody>
<tr>
<td>HB 1347</td>
<td>Apalachicola Environmental Stewardship Act (Shoaf)</td>
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</table>

### SB 0640
**Indian River Lagoon State Matching Grant Program** by Harrell

Indian River Lagoon State Matching Grant Program; Providing that certain projects identified in a specified Indian River Lagoon Comprehensive Conservation and Management Plan are eligible for state funding consideration; directing the Department of Environmental Protection to coordinate with the South Florida Water Management District and the St. Johns River Water Management District to identify projects and grant recipients and to submit an annual report to the Governor, the Legislature, and specified persons, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Appropriations Subcommittee on Agriculture, Environment and General Government

#### Actions

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<tr>
<td>SB 0712</td>
<td>Environmental Resource Management (Mayfield)</td>
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<tbody>
<tr>
<td>HB 0153</td>
<td>Indian River Lagoon State Matching Grant Program (Fine)</td>
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</table>

### SB 0642
**Internship Tax Credit Program** by Powell

Internship Tax Credit Program; Designating the “Florida Internship Tax Credit Program”; providing a corporate income tax credit for qualified businesses employing degree-seeking student interns if certain criteria are met; specifying the amount of the credit per student intern; specifying a limit on the credit claimed per taxable year, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** No Current Committee

#### Actions

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<tr>
<td>12/05/2019</td>
<td>SENATE Withdrawn prior to introduction</td>
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<tr>
<td>HB 1101</td>
<td>Internship Tax Credit Program (Daley)</td>
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<tr>
<td>SB 1412</td>
<td>Internship Tax Credit Program (Powell)</td>
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<tbody>
<tr>
<td>HB 0357</td>
<td>Internship Tax Credit Program (Jones)</td>
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<tr>
<td>HB 0439</td>
<td>Internship Tax Credit Program (Daley)</td>
</tr>
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</table>

### HB 0659
**Drones** by Fischer
Drones: Adds exception to prohibited uses of drone for managing & eradicating invasive exotic plants or animals on public lands & suppressing & mitigating wildfire threats. Effective Date: July 1, 2020

Current Committee of Reference: No Current Committee

Actions
03/07/2020  HOUSE Enrolled Text (ER) Filed

Identical

SB 0822  Drones (Albritton)

SB 0664  Verification of Employment Eligibility by Lee

Verification of Employment Eligibility; Prohibiting the approval of certain economic development incentive applications after a specified date; requiring public employers, contractors, and subcontractors to register with and use the E-Verify system; prohibiting such entities from entering into a contract unless each party to the contract registers with and uses the E-Verify system; requiring private employers to verify the employment eligibility of newly hired employees beginning on a specified date, etc. Effective Date: 7/1/2020

Current Committee of Reference: No Current Committee

Actions
03/13/2020  SENATE Enrolled Text (ER) Filed

Compare

SB 1822  Verification of Employment Eligibility (Gruters)

Similar

HB 1265  Verification of Employment Eligibility (Byrd)

HB 0677  Chiropractic Medicine by Smith (D)

Chiropractic Medicine: Authorizes chiropractic physicians who have completed specified training to administer articles of natural origin; authorizes licensed pharmacists to fill such chiropractors’ orders for articles of natural origin; authorizes specified number of certain chiropractic continuing education hours to be completed online; provides requirements for such online chiropractic continuing education courses. Effective Date: July 1, 2020

Current Committee of Reference: House Health Quality Subcommittee

Actions
03/14/2020  HOUSE Died in Health Quality Subcommittee

Compare

HB 0713  Department of Health (Rodriguez (AM))
SB 1124  Occupational Regulatory Programs (Diaz)

Similar

SB 1138  Chiropractic Medicine (Brandes)

HB 0683  Use of Industrial Hemp for Construction by Fernández

Use of Industrial Hemp for Construction: Directs DACS to conduct comprehensive study on use of industrial hemp to build structures & submit report to Governor & Legislature. Effective Date: July 1, 2020

Current Committee of Reference: House Agriculture & Natural Resources Subcommittee

Actions
03/14/2020  HOUSE Died in Agriculture and Natural Resources Subcommittee

SB 0686  Stormwater Management Systems by Gruters
Stormwater Management Systems; Directing the water management districts, with Department of Environmental Protection oversight, to adopt rules for specified design and performance standards relating to new development and redevelopment projects; providing a rebuttable presumption that certain stormwater management systems do not cause or contribute to violations of applicable state water quality standards; requiring certain inspection training for department, water management district, and local pollution control program staff, etc. Effective Date: 7/1/2020

Current Committee of Reference: Senate Environment and Natural Resources

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<td>03/14/2020</td>
<td>SENATE Died in Environment and Natural Resources</td>
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Compare

<table>
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<tr>
<th>SB 0712</th>
<th>Environmental Resource Management (Mayfield)</th>
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<tr>
<td>HB 1343</td>
<td>Environmental Resource Management (Payne)</td>
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</tbody>
</table>

Identical

| HB 0405       | Stormwater Management Systems (Good)          |

SB 0690 Water Resources by Albritton

Water Resources; Requiring the Department of Environmental Protection to conduct a comprehensive and quantitative needs-based overview of this state’s water resources; specifying requirements for the overview; requiring the department to submit a report every 5 years to the Governor and the Legislature by a specified date, etc. Effective Date: 7/1/2020

Current Committee of Reference: Senate Environment and Natural Resources

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<td>03/14/2020</td>
<td>SENATE Died in Environment and Natural Resources</td>
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</table>

Identical

| HB 0147       | Water Resources (Jacobs)                       |

HB 0691 Minimum Wage by Jacquet

Minimum Wage: Revises formula for adjusted state minimum wage. Effective Date: July 1, 2020

Current Committee of Reference: House Workforce Development & Tourism Subcommittee

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<tr>
<td>03/14/2020</td>
<td>HOUSE Died in Workforce Development and Tourism Subcommittee</td>
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Similar

| SB 0456       | Minimum Wage (Rodriguez (J))                 |

HB 0707 Legislative Review of Occupational Regulations by Renner

Legislative Review of Occupational Regulations: Authorizes schedule for systematic review of occupational regulatory programs; authorizes Legislature to take certain actions before scheduled repeal of occupational regulatory program; provides regulation of occupation to state if such occupation's regulatory program has been repealed through this act; provides schedule of repeal for occupational regulatory programs. Effective Date: upon becoming a law

Current Committee of Reference: No Current Committee

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<tr>
<td>03/14/2020</td>
<td>SENATE Died in Governmental Oversight and Accountability</td>
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Compare

<table>
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<tr>
<th>SB 0390</th>
<th>Massage Therapy (Hooper)</th>
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<tbody>
<tr>
<td>SB 0474</td>
<td>Deregulation of Professions and Occupations (Albritton)</td>
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</table>
**Environmental Resource Management** by Mayfield

Environmental Resource Management; Citing this act as the “Clean Waterways Act”; requiring the Department of Health to provide a specified report to the Governor and the Legislature by a specified date; requiring the Department of Health and the Department of Environmental Protection to submit to the Governor and the Legislature, by a specified date, certain recommendations relating to the transfer of the Onsite Sewage Program; directing water management districts to submit consolidated annual reports to the Office of Economic and Demographic Research; removing provisions requiring certain onsite sewage treatment and disposal system research projects to be approved by a Department of Health technical review and advisory panel, etc. Effective Date: Except as otherwise expressly provided in this act, this act shall take effect July 1, 2020

**Current Committee of Reference:** No Current Committee

**Actions**

03/11/2020  SENATE Enrolled Text (ER) Filed

**Compare**

<table>
<thead>
<tr>
<th>Bill</th>
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<td>HB 0153</td>
<td>Indian River Lagoon State Matching Grant Program (Fine)</td>
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<td>HB 0405</td>
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<tr>
<td>SB 0640</td>
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<tr>
<td>SB 0686</td>
<td>Stormwater Management Systems (Gruters)</td>
</tr>
<tr>
<td>HB 0715</td>
<td>Reclaimed Water (Maggard)</td>
</tr>
<tr>
<td>HB 1091</td>
<td>Environmental Accountability (Fine)</td>
</tr>
<tr>
<td>HB 1199</td>
<td>Environmental Protection Act (Ingoglia)</td>
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<tr>
<td>HB 1363</td>
<td>Basin Management Action Plans (Overdorf)</td>
</tr>
<tr>
<td>SB 1382</td>
<td>Environmental Resource Management (Albritton)</td>
</tr>
<tr>
<td>SB 1450</td>
<td>Environmental Accountability (Gruters)</td>
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<td>SB 1656</td>
<td>Reclaimed Water (Albritton)</td>
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<tr>
<td>SB 0713</td>
<td>Department of Health by Rodriguez (AM)</td>
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</table>

Health Regulation: Revising the purpose of patient care networks from serving patients with acquired immune deficiency syndrome to serving those with human immunodeficiency virus; requiring the Department of Health to develop strategies to maximize federal-state partnerships that provide incentives for physicians to practice in medically underserved or rural areas; revising term limits for Tier 3 cancer center designations within the Florida Consortium of National Cancer Institute Centers Program; requiring dentists and certified registered dental hygienists to report in writing certain adverse incidents to the department within a specified timeframe, etc. Effective Date: July 1, 2020

**Current Committee of Reference:** No Current Committee
**SB 0722**  
**Land Acquisition Trust Fund** by Montford

Land Acquisition Trust Fund: Requiring that certain funds distributed into the Land Acquisition Trust Fund be used for conservation and management projects in certain counties; providing the types of projects for which the Department of Environmental Protection may use such funds, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Environment and Natural Resources

**Actions**

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<tr>
<td>03/14/2020</td>
<td>SENATE Died in Environment and Natural Resources</td>
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<tr>
<th>Bill Number</th>
<th>Description</th>
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<tbody>
<tr>
<td>HB 5003</td>
<td>Implementing the 2020-2021 General Appropriations Act (Appropriations Committee)</td>
</tr>
</tbody>
</table>
Insulation Products; Specifying that a person who takes certain actions relating to interior building envelope insulation products without having a certain test report is subject to the Florida Deceptive and Unfair Trade Practices Act; requiring that the test report be provided, upon request, to a local building official, etc. Effective Date: 7/1/2020

Current Committee of Reference: Senate Community Affairs

Actions
03/14/2020 SENATE Died in Community Affairs

Similar
HB 0511 Insulation Products (Fine)

Everglades Protection Area: Requires comprehensive plans & plan amendments that apply to certain lands within or near Everglades Protection Area to follow state coordinated review process; requires DEP to make determinations, consult, & coordinate with specified entities regarding such plans & amendments; provides additional limitation for compliance determination of such plans & plan amendments; prohibits & provides requirements for adoption of certain development amendments within Everglades Protection Area. Effective Date: July 1, 2020

Current Committee of Reference: House State Affairs Committee

Actions
03/14/2020 HOUSE Died in State Affairs Committee

Similar
SB 1390 Everglades Protection Area (Simmons)

Fish and Wildlife Activities: Prohibits certain harassment of hunters, trappers, & fishers in or on specified lands, areas, & waters; authorizes FWCC to designate additional free fishing days; prohibits certain possession of specified reptiles; designates green iguanas & tegu lizards as prohibited reptiles; authorizes certain persons & entities to exhibit, sell, or breed green iguanas & tegu lizards commercially under specified conditions. Effective Date: July 1, 2020

Current Committee of Reference: No Current Committee

Actions
03/10/2020 HOUSE Laid on Table

Compare
SB 0906 Prohibited Reptiles (Farmer, Jr.)

Similar
SB 1414 Fish and Wildlife Activities (Mayfield)

Public Records/Aquaculture Records/Department of Agriculture and Consumer Services; Providing a public records exemption for certain aquaculture records held by the Department of Agriculture and Consumer Services; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity, etc. Effective Date: 7/1/2020

Current Committee of Reference: Senate Rules

Actions
03/14/2020 SENATE Died in Rules

Identical
### Florida National Estuary Program Act by Fitzenhagen

**Description:** Florida National Estuary Program Act: Requires DEP to give funding consideration to estuaries identified under National Estuary Program; requires funds to be used for specified projects; requires programs receiving funding to submit report to Governor, Legislature, DEP, & water management districts. Effective Date: July 1, 2020

**Current Committee of Reference:** House Agriculture & Natural Resources Subcommittee

**Actions**
- **03/14/2020** HOUSE Died in Agriculture and Natural Resources Subcommittee

### Drones by Albritton

**Description:** Drones; Adding an exception to prohibited uses of a drone, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** No Current Committee

**Actions**
- **03/05/2020** SENATE Read Second Time; Substituted for HB 0659; Laid on Table, Refer to HB 0659
- **Identical**
- **HB 0659** Drones (Fischer)

### Heat Illness Prevention by Torres, Jr.

**Description:** Heat Illness Prevention; Providing responsibilities of certain employers and employees; requiring certain employers to provide annual training for employees and supervisors; requiring the Department of Agriculture and Consumer Services, in conjunction with the Department of Health, to adopt specified rules, etc. Effective Date: 10/1/2020

**Current Committee of Reference:** Senate Agriculture

**Actions**
- **03/14/2020** SENATE Died in Agriculture

### Employment Practices by Davis

**Description:** Employment Practices: Creates "Florida Family Leave Act"; requires employer to allow certain employees to take paid family leave to bond with minor child upon child's birth, adoption, or foster care placement; provides requirements, limitations, & duties; provides for civil action & penalties & criminal penalty; prohibits specified employment practices on basis of pregnancy, childbirth, or medical condition related to pregnancy or childbirth; provides for leave, maintenance of health coverage, reasonable accommodation & transfer, & return rights for employee who is disabled from pregnancy, childbirth, or medical condition related to pregnancy or childbirth. Effective Date: July 1, 2020

**Current Committee of Reference:** House Business & Professions Subcommittee

**Actions**
- **03/14/2020** HOUSE Died in Business and Professions Subcommittee

### Local Licensing by Perry

**Description:**
Local Licensing: Providing that individuals who hold valid, active local licenses may work within the scope of such licenses in any local government jurisdiction without needing to meet certain additional licensing requirements; requiring licensees to provide consumers with certain information; providing that local governments have disciplinary jurisdiction over such licensees, etc. Effective Date: 10/1/2020

**Current Committee of Reference:** Senate Community Affairs

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<th>HB 1161</th>
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<td>Local Licensing (Plakon)</td>
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**HB 0905**

**Pub. Rec./Aquaculture Production Information/Department of Agriculture and Consumer Services** by Ausley

Pub. Rec./Aquaculture Production Information/Department of Agriculture and Consumer Services: Exempts from public records requirements certain aquaculture records held by DACS; provides for future legislative review & repeal under Open Government Sunset Review Act; provides statement of public necessity. Effective Date: July 1, 2020

**Current Committee of Reference:** House Agriculture & Natural Resources Subcommittee

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<th>SB 0786</th>
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<tr>
<td>Public Records/Aquaculture Records/Department of Agriculture and Consumer Services (Gainer)</td>
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**SB 0906**

**Prohibited Reptiles** by Farmer, Jr.

Prohibited Reptiles; Prohibiting a person, party, firm, association, or corporation from keeping, possessing, importing, selling, bartering, trading, or breeding for personal use or sale for personal use green iguanas or black and white tegus; authorizing certain persons, parties, firms, associations, and corporations to possess green iguanas and black and white tegus for specified purposes, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Rules

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<tr>
<th>HB 0777</th>
<th>Fish and Wildlife Activities (Gregory)</th>
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<tbody>
<tr>
<td>SB 1414</td>
<td>Fish and Wildlife Activities (Mayfield)</td>
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<tr>
<td>HB 1415</td>
<td>Prohibited Reptiles (Daley)</td>
</tr>
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</table>

**HB 0913**

**Florida Climate and Resiliency Research Program** by Diamond

Florida Climate and Resiliency Research Program: Establishes program within DEP; provides for program purpose & participants; requires program to submit Florida Resiliency Plan to Governor & Legislature at specified intervals; provides plan requirements; directs DEP to coordinate & oversee program & provide staff support. Effective Date: July 1, 2020

**Current Committee of Reference:** House Agriculture & Natural Resources Subcommittee

<table>
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<tr>
<th>Actions</th>
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<tr>
<td>03/14/2020</td>
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**Similar**

<table>
<thead>
<tr>
<th>SB 1232</th>
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</thead>
<tbody>
<tr>
<td>Florida Climate and Resiliency Research Program (Rouson)</td>
</tr>
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</table>
Department of Agriculture and Consumer Services: Revising application of agricultural load securing requirements; requiring the Department of Agriculture and Consumer Services to adopt rules specifying requirements for agents to administer certain competency examinations and establishing a competency examination for a license to engage in activities solely related to the service and repair of recreational vehicles; extending the scheduled expiration for the Department of Agriculture and Consumer Services' use of funds from the Pest Control Trust Fund for certain duties of the department; directing the Florida Forest Service to develop a training curriculum for wildland firefighters; authorizing the Department of Agriculture and Consumer Services to revoke an aquaculture certificate of registration under certain conditions, etc. Effective Date: July 1, 2020

**Current Committee of Reference:** No Current Committee

**Actions**

03/16/2020 HOUSE Enrolled Text (ER) Filed

**Compare**

<table>
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<tr>
<th>Bill</th>
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<tbody>
<tr>
<td>HB 0343</td>
<td>Recreational Vehicle Industries (Fetterhoff)</td>
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<tr>
<td>SB 0422</td>
<td>Recreational Vehicle Industries (Perry)</td>
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<tr>
<td>HB 1063</td>
<td>State Hemp Program (Drake)</td>
</tr>
<tr>
<td>SB 1514</td>
<td>Department of Agriculture and Consumer Services (Albritton)</td>
</tr>
<tr>
<td>SB 1876</td>
<td>State Hemp Program (Montford)</td>
</tr>
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</table>

**HB 0933 Captive-bred Animal Culture by Watson (C)**

Captive-bred Animal Culture: Requires DACS to submit list of research & development projects & captive-bred animal culture plan to Governor & Legislature; requires certificate of registration for captive-bred animal producers; creates Captive-bred Animal Culture Advisory Council; provides prohibited acts & penalties. Effective Date: July 1, 2020

**Current Committee of Reference:** House Agriculture & Natural Resources Subcommittee

**Actions**

03/14/2020 HOUSE Died in Agriculture and Natural Resources Subcommittee

**Identical**

<table>
<thead>
<tr>
<th>Bill</th>
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<tbody>
<tr>
<td>SB 1176</td>
<td>Captive-bred Animal Culture (Perry)</td>
</tr>
</tbody>
</table>

**SB 0962 Medical Marijuana Employee Protection by Berman**

Medical Marijuana Employee Protection; Prohibiting an employer from taking adverse personnel action against an employee or job applicant who is a qualified patient using medical marijuana; requiring an employer to provide written notice to an employee or job applicant who tests positive for marijuana of his or her right to explain the positive test result; providing procedures when an employee or job applicant tests positive for marijuana; providing a cause of action and damages, etc. Effective Date: Upon becoming a law

**Current Committee of Reference:** Senate Governmental Oversight and Accountability

**Actions**

03/14/2020 SENATE Died in Governmental Oversight and Accountability

**Similar**

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>HB 0595</td>
<td>Medical Marijuana Employee Protection (Polsky)</td>
</tr>
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</table>

**SB 0998 Housing by Hutson**

Housing: Authorizing a board of county commissioners to approve development of affordable housing on any parcel zoned for residential, commercial, or industrial use; requiring counties, municipalities, and special districts to include certain data relating to impact fees in their annual financial reports; revising applicable standards for the repair and remodeling of mobile and manufactured homes; authorizing the
preclusion of an applicant or affiliate of an applicant from participation in Florida Housing Finance Corporation programs under certain conditions, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** No Current Committee

<table>
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<th>Actions</th>
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**Compare**

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<tr>
<th>SB 0818</th>
<th>Manufactured Housing (Hooper)</th>
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<tr>
<td>SB 1022</td>
<td>Mobile Home Parks (Rouson)</td>
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**Similar**

<table>
<thead>
<tr>
<th>HB 1339</th>
<th>Community Development and Housing (Yarborough)</th>
</tr>
</thead>
</table>

### SB 1042 Aquatic Preserves by Albritton

Aquatic Preserves: Creating the Nature Coast Aquatic Preserve; designating the preserve for inclusion in the aquatic preserve system; outlining the authority of the Board of Trustees of the Internal Improvement Trust Fund in respect to the preserve; prohibiting the establishment and management of the preserve from infringing upon the riparian rights of upland property owners adjacent to or within the preserve, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** No Current Committee

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**Compare**

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<tr>
<th>HB 1061</th>
<th>Aquatic Preserves (Massullo, Jr.)</th>
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</table>

### HB 1067 Florida Endangered and Threatened Species Act by Hattersley

Florida Endangered and Threatened Species Act: Directs FWCC & DACS to protect certain declassified species; revises criteria for placement of species on Regulated Plant Index by DACS; prohibits FWCC & DACS from considering certain costs when designating species as endangered or threatened. Effective Date: July 1, 2020

**Current Committee of Reference:** House Agriculture & Natural Resources Subcommittee

<table>
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<tr>
<th>Actions</th>
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**Identical**

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<tr>
<th>SB 1360</th>
<th>Florida Endangered and Threatened Species Act (Rodriguez (J))</th>
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### HB 1073 Statewide Office of Resiliency by Stevenson

Statewide Office of Resiliency: Establishes office within EOG; provides for appointment of Chief Resilience Officer by Governor; creates Statewide Sea-Level Rise Task Force within office; requires DEP to serve as task force's contract administrator; requires Environmental Regulation Commission to take certain action on task force's recommendations; provides for task force repeal; provides appropriation. Effective Date: July 1, 2020

**Current Committee of Reference:** House State Affairs Committee

<table>
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<tr>
<th>Actions</th>
<th>03/14/2020</th>
<th>HOUSE Died in State Affairs Committee</th>
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**Compare**

<table>
<thead>
<tr>
<th>HB 0579</th>
<th>Public Financing of Construction Projects (Aloupis)</th>
</tr>
</thead>
</table>

**Identical**
**Environmental Accountability** by Fine

Environmental Accountability: Encouraging counties and municipalities, respectively, to establish a sanitary sewer lateral inspection program by a specified date; requiring a seller of real property to disclose any known defects in the property's sanitary sewer lateral; revising civil penalties for violations of certain provisions relating to the Biscayne Bay Aquatic Preserve, aquatic preserves, water resources, the Pollutant Discharge Prevention and Control Act, the Clean Ocean Act, regulation of oil and gas resources, the Phosphate Land Reclamation Act, artesian wells, terminal facilities, discharge contingency plans for vessels, sewage disposal facilities, dumping litter, small quantity generators, and coral reef protection, and other provisions relating to pollution and the environment, respectively; revising criminal penalties for violations of certain provisions relating to pollution and the environment, etc. Effective Date: July 1, 2020

**Current Committee of Reference:** No Current Committee

**Actions**

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<tr>
<th>Date</th>
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<tr>
<td>SB 0150</td>
<td>Sanitary Sewer Laterals (Brandes)</td>
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<tr>
<td>SB 0712</td>
<td>Environmental Resource Management (Mayfield)</td>
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<tr>
<td>HB 1343</td>
<td>Environmental Resource Management (Payne)</td>
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<tbody>
<tr>
<td>SB 1450</td>
<td>Environmental Accountability (Gruters)</td>
</tr>
</tbody>
</table>

**HB 1101 Internship Tax Credit Program** by Daley

Internship Tax Credit Program: Provides credit against corporate income tax to taxpayer employing degree-seeking student intern if certain criteria are met; specifies amount of credit; specifies limit on credit claimed per taxable year; authorizes carryforward of unused tax credits for specified timeframe. Effective Date: July 1, 2020

**Current Committee of Reference:** House Ways & Means Committee

**Actions**

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<td>HB 0357</td>
<td>Internship Tax Credit Program (Jones)</td>
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<td>HB 0439</td>
<td>Internship Tax Credit Program (Daley)</td>
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<td>SB 0642</td>
<td>Internship Tax Credit Program (Powell)</td>
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<tr>
<td>SB 1412</td>
<td>Internship Tax Credit Program (Powell)</td>
</tr>
</tbody>
</table>

**SB 1124 Occupational Regulatory Programs** by Diaz

Occupational Regulatory Programs; Citing this act as the “Occupational Regulation Sunset Act”; establishing a schedule for the systematic review of occupational regulatory programs; providing for the abolition of units or subunits of government and personnel positions responsible for repealed programs; providing for the reversion of certain unexpended funds and the refund of certain unencumbered revenue of a repealed program; requiring the Department of Legal Affairs to prosecute or defend certain pending causes of actions, etc. Effective Date: Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law

**Current Committee of Reference:** Senate Appropriations

**Actions**

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<tr>
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<tr>
<td>SB 0390</td>
<td>Hooper</td>
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<td>SB 0474</td>
<td>Albritton</td>
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<td>HB 0677</td>
<td>Smith (D)</td>
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<td>HB 0713</td>
<td>Rodriguez (AM)</td>
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<td>HB 1137</td>
<td>Clemons</td>
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<td>SB 1138</td>
<td>Brandes</td>
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<td>HB 1143</td>
<td>Gregory</td>
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<td>HB 1193</td>
<td>Ingoglia</td>
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<td>HB 1341</td>
<td>Goff-Marcil</td>
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<td>SB 1492</td>
<td>Wright</td>
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<td>HB 0707</td>
<td>Renner</td>
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<td>SB 1126</td>
<td>Gruters</td>
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<tr>
<td>HB 1129</td>
<td>Caruso</td>
</tr>
<tr>
<td>HB 1155</td>
<td>Hage</td>
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</tbody>
</table>

**Employment Conditions** by Gruters

Employment Conditions; Prohibiting a political subdivision from establishing, mandating, or otherwise requiring an employer to offer conditions of employment which are not otherwise required by state or federal law; specifying that the regulation of conditions of employment is expressly preempted to the state, etc. Effective Date: Upon becoming a law

**Current Committee of Reference:** Senate Governmental Oversight and Accountability

**Actions**

03/14/2020 SENATE Died in Governmental Oversight and Accountability

**Similar**

<table>
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<tr>
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<tbody>
<tr>
<td>HB 0305</td>
<td>Rommel</td>
<td>Preemption of Conditions of Employment</td>
</tr>
</tbody>
</table>

**Home Delivery Services** by Caruso

Home Delivery Services: Provides background screening requirements for home delivery service providers; prohibits home delivery service provider from entering home of or being unsupervised with consumer upon conviction, or any other adjudication, of specified crimes; specifies retailer responsibilities & duties; provides civil & criminal penalties; requires OIR to approve certain rating plans for liability insurance. Effective Date: July 1, 2020

**Current Committee of Reference:** House Criminal Justice Subcommittee

**Actions**

03/14/2020 HOUSE Died in Criminal Justice Subcommittee

**Similar**

<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Sponsor</th>
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<tbody>
<tr>
<td>SB 1796</td>
<td>Perry</td>
<td>Home Delivery Services</td>
</tr>
</tbody>
</table>

**Legislative Review of Proposed Regulation of Unregulated Functions** by Hage

Legislative Review of Proposed Regulation of Unregulated Functions: Provides certain requirements before adoption of regulation of unregulated profession or occupation or substantial expansion of regulation of regulated profession or occupation; requires proponents to provide certain information to state agency & Legislature; requires state agency to provide certain information to Legislature; provides exception; revises information that legislative committee must consider when determining whether regulation is justified. Effective Date: July 1, 2020

**Current Committee of Reference:** No Current Committee

**Actions**
<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Title</th>
<th>Committee</th>
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<tbody>
<tr>
<td>SB 1614</td>
<td>Legislative Review of Proposed Regulation of Unregulated Functions (Perry)</td>
<td>Senate Innovation, Industry, and Technology</td>
<td>Died in Innovation, Industry, and Technology</td>
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<tr>
<td>HB 1161</td>
<td>Local Licensing (Plakon)</td>
<td>House State Affairs Committee</td>
<td>Died in State Affairs Committee</td>
<td>October 1, 2020</td>
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<tr>
<td>SB 0890</td>
<td>Local Licensing (Perry)</td>
<td>Senate Agriculture</td>
<td>Died in Agriculture</td>
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<tr>
<td>SB 1176</td>
<td>Captive-bred Animal Culture (Perry)</td>
<td>Senate Agriculture</td>
<td>Died in Agriculture</td>
<td>7/1/2020</td>
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<tr>
<td>SB 1186</td>
<td>Drug-free Workplaces (Robinson)</td>
<td>Senate Rules</td>
<td>Died in Rules</td>
<td>7/1/2020</td>
</tr>
<tr>
<td>SB 1194</td>
<td>Employment Practices (Cruz)</td>
<td>Senate Commerce and Tourism</td>
<td>Died in Senate Commerce and Tourism</td>
<td>7/1/2020</td>
</tr>
</tbody>
</table>
### Environmental Protection Act by Ingoglia

Environmental Protection Act: Prohibits local governments from recognizing or granting certain legal rights to natural environment or granting such rights relating to natural environment to person or political subdivision. Effective Date: upon becoming a law

Current Committee of Reference: No Current Committee

<table>
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<tr>
<th>Actions</th>
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<tbody>
<tr>
<td>03/14/2020 HOUSE Died on Calendar</td>
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<tr>
<td>SB 0712 Environmental Resource Management (Mayfield)</td>
</tr>
<tr>
<td>HB 1343 Environmental Resource Management (Payne)</td>
</tr>
<tr>
<td>SB 1382 Environmental Resource Management (Albritton)</td>
</tr>
</tbody>
</table>

### Florida Climate and Resiliency Research Program by Rouson

Florida Climate and Resiliency Research Program; Establishing the program within the Department of Environmental Protection; providing for program purpose and participants; requiring the program to submit the Florida Resiliency Plan to the Governor and Legislature at specified intervals; providing plan requirements; directing the department to coordinate and oversee the program and provide staff support, etc. Effective Date: 7/1/2020

Current Committee of Reference: Senate Infrastructure and Security

<table>
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<tbody>
<tr>
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<tbody>
<tr>
<td>HB 0913 Florida Climate and Resiliency Research Program (Diamond)</td>
</tr>
</tbody>
</table>

### Verification of Employment Eligibility by Byrd

Verification of Employment Eligibility: Prohibits approval of certain applications after specified date; requires awardee to repay certain moneys within specified timeframe; requires public employers, contractors, & subcontractors to use E-Verify system for specified purposes; prohibits such entities from entering into contract unless each party to contract uses E-Verify system; authorizes termination of contract; provides liability; requires private employers to verify employment eligibility of newly hired employees; provides acceptable methods for verification; provides specified immunity & creates rebuttable presumption; requires private employers to provide copies of certain documents, upon request, to specified persons & entities for certain purposes; prohibits such persons & entities from making independent determination; requires affidavit; provides for suspension or revocation of certain licenses. Effective Date: July 1, 2020

Current Committee of Reference: No Current Committee

<table>
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<tbody>
<tr>
<td>03/10/2020 HOUSE Laid on Table</td>
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<th>Similar</th>
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<tbody>
<tr>
<td>SB 0664 Verification of Employment Eligibility (Lee)</td>
</tr>
<tr>
<td>SB 1822 Verification of Employment Eligibility (Gruters)</td>
</tr>
</tbody>
</table>

### Preemption of Local Occupational Licensing by Perry

Preemption of Local Occupational Licensing; Preempting licensing of occupations to the state; prohibiting
local governments from imposing additional licensing requirements or modifying licensing unless specified
conditions are met; specifying that certain specialty contractors are not required to register with the
Construction Industry Licensing Board; authorizing counties and municipalities to issue certain journeyman
licenses, etc. Effective Date: 7/1/2020

Current Committee of Reference: Senate Innovation, Industry, and Technology

Actions
03/14/2020 SENATE Died in Innovation, Industry, and Technology

Similar

HB 0003 Preemption of Local Occupational Licensing (Grant (M))

**HB 1343** Environmental Resource Management by Payne

Environmental Resource Management: Requires DOH & DEP to submit reports & recommendations
relating to transfer of Onsite Sewage Program in DOH to DEP; transfers Onsite Sewage Program from
DOH to DEP; requires WMDs to submit consolidated annual reports to OEDR; removes provisions relating
to DOH technical review & advisory panel & research & review advisory committee; requires DEP to
conduct bottled water study; prohibits approval of certain consumptive use permits; authorizes nutrient
reducing OSTDS; creates OSTDS technical advisory committee; requires basin management action plans
to include plans & cooperative elements; requires DEP to submit cost estimates to OEDR; provides priority
funding for utility projects; provides for biosolids management & water quality monitoring; revises
administrative penalties; prohibits legal rights for environment. Effective Date: July 1, 2020

Current Committee of Reference: No Current Committee

Actions
03/10/2020 HOUSE Laid on Table

Compare

HB 0405 Stormwater Management Systems (Good)
SB 0686 Stormwater Management Systems (Gruters)
HB 1091 Environmental Accountability (Fine)
HB 1199 Environmental Protection Act (Ingoglia)
HB 1363 Basin Management Action Plans (Overdorf)
SB 1382 Environmental Resource Management (Albritton)
SB 1450 Environmental Accountability (Gruters)
SB 1758 Executive Branch (Bean)

Similar

SB 0712 Environmental Resource Management (Mayfield)

**SB 1360** Florida Endangered and Threatened Species Act by Rodriguez (J)

Florida Endangered and Threatened Species Act; Directing the Fish and Wildlife Conservation
Commission to protect certain declassified species; prohibiting the commission from considering certain
costs when designating a species as endangered or threatened; revising criteria for placement of species
on the Regulated Plant Index by the Department of Agriculture and Consumer Services; directing the
department, in consultation with the Endangered Plant Advisory Council, to protect certain declassified
species, etc. Effective Date: 7/1/2020

Current Committee of Reference: Senate Appropriations

Actions
03/14/2020 SENATE Died in Appropriations

Identical

HB 1067 Florida Endangered and Threatened Species Act (Hattersley)
**HB 1363 Basin Management Action Plans** by Overdorf

Basin Management Action Plans: Provides additional management strategies for such plans; requires certain plans to include specified elements; provides requirements for DEP, DACS, DOH, UF/IFAS, local governments, water management districts, & owners of agricultural operations; requires specified data collection & research; establishes nutrient reduction cost-share program within DEP; exempts rural homesteads from certain best management practices under certain conditions; requires DEP & DACS to include specified information in annual progress reports for such plans. Effective Date: July 1, 2020

**Current Committee of Reference:** House State Affairs Committee

**Actions**

03/14/2020 HOUSE Died in State Affairs Committee

**Compare**

SB 0712 Environmental Resource Management (Mayfield)

HB 1343 Environmental Resource Management (Payne)

SB 1382 Environmental Resource Management (Albritton)

**SB 1382 Environmental Resource Management** by Albritton

Environmental Resource Management; Providing additional management strategies for basin management action plans; requiring the Department of Agriculture and Consumer Services to work with the Department of Environmental Protection to improve the accuracy of data used to estimate certain agricultural land uses and to work with producers to identify certain agricultural technologies; prohibiting local governments from recognizing, granting, conveying, or extending legal rights or legal standing to animals or certain parts of the natural environment under certain circumstances, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Appropriations Subcommittee on Agriculture, Environment and General Government

**Actions**

03/14/2020 SENATE Died in Appropriations Subcommittee on Agriculture, Environment, and General Government

**Compare**

SB 0712 Environmental Resource Management (Mayfield)

HB 1199 Environmental Protection Act (Ingoglia)

HB 1343 Environmental Resource Management (Payne)

HB 1363 Basin Management Action Plans (Overdorf)

**HB 1389 Availability of Marijuana for Adult Use** by Smith (C)

Availability of Marijuana for Adult Use: Limits sales tax exemption for sale of marijuana & marijuana delivery devices to include only sales to qualified patients or caregivers; revises provisions relating to licensure & operation of MMTCs; authorizes certain persons to purchase, possess, use, transport, or transfer marijuana products & delivery devices under certain circumstances; requires licensure by DBPR of certain MMTCs; requires DACS to conduct certain study; requires sentence review hearings under certain circumstances; authorizes certain persons to petition court for expunction of his or her criminal history under certain circumstances; provides criminal penalties. Effective Date: January 1, 2021

**Current Committee of Reference:** House Health Quality Subcommittee

**Actions**

03/14/2020 HOUSE Died in Health Quality Subcommittee

**Compare**

SB 1862 Public Records/Criminal History Records and Related Information (Brandes)

HB 5003 Implementing the 2020-2021 General Appropriations Act (Appropriations Committee)
<table>
<thead>
<tr>
<th>SB 1390</th>
<th><strong>Everglades Protection Area</strong> by Simmons</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SB 1390</strong> Everglades Protection Area; Requiring comprehensive plans and plan amendments adopted by the governing bodies of local governments whose boundaries include any portion of the Everglades Protection Area to follow the state coordinated review process; requiring the Department of Environmental Protection to make certain determinations for such plans and amendments, to provide written notice of its determination to the local governments within a specified timeframe, and to coordinate with the local governments on certain mitigation measures, etc. Effective Date: 7/1/2020</td>
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<tr>
<td><strong>Current Committee of Reference:</strong> Senate Community Affairs</td>
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<td><strong>Actions</strong></td>
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<table>
<thead>
<tr>
<th>SB 1412</th>
<th><strong>Internship Tax Credit Program</strong> by Powell</th>
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<tr>
<td><strong>SB 1412</strong> Internship Tax Credit Program; Creating the &quot;Florida Internship Tax Credit Program&quot;; providing a credit against the corporate income tax to a taxpayer employing a degree-seeking student intern if certain criteria are met; specifying the amount of the credit; specifying a limit on the credit claimed per taxable year, etc. Effective Date: 7/1/2020</td>
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<tr>
<td><strong>Current Committee of Reference:</strong> Senate Finance and Tax</td>
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<td><strong>Actions</strong></td>
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<td>SENATE Died in Finance and Tax</td>
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<table>
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<td><strong>Similar</strong> SB 1860 Availability of Marijuana for Adult Use (Brandes)</td>
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<tr>
<td><strong>Similar</strong> SB 1390 Everglades Protection Area by Simmons</td>
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<tr>
<td><strong>Similar</strong> HB 0775 Everglades Protection Area (Avila)</td>
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<table>
<thead>
<tr>
<th>SB 1415</th>
<th><strong>Prohibited Reptiles</strong> by Daley</th>
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</thead>
<tbody>
<tr>
<td><strong>HB 1415</strong> Prohibited Reptiles: Prohibits keeping, possessing, importing, selling, bartering, trading, or breeding for personal use or sale for personal use green iguanas or black &amp; white tegus. Effective Date: July 1, 2020</td>
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<tr>
<td><strong>Current Committee of Reference:</strong> House Agriculture &amp; Natural Resources Subcommittee</td>
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<td><strong>Actions</strong></td>
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<tr>
<td>03/14/2020</td>
<td>HOUSE Died in Agriculture and Natural Resources Subcommittee</td>
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<tr>
<th>Compare</th>
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<tbody>
<tr>
<td><strong>Compare</strong> HB 0357 Internship Tax Credit Program (Jones)</td>
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<tr>
<td><strong>Compare</strong> HB 0439 Internship Tax Credit Program (Daley)</td>
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<tr>
<td><strong>Compare</strong> SB 0642 Internship Tax Credit Program (Powell)</td>
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<tbody>
<tr>
<td><strong>Identical</strong> HB 1101 Internship Tax Credit Program (Daley)</td>
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<tr>
<th>SB 0642</th>
<th><strong>Internship Tax Credit Program</strong> by Powell</th>
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<tr>
<th>HB 1427</th>
<th><strong>Florida Safe Drinking Water Act</strong> by Diamond</th>
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<tbody>
<tr>
<td><strong>HB 1427</strong> Florida Safe Drinking Water Act: Requires DEP to adopt &amp; implement rules for statewide maximum contaminant levels for specified pollutants by date certain; provides requirements for adopting &amp; implementing such rules; requires DEP to annually review specified studies &amp; laws &amp; initiate certain rulemaking. Effective Date: July 1, 2020</td>
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</tr>
<tr>
<td><strong>Current Committee of Reference:</strong> House Agriculture &amp; Natural Resources Subcommittee</td>
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<td><strong>Actions</strong></td>
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</tbody>
</table>
**SB 1450 Environmental Accountability** by Gruters

Environmental Accountability; Revising administrative penalties for violations of certain provisions relating to beach and shore construction and activities; revising civil penalties for violations of certain provisions relating to water resources, artesian wells, terminal facilities, discharge contingency plans for vessels, the Pollutant Discharge Prevention and Control Act, regulation of oil and gas resources, the Phosphate Land Reclamation Act, sewage disposal facilities, dumping litter, small quantity generators, and coral reef protection, respectively, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** No Current Committee

**Actions**

03/11/2020 SENATE Read Second Time; Substituted for HB 1091; Laid on Table, Refer to HB 1091

**Compare**

- SB 0150 Sanitary Sewer Laterals (Brandes)
- SB 0712 Environmental Resource Management (Mayfield)
- HB 1343 Environmental Resource Management (Payne)

**Similar**

- HB 1091 Environmental Accountability (Fine)

**HB 1453 Medical Marijuana** by Smith (C)

Medical Marijuana: Urges Congress to remove marijuana from Schedule I drug list & allow marijuana to be researched & used for medical purposes. Effective Date: Not Specified

**Current Committee of Reference:** House Local, Federal & Veterans Affairs Subcommittee

**Actions**

03/14/2020 HOUSE Died in Local, Federal and Veterans Affairs Subcommittee

**Similar**

- SB 1812 Remove Marijuana from the Schedule I Drug List (Rodriguez (J))

**SB 1514 Department of Agriculture and Consumer Services** by Albritton

Department of Agriculture and Consumer Services; Specifying a methodology for the assessment of certain buildings and structures located on agricultural lands; revising the functions, powers, and duties of the Department of Agriculture and Consumer Services to authorize the department to purchase private insurance policies for a specified purpose; extending the scheduled expiration for the Department of Agriculture and Consumer Services’ use of funds from the Pest Control Trust Fund for certain duties of the department; directing the Florida Forest Service to develop a training curriculum for wildland firefighters, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** No Current Committee

**Actions**

03/12/2020 SENATE Read Second Time; Substituted for HB 0921; Laid on Table, Refer to HB 0921

**Compare**

- HB 0921 Department of Agriculture and Consumer Services (Brannan III)
- HB 5003 Implementing the 2020-2021 General Appropriations Act (Appropriations Committee)

**SB 1614 Legislative Review of Proposed Regulation of Unregulated Functions** by Perry

Legislative Review of Proposed Regulation of Unregulated Functions; Providing that certain requirements
must be met before the adoption of a regulation of an unregulated profession or occupation or the substantial expansion of regulation of a regulated profession or occupation; requiring the proponents of legislation that proposes such regulation to provide certain information to the state agency proposed to have jurisdiction over the regulation and to the Legislature by a certain date; requiring such state agency to provide certain information to the Legislature within a specified timeframe, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Innovation, Industry, and Technology

### Actions

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<td>SENATE Died in Innovation, Industry, and Technology</td>
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<tr>
<th>Bill</th>
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<tbody>
<tr>
<td>HB 1155</td>
<td>Legislative Review of Proposed Regulation of Unregulated Functions (Hage)</td>
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</table>

#### SB 1720 Florida Safe Drinking Water Act by Cruz

Florida Safe Drinking Water Act; Requiring the Department of Environmental Protection to adopt and implement rules for statewide maximum contaminant levels for specified pollutants by a date certain, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Appropriations Subcommittee on Agriculture, Environment and General Government

### Actions

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<tr>
<td>03/14/2020</td>
<td>SENATE Died in Appropriations Subcommittee on Agriculture, Environment, and General Government</td>
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#### Similar

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<tr>
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<tbody>
<tr>
<td>HB 1427</td>
<td>Florida Safe Drinking Water Act (Diamond)</td>
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</table>

#### SB 1722 Recyclable Materials by Taddeo

Recyclable Materials; Requiring the Department of Environmental Protection to review and update a specified report on the regulation of certain auxiliary containers, wrappings, and disposable plastic bags; requiring submittal of the report to the Legislature by a specified date; prohibiting a local government, local governmental agency, or state government agency from enacting certain rules and regulations during a specified timeframe, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Community Affairs

### Actions

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<tr>
<td>03/14/2020</td>
<td>SENATE Died in Community Affairs</td>
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#### Compare

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<tr>
<th>Bill</th>
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<tr>
<td>SB 0182</td>
<td>Preemption of Recyclable and Polystyrene Materials (Stewart)</td>
</tr>
<tr>
<td>HB 6043</td>
<td>Preemption of Recyclable and Polystyrene Materials (Grieco)</td>
</tr>
</tbody>
</table>

#### SB 1796 Home Delivery Services by Perry

Home Delivery Services; Creating the "Evy Udell Public Safety Act"; providing background screening requirements for home delivery service providers who provide home delivery services for a retailer; prohibiting a home delivery service provider from entering the home of or being unsupervised with a consumer upon the conviction, or any other adjudication, of specified crimes; specifying retailer responsibilities and duties, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Commerce and Tourism

### Actions

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<td>03/14/2020</td>
<td>SENATE Died in Commerce and Tourism</td>
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<tr>
<td>HB 1129</td>
<td>Home Delivery Services (Caruso)</td>
</tr>
</tbody>
</table>
SB 1812  Remove Marijuana from the Schedule I Drug List by Rodriguez (J)
Remove Marijuana from the Schedule I Drug List; Urging Congress to remove marijuana from the Schedule I drug list and allow it to be researched and used for medical purposes, etc.

Current Committee of Reference: Senate Health Policy

Actions
03/14/2020 SENATE Died in Health Policy

Similar
HB 1453 Medical Marijuana (Smith (C))

SB 1822  Verification of Employment Eligibility by Gruters
Verification of Employment Eligibility; Requiring public employers, contractors, and subcontractors to register with and use the E-Verify system; prohibiting such entities from entering into a contract unless each party to the contract registers with and uses the E-Verify system; requiring private employers to verify the employment eligibility of newly hired employees, beginning on a specified date; providing acceptable methods for verifying employment eligibility, etc. Effective Date: 7/1/2020

Current Committee of Reference: Senate Judiciary

Actions
03/14/2020 SENATE Died in Judiciary

Compare
SB 0664 Verification of Employment Eligibility (Lee)

Similar
HB 1265 Verification of Employment Eligibility (Byrd)

SB 1860  Availability of Marijuana for Adult Use by Brandes
Availability of Marijuana for Adult Use; Revising the sales tax exemption for the sale of marijuana and marijuana delivery devices to only include sales to qualified patients or caregivers; revising provisions related to the licensure and functions of medical marijuana treatment centers (MMTCs); specifying application requirements for MMTCs to obtain cultivation licenses and processing licenses; authorizing MMTCs licensed to cultivate or process marijuana to use contractors to assist with the cultivation and processing of marijuana under certain conditions, etc. Effective Date: Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect January 1, 2021

Current Committee of Reference: Senate Finance and Tax

Actions
03/14/2020 SENATE Died in Finance and Tax

Compare
HB 0149 Medical Marijuana Treatment Centers (Sabatini)
HB 5003 Implementing the 2020-2021 General Appropriations Act (Appropriations Committee)

Similar
HB 1389 Availability of Marijuana for Adult Use (Smith (C))

Linked
SB 1862 Public Records/Criminal History Records and Related Information (Brandes)

SB 1862  Public Records/Criminal History Records and Related Information by Brandes
Public Records/Criminal History Records and Related Information; Specifying requirements for certain agencies in the disposition of expunged criminal history records; providing an exemption from public records requirements for certain expunged criminal history records and related information of persons who
possessed 4 ounces or less of cannabis, with exceptions; providing for future review and repeal of the exemption; providing a statement of public necessity, etc. Effective Date: On the same date that SB 1860 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law

**Current Committee of Reference:** Senate Criminal Justice

**Actions**

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<tr>
<td>03/14/2020</td>
<td>SENATE Died in Criminal Justice</td>
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<tr>
<td>SB 1860 Availability of Marijuana for Adult Use (Brandes)</td>
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</table>

**SB 1878 Environmental Protection** by Bradley

Environmental Protection; Requiring a minimum annual appropriation for Everglades restoration and the protection of water resources in this state beginning in a specified fiscal year; specifying requirements for the allocation of such funding; providing for future repeal of the appropriation unless reviewed and saved from repeal through reenactment by the Legislature; revising the minimum annual appropriation for certain appropriations from the Land Acquisition Trust Fund, etc. APPROPRIATION: Indeterminate Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Appropriations Subcommittee on Agriculture, Environment and General Government

**Actions**

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<tr>
<td>03/14/2020</td>
<td>SENATE Died in Appropriations Subcommittee on Agriculture, Environment, and General Government</td>
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</table>

**HB 6019 Development Orders** by Casello

Development Orders: Removes provision allowing prevailing party in certain development order challenges to recover specified fees & costs. Effective Date: July 1, 2020

**Current Committee of Reference:** House Commerce Committee

**Actions**

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<tr>
<td>03/14/2020</td>
<td>HOUSE Died in Commerce Committee</td>
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<tr>
<td>SB 0250 Development Orders (Berman)</td>
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</table>

**HB 6043 Preemption of Recyclable and Polystyrene Materials** by Grieco

Preemption of Recyclable and Polystyrene Materials: Removes prohibition of local laws relating to regulation of auxiliary containers, wrappings, & disposable plastic bags; repeals preemption of local laws relating to use or sale of polystyrene products to DACS. Effective Date: July 1, 2020

**Current Committee of Reference:** House Business & Professions Subcommittee

**Actions**

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<tr>
<td>03/14/2020</td>
<td>HOUSE Died in Business and Professions Subcommittee</td>
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<tr>
<td>SB 0182 Preemption of Recyclable and Polystyrene Materials (Stewart)</td>
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</tbody>
</table>

**HB 6077 Preemption of Tree Pruning, Trimming, and Removal** by Eskamani
Preemption of Tree Pruning, Trimming, and Removal: Repeals provisions relating to tree pruning, trimming, & removal on residential property. Effective Date: July 1, 2020

**Current Committee of Reference:** House Local, Federal & Veterans Affairs Subcommittee

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<td>HOUSE Died in Local, Federal and Veterans Affairs Subcommittee</td>
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**SB 7016 Statewide Office of Resiliency by Infrastructure and Security**

Statewide Office of Resiliency; Establishing the office within the Executive Office of the Governor; creating the Statewide Sea-Level Rise Task Force within the office; authorizing the Department of Environmental Protection to contract for specified services, upon request of the task force; requiring the Environmental Regulation Commission to take certain action on the task force’s recommendations, etc.

**Current Appropriation:** $500,000 Effective Date: 7/1/2020

**Current Committee of Reference:** No Current Committee

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<tr>
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<td>03/14/2020</td>
<td>HOUSE Died in Messages</td>
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**Comparison**

<table>
<thead>
<tr>
<th>Compare</th>
<th>Description</th>
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<tbody>
<tr>
<td>HB 0579</td>
<td>Public Financing of Construction Projects (Aloupis)</td>
</tr>
<tr>
<td>HB 1073</td>
<td>Statewide Office of Resiliency (Stevenson)</td>
</tr>
</tbody>
</table>

**HB 9027 UF/IFAS Algal Bloom Research & Mitigation by Eagle**

UF/IFAS Algal Bloom Research & Mitigation: Provides an appropriation for the UF/IFAS Algal Bloom Research & Mitigation. Effective Date: July 1, 2020

**Current Committee of Reference:** House Appropriations Committee

<table>
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<td>03/14/2020</td>
<td>HOUSE Indefinitely postponed and withdrawn from consideration</td>
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