The second week of the 2020 Legislative Session is behind us. As we embark on the third week of the 2020 Legislative Session, we are starting to get a glimpse of how this Session is beginning to shape up.

For example, the Florida Senate is only meeting Monday afternoon, Tuesday and Wednesday this week. The Senate Appropriations Committee is not meeting this week. The Senate is focused on releasing their proposed budget this week.

The House of Representatives continues to have a full week of committee meetings through Thursday. The House of Representatives is not meeting on Friday.

However, there are several bills we are watching that are on agendas this week. SB 1450 is on the agenda this week in Senate Environment and Natural Resources. This is a big Environmental Enforcement bill.

SB 1382 relating to Environmental Resource Management is scheduled to be heard in Senate Environment and Natural Resources this week. The bill has a delete-everything amendment filed to the bill.

Also, SB 712 has a proposed committee substitute filed. SB 712 relates to Water Quality. The bill only has one more committee stop in the Senate. The PCS is filed for Senate Appropriations. As we stated earlier, they are not meeting this week.

Thank you again for the opportunity to represent you in Tallahassee! Sorry we could not attend Expo this year, and we appreciate you allowing us to call in to the meeting.

As always, please let us know if you would like us to add anything to the report. A complete list of all the bills we are tracking this Session are also attached for your review.

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:** SB 1336 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. 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.

The bill also 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:** On Committee agenda - Community Affairs, 01/27/20, 4:00 pm

**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: Favorable with CS by Business & Professions Subcommittee; 12 Yeas, 2 Nays; Reference to State Affairs Committee removed; Remaining reference: Commerce Committee

Attached documents: SB 1336 (as filed) + staff analysis; CS/HB 3 + staff analysis

// 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: Referred to Agriculture; Health Policy; Rules

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: Referred to Workforce Development & Tourism Subcommittee; Appropriations Committee; Commerce Committee

Attached documents: SB 882 (as filed); HB 331 (as filed)

// 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: IDENTICAL

**Senate Bill 1514**: Revising the contents of a Department of Agriculture and Consumer Services report to the Governor and the Legislature to include the development of certain renewable and alternative energy technologies; requiring the department to promote the development of alternative fuel and alternative vehicle technologies; authorizing the department to consider the use of a fumigant as a pesticide for raw agricultural commodities; requiring operation permits for wholesalers of frozen dessert products, etc.

**Most Recent Action**: Referred to Agriculture; Innovation, Industry, and Technology; Appropriations

**House Bill 921**: Revises contents of renewable & alternative energy technologies report; authorizes certain use of fumigants; revises membership of Florida Food Safety & Food Defense Advisory Council; revises food permit late fee; requires operation permits for frozen dessert wholesalers; provides exemption from bulk milk hauler/sampler permit requirements; removes prohibitions for repasteurized milk & milkfat content testing; repeals Dairy Industry Technical Council; extends expiration for Pest Control Trust Fund use; revises agricultural water conservation program; directs Florida Forest Service to develop wildland fire training & certification.

**Most Recent Action**: Referred to Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

Attached documents: SB 1514 (as filed); HB 921 (as filed)

// ENVIRONMENTAL ENFORCEMENT
Senate Bill 1450 // Sen. Joe Gruters // Referred to: Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; 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

**Senate Bill 1450**: 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. Additionally, the bill changes the duration that certain penalties may run, so that, until a violation is resolved by order or judgment, each day during any portion of which a violation occurs or is not remediated constitutes a separate offense.

**Most Recent Action**: On Committee agenda - Environment and Natural Resources, 01/27/20, 4:00 pm

**House Bill 1091**: Increases civil penalties for violations of certain provisions relating to beach & shore construction, Biscayne Bay Aquatic Preserve, aquatic preserves, state water resource plan, artesian wells, pollution, operating terminal facility without discharge prevention & response certificates, discharge contingency plans for vessels, Pollutant Discharge Prevention & Control Act, Clean Ocean Act, pollution of surface & ground waters, regulation of oil & gas resources, Phosphate Land Reclamation Act, sewage disposal facilities, pollution control, reasonable costs & expenses for pollution releases, necessary permits, dumping litter, small quantity generators, abatement of imminent hazards caused by hazardous substances, hazardous waste generators, transporters, or facilities, & coral reef protection; provides that certain conditions constitute separate offenses.

**Most Recent Action**: Referred to Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

*Attached documents: SB 1450 (as filed) + staff analysis + 1 amendment; HB 1091 (as filed)*

**// 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**: Referred to Governmental Oversight and Accountability; Judiciary; Rules

**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**: Referred to Oversight, Transparency & Public Management Subcommittee; Appropriations Committee; State Affairs Committee

*Attached documents: SB 962 (as filed); HB 595 (as filed)*

// WATER QUALITY IMPROVEMENTS

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

**CS/Senate Bill 712**: PCS/CS/SB 712 includes recommendations from the Blue-Green Algae Task Force. The major topics in this bill include onsite sewage treatment and disposal systems (OSTDSs, commonly referred to as septic systems), wastewater, stormwater, agriculture, and biosolids. The bill directs the Department of Environmental Protection (DEP) to make rules relating to most of these topics. Note that rules that cost at least $1 million over the first five years of implementation require legislative ratification. Therefore, several of these provisions may not be fully effectuated without additional legislation.

The DEP will incur indeterminate additional costs in developing multiple new regulatory programs, updating basin management action plans (BMAPs), promulgating rules, and developing, submitting, and reviewing new reports. The DEP can absorb these costs within existing resources. The implementation of the real-time water quality monitoring and wastewater grant programs will have a negative fiscal impact on the DEP, but these provisions are subject to appropriations. See Section V.
Regarding OSTDSs, the bill:

- Transfers the regulation of OSTDSs from the Department of Health (DOH) to the DEP.
- Directs the DEP to adopt rules to locate OSTDSs by July 1, 2022:
  - These rules will take into consideration conventional and advanced OSTDS designs, impaired water bodies, wastewater and drinking water infrastructure, potable water sources, nonpotable wells, stormwater infrastructure, OSTDS remediation plans, nutrient pollution, and the recommendations of an OSTDS technical advisory committee;
  - Once those rules are adopted, they will supersede the existing statutory requirements for setbacks.
- Deletes the DOH OSTDS technical advisory committee and creates a DEP OSTDS technical advisory committee that will expire on August 15, 2022, after making recommendations to the Governor and the Legislature regarding the regulation of OSTDSs.
- Requires local governments to develop OSTDS remediation plans within BMAPs if the DEP determines that OSTDSs contribute at least 20 percent of the nutrient pollution or if the DEP determines remediation is necessary to achieve the total maximum daily load. Such plans must be adopted as part of the BMAPs no later than July 1, 2025.

Regarding wastewater, the bill:

- Creates a wastewater grant program, subject to appropriation, within the DEP that requires a 50 percent local match of funds. Eligible projects include:
  - Projects to upgrade OSTDSs.
  - Projects to construct, upgrade, or expand facilities to provide advanced waste treatment.
  - Projects to connect OSTDSs to central sewer facilities.
- Requires the DEP to submit an annual report to the Governor and the Legislature on the projects funded by the wastewater grant program.
- Provides incentives for wastewater projects that promote efficiency by coordinating wastewater infrastructure expansions with other infrastructure improvements.
- Gives priority in the state revolving loan fund for eligible wastewater projects that meet the additional requirements of the bill to prevent leakage, overflows, infiltration, and inflow.
- Requires the DEP to adopt rules to reasonably limit, reduce, and eliminate leaks, seepages, or inputs into the underground pipes of wastewater collection systems.
- Authorizes the DEP to require public utilities seeking a wastewater discharge permit to file reports and other data regarding utility costs:
Such reports may include data related to expenditures on pollution mitigation and prevention, including the prevention of sanitary sewer overflows, collection and transmission system pipe leakages, and inflow and infiltration.

The DEP is required to adopt rules related to these requirements.

- Requires local governments to develop wastewater treatment plans within BMAPs if the DEP determines that domestic wastewater facilities contribute at least 20 percent of the nutrient pollution or if the DEP determines remediation is necessary to achieve the total maximum daily load. Such plans must be adopted as part of the BMAPs no later than July 1, 2025.

- Adds to the DEP’s penalty schedule a penalty of $4,000 for failure to survey an adequate portion of a wastewater collection system and take steps to reduce sanitary sewer overflows, pipe leaks, and inflow and infiltration. Substantial compliance with certain bill requirements is evidence in mitigation for penalty assessment.

- Increases the cap on the DEP’s administrative penalties from $10,000 to $50,000.

- Doubles the wastewater administrative penalties.

- Prohibits facilities for sanitary sewage disposal from disposing of waste into the Indian River Lagoon and its tributaries without providing advanced waste treatment.

- Requires facilities for sanitary sewage disposal to provide for a power outage contingency plan for collection systems and pump stations.

- Requires facilities for sanitary sewage to prevent sanitary sewer overflows or underground pipe leaks and ensure that collected wastewater reaches the facility for appropriate treatment.
  - The bill requires studies, plans, and reports related to this requirement (the action plan).
  - The DEP must adopt rules regarding the implementation of inflow and infiltration studies and leakage surveys.

- Authorizes certain facilities for sanitary sewage to receive 10-year permits if they are meeting the goals in their action plan for inflow, infiltration, and leakage prevention.

- Makes the following changes relating to water pollution operation permits:
  - The permit must require the investigation or surveying of the wastewater collection system to determine pipe integrity.
  - The permit must require an annual report to the DEP, which details facility revenues and expenditures in a manner prescribed by the DEP rule, including any deviation from annual expenditures related to their action plan.

- Requires the DEP to submit an annual report to the Governor and the Legislature that identifies all wastewater utilities that experienced a sanitary sewer overflow in the preceding calendar year. The DEP must include with this report certain utility-specific information for each utility that experienced an overflow.
Regarding stormwater, the bill:

- Requires the DEP and the Water Management Districts (WMDs), by January 1, 2021, to initiate rulemaking to update their stormwater rules.
- Requires the DEP, by January 1, 2021, to evaluate inspection data relating to entities that self-certify their stormwater permits and provide the Legislature with recommendations for improvements to the self-certification program.
- Directs the DEP and the Department of Economic Opportunity to include in their model stormwater management program ordinances that target nutrient reduction practices and use green infrastructure.

Regarding agriculture, the bill:

- Requires the Department of Agriculture and Consumer Services (DACS) to collect and provide to the DEP fertilization and nutrient records from each agriculture producer enrolled in best management practices.
- Requires the DACS to perform onsite inspections of each agricultural producer that enrolls in a best management practice every two years.
- Authorizes the DACS and institutions of higher education with agricultural research programs to develop research plans and legislative budget requests relating to the evaluation and improvement of agricultural best management practices and agricultural nutrient reduction projects.

Regarding biosolids, the bill:

- Requires the DEP to adopt rules for biosolids management.
- Exempts the biosolids rules from legislative ratification if they are adopted prior to the 2021 legislative session.
- Clarifies that local governments with biosolids ordinances may retain those ordinances until repealed.

The bill also creates a real-time water quality monitoring program, subject to appropriation, within the DEP.

The effective date of the bill is July 1, 2021.

**Most Recent Action:** Subcommittee Recommendation: Favorable with CS by Appropriations Subcommittee on Agriculture, Environment and General Government; 9 Yeas, 0 Nays

**Attached documents:** PCS for CS/SB 712 + staff analysis
// ENVIRONMENTAL PROTECTION

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

**Senate Bill 1878:** Requiring a minimum annual appropriation for Everglades restoration and the protection of water resources in this state beginning in a specified fiscal year; providing 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, etc.

**Most Recent Action:** Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

*Attached documents: SB 1878 (as filed)*

// ENVIRONMENTAL RESOURCE MANAGEMENT

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

**Senate Bill 1382:** SB 1382 authorizes basin management action plans (plans that address water quality on a basinwide level) 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 basin management action plan during the 5-year update.

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 best management practices and the agricultural element.

The bill creates a nutrient reduction cost-share program. Subject to appropriation, DEP may provide funding for nutrient reduction projects in a basin management action plan or alternative restoration plan. Eligible projects include: retrofitting septic systems; constructing, upgrading, or expanding wastewater facilities to provide advanced waste treatment; projects to connect septic to sewer; projects in the nonagricultural element; projects in the agricultural element; and data collection and research activities. The bill specifies prioritization and cost-share requirements for project funding. In allocating funding, DEP must coordinate with DACS, IFAS, and the water management districts. The bill requires an annual report to the Governor and Legislature regarding the projects funded by this program.
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:** On Committee agenda - Environment and Natural Resources, 01/27/20, 4:00 pm

*Attached documents: SB 1382 (as filed) + 1 amendment + staff analysis*

// PEST MANAGEMENT APPROPRIATIONS

2020-2021 Governor’s Proposed Budget

1378 SPECIAL CATEGORIES

NITRATE RESEARCH AND REMEDIATION

FROM GENERAL INSPECTION TRUST FUND . 615,872

1445 AID TO LOCAL GOVERNMENTS

GRANTS AND AIDS - OPERATION CLEAN SWEEP

FROM GENERAL INSPECTION TRUST FUND . 100,000

The Governor release his proposed budget months ago for review. The Florida Senate and House are constitutionally mandated to pass a balance budget every year. We expect to start seeing the budget proposals from each chamber around the third week of Session. We will keep you updated as this process unfolds.

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Thank you for allowing us to represent you in Tallahassee. Please let us know if you would like us to highlight a special bill in the report.
A bill to be entitled
An act relating to preemption of local occupational licensing; creating s. 163.21, F.S.; defining terms; preempting licensing of occupations to the state; providing exceptions; prohibiting local governments from imposing additional licensing requirements or modifying licensing unless specified conditions are met; specifying that certain local licensing that does not meet specified criteria does not apply and may not be enforced; amending s. 489.117, F.S.; specifying that certain specialty contractors are not required to register with the Construction Industry Licensing Board; prohibiting local governments from requiring certain specialty contractors to obtain a license under specified circumstances; specifying job scopes for which a local government may not require a license; amending ss. 489.1455 and 489.5335, F.S.; authorizing counties and municipalities to issue certain journeyman licenses; providing an effective date.

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

Section 1. Section 163.21, Florida Statutes, is created to read:
163.21 Licensing of occupations preempted to state.—
(1) DEFINITIONS.—As used in this section:
(a) “Licensing” means any training, education, test, certification, registration, procedure, or license that is
required for a person to perform an occupation in addition to any associated fee.

(b) “Local government” means a county, municipality, special district, or political subdivision of the state.

(c) “Occupation” means a paid job, profession, work, line of work, trade, employment, position, post, career, field, vocation, or craft.

(2) PREEMPTION OF OCCUPATIONAL LICENSING TO THE STATE.—The licensing of occupations is expressly preempted to the state and this section supersedes any local government licensing requirement of occupations with the exception of the following:

(a) Any local government that imposed licenses on occupations before July 1, 2020. However, any such local government licensing of occupations expires on July 1, 2022.

(b) Any local government licensing of occupations authorized by general law.

(3) EXISTING LICENSING LIMIT.—A local government that licenses occupations and retains such licensing as set forth in paragraph (2)(a) may not impose additional licensing requirements on that occupation or modify such licensing.

(4) LOCAL LICENSING NOT AUTHORIZED.—Local licensing of an occupation that is not authorized under this section or otherwise authorized by general law does not apply and may not be enforced.

Section 2. Paragraph (a) of subsection (4) of section 489.117, Florida Statutes, is amended to read:

489.117 Registration; specialty contractors.—

(4)(a) A person holding a local license whose job scope does not substantially correspond to either the job scope of one
of the contractor categories defined in s. 489.105(3)(a)-(o), or
the job scope of one of the certified specialty contractor
categories established by board rule, is not required to
register with the board to perform contracting activities within
the scope of such specialty license. A local government, as
defined in s. 163.21(1), may not require a person to obtain a
license for a job scope which does not substantially correspond
to the job scope of one of the contractor categories defined in
s. 489.105(3)(a)-(o) and (q) or authorized in s. 489.1455(1).
For purposes of this section, job scopes for which a local
government may not require a license include, but are not
limited to, painting, flooring, cabinetry, interior remodeling,
driveway or tennis court installation, decorative stone, tile,
marble, granite, or terrazzo installation, plastering,
stuccoing, caulking, canvas awning, and ornamental iron
installation.

Section 3. Section 489.1455, Florida Statutes, is amended
to read:

489.1455 Journeyman; reciprocity; standards.—
(1) Counties and municipalities are authorized to issue
journeyman licenses in the plumbing, pipe fitting, mechanical,
or HVAC trades.
(2) (1) An individual who holds a valid, active journeyman
license in the plumbing, pipe fitting, plumbing/pipe fitting,
mechanical, or HVAC trades issued by any county or municipality
in this state may work as a journeyman in the trade in which he
or she is licensed in any county or municipality of this state
without taking an additional examination or paying an additional
license fee, if he or she:
(a) Has scored at least 70 percent, or after October 1, 1997, at least 75 percent, on a proctored journeyman Block and Associates examination or other proctored examination approved by the board for the trade in which he or she is licensed;

(b) Has completed an apprenticeship program registered with a registration agency defined in 29 C.F.R. s. 29.2 and demonstrates 4 years’ verifiable practical experience in the trade for which he or she is licensed, or demonstrates 6 years’ verifiable practical experience in the trade for which he or she is licensed;

(c) Has satisfactorily completed specialized and advanced module coursework approved by the Florida Building Commission, as part of the building code training program established in s. 553.841, specific to the discipline or, pursuant to authorization by the certifying authority, provides proof of completion of such coursework within 6 months after such certification; and

(d) Has not had a license suspended or revoked within the last 5 years.

3. A local government may charge a registration fee for reciprocity, not to exceed $25.

Section 4. Section 489.5335, Florida Statutes, is amended to read:

489.5335 Journeyman; reciprocity; standards.—

1. Counties and municipalities are authorized to issue journeyman licenses in the electrical and alarm system trades.

2. An individual who holds a valid, active journeyman license in the electrical or alarm system trade issued by any county or municipality in this state may work as a journeyman in
the trade in which he or she is licensed in any other county or
municipality of this state without taking an additional
examination or paying an additional license fee, if he or she:

(a) Has scored at least 70 percent, or after October 1, 1997, at least 75 percent, on a proctored journeyman Block and
Associates examination or other proctored examination approved
by the board for the electrical trade in which he or she is
licensed;

(b) Has completed an apprenticeship program registered with
a registration agency defined in 29 C.F.R. s. 29.2 and
demonstrates 4 years’ verifiable practical experience in the
electrical trade for which he or she is licensed, or
demonstrates 6 years’ verifiable practical experience in the
electrical trade for which he or she is licensed;

(c) Has satisfactorily completed specialized and advanced
module coursework approved by the Florida Building Commission,
as part of the building code training program established in s.
553.841, specific to the discipline, or, pursuant to
authorization by the certifying authority, provides proof of
completion of such curriculum or coursework within 6 months
after such certification; and

(d) Has not had a license suspended or revoked within the
last 5 years.

(3) A local government may charge a registration fee for
reciprocity, not to exceed $25.

Section 5. This act shall take effect July 1, 2020.
The Committee on Community Affairs (Perry) recommended the following:

**Senate Amendment**

1. Delete line 29
2. and insert:
3. **certification, registration, or license that is**
I. Summary:

SB 1336 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. 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.

The bill also 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.

II. Present Situation:

Local Government Authority

The Florida Constitution grants local governments broad home rule authority. Specifically, non-charter county governments may exercise those powers of self-government that are provided by general or special law.¹ Those counties operating under a county charter have all powers of local

¹ Fla. Const. art. VIII, s. 1(f).
self-government not inconsistent with general law or special law approved by the vote of the electors. Likewise, municipalities have those governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform their functions and provide services, and exercise any power for municipal purposes, except as otherwise provided by law.

Unlike counties or municipalities, independent special districts do not possess home rule power. Therefore, the powers possessed by independent special districts are those expressly provided by, or which can be reasonably implied from, the special district’s charter or general law. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.

**Revenue Sources Authorized in the Florida Constitution**

The Florida Constitution limits the ability of local governments to raise revenue for their operations. The Florida Constitution provides:

No tax shall be levied except in pursuance of law. No state ad valorem taxes shall be levied upon real estate or tangible personal property. All other forms of taxation shall be preempted to the state except as provided by general law.

Counties, school districts, and municipalities shall, and special districts may, be authorized by law to levy ad valorem taxes and may be authorized by general law to levy other taxes, for their respective purposes, except ad valorem taxes on intangible personal property and taxes prohibited by this constitution.

However, not all local government revenue sources are taxes requiring general law authorization. When a county or municipal revenue source is imposed by ordinance, the question is whether the charge is a valid assessment or fee. As long as the charge is not deemed a tax, the imposition of the assessment or fee by ordinance is within the constitutional and statutory home rule powers of county and municipal governments. If the charge is not a valid assessment or fee, it is deemed a revenue source requiring general law authorization.

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2 FLA. CONST. art. VIII, s. 1(g).
3 FLA. CONST. art. VIII, s. 2(b). See also s. 166.021(1), F.S.
4 See s. 189.031(3)(b), F.S. See also State ex rel. City of Gainesville v. St. Johns River Water Mgmt. Dist., 408 So.2d 1067, 1068 (Fla. 1st DCA 1982).
7 Pursuant to s. 192.001(1), F.S., “ad valorem tax” means a tax based upon the assessed value of property.
8 FLA. CONST. art. VII, s. 1(a).
9 FLA. CONST. art. VII, s. 9(a).
Local Government Revenue Sources Based on Home Rule Authority

Pursuant to home rule authority, counties and municipalities may impose proprietary fees, regulatory fees, and special assessments to pay the cost of providing a facility or service or regulating an activity. Because special districts do not possess home rule powers, they may impose only those taxes, assessments, or fees authorized by special or general law.

Preemption

Local governments have broad authority to legislate on any matter that is not inconsistent with federal or state law. A local government enactment may be inconsistent with state law if (1) the Legislature has preempted a particular subject area or (2) the local enactment conflicts with a state statute. Where state preemption applies, it precludes a local government from exercising authority in that particular area.

Florida law recognizes two types of preemption: express and implied. Express preemption requires a specific legislative statement; it cannot be implied or inferred. Express preemption of a field by the Legislature must be accomplished by clear language stating that intent.

In cases where the Legislature expressly or specifically preempts an area, there is no problem with ascertaining what the Legislature intended.

In cases determining the validity of ordinances enacted in the face of state preemption, the effect has been to find such ordinances null and void. Implied preemption is actually a decision by the courts to create preemption in the absence of an explicit legislative directive.

Preemption of a local government enactment is implied only where the legislative scheme is so pervasive as to evidence an intent to preempt the particular area, and strong public policy reasons exist for finding preemption.

Implied preemption is found where the local legislation would present the danger of conflict with the state's pervasive regulatory scheme.

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13 See City of Hollywood v. Mulligan, 934 So.2d 1238, 1243 (Fla. 2006); Phantom of Clearwater, Inc. v. Pinellas County, 894 So.2d 1011, 1018 (Fla. 2d DCA 2005), approved in Phantom of Brevard, Inc. v. Brevard County, 3 So.3d 309 (Fla. 2008).
14 Mulligan, 934 So.2d at 1243.
15 Sarasota Alliance for Fair Elections, Inc. v. Browning, 28 So.3d 880, 886 (Fla. 2010).
16 Examples of activities “expressly preempted to the state” include: operator use of commercial mobile radio services and electronic communications devices in motor vehicles, s. 316.0075, F.S.; regulation of the use of cameras for enforcing provisions of the Florida Uniform Traffic Control Law, s. 316.0076, F.S.; and, the adoption of standards and fines related to specified subject areas under the purview of the Department of Agriculture and Consumer Services, s. 570.07, F.S.
17 See, e.g., Nat’l Rifle Ass’n of Am., Inc. v. City of S. Miami, 812 So.2d 504 (Fla. 3d DCA 2002).
18 Phantom of Clearwater, Inc., 894 So.2d at 1019.
19 Id.
20 Sarasota Alliance for Fair Elections, Inc., 28 So.3d at 886.
Professions and Occupations

General law directs a number of state agencies and licensing boards to regulate certain professions and occupations. For example, the Department of Business and Professional Regulation (DBPR) currently regulates approximately 25 professions and occupations.\(^{21}\)

General law determines whether local governments are able to regulate occupations and businesses, and to what degree.\(^{22}\) If state law preempts regulation for an occupation, then, generally, local governments may not regulate that occupation.\(^{23}\) Florida law currently preempts local regulation with regard to the following:

- Assessing local fees associated with providing proof of licensure as a contractor, or providing, recording, or filing evidence of worker’s compensation insurance coverage by a contractor;\(^{24}\)
- Assessing local fees and rules regarding low-voltage alarm system projects;\(^{25}\)
- Smoking;\(^{26}\)
- Firearms and ammunition;\(^{27}\)
- Employment benefits;\(^{28}\)
- Polystyrene products;\(^{29}\)
- Public lodging establishments and public food service establishments;\(^{30}\) and
- Disposable plastic bags.\(^{31}\)

Conversely, Florida law also specifically grants local jurisdictions the right to regulate businesses, occupations and professions in certain circumstances.\(^{32}\) Florida law authorizes local regulations relating to:

- Zoning and land use;\(^{33}\)
- The levy of “reasonable business, professional, and occupational regulatory fees, commensurate with the cost of the regulatory activity, including consumer protection, on such classes of businesses, professions, and occupations, the regulation of which has not been preempted by the state or a county pursuant to a county charter;”\(^{34}\)

\(^{21}\) Section 20.165, F.S.
\(^{22}\) See Fla. Const art. VIII, s. 1(f), art. VIII, s. 2(b), and ss. 125.01(1) and 166.021(1), F.S.
\(^{24}\) Section 553.80(7)(d), F.S.
\(^{25}\) Section 489.503(14), F.S.
\(^{26}\) Section 386.209, F.S.
\(^{27}\) Section 790.33(1), F.S.
\(^{28}\) Section 218.077, F.S.
\(^{29}\) Section 500.90, F.S.
\(^{30}\) Section 509.032(7), F.S.
\(^{31}\) Section 403.7033, F.S.
\(^{33}\) See part II, ch. 163, F.S.
\(^{34}\) Section 166.221, F.S.
• The levy of local business taxes;\(^{35}\)
• Building code inspection fees;\(^{36}\)
• Tattoo establishments;\(^{37}\)
• Massage practices;\(^{38}\)
• Child care facilities;\(^{39}\)
• Taxis and other vehicles for hire;\(^{40}\) and
• Waste and sewage collection.\(^{41}\)

**Construction Professional Licenses**

Chapter 489, F.S., relates to “contracting,” with part I addressing the licensure and regulation of construction contracting, and part II addressing the licensure and regulation of electrical and alarm system contracting.

Construction contractors are either certified or registered by the Construction Industry Licensing Board (CILB) housed within DBPR.\(^{42}\) The CILB consists of 18 members who are appointed by the Governor and confirmed by the Senate.\(^{43}\) The CILB meets to approve or deny applications for licensure, review disciplinary cases, and conduct informal hearings relating to discipline.\(^{44}\)

"Certified contractors" are individuals who pass the state competency examination and obtain a certificate of competency issued by DBPR. Certified contractors are able to obtain a certificate of competency for a specific license category and are permitted to practice in that category in any jurisdiction in the state.\(^{45}\)

“Certified specialty contractors” are contractors whose scope of work is limited to a particular phase of construction, such as drywall or demolition. Certified specialty contractor licenses are created by the CILB through rulemaking. Certified specialty contractors are permitted to practice in any jurisdiction in the state.\(^{46}\)

“Registered contractors” are individuals that have taken and passed a local competency examination and can practice the specific category of contracting for which he or she is approved, only in the local jurisdiction for which the license is issued.\(^{47}\)

The table on the next page provides examples of CILB licenses for types of contractors.\(^{48}\)

\(^{35}\) Chapter 205, F.S.
\(^{36}\) Section 166.222, F.S.
\(^{37}\) Section 381.00791, F.S.
\(^{38}\) Section 480.052, F.S.
\(^{39}\) Section 402.306, F.S.
\(^{40}\) Section 125.01(1)(n), F.S.
\(^{41}\) Section 125.01(1)(k), F.S.
\(^{42}\) See ss. 489.105, 489.107, and 489.113, F.S.
\(^{43}\) Section 489.107(1), F.S.
\(^{44}\) Section 489.107, F.S.
\(^{45}\) See ss. 489.105(6)-(8) and (11), F.S.
\(^{46}\) See ss. 489.108, 489.113, 489.117, 489.131, F.S.
\(^{47}\) Section 489.117, F.S.
\(^{48}\) See s. 489.105(a)-(q), F.S., and Rules 61G4-15.015-040, F.A.C.
Current law provides that local jurisdictions may approve or deny applications for licensure as a registered contractor, review disciplinary cases, and conduct informal hearings relating to discipline of registered contractors licensed in their jurisdiction.\(^ {49}\) Local jurisdictions are not barred from issuing and requiring construction licenses that are outside the scope of practice for a certified contractor or certified specialty contractor, such as painting and fence erection licenses. Local governments may only collect licensing fees that cover the cost of regulation.\(^ {50}\)

Locally registered contractors that are required to hold a contracting license to practice their profession in accordance with state law must register with DBPR after obtaining a local license. However, persons holding a local construction license whose job scope does not substantially correspond to the job scope of a certified contractor or a certified specialty contractor are not required to register with DBPR.\(^ {51}\)

Electrical contractors, alarm system contractors, and electrical specialty contractors are certified or registered under the Electrical Contractors’ Licensing Board (ECLB).\(^ {52}\) Certified contractors can practice statewide and are licensed and regulated by ECLB. Registered contractors are licensed and regulated by a local jurisdiction and may only practice within that locality.\(^ {53}\)

\(^{49}\) Sections 489.117 and 489.131, F.S.


\(^{51}\) Sections 489.105 and 489.117(4), F.S.

\(^{52}\) See Sections 489.505(3) and 489.507, F.S.

\(^{53}\) See s. 489.505(16), F.S.
Electrical contractors are contractors who have the ability to work on electrical wiring, fixtures, appliances, apparatus, raceways, and conduits which generate, transmit, transform, or utilize electrical energy in any form. The scope of an electrical contractor’s license includes alarm system work.\textsuperscript{54}

Alarm system contractors are contractors who are able to lay out, fabricate, install, maintain, alter, repair, monitor, inspect, replace, or service alarm systems. An “alarm system” is defined as “any electrical device, signaling device, or combination of electrical devices used to signal or detect a burglary, fire, robbery, or medical emergency.”\textsuperscript{55}

Electrical certified specialty contractors are contractors whose scope of work is limited to a particular phase of electrical contracting, such as electrical signs. The ECLB creates electrical certified specialty contractor licenses through rulemaking.\textsuperscript{56} Certified electrical specialty contractors can practice statewide. The ECLB has created the following certified specialty contractor licenses:
- Lighting Maintenance Specialty Contractor;
- Sign Specialty Electrical Contractor;
- Residential Electrical Contractor;
- Limited Energy Systems Specialty Contractor;
- Utility line electrical contractor; and
- Two-Way Radio Communications Enhancement Systems Contractor.\textsuperscript{57}

\section*{Journeyman}

A journeyman is a skilled worker in a building trade or craft. There is no state requirement for licensure as a journeyman, but the construction and electrical contractor practice acts account for the fact that counties and municipalities issue journeyman licenses. A person with a journeyman license must always work under the supervision of a licensed contractor, but the state does not regulate journeymen activities or issue journeymen licenses.\textsuperscript{58}

However, ch. 489, F.S., allows tradesman to be licensed as a journeyman in one local jurisdiction and work in multiple jurisdictions without having to take another examination or pay an additional licensing fee to qualify to work in the other jurisdictions (county or municipality). Specifically, s. 489.1455(1) of part I, F.S., specifies:

An individual who holds a valid, active journeyman license in the plumbing/pipe fitting, mechanical, or HVAC trades issued by any county or municipality in this state may work as a journeyman in the trade in which he or she is licensed in any county or municipality of this state without taking an additional examination or paying an additional license fee.

\textsuperscript{54} Sections 489.505(12) and 489.537(7), F.S.
\textsuperscript{55} Sections 489.505(1)-(2), F.S.
\textsuperscript{56} Sections 489.507(3) and 489.511(4), F.S.
\textsuperscript{57} Sections 489.505(19) and 489.511(4), F.S.; Rule 61G6-7.001, F.A.C.
\textsuperscript{58}Sections 489.103, 489.1455, 489.503, and 489.5335, F.S.
The statutory criteria for licensure reciprocity between local jurisdictions for journeymen include:

- Scoring at least 75 percent on an approved proctored examination for that construction trade;
- Completing a registered apprenticeship program and demonstrating verifiable practical experience in the particular trade;
- Completing coursework approved by the Florida Building Commission specific to the discipline; and
- Not having a license suspended or revoked within the last 5 years.

III. Effect of Proposed Changes:

**Section 1** creates s. 163.21, F.S., to define the following terms:
- "Licensing" means any training, education, test, certification, procedure, registration, or license that is required for a person to perform an occupation along with any associated fee.
- “Local government” means a county, municipality, special district, or political subdivision of the state.
- “Occupation” means a paid job, profession, work, line of work, trade, employment, position, post, career, field, vocation, or craft.

This section of the bill expressly preempts occupational licensing to the state. This preemption supersedes any local government licensing requirement of occupations unless:

- The local licensing scheme for an occupation was imposed before July 1, 2020. However, any such local licensing scheme expires on July 1, 2022; or
- The licensing of occupations by local governments is authorized by general law.

In addition, this section of the bill prohibits local governments that license an occupation that qualifies for the exemption until July 1, 2022, from imposing additional licensing requirements on that occupation and from modifying such licensing. Any local licensing of an occupation not authorized under the provisions of the bill or otherwise authorized by general law does not apply and may not be enforced.

**Section 2** amends s. 489.117, F.S., to provide that the bill’s preemption applies to licensing that is outside the scope of state contractor licensing provisions. Specifically, it provides that a county or municipality may not require a license for a person whose job scope does not substantially correspond to a contractor category licensed by the Construction Industry Licensing Board. The bill specifically precludes counties and municipalities from requiring a license for certain job scopes, including, but not limited to, 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.

**Sections 3 and 4** amend ss. 489.1455 and 489.5335, F.S., to authorize 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. Therefore, local journeyman licensing is exempt from the preemption in the bill.

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59 Section 489.1455, F.S. A similar reciprocity option applies to journeyman in the electrical trades. Section 489.5335, F.S.
Section 5 provides an effective date of July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:
   None.

B. Public Records/Open Meetings Issues:
   None.

C. Trust Funds Restrictions:
   None.

D. State Tax or Fee Increases:
   None.

E. Other Constitutional Issues:
   None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:
   None.

B. Private Sector Impact:
   The bill will have an indeterminate impact on the private sector. Workers may have to pay less in licensing and examination fees in some local jurisdictions which may increase the number of people in the workforce practicing certain professions. The impact on construction costs and workers’ wages is indeterminate.

C. Government Sector Impact:
   The bill will have indeterminate impact on local government costs and revenues linked to licensing.

VI. Technical Deficiencies:

Line 73 of the bill provides a job scope description of “canvas awning.” The job scope may be better captured by “canvas awning installation.”
VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 489.117, 489.1455, 489.5335.

This bill creates section 163.21 of the Florida Statutes.

IX. **Additional Information:**

A. **Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. **Amendments:**

None.
A bill to be entitled
An act relating to preemption of local occupational licensing; creating s. 163.211, F.S.; providing definitions; preempting licensing of occupations to the state; providing exceptions; prohibiting local governments from imposing additional licensing requirements or modifying licensing unless specified conditions are met; specifying that certain local licensing that does not meet specified criteria does not apply and may not be enforced; amending s. 489.117, F.S.; specifying that certain specialty contractors are not required to register with the Construction Industry Licensing Board; prohibiting local governments from requiring certain specialty contractors to obtain a license under specified circumstances; specifying job scopes for which a local government may not require a license; amending ss. 489.1455 and 489.5335, F.S.; authorizing counties and municipalities to issue certain journeyman licenses; providing an effective date.

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

Section 1. Section 163.211, Florida Statutes, is created to read:
163.211 Licensing of occupations preempts to state.—

(1) DEFINITIONS.—As used in this section:
(a) "Licensing" means any training, education, test, certification, registration, or license that is required for a person to perform an occupation in addition to any associated fee.
(b) "Local government" means a county, municipality, special district, or political subdivision of the state.
(c) "Occupation" means a paid job, profession, work, line of work, trade, employment, position, post, career, field, vocation, or craft.

(2) PREEMPTION OF OCCUPATIONAL LICENSING TO THE STATE.—The licensing of occupations is expressly preempted to the state and this section supersedes any local government licensing requirement of occupations with the exception of the following:
(a) Any local government that imposed licenses on occupations before July 1, 2020. However, any such local government licensing of occupations expires on July 1, 2022.
(b) Any local government licensing of occupations authorized by general law.

(3) EXISTING LICENSING LIMIT.—A local government that licenses occupations and retains such licensing as set forth in paragraph (2)(a) may not impose additional licensing requirements on that occupation or modify such licensing.

(4) LOCAL LICENSING NOT AUTHORIZED.—Local licensing of an
occupation that is not authorized under this section or otherwise authorized by general law does not apply and may not be enforced.

Section 2. Paragraph (a) of subsection (4) of section 489.117, Florida Statutes, is amended to read:

489.117 Registration; specialty contractors.—

(4)(a) A person holding a local license whose job scope does not substantially correspond to either the job scope of one of the contractor categories defined in s. 489.105(3)(a)-(o), or the job scope of one of the certified specialty contractor categories established by board rule, is not required to register with the board to perform contracting activities within the scope of such specialty license. A local government, as defined in s. 163.21(1), may not require a person to obtain a license for a job scope which does not substantially correspond to the job scope of one of the contractor categories defined in s. 489.105(3)(a)-(o) and (q) or authorized in s. 489.1455(1). For purposes of this section, job scopes for which a local government may not require a license include, but are not limited to, painting, flooring, cabinetry, interior remodeling, driveway or tennis court installation, decorative stone, tile, marble, granite, or terrazzo installation, plastering, stuccoing, caulking, canvas awning, and ornamental iron installation.

Section 3. Section 489.1455, Florida Statutes, is amended
to read:

489.1455 Journeyman; reciprocity; standards.—

(1) Counties and municipalities are authorized to issue journeyman licenses in the plumbing, pipe fitting, mechanical, or HVAC trades.

(2)(1) An individual who holds a valid, active journeyman license in the plumbing, pipe fitting, mechanical, or HVAC trades issued by any county or municipality in this state may work as a journeyman in the trade in which he or she is licensed in any county or municipality of this state without taking an additional examination or paying an additional license fee, if he or she:

(a) Has scored at least 70 percent, or after October 1, 1997, at least 75 percent, on a proctored journeyman Block and Associates examination or other proctored examination approved by the board for the trade in which he or she is licensed;

(b) Has completed an apprenticeship program registered with a registration agency defined in 29 C.F.R. s. 29.2 and demonstrates 4 years' verifiable practical experience in the trade for which he or she is licensed, or demonstrates 6 years' verifiable practical experience in the trade for which he or she is licensed;

(c) Has satisfactorily completed specialized and advanced module coursework approved by the Florida Building Commission, as part of the building code training program established in s. 521.
553.841, specific to the discipline or, pursuant to
authorization by the certifying authority, provides proof of
completion of such coursework within 6 months after such
certification; and
(d) Has not had a license suspended or revoked within the
last 5 years.
(3) (2) A local government may charge a registration fee
for reciprocity, not to exceed $25.

Section 4. Section 489.5335, Florida Statutes, is amended
to read:

489.5335 Journeyman; reciprocity; standards.—
(1) Counties and municipalities are authorized to issue
journeyman licenses in the electrical and alarm system trades.
(2) (1) An individual who holds a valid, active journeyman
license in the electrical or alarm system trade issued by any
county or municipality in this state may work as a journeyman in the trade in which he or she is licensed in any other county or
municipality of this state without taking an additional
examination or paying an additional license fee, if he or she:
(a) Has scored at least 70 percent, or after October 1,
1997, at least 75 percent, on a proctored journeyman Block and
Associates examination or other proctored examination approved
by the board for the electrical trade in which he or she is
licensed;
(b) Has completed an apprenticeship program registered
with a registration agency defined in 29 C.F.R. s. 29.2 and demonstrates 4 years' verifiable practical experience in the electrical trade for which he or she is licensed, or demonstrates 6 years' verifiable practical experience in the electrical trade for which he or she is licensed;

(c) Has satisfactorily completed specialized and advanced module coursework approved by the Florida Building Commission, as part of the building code training program established in s. 553.841, specific to the discipline, or, pursuant to authorization by the certifying authority, provides proof of completion of such curriculum or coursework within 6 months after such certification; and

(d) Has not had a license suspended or revoked within the last 5 years.

(3) A local government may charge a registration fee for reciprocity, not to exceed $25.

Section 5. This act shall take effect July 1, 2020.
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.
I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Local Government Authority

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. ¹ 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. ²

Likewise, municipalities ³ have those 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. ⁴

A "special district" is a unit of local government created for a particular purpose, with jurisdiction to
operate within a limited geographic boundary. Special districts are created by general law, ⁵ special act, ⁶
local ordinance, ⁷ or by rule of the Governor and Cabinet. ⁸ A special district has only those powers
expressly provided by, or reasonably implied from, the authority provided in the district’s charter.
Special districts provide specific municipal services in addition to, or in place of, those provided by a
municipality or county. ⁹

A “dependent special district” is a special district where the membership of the governing body is
identical to the governing body of a single county or municipality, all members of the governing body
are appointed by the governing body of a single county or municipality, members of the district’s
governing body are removable at will by the governing body of a single county or municipality, or the
district’s budget is subject to the approval of the governing body of a single county or municipality. ¹⁰ An
“independent special district” is any district that is not a dependent special district. ¹¹

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¹ Art. VIII, s. 1(f), Fla. Const.
² Art. VIII, s. 1(g), Fla. Const.
³ A municipality is a local government entity created to perform functions and provide services for the particular benefit of the population
within the municipality, in addition to those provided by the county. The term “municipality” may be used interchangeably with the terms
“town,” “city,” and “village.”
⁴ Art. VIII, s. 2(b), Fla. Const. See also s. 166.021(1), F.S.
⁵ Section 189.031(3), F.S.
⁶ Id.
⁷ S. 189.02(1), F.S.
⁸ S. 190.005(1), F.S. See, generally, s. 189.012(6), F.S.
¹⁰ S. 189.012(2), F.S.
¹¹ S. 189.012(3), F.S.
Revenue Sources Authorized in the Florida Constitution

The Florida Constitution limits the ability of local governments to raise revenue for their operations. The Florida Constitution provides:

No tax shall be levied except in pursuance of law. No state ad valorem taxes shall be levied upon real estate or tangible personal property. All other forms of taxation shall be preempted to the state except as provided by general law.

Counties, school districts, and municipalities shall, and special districts may, be authorized by law to levy ad valorem taxes and may be authorized by general law to levy other taxes, for their respective purposes, except ad valorem taxes on intangible personal property and taxes prohibited by this constitution.

However, not all local government revenue sources are taxes requiring general law authorization. When a county or municipal revenue source is imposed by ordinance, the question is whether the charge is a valid assessment or fee. As long as the charge is not deemed a tax, the imposition of the assessment or fee by ordinance is within the constitutional and statutory home rule powers of county and municipal governments. If the charge is not a valid assessment or fee, it is deemed a revenue source requiring general law authorization.

Revenue Sources Based on Home Rule Authority

Pursuant to home rule authority, local governments may impose proprietary fees, regulatory fees, and special assessments to pay the cost of providing a facility or service or regulating an activity. A regulatory fee should not exceed the regulated activity’s cost and is generally required to be applied solely to the regulated activity’s cost for which the fee is imposed.

Preemption

State preemption precludes a local government from exercising authority in a particular area, and requires consistency with the state constitution or state statute. A local government enactment may be found inconsistent with state law if (1) the Legislature has preempted a particular subject area to the state or (2) the local regulation conflicts with a state statute.

Florida law recognizes two types of preemption: express and implied. Express preemption requires a specific legislative statement; it cannot be implied or inferred. Express preemption of a field by the Legislature must be accomplished by clear language stating that intent. When local ordinances have been enacted in the face of state preemption, the effect has been to find such ordinances null and void.

Implied preemption is a legal doctrine created to address those situations in which the courts may have been concerned by the legislature’s failure to expressly preempt areas which, for all intents and

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13 “Ad valorem tax” means a tax based upon the assessed value of property.” Section 192.001(1), F.S.
14 Art. VII, s. 1(a), Fla. Const.
15 Art. VII, s. 9(a), Fla. Const.
16 EDR, supra note 12, at 9.
18 Id.
19 See City of Hollywood v. Mulligan, 934 So. 2d 1238, 1243 (Fla. 2006); Phantom of Clearwater, Inc. v. Pinellas County, 894 So. 2d 1011, 1018 (Fla. 2d DCA 2005), approved in Phantom of Brevard, Inc. v. Brevard County, 3 So. 3d 309 (Fla. 2008).
20 Mulligan, 934 So. 2d at 1243.
21 See, e.g., Nat’l Rifle Ass’n of Am., Inc. v. City of S. Miami, 812 So.2d 504 (Fla. 3d DCA 2002).
purposes, seemed dominated by the state. Findings of implied preemption are for a very narrow class of areas in which the state has legislated perversely.22

**Professions and Occupations**

General law directs a number of state agencies and licensing boards to regulate certain professions and occupations. For example, the Department of Business and Professional Regulation (DBPR) currently regulates approximately 25 professions and occupations.23

General law determines whether local governments are able to regulate occupations and businesses, and to what degree.24 If state law preempts regulation for an occupation, then, generally, local governments may not regulate that occupation.25 For example, Florida law currently preempts local regulation with regard to the following:

- assessing local fees associated with providing proof of licensure as a contractor, or providing, recording, or filing evidence of worker’s compensation insurance coverage by a contractor;26
- assessing local fees and rules regarding low-voltage alarm system projects;27
- tobacco and nicotine products;28
- firearms, weapons, and ammunition;29
- employment benefits;30
- polystyrene products;31
- public lodging establishments and public food service establishments;32 and
- disposable plastic bags.33

Conversely, Florida law also specifically grants local jurisdictions the right to regulate businesses, occupations and professions in certain circumstances.34 For example, Florida law specifically authorizes regulations relating to:

- zoning and land use;
- the levy of "reasonable business, professional, and occupational regulatory fees, commensurate with the cost of the regulatory activity, including consumer protection, on such classes of businesses, professions, and occupations, the regulation of which has not been preempted by the state or a county pursuant to a county charter";35
- the levy of local business taxes;36
- building code inspection fees;37
- tattoo establishments;38
- massage practices;39
- child care facilities;40
- taxis and other vehicles for hire;41 and

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22 Wolf and Bolinder, supra note 17.
23 S. 20.165, F.S.
24 Art. VIII, s. 1(f), Fla. Const.; Art. VII, s. 9(a), Fla. Const.; Art. VIII, s. 2(b), Fla. Const.; s. 166.021(1), F.S.
25 Id.; Wolf and Bolinger, supra note 17.
26 S. 553.80(7)(d), F.S.
27 S. 489.503(14), F.S.
28 Ch. 569, F.S., and s. 386.209, F.S.
29 S. 790.33(1), F.S.
30 S. 218.077, F.S.
31 S. 500.90, F.S.
32 S. 509.032, F.S.
33 S. 403.7033, F.S.
34 Supra note 25.
35 S. 166.221, F.S.
36 Ch. 205, F.S.
37 S. 166.222, F.S.
38 S. 381.00791, F.S.
39 S. 480.052, F.S.
40 S. 402.306, F.S.
41 S. 125.01(1)(m), F.S.
Construction Professional Licenses

Chapter 489, F.S., relates to “contracting,” with part I addressing the licensure and regulation of construction contracting, and part II addressing the licensure and regulation of electrical and alarm system contracting.

Construction contractors are either certified or registered by the Construction Industry Licensing Board (CILB) housed within DBPR. The CILB consists of 18 members who are appointed by the Governor and confirmed by the Senate. The CILB meets to approve or deny applications for licensure, review disciplinary cases, and conduct informal hearings relating to discipline.43

"Certified contractors" are individuals who pass the state competency examination and obtain a certificate of competency issued by DBPR. Certified contractors are able to obtain a certificate of competency for a specific license category and are permitted to practice in that category in any jurisdiction in the state.44

"Certified specialty contractors" are contractors whose scope of work is limited to a particular phase of construction, such as drywall or demolition. Certified specialty contractor licenses are created by the CILB through rulemaking. Certified specialty contractors are permitted to practice in any jurisdiction in the state.

“Registered contractors” are individuals that have taken and passed a local competency examination and can practice the specific category of contracting for which he or she is approved, only in the local jurisdiction for which the license is issued.45

42 S. 125.01(1)(k), F.S.
43 S. 489.107, F.S.
44 S. 489.105, F.S.
45 S. 489.103, F.S.
The CILB licenses the following types of contractors:  

<table>
<thead>
<tr>
<th>Statutory Licenses</th>
<th>Specialty Licenses</th>
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<td>• Air Conditioning- Classes A, B, and C</td>
<td>• Drywall</td>
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<td>• Building</td>
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</tbody>
</table>

Current law provides that local jurisdictions may approve or deny applications for licensure as a registered contractor, review disciplinary cases, and conduct informal hearings relating to discipline of registered contractors licensed in their jurisdiction. Local jurisdictions are not barred from issuing and requiring construction licenses that are outside the scope of practice for a certified contractor or certified specialty contractor, such as painting and fence erection licenses. Local governments may only collect licensing fees that cover the cost of regulation.

Locally registered contractors that are required to hold a contracting license to practice their profession in accordance with state law must register with DBPR after obtaining a local license. However, persons holding a local construction license whose job scope does not substantially correspond to the job scope of a certified contractor or a certified specialty contractor are not required to register with DBPR.

Electrical contractors, alarm system contractors, and electrical specialty contractors are certified or registered under the ECLB. Certified contractors can practice statewide and are licensed and regulated by ECLB. Registered contractors are licensed and regulated by a local jurisdiction and may only practice within that locality.

Electrical contractors are contractors who have the ability to work on electrical wiring, fixtures, appliances, apparatus, raceways, and conduits which generate, transmit, transform, or utilize electrical energy in any form. The scope of an electrical contractor’s license includes alarm system work.

Alarm system contractors are contractors who are able to lay out, fabricate, install, maintain, alter, repair, monitor, inspect, replace, or service alarm systems. An “alarm system” is defined as “any electrical device, signaling device, or combination of electrical devices used to signal or detect a burglary, fire, robbery, or medical emergency.”

46 S. 489.105(a)-(q), F.S.; Rr. 61G4-15.015-040, F.A.C.
47 Ss. 489.117, 489.131 F.S.
48 EDR, supra note 12, at 9.
49 Ss. 489.105, & 489.117(4), F.S.
50 See generally s. 489.505, F.S.
51 Ss. 489.505(12), & 489.537(7), F.S.
52 S. 489.505(1)-(2), F.S.
Electrical certified specialty contractors are contractors whose scope of work is limited to a particular phase of electrical contracting, such as electrical signs. The ECLB creates electrical certified specialty contractor licenses through rulemaking. Certified electrical specialty contractors can practice statewide. The ECLB has created the following certified specialty contractor licenses:

- Lighting maintenance specialty contractor;
- Sign specialty electrical contractor;
- Residential electrical contractor;
- Limited energy systems specialty contractor; and
- Utility line electrical contractor.\(^{53}\)

**Journeyman**

A journeyman is a skilled worker in a building trade or craft. There is no state requirement for licensure as a journeyman, but the construction and electrical contractor practice acts account for the fact that counties and municipalities issue journeyman licenses. A person with a journeyman license must always work under the supervision of a licensed contractor, but the state does not regulate journeymen activities or issue journeymen licenses.\(^{54}\)

However, ch. 489, F.S., allows tradesman to be licensed as a journeyman in one local jurisdiction and work in multiple jurisdictions without having to take another examination or pay an additional licensing fee to qualify to work in the other jurisdictions (county or municipality). Specifically, s. 489.1455(1) of part I, F.S., specifies:

- An individual who holds a valid, active journeyman license in the plumbing/pipe fitting, mechanical, or HVAC trades issued by any county or municipality in this state may work as a journeyman in the trade in which he or she is licensed in any county or municipality of this state without taking an additional examination or paying an additional license fee.

The statutory criteria for licensure reciprocity between local jurisdictions for journeymen include:\(^{55}\)

- scoring at least 75 percent on an approved proctored examination for that construction trade;
- completing a registered apprenticeship program and demonstrating verifiable practical experience in the particular trade;
- completing coursework approved by the Florida Building Commission specific to the discipline; and
- not having a license suspended or revoked within the last 5 years.

**Effect of the Bill**

The bill defines the following terms:

- “Local government” means a county, municipality, special district, or political subdivision of the state.
- “Occupation” means a paid job, profession, work, line of work, trade, employment, position, post, career, field, vocation, or craft.
- “Licensing” means any training, education, test, certification, registration, or license that is required for a person to perform an occupation along with any associated fee.

The bill expressly preempts occupational licensing to the state. This preemption supersedes any local government licensing requirement of occupations unless:

- the licensing of occupations by local governments is authorized by general law; or
- the local licensing scheme for an occupation was imposed before July 1, 2020. However, any such local licensing scheme expires on July 1, 2022.

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\(^{53}\) S. 489.505(19), & 489.511(4), F.S; Rule 61G6-7.001, F.A.C.

\(^{54}\) Ss. 489.103, 489.1455, 489.503, & 489.5335, F.S.

\(^{55}\) S. 489.1455, F.S. A similar reciprocity option applies to journeyman in the electrical trades. S. 489.5335, F.S.
The bill prohibits local governments that license an occupation that qualifies for the exemption until July 1, 2022, from imposing additional licensing requirements on that occupation and from modifying such licensing.

The bill provides that any local licensing of an occupation not authorized under the provisions of the bill or otherwise authorized by general law does not apply and may not be enforced.

The bill provides that the preemption applies to licensing that is outside the scope of state contractor licensing provisions. Specifically, it provides that a county or municipality may not require a license for a person whose job scope does not substantially correspond to a contractor category licensed by the CILB. The bill specifically precludes counties and municipalities from requiring a license for certain job scopes, including, but not limited to, 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. Therefore, local journeyman licensing is exempt from the preemption in the bill.

B. SECTION DIRECTORY:
Section 1 creates s. 163.21, F.S., relating to licensing of occupations preempted to the state.
Section 2 amends s. 489.117, F.S., relating to registration; specialty contractors.
Section 3 amends s. 489.1455, F.S., relating to journeyman; reciprocity; standards.
Section 4 amends s. 489.5335, F.S., relating to journeyman; reciprocity; standards.
Section 5 provides an effective date of July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
   None.

2. Expenditures:
   None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
   None.

2. Expenditures:
   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:
   The bill will have an indeterminate positive impact on the private sector. Workers may have to pay less in licensing and examination fees in some local jurisdictions. There may be an increase in the number of people in the workforce practicing their chosen professions.
D. FISCAL COMMENTS:
The fiscal impact of the bill on local governments is indeterminate.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:
   Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take
   action requiring the expenditures of funds; reduce the authority that counties or municipalities have
   to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or
   municipalities.

2. Other:
   None.

B. RULE-MAKING AUTHORITY:
   The bill neither authorizes nor requires administrative rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:
   None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 15, 2020, the Business & Professions Subcommittee adopted an amendment and reported the bill
favorably as a committee substitute. The amendment clarified the definition for “licensing.”

This analysis is drafted to the committee substitute as passed by the Business & Professions subcommittee.
A bill to be entitled
An act relating to heat illness prevention; creating
s. 448.111, F.S.; providing applicability; defining
terms; providing responsibilities of certain employers
and employees; providing an exception; 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;
providing an effective date.

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

Section 1. Section 448.111, Florida Statutes, is created to
read:
448.111 Heat illness prevention.--
(1) APPLICABILITY.--
(a) This section applies to employers in industries where
employees regularly perform work in an outdoor environment,
including, but not limited to, agriculture, construction, and
landscaping.
(b) This section does not apply to an employee who is
required to work in an outdoor environment for fewer than 15
minutes per hour for every hour in the employee’s entire
workday.
(c) This section is supplemental to all related industry-
specific standards. When the requirements under this section
offer greater protection than related industry-specific
standards, an employer shall comply with the requirements of
(2) DEFINITIONS.—As used in this section, the term:

(a) “Acclimatization” means temporary adaptation of a person to work in the heat that occurs when a person is gradually exposed to heat over a 2-week period at a 20-percent increase in heat exposure per day.

(b) “Drinking water” means potable water. The term includes electrolyte-replenishing beverages that do not contain caffeine.

(c) “Employee” means a person who performs services for and under the control and direction of an employer for wages or other remuneration. The term includes an independent contractor and a farm labor contractor as defined in s. 450.28.

(d) “Employer” means an individual, firm, partnership, institution, corporation, association, or entity listed in s. 121.021(10) that employs individuals.

(e) “Environmental risk factors for heat illness” means working conditions that create the possibility of heat illness, including air temperature, relative humidity, radiant heat from the sun and other sources, conductive heat from sources such as the ground, air movement, workload severity and duration, and protective clothing and equipment worn by an employee.

(f) “Heat illness” means a medical condition resulting from the body’s inability to cope with a particular heat level. The term includes heat cramps, heat exhaustion, heat syncope, and heat stroke.

(g) “Outdoor environment” means a location where work activities are conducted outside. The term includes locations such as sheds, tents, greenhouses, or other structures where work activities are conducted inside but the temperature is not
managed by devices that reduce heat exposure and aid in cooling such as air conditioning systems.

(h) “Personal risk factors for heat illness” means factors specific to an individual, including his or her age; health; pregnancy; degree of acclimatization; water, alcohol, or caffeine consumption; use of prescription medications; or other physiological responses to heat.

(i) “Recovery period” means a cool-down period to reduce an employee’s heat exposure and aid the employee in cooling down and avoiding the signs or symptoms of heat illness.

(j) “Shade” means an area that is not in direct sunlight.

(k) “Supervisor” has the same meaning as in s. 448.101.

3. RESPONSIBILITIES.—

(a) An employer of employees who regularly work in an outdoor environment shall implement an outdoor heat exposure safety program that has been approved by the Department of Agriculture and Consumer Services and the Department of Health and that must, at a minimum:

1. Train and inform supervisors and employees about heat illness, how to protect themselves and coworkers, how to recognize signs and symptoms of heat illness in themselves and coworkers, and appropriate first-aid measures that can be used before medical attention arrives in the event of a serious heat-related illness event.

2. Provide preventative and first-aid measures, such as loosening clothing, loosening or removing heat-retaining protective clothing and equipment, accessing shade, applying cool or cold water to the body, and drinking cool or cold water, to address the signs or symptoms of heat illness.
3. Implement the following high-heat procedures, to the extent practicable, when an employer, manager, supervisor, or contractor determines that the outdoor heat index equals or exceeds 90 degrees Fahrenheit:
   a. Ensure that effective communication by voice, observation, or electronic means is initiated and maintained so that an employee may contact an employer, manager, supervisor, contractor, or emergency medical services provider if necessary.
   b. Provide a sufficient amount of cool or cold drinking water at a location that is quickly and easily accessible from the area where employees work to accommodate all employees throughout the workday and remind employees throughout the workday to consume such water.
   c. Ensure that each employee takes a 10-minute recovery period every 2 hours that the employee is working in an outdoor environment under high-heat conditions. The recovery period may be concurrent with a meal period required by law if the timing of the recovery period coincides with a required meal period.
   d. Conduct a preshift meeting each workday to review the high-heat procedures.

(b) An employee who regularly works, or who is in the process of acclimatization, in an outdoor environment shall participate in the training that is provided by the employer under subsection (6). An employee is responsible for monitoring his or her own personal risk factors for heat illness.

(4) DRINKING WATER.—An employer shall ensure that a sufficient quantity of cool or cold, clean drinking water is at all times readily accessible and free of charge to employees who work in an outdoor environment. Such drinking water shall be
located as close as practicable to the areas where employees work. If drinking water is not plumbed or otherwise continuously supplied, an employer shall supply a sufficient quantity of drinking water at the beginning of the workday so each employee has at least 1 quart of drinking water per hour for every hour in the employee’s entire workday. An employer may supply a smaller quantity of drinking water at the beginning of the workday if the employer has adequate procedures in place to allow the employee access to drinking water as needed so the employee has at least 1 quart of drinking water per hour for every hour in the employee’s entire workday.

(5) ACCESS TO SHADE.—

(a) When the supervisor determines that the outdoor heat index equals or exceeds 80 degrees Fahrenheit, the employer must maintain one or more areas with shade that are open to the air or offer ventilation or cooling at all times in the area where employees are working. The amount of shade present must be able to accommodate the total number of employees participating in a recovery period at one time without the employees having to be in physical contact with each other.

(b) An employee who exhibits mild to moderate signs or symptoms of heat illness shall be relieved from duty, provided with access to shade for at least 15 minutes or until such signs or symptoms of heat illness have abated, and monitored to determine whether medical attention is necessary. If such signs or symptoms do not abate within such time period, an employer shall seek medical attention in a timely manner for the employee. If an employee exhibits serious signs or symptoms of heat illness, an employer must seek medical attention.
immediately for the employee and provide first-aid measures.

(c) If an employer can demonstrate that it is unsafe or not feasible to provide an area with shade, the employer may provide alternative cooling measures as long as the employer can demonstrate that such measures are at least as effective as an area with shade in reducing heat exposure.

(6) TRAINING.—An employer shall provide annual training that has been approved by the Department of Agriculture and Consumer Services and the Department of Health for all employees and supervisors in the languages understood by a majority of the employees and supervisors. Such training shall be made available through the Department of Agriculture and Consumer Services and the Department of Health. Training information shall be written in English and translated into all languages understood by the employees and supervisors. Supervisors shall make such written materials available upon request.

(a) Training on the following topics shall be provided to all employees who work in an outdoor environment:

1. The environmental risk factors for heat illness.
2. General awareness of personal risk factors for heat illness.
3. The importance of loosening clothing and loosening or removing heat-retaining protective clothing and equipment, such as nonbreathable chemical-resistant clothing and equipment, during all recovery and rest periods, breaks, and meal periods.
4. The importance of frequent consumption of cool or cold drinking water.
5. The concept, importance, and methods of acclimatization.
6. The common signs and symptoms of heat illness.
including, but not limited to, neurological impairment, confusion, or agitation.

7. The importance of immediately reporting to the employer, directly or through a supervisor, signs or symptoms of heat illness in the employee or a coworker, and the importance of immediately receiving medical attention if the employee or coworker exhibits any signs or symptoms of heat illness.

8. The employer’s outdoor heat exposure safety program and related high-heat procedures.

(b) Training on all of the following topics shall be provided to all supervisors before they are authorized to supervise employees who work in an outdoor environment:

1. Information that must be provided to employees.

2. Procedures that must be followed to implement this section.

3. Procedures that must be followed when an employee exhibits or reports any signs or symptoms of heat illness.

4. Procedures that must be followed when transporting an employee who exhibits or reports any signs or symptoms of heat illness to an emergency medical services provider in a timely manner.

(7) RULEMAKING.—The Department of Agriculture and Consumer Services, in conjunction with the Department of Health, shall adopt rules to implement this section, including, but not limited to, approved training programs, approved trainers, and a certification process to acknowledge an employer’s compliance with training requirements.

Section 2. This act shall take effect October 1, 2020.
A bill to be entitled
An act relating to heat illness prevention; creating s. 448.111, F.S.; providing applicability; providing definitions; providing responsibilities of certain employers and employees; providing an exception; 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; providing an effective date.

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

Section 1. Section 448.111, Florida Statutes, is created to read:

448.111  Heat illness prevention.—
(1) APPLICABILITY.—
(a) This section applies to employers in industries where employees regularly perform work in an outdoor environment, including, but not limited to, agriculture, construction, and landscaping.
(b) This section does not apply to an employee who is required to work in an outdoor environment for fewer than 15 minutes per hour for every hour in the employee's entire workday.
(c) This section is supplemental to all related industry-specific standards. When the requirements under this section offer greater protection than related industry-specific standards, an employer shall comply with the requirements of this section.

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

(a) "Acclimatization" means temporary adaptation of a person to work in the heat that occurs when a person is gradually exposed to heat over a 2-week period at a 20-percent increase in heat exposure per day.

(b) "Drinking water" means potable water. The term includes electrolyte-replenishing beverages that do not contain caffeine.

(c) "Employee" means a person who performs services for and under the control and direction of an employer for wages or other remuneration. The term includes an independent contractor and a farm labor contractor as defined in s. 450.28.

(d) "Employer" means an individual, firm, partnership, institution, corporation, association, or entity listed in s. 121.021(10) that employs individuals.

(e) "Environmental risk factors for heat illness" means working conditions that create the possibility of heat illness, including air temperature, relative humidity, radiant heat from the sun and other sources, conductive heat from sources such as the ground, air movement, workload severity and duration, and
protective clothing and equipment worn by an employee.

(f) "Heat illness" means a medical condition resulting from the body's inability to cope with a particular heat level. The term includes heat cramps, heat exhaustion, heat syncope, and heat stroke.

(g) "Outdoor environment" means a location where work activities are conducted outside. The term includes locations such as sheds, tents, greenhouses, or other structures where work activities are conducted inside but the temperature is not managed by devices that reduce heat exposure and aid in cooling such as air conditioning systems.

(h) "Personal risk factors for heat illness" means factors specific to an individual, including his or her age; health; pregnancy; degree of acclimatization; water, alcohol, or caffeine consumption; use of prescription medications; or other physiological responses to heat.

(i) "Recovery period" means a cool-down period to reduce an employee's heat exposure and aid the employee in cooling down and avoiding the signs or symptoms of heat illness.

(j) "Shade" means an area that is not in direct sunlight.

(k) "Supervisor" has the same meaning as in s. 448.101.

(3) RESPONSIBILITIES.—

(a) An employer of employees who regularly work in an outdoor environment shall implement an outdoor heat exposure safety program that has been approved by the Department of
Agriculture and Consumer Services and the Department of Health and that must, at a minimum:

1. Train and inform supervisors and employees about heat illness, how to protect themselves and coworkers, how to recognize signs and symptoms of heat illness in themselves and coworkers, and appropriate first-aid measures that can be used before medical attention arrives in the event of a serious heat-related illness event.

2. Provide preventative and first-aid measures, such as loosening clothing, loosening or removing heat-retaining protective clothing and equipment, accessing shade, applying cool or cold water to the body, and drinking cool or cold water, to address the signs or symptoms of heat illness.

3. Implement the following high-heat procedures, to the extent practicable, when an employer, manager, supervisor, or contractor determines that the outdoor heat index equals or exceeds 90 degrees Fahrenheit:
   a. Ensure that effective communication by voice, observation, or electronic means is initiated and maintained so that an employee may contact an employer, manager, supervisor, contractor, or emergency medical services provider if necessary.
   b. Provide a sufficient amount of cool or cold drinking water at a location that is quickly and easily accessible from the area where employees work to accommodate all employees throughout the workday and remind employees throughout the
workday to consume such water.

c. Ensure that each employee takes a 10-minute recovery period every 2 hours that the employee is working in an outdoor environment under high-heat conditions. The recovery period may be concurrent with a meal period required by law if the timing of the recovery period coincides with a required meal period.

d. Conduct a preshift meeting each workday to review the high-heat procedures.

(b) An employee who regularly works, or who is in the process of acclimatization, in an outdoor environment shall participate in the training that is provided by the employer under subsection (6). An employee is responsible for monitoring his or her own personal risk factors for heat illness.

(4) DRINKING WATER.—An employer shall ensure that a sufficient quantity of cool or cold, clean drinking water is at all times readily accessible and free of charge to employees who work in an outdoor environment. Such drinking water shall be located as close as practicable to the areas where employees work. If drinking water is not plumbed or otherwise continuously supplied, an employer shall supply a sufficient quantity of drinking water at the beginning of the workday so each employee has at least 1 quart of drinking water per hour for every hour in the employee's entire workday. An employer may supply a smaller quantity of drinking water at the beginning of the workday if the employer has adequate procedures in place to
allow the employee access to drinking water as needed so the
employee has at least 1 quart of drinking water per hour for
every hour in the employee's entire workday.

(5) ACCESS TO SHADE.—

(a) When the supervisor determines that the outdoor heat
index equals or exceeds 80 degrees Fahrenheit, the employer must
maintain one or more areas with shade that are open to the air
or offer ventilation or cooling at all times in the area where
employees are working. The amount of shade present must be able
to accommodate the total number of employees participating in a
recovery period at one time without the employees having to be
in physical contact with each other.

(b) An employee who exhibits mild to moderate signs or
symptoms of heat illness shall be relieved from duty, provided
with access to shade for at least 15 minutes or until such signs
or symptoms of heat illness have abated, and monitored to
determine whether medical attention is necessary. If such signs
or symptoms do not abate within such time period, an employer
shall seek medical attention in a timely manner for the
employee. If an employee exhibits serious signs or symptoms of
heat illness, an employer must seek medical attention
immediately for the employee and provide first-aid measures.

(c) If an employer can demonstrate that it is unsafe or
not feasible to provide an area with shade, the employer may
provide alternative cooling measures as long as the employer can
demonstrate that such measures are at least as effective as an area with shade in reducing heat exposure.

(6) TRAINING.—An employer shall provide annual training that has been approved by the Department of Agriculture and Consumer Services and the Department of Health for all employees and supervisors in the languages understood by a majority of the employees and supervisors. Such training shall be made available through the Department of Agriculture and Consumer Services and the Department of Health. Training information shall be written in English and translated into all languages understood by the employees and supervisors. Supervisors shall make such written materials available upon request.

(a) Training on the following topics shall be provided to all employees who work in an outdoor environment:

1. The environmental risk factors for heat illness.
2. General awareness of personal risk factors for heat illness.
3. The importance of loosening clothing and loosening or removing heat-retaining protective clothing and equipment, such as nonbreathable chemical-resistant clothing and equipment, during all recovery and rest periods, breaks, and meal periods.
4. The importance of frequent consumption of cool or cold drinking water.
5. The concept, importance, and methods of acclimatization.
6. The common signs and symptoms of heat illness, including, but not limited to, neurological impairment, confusion, or agitation.

7. The importance of immediately reporting to the employer, directly or through a supervisor, signs or symptoms of heat illness in the employee or a coworker, and the importance of immediately receiving medical attention if the employee or coworker exhibits any signs or symptoms of heat illness.

8. The employer's outdoor heat exposure safety program and related high-heat procedures.

(b) Training on all of the following topics shall be provided to all supervisors before they are authorized to supervise employees who work in an outdoor environment:

1. Information that must be provided to employees.
2. Procedures that must be followed to implement this section.
3. Procedures that must be followed when an employee exhibits or reports any signs or symptoms of heat illness.
4. Procedures that must be followed when transporting an employee who exhibits or reports any signs or symptoms of heat illness to an emergency medical services provider in a timely manner.

(7) RULEMAKING.—The Department of Agriculture and Consumer Services, in conjunction with the Department of Health, shall adopt rules to implement this section, including, but not
limited to, approved training programs, approved trainers, and a certification process to acknowledge an employer's compliance with training requirements.

Section 2. This act shall take effect October 1, 2020.
A bill to be entitled
An act relating to the Department of Agriculture and
Consumer Services; amending s. 377.703, F.S.; revising
the contents of a Department of Agriculture and
Consumer Services report to the Governor and the
Legislature to include the development of certain
renewable and alternative energy technologies;
requiring the department to promote the development of
alternative fuel and alternative vehicle technologies;
requiring the Division of Emergency Management to
consult with the department to include specified
provisions in a certain report; deleting a requirement
that the department prepare a separate, specified
renewable energy report; amending s. 487.021, F.S.;
defining the term “raw agricultural commodities
fumigation”; amending s. 487.0435, F.S.; authorizing
the department to consider the use of a fumigant as a
pesticide for raw agricultural commodities; amending
s. 500.03, F.S.; revising definitions; amending s.
500.033, F.S.; revising the membership of the Florida
Food Safety and Food Defense Advisory Council;
amending s. 500.12, F.S.; conforming provisions to
changes made by the act; revising the date by which a
late fee is imposed for nonpayment of an applicable
permit; amending s. 500.121, F.S.; conforming
provisions to changes made by the act; amending s.
500.147, F.S.; updating a reference to certain bottled
water provisions; amending s. 502.012, F.S.; defining
and redefining terms; amending s. 502.014, F.S.
revising the authority of the department to conduct onsite inspections of certain facilities and to collect samples of products at such facilities for testing; amending s. 502.053, F.S.; requiring operation permits for wholesalers of frozen dessert products; deleting a requirement that a frozen dessert plant permitholder submit specified reports to the department; providing an exemption from bulk milk hauler/sampler permit requirements; amending s. 502.181, F.S.; revising the prohibitions against certain testing for milkfat content and for repasteurizing milk; amending s. 502.231, F.S.; conforming a provision to changes made by the act; repealing s. 502.301, F.S., relating to the Dairy Industry Technical Council; amending s. 570.441, F.S.; extending the expiration for the use of funds from the Pest Control Trust Fund; amending s. 570.93, F.S.; revising requirements for the agricultural water conservation program; amending s. 590.02, F.S.; directing the Florida Forest Service to develop a training curriculum for wildland firefighting; providing requirements for such training; amending s. 595.404, F.S.; authorizing the department to adopt and implement an exemption, variance, and waiver process for school food and other nutrition programs; amending s. 633.408, F.S.; providing wildland firefighter training and certification for certain firefighters and volunteer firefighters; reenacting ss. 373.016(4)(a), 373.223(3), and 373.701(2)(a), F.S.,
relating to a declaration of policy, conditions for a permit, and a declaration of policy, respectively, to incorporate the amendment made to s. 500.033, F.S., in references thereto; providing an effective date.

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

Section 1. Paragraphs (f), (k), (m), and (n) of subsection (2) of section 377.703, Florida Statutes, are amended to read:

377.703 Additional functions of the Department of Agriculture and Consumer Services.—

(2) DUTIES.—The department shall perform the following functions, unless as otherwise provided, consistent with the development of a state energy policy:

(f) The department shall submit an annual report to the Governor and the Legislature reflecting its activities and making recommendations for policies for improvement of the state’s response to energy supply and demand and its effect on the health, safety, and welfare of the residents of this state. The report must include a report from the Florida Public Service Commission on electricity and natural gas and information on energy conservation programs conducted and underway in the past year and include recommendations for energy efficiency and conservation programs for the state, including:

1. Formulation of specific recommendations for improvement in the efficiency of energy utilization in governmental, residential, commercial, industrial, and transportation sectors.

2. Collection and dissemination of information relating to energy efficiency and conservation.

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3. Development and conduct of educational and training programs relating to energy efficiency and conservation, renewable energy, alternative fuels, and alternative vehicle technologies.

4. An analysis of the ways in which state agencies are seeking to implement s. 377.601(2), the state energy policy, and recommendations for better fulfilling this policy.

(k) The department shall coordinate energy-related programs of state government, including, but not limited to, the programs provided in this section. To this end, the department shall:

1. Provide assistance to other state agencies, counties, municipalities, and regional planning agencies to further and promote their energy planning activities.

2. Require, in cooperation with the Department of Management Services, all state agencies to operate state-owned and state-leased buildings in accordance with energy conservation standards as adopted by the Department of Management Services. Every 3 months, the Department of Management Services shall furnish the department data on agencies’ energy consumption and emissions of greenhouse gases in a format prescribed by the department.

3. Promote the development and use of renewable energy resources, energy efficiency technologies, and conservation measures, and alternative fuel and alternative vehicle technologies.

4. Promote the recovery of energy from wastes, including, but not limited to, the use of waste heat, the use of agricultural products as a source of energy, and recycling of manufactured products. Such promotion shall be conducted in
conjunction with, and after consultation with, the Department of Environmental Protection and the Florida Public Service Commission where electrical generation or natural gas is involved, and any other relevant federal, state, or local governmental agency having responsibility for resource recovery programs.

(m) In recognition of the devastation to the economy of this state and the dangers to the health and welfare of residents of this state caused by severe hurricanes, and the potential for such impacts caused by other natural disasters, the Division of Emergency Management, in consultation with the department, shall include in its energy emergency contingency plan and provide to the Florida Building Commission for inclusion in the Florida Energy Efficiency Code for Building Construction specific provisions to facilitate the use of cost-effective solar energy technologies as emergency remedial and preventive measures for providing electric power, street lighting, and water heating service in the event of electric power outages.

(n) On an annual basis, the department shall prepare an assessment of the utilization of the renewable energy technologies investment tax credit authorized in s. 220.192 and the renewable energy production credit authorized in s. 220.193, which the department shall submit to the President of the Senate, the Speaker of the House of Representatives, and the Executive Office of the Governor by February 1 of each year. The assessment shall include, at a minimum, the following information:

1. For the renewable energy technologies investment tax
credit authorized in s. 220.192:
   a. The name of each taxpayer receiving an allocation under
this section;
   b. The amount of the credits allocated for that fiscal year
for each taxpayer; and
   c. The type of technology and a description of each
investment for which each taxpayer receives an allocation.
2. For the renewable energy production credit authorized in
s. 220.193:
   a. The name of each taxpayer receiving an allocation under
this section;
   b. The amount of credits allocated for that fiscal year for
each taxpayer;
   c. The type and amount of renewable energy produced and
sold, whether the facility producing that energy is a new or
expanded facility, and the approximate date on which production
began; and
   d. The aggregate amount of credits allocated for all
taxpayers claiming credits under this section for the fiscal
year.
Section 2. Present subsections (57) through (67) of section
487.021, Florida Statutes, are redesignated as subsections (58)
through (68), respectively, and a new subsection (57) is added
to that section, to read:
487.021 Definitions.—For the purpose of this part:
(57) “Raw agricultural commodities fumigation” means the
use of a fumigant pesticide, in a sufficient concentration to be
lethal to a given organism, to treat for pests in any fruits,
vegetables, nuts, legumes, mushrooms, or other non-animal matter
customarily consumed by humans or animals. The term includes the process of fumigating raw agricultural commodities under a tarpaulin or in a structure such as a storage facility, barn, silo, warehouse, or shipping container which is not inhabited by human beings, agricultural livestock, or domestic pets and is not connected by construction elements containing voids, pipes, conduits, drains, or ducts to a structure inhabited by human beings, agricultural livestock, or domestic pets which could allow for transfer of fumigant between the structures.

Section 3. Subsection (7) is added to section 487.0435, Florida Statutes, to read:

487.0435 License classification.—The department shall issue certified applicator licenses in the following classifications: certified public applicator; certified private applicator; and certified commercial applicator. In addition, separate classifications and subclassifications may be specified by the department in rule as deemed necessary to carry out the provisions of this part. Each classification shall be subject to requirements or testing procedures to be set forth by rule of the department and shall be restricted to the activities within the scope of the respective classification as established in statute or by rule. In specifying classifications, the department may consider, but is not limited to, the following:

(7) The use of a fumigant as a pesticide, solely in raw agricultural commodities fumigation, as defined in s. 487.021.

Section 4. Paragraphs (d), (i), (p), (q), (r), (v), and (bb) of subsection (1) of section 500.03, Florida Statutes, are amended to read:

500.03 Definitions; construction; applicability.—
For the purpose of this chapter, the term:


(i) “Convenience store” means a business that is engaged primarily in the retail sale of groceries or motor fuels or special fuels and may offer food services to the public. Businesses providing motor fuel or special fuel to the public which also offer groceries or food service are included in the definition of a convenience store.

(o) “Food establishment” means a factory, food outlet, or other facility manufacturing, processing, packing, holding, or preparing food or selling food at wholesale or retail. The term includes any establishment or section of an establishment where food and food products are offered to the consumer and are intended for off-premises consumption and delicatessens that offer prepared food in bulk quantities only. The term does not include a business or activity that is regulated under s. 413.051, s. 500.80, chapter 509, or chapter 601. The term includes tomato packinghouses and repackers but does not include any other establishments that pack fruits and vegetables in their raw or natural states, including those fruits or vegetables that are washed, colored, or otherwise treated in their unpeeled, natural form before they are marketed; and markets that offer only fresh fruit and fresh vegetables for sale.

(q) “Food outlet” means any grocery store; convenience store; minor food outlet; meat, poultry, or fish and related aquatic food market; fruit or vegetable market; food warehouse;
refrigerated storage facility; freezer locker; salvage food facility; or any other similar place storing or offering food for sale.

(r) “Food service establishment” means any place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term includes delicatessens that offer prepared food in individual service portions. The term does not include schools, institutions, fraternal organizations, private homes where food is prepared or served for individual family consumption, retail food stores, the location of food vending machines, cottage food operations, and supply vehicles, nor does the term include a research and development test kitchen limited to the use of employees and which is not open to the general public.

(s)(v) “Minor food outlet” means any food retail establishment that sells food groceries and may offer food service to the public, but where neither business activity is a major retail function of the establishment, based on allocated space or gross sales.

(bb) “Retail food store” means any establishment or section of an establishment where food and food products are offered to the consumer and intended for off-premises consumption. The term includes delicatessens that offer prepared food in bulk quantities only. The term does not include establishments which handle only prepackaged, nonpotentially hazardous foods; roadside markets that offer only fresh fruits and fresh

CODING: Words strucken are deletions; words underlined are additions.
Section 5. Subsection (1) of section 500.033, Florida Statutes, is amended to read:

500.033 Florida Food Safety and Food Defense Advisory Council.—

(1) There is created the Florida Food Safety and Food Defense Advisory Council for the purpose of serving as a forum for presenting, investigating, and evaluating issues of current importance to the assurance of a safe and secure food supply to the citizens of Florida. The Florida Food Safety and Food Defense Advisory Council shall consist of, but not be limited to: the Commissioner of Agriculture or his or her designee; the State Surgeon General or his or her designee; the Secretary of Business and Professional Regulation or his or her designee; the person responsible for domestic security with the Department of Law Enforcement; members representing the production, processing, distribution, and sale of foods; consumers or members of citizens groups; representatives of food industry groups; scientists or other experts in aspects of food safety from state universities; representatives from local, state, and federal agencies that are charged with responsibilities for food safety or food defense; and as ex officio members, the chairs of the Agriculture Committees of the Senate and the House of Representatives or their designees, and the chairs of the committees of the Senate and the House of Representatives with jurisdictional oversight of home defense issues or their designees, and the person responsible for domestic security within the Department of Law Enforcement or his or her designee.
The Commissioner of Agriculture shall appoint the remaining members. The council shall make periodic reports to the Department of Agriculture and Consumer Services concerning findings and recommendations in the area of food safety and food defense.

Section 6. Paragraphs (a), (b), and (e) of subsection (1) and subsection (2) of section 500.12, Florida Statutes, are amended to read:

500.12 Food permits; building permits.—

(1)(a) A food permit from the department is required of any person who operates a food establishment or retail food store, except:

   1. Persons operating minor food outlets that sell food that is commercially prepackaged, not potentially hazardous, and not time or temperature controlled for safety, if the shelf space for those items does not exceed 12 total linear feet and no other food is sold by the minor food outlet.

   2. Persons subject to continuous, onsite federal or state inspection.

   3. Persons selling only legumes in the shell, either parched, roasted, or boiled.

   4. Persons selling sugar cane or sorghum syrup that has been boiled and bottled on a premise located within the state. Such bottles must contain a label listing the producer's name and street address, all added ingredients, the net weight or volume of the product, and a statement that reads, “This product has not been produced in a facility permitted by the Florida Department of Agriculture and Consumer Services.”

(b) Each food establishment and retail food store regulated
under this chapter must apply for and receive a food permit before operation begins. An application for a food permit from the department must be accompanied by a fee in an amount determined by department rule. The department shall adopt by rule a schedule of fees to be paid by each food establishment and retail food store as a condition of issuance or renewal of a food permit. Such fees may not exceed $650 and shall be used solely for the recovery of costs for the services provided, except that the fee accompanying an application for a food permit for operating a bottled water plant may not exceed $1,000 and the fee accompanying an application for a food permit for operating a packaged ice plant may not exceed $250. The fee for operating a bottled water plant or a packaged ice plant shall be set by rule of the department. Food permits are not transferable from one person or physical location to another. Food permits must be renewed annually on or before January 1. If an application for renewal of a food permit is not received in full by the department on or before January 1 within 30 days after its due date, a late fee not exceeding $100 must be paid in addition to the applicable food permit fee before the department may issue the food permit. The moneys collected shall be deposited in the General Inspection Trust Fund.

(e) The department is the exclusive regulatory and permitting authority for all food outlets, retail food stores, food establishments, convenience stores, and minor food outlets in accordance with this section. Application for a food permit must be made on forms provided by the department, which forms must also contain provision for application for registrations and permits issued by other state agencies and for collection of
the food permit fee and any other fees associated with registration, licensing, or applicable surcharges. The details of the application shall be prescribed by department rule.

(2) When any person applies for a building permit to construct, convert, or remodel any food establishment, food outlet, or retail food store, the authority issuing such permit shall make available to the applicant a printed statement, provided by the department, regarding the applicable sanitation requirements for such establishments. A building permitting authority, or municipality or county under whose jurisdiction a building permitting authority operates, may not be held liable for a food establishment, food outlet, or retail food store that does not comply with the applicable sanitation requirements due to failure of the building permitting authority to provide the information as provided in this subsection.

(a) The department shall furnish, for distribution, a statement that includes the checklist to be used by the food inspector in any preoperational inspections to assure that the food establishment is constructed and equipped to meet the applicable sanitary guidelines. Such preoperational inspection shall be a prerequisite for obtaining a food permit in accordance with this section.

(b) The department may provide assistance, when requested by the applicant, in the review of any construction or remodeling plans for food establishments. The department may charge a fee for such assistance which covers the cost of providing the assistance and which shall be deposited in the General Inspection Trust Fund for use in funding the food safety program.
(c) A building permitting authority or other subdivision of local government may not require the department to approve construction or remodeling plans for food establishments and retail food stores as a condition of any permit or license at the local level.

Section 7. Subsection (1) of section 500.121, Florida Statutes, is amended to read:

500.121 Disciplinary procedures.—

(1) In addition to the suspension procedures provided in s. 500.12, if applicable, the department may impose an administrative fine in the Class II category pursuant to s. 570.971 against any retail food store, food establishment, or cottage food operation that violates this chapter, which fine, when imposed and paid, shall be deposited by the department into the General Inspection Trust Fund. The department may revoke or suspend the permit of any such retail food store or food establishment if it is satisfied that the retail food store or food establishment has:

(a) Violated this chapter.

(b) Violated or aided or abetted in the violation of any law of this state governing or applicable to retail food stores or food establishments or any lawful rules of the department.

(c) Knowingly committed, or been a party to, any material fraud, misrepresentation, conspiracy, collusion, trick, scheme, or device whereby another person, lawfully relying upon the word, representation, or conduct of a retail food store or food establishment, acts to her or his injury or damage.

(d) Committed any act or conduct of the same or different character than that enumerated which constitutes fraudulent or...
dishonest dealing.

Section 8. Paragraph (a) of subsection (3) of section 500.147, Florida Statutes, is amended to read:

500.147 Inspection of food establishments, food records, and vehicles.—

(3) For bottled water plants:

(a) Bottled water must be from an approved source. Bottled water must be processed in conformance with 21 C.F.R. part 129 (2019) (2006), and must conform to 21 C.F.R. part 165 (2019) (2006). A person operating a bottled water plant shall be responsible for all water sampling and analyses required by this chapter.

Section 9. Section 502.012, Florida Statutes, is amended to read:

502.012 Definitions.—As used in this chapter, the term:

(1) “Bulk milk hauler/sampler” means a person who collects official samples and may transport raw milk from a farm or raw milk products to or from a milk plant, receiving station, or transfer station and has in his or her possession a permit to sample such products from any state regulatory agency charged in implementing the United States Food and Drug Administration’s Grade “A” Milk Safety Program.

(2) “Bulk milk pickup tanker” means a vehicle, including the truck and tank, and those appurtenances necessary for its use, used by a bulk milk hauler/sampler to transport bulk raw milk for pasteurization, ultra-pasteurization, aseptic processing and packaging or retort processed after packaging from a dairy farm to a milk plant, receiving station, or transfer station necessary attachments, used by a milk hauler to
transport bulk raw milk for pasteurization from a dairy farm to a milk plant, receiving station, or transfer station.

(3) “Dairy farm” means any place or premises where one or more lactating animals, including cows, goats, sheep, water buffalo, or other hooved mammals, or camels, are kept for milking purposes and from which a part or all of the milk is provided, sold, or offered for sale.

(4) “Department” means the Department of Agriculture and Consumer Services.

(5) “Frozen dessert” means a specific standardized frozen dessert described in 21 C.F.R. part 135 and any other food defined by rule of the department which resembles such standardized frozen dessert but does not conform to the specific description of such standardized frozen dessert in 21 C.F.R. part 135. The term includes, but is not limited to, a quiescently frozen confection, a quiescently frozen dairy confection, a frozen dietary dairy dessert, and a frozen dietary dessert.

(6) “Frozen desserts manufacturer” means a person who manufactures, processes, converts, partially freezes, or freezes any mix or frozen dessert for distribution or sale.

(7) “Frozen desserts plant” means any location or premises at which frozen desserts or mix are manufactured, processed, or frozen for distribution or sale at wholesale.

(8) “Frozen desserts retail establishment” means any location or premises, including a retail store, stand, hotel, boardinghouse, restaurant, vehicle, or mobile unit, at which frozen desserts are frozen, partially frozen, or dispensed for sale at retail.
“Frozen dietary dairy dessert” or “frozen dietary
dessert” means a food for any special dietary use, prepared by
freezing, with or without agitation, and composed of a
pasteurized mix that may contain fat, protein, carbohydrates,
natural or artificial sweeteners, flavoring, stabilizers,
emulsifiers, vitamins, and minerals.

“Grade ‘A’ pasteurized milk ordinance” means the
document entitled “Grade ‘A’ Pasteurized Milk Ordinance, United
States Department of Health and Human Services, Public Health
Service, Food and Drug Administration,” including all associated
appendices, as adopted by department rule.

“Imitation milk and imitation milk products” means
those foods that have the physical characteristics, such as
taste, flavor, body, texture, or appearance, of milk or milk
products as defined in this chapter and the Grade “A”
pasteurized milk ordinance but do not come within the definition
of “milk” or “milk products” and are nutritionally inferior to
the product imitated.

“Milk” means the lacteal secretion, practically
free from colostrum, obtained by the complete milking of one or
more healthy cows, goats, sheep, water buffalo, camels, or other
hooved mammals.

“Milk distributor” means any person who offers for
sale or sells to another person any milk or milk product.

“Milk products” means products made with milk that
is processed in some manner, including being whipped, acidified,
cultured, concentrated, lactose-reduced, or sodium-reduced or
aseptically processed, or having the addition or subtraction of
milkfat, the addition of safe and suitable microbial organisms,
or the addition of safe and suitable optional ingredients for protein, vitamin, or mineral fortification. “Milk products” do not include products such as evaporated milk, condensed milk, eggnog in a rigid metal container, dietary products, infant formula, or ice cream and other desserts.

(15) “Milkfat” or “butterfat” means the fat contained in milk.

(16) “Milk hauler” means any person who transports raw milk or raw milk products to or from a milk plant, receiving station, or transfer station.

(17) “Milk plant” means any place, premises, or establishment where milk or milk products are collected, handled, processed, stored, pasteurized, ultra-pasteurized, aseptically processed and packaged, retort processed after packaged, condensed, dried, packaged, bottled, or prepared for distribution.

(18) “Milk plant operator” means any person responsible for receiving, processing, pasteurizing, or packaging milk and milk products, or performing any other related operation.

(19) “Milk producer” means any person who operates a dairy farm and provides, sells, or offers for sale milk to a milk plant, receiving station, or transfer station.

(20) “Milk tank truck” means either a bulk milk pickup tanker or a milk transport tank.

(21) “Milk transport tank” means a vehicle, including the truck and tank, used by a bulk milk hauler/sampler or a milk hauler to transport bulk shipments of milk from a milk plant, receiving station, or transfer station to another milk plant, receiving station, or transfer station.
(22) "Quiescently frozen confection" means a clean and wholesome frozen, sweetened, flavored product that, while being frozen, was not stirred or agitated (generally known as quiescent freezing). The confection may be acidulated with food-grade acid, may contain milk solids or water, or may be made with or without added harmless pure or imitation flavoring and with or without harmless coloring. The finished product must not contain more than 0.5 percent by weight of stabilizer composed of wholesome, edible material and must not contain less than 17 percent by weight of total food solids. In the production of the confection, processing or mixing before quiescent freezing that develops in the finished confection mix any physical expansion in excess of 10 percent may not be used.

(23) "Quiescently frozen dairy confection" means a clean and wholesome frozen product made from water, milk products, and sugar, with added harmless pure or imitation flavoring, with or without added harmless coloring, with or without added stabilizer, or with or without added emulsifier, that, while being frozen, was not stirred or agitated (generally known as quiescent freezing). The confection must not contain less than 13 percent by weight of total milk solids, less than 33 percent by weight of total food solids, more than 0.5 percent by weight of stabilizer, or more than 0.2 percent by weight of emulsifier. Stabilizer and emulsifier must be composed of wholesome, edible material. In the production of a quiescently frozen dairy confection, processing or mixing before quiescently freezing that develops in the finished confection mix any physical expansion in excess of 10 percent may not be used.

(24) "Raw milk" means unpasteurized unprocessed milk.
“Receiving station” means any place, premises, or establishment where raw milk is received, collected, handled, stored, or cooled and is prepared for further transporting.

“Reconstituted milk or milk products” or “recombined milk or milk products” means milk or milk products that result from reconstituting or recombining milk constituents with potable water.

“Retail” means the sale of goods to the public for use or consumption rather than for resale.

“Substitute milk and substitute milk products” means those foods that have the physical characteristics, such as taste, flavor, body, texture, or appearance, of milk or milk products as defined in this chapter and the Grade “A” pasteurized milk ordinance but do not come within the definition of “milk” or “milk products” and are nutritionally equivalent to the product for which they are substitutes.

“Transfer station” means any place, premises, or establishment where milk or milk products are transferred directly from one milk tank truck to another.

“Ultra-pasteurization” means the process of thermally processing a milk or milk product at or above 280 degrees Fahrenheit for at least 2 seconds, before or after packaging, so as to produce a milk or milk product that has an extended shelf-life under refrigerated conditions.

“Washing station” means any place, premises, or establishment where milk tank trucks are cleaned and sanitized.

“Wholesale” means the selling of goods in quantity to be retailed by others.

Section 10. Paragraph (a) of subsection (2) of section
502.014, Florida Statutes, is amended to read:

(2)(a) The department shall conduct onsite inspections of all facility types defined in this chapter, and any products produced or received by such facilities, and shall collect samples for testing of any products produced or stored in such facilities dairy farms, milk plants, and frozen dessert plants and collect test samples of milk, milk products, and frozen desserts as required by this chapter.

Section 11. Paragraph (b) of subsection (1), paragraph (d) of subsection (3), and paragraph (a) of subsection (4) of section 502.053, Florida Statutes, are amended to read:

502.053 Permits and fees; requirements; exemptions; temporary permits.—

(1) PERMITS.—

(b) Each frozen dessert plant, whether located in the state or outside the state, that manufactures frozen desserts or other products defined in this chapter and offers these products for wholesale sale in this state must apply to the department for a permit to operate. The application must be submitted on forms prescribed by the department. All frozen dessert permits expire on June 30 of each year.

(3) REQUIREMENTS.—

(d) Each frozen dessert plant permitholder must report monthly, quarterly, semiannually, or annually, as required by the department, the number of gallons of frozen dessert or frozen dessert mix sold or manufactured by the permitholder in this state.

(4) EXEMPTIONS.—
(a) The following persons are exempt from bulk milk hauler/sampler milk hauler permit requirements:

1. Milk producers who transport milk or milk products only from their own dairy farms.

2. Employees of a milk distributor or milk plant operator who possesses a valid permit.

3. Drivers of bulk milk tank trucks between locations who do not collect milk from farms.

Section 12. Subsections (1) and (4) of section 502.181, Florida Statutes, are amended to read:

502.181 Prohibited acts.—It is unlawful for any person in this state to:

(1) Engage in the business of producing, hauling, transferring, receiving, processing, packaging, or distributing milk, milk products, or frozen desserts or operating a washing station, manufacturing single-service containers, or manufacturing imitation or substitute milk or milk products, or testing for milkfat content, without first obtaining a permit or license from the department.

(4) Repasteurize milk.

Section 13. Paragraph (b) of subsection (1) of section 502.231, Florida Statutes, is amended to read:

502.231 Penalty and injunction.—

(1) The department may enter an order imposing one or more of the following penalties against any person who violates any provision of this chapter:

(b) Imposition of an administrative fine:

1. In the Class II category pursuant to s. 570.971 for each violation in the case of a frozen dessert licensee; or
2. Ten percent of the license fee or $100, whichever is greater, for failure to report the information described in s. 502.053(3)(d); or

3. In the Class I category pursuant to s. 570.971 for each occurrence for any other violation.

When imposing a fine under this paragraph, the department must consider the degree and extent of harm caused by the violation, the cost of rectifying the damage, the benefit to the violator, whether the violation was committed willfully, and the violator’s compliance record.

Section 14. Section 502.301, Florida Statutes, is repealed.

Section 15. 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 16. Upon the expiration and reversion of the amendment made to section 570.93, Florida Statutes, pursuant to section 91 of chapter 2019-116, Laws of Florida, paragraphs (a) and (c) of subsection (1) of section 570.93, Florida Statutes, are amended to read:

570.93 Department of Agriculture and Consumer Services; agricultural water conservation and agricultural water supply planning.—

(1) The department shall establish an agricultural water conservation program that includes the following:
(a) A cost-share program, coordinated where appropriate with the United States Department of Agriculture and other federal, state, regional, and local agencies, for irrigation system retrofit and application of mobile irrigation laboratory evaluations and for water conservation and as provided in this section and, where applicable, for water quality improvement pursuant to s. 403.067(7)(c).

(c) Provision of assistance to the water management districts in the development and implementation, to the extent practicable, of a consistent, to the extent practicable, methodology for the efficient allocation of water for agricultural irrigation.

Section 17. 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:

(a) Enforce the provisions of this chapter;

(b) Prevent, detect, and suppress wildfires wherever they may occur on public or private land in this state and do all things necessary in the exercise of such powers, authority, and duties;

(c) Provide firefighting crews, who shall be under the control and direction of the Florida Forest Service and its designated agents;

(d) Appoint center managers, forest area supervisors, forestry program administrators, a forest protection bureau
chief, a forest protection assistant bureau chief, a field operations bureau chief, deputy chiefs of field operations, district managers, forest operations administrators, senior forest rangers, investigators, forest rangers, firefighter rotorcraft pilots, and other employees who may, at the Florida Forest Service’s discretion, be certified as forestry firefighters pursuant to s. 633.408(8). Other law notwithstanding, center managers, district managers, forest protection assistant bureau chief, and deputy chiefs of field operations have Selected Exempt Service status in the state personnel designation;

(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 376.250 hours of wildfire training;

(f) Pay the cost of the initial commercial driver license examination fee for those employees whose position requires them to operate equipment requiring a license. This paragraph is intended to be an authorization to the department to pay such costs, not an obligation;

(g) Provide fire management services and emergency response assistance and set and charge reasonable fees for performance of those services. Moneys collected from such fees shall be deposited into the Incidental Trust Fund of the Florida Forest Service;

(h) Require all state, regional, and local government
agencies operating aircraft in the vicinity of an ongoing wildfire to operate in compliance with the applicable state Wildfire Aviation Plan;

(i) Authorize broadcast burning, prescribed burning, pile burning, and land clearing debris burning to carry out the duties of this chapter and the rules adopted thereunder; and

(j) Make rules to accomplish the purposes of this chapter.

Section 18. Subsection (16) is added to section 595.404, Florida Statutes, to read:

595.404 School food and other nutrition programs; powers and duties of the department.—The department has the following powers and duties:

(16) To adopt and implement an exemption, variance, and waiver process by rule, as required by federal regulations, for sponsors under the programs implemented pursuant to this chapter, notwithstanding s. 120.542.

Section 19. 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 Forestry or Wildland Firefighter Certificate of Compliance is entitled to
the same rights, privileges, and benefits provided for by law as a firefighter.

Section 20. For the purpose of incorporating the amendment made by this act to section 500.033, Florida Statutes, in a reference thereto, paragraph (a) of subsection (4) of section 373.016, Florida Statutes, is reenacted to read:

373.016 Declaration of policy.—

(4)(a) Because water constitutes a public resource benefiting the entire state, it is the policy of the Legislature that the waters in the state be managed on a state and regional basis. Consistent with this directive, the Legislature recognizes the need to allocate water throughout the state so as to meet all reasonable-beneficial uses. However, the Legislature acknowledges that such allocations have in the past adversely affected the water resources of certain areas in this state. To protect such water resources and to meet the current and future needs of those areas with abundant water, the Legislature directs the department and the water management districts to encourage the use of water from sources nearest the area of use or application whenever practicable. Such sources shall include all naturally occurring water sources and all alternative water sources, including, but not limited to, desalination, conservation, reuse of nonpotable reclaimed water and stormwater, and aquifer storage and recovery. Reuse of potable reclaimed water and stormwater shall not be subject to the evaluation described in s. 373.223(3)(a)-(g). However, this directive to encourage the use of water, whenever practicable, from sources nearest the area of use or application shall not apply to the transport and direct and indirect use of water
within the area encompassed by the Central and Southern Florida Flood Control Project, nor shall it apply anywhere in the state to the transport and use of water supplied exclusively for bottled water as defined in s. 500.03(1)(d), nor shall it apply to the transport and use of reclaimed water for electrical power production by an electric utility as defined in s. 366.02(2).

Section 21. For the purpose of incorporating the amendment made by this act to section 500.033, Florida Statutes, in a reference thereto, subsection (3) of section 373.223, Florida Statutes, is reenacted to read:

373.223 Conditions for a permit.—

(3) Except for the transport and use of water supplied by the Central and Southern Florida Flood Control Project, and anywhere in the state when the transport and use of water is supplied exclusively for bottled water as defined in s. 500.03(1)(d), any water use permit applications pending as of April 1, 1998, with the Northwest Florida Water Management District and self-suppliers of water for which the proposed water source and area of use or application are located on contiguous private properties, when evaluating whether a potential transport and use of ground or surface water across county boundaries is consistent with the public interest, pursuant to paragraph (1)(c), the governing board or department shall consider:

(a) The proximity of the proposed water source to the area of use or application.

(b) All impoundments, streams, groundwater sources, or watercourses that are geographically closer to the area of use or application than the proposed source, and that are
technically and economically feasible for the proposed transport and use.

(c) All economically and technically feasible alternatives to the proposed source, including, but not limited to, desalination, conservation, reuse of nonpotable reclaimed water and stormwater, and aquifer storage and recovery.

(d) The potential environmental impacts that may result from the transport and use of water from the proposed source, and the potential environmental impacts that may result from use of the other water sources identified in paragraphs (b) and (c).

(e) Whether existing and reasonably anticipated sources of water and conservation efforts are adequate to supply water for existing legal uses and reasonably anticipated future needs of the water supply planning region in which the proposed water source is located.

(f) Consultations with local governments affected by the proposed transport and use.

(g) The value of the existing capital investment in water-related infrastructure made by the applicant.

Where districtwide water supply assessments and regional water supply plans have been prepared pursuant to ss. 373.036 and 373.709, the governing board or the department shall use the applicable plans and assessments as the basis for its consideration of the applicable factors in this subsection.

Section 22. For the purpose of incorporating the amendment made by this act to section 500.033, Florida Statutes, in a reference thereto, paragraph (a) of subsection (2) of section 373.701, Florida Statutes, is reenacted to read:
373.701 Declaration of policy.—It is declared to be the policy of the Legislature:

(2)(a) Because water constitutes a public resource benefiting the entire state, it is the policy of the Legislature that the waters in the state be managed on a state and regional basis. Consistent with this directive, the Legislature recognizes the need to allocate water throughout the state so as to meet all reasonable-beneficial uses. However, the Legislature acknowledges that such allocations have in the past adversely affected the water resources of certain areas in this state. To protect such water resources and to meet the current and future needs of those areas with abundant water, the Legislature directs the department and the water management districts to encourage the use of water from sources nearest the area of use or application whenever practicable. Such sources shall include all naturally occurring water sources and all alternative water sources, including, but not limited to, desalination, conservation, reuse of nonpotable reclaimed water and stormwater, and aquifer storage and recovery. Reuse of potable reclaimed water and stormwater shall not be subject to the evaluation described in s. 373.223(3)(a)-(g). However, this directive to encourage the use of water, whenever practicable, from sources nearest the area of use or application shall not apply to the transport and direct and indirect use of water within the area encompassed by the Central and Southern Florida Flood Control Project, nor shall it apply anywhere in the state to the transport and use of water supplied exclusively for bottled water as defined in s. 500.03(1)(d), nor shall it apply to the transport and use of reclaimed water for electrical power.
Section 23. This act shall take effect July 1, 2020.
A bill to be entitled
An act relating to the Department of Agriculture and
Consumer Services; amending s. 377.703, F.S.; revising
the contents of a Department of Agriculture and
Consumer Services report to the Governor and the
Legislature to include the development of certain
renewable and alternative energy technologies;
requiring the department to promote the development of
alternative fuel and alternative vehicle technologies;
requiring the Division of Emergency Management to
consult with the department to include specified
provisions in a certain report; deleting a requirement
that the department prepare a separate, specified
renewable energy report; amending s. 487.021, F.S.;
defining the term "raw agricultural commodities
fumigation"; amending s. 487.0435, F.S.; authorizing
the department to consider the use of a fumigant as a
pesticide for raw agricultural commodities; amending
s. 500.03, F.S.; revising definitions; amending s.
500.033, F.S.; revising the membership of the Florida
Food Safety and Food Defense Advisory Council;
amending s. 500.12, F.S.; conforming provisions to
changes made by the act; revising the date by which a
late fee is imposed for nonpayment of an applicable
permit; amending s. 500.121, F.S.; conforming
provisions to changes made by the act; amending s. 500.147, F.S.; updating a reference to certain bottled water provisions; amending s. 502.012, F.S.; defining and redefining terms; amending s. 502.014, F.S.; revising the authority of the department to conduct onsite inspections of certain facilities and to collect samples of products at such facilities for testing; amending s. 502.053, F.S.; requiring operation permits for wholesalers of frozen dessert products; deleting a requirement that a frozen dessert plant permit holder submit specified reports to the department; providing an exemption from bulk milk hauler/sampler permit requirements; amending s. 502.181, F.S.; revising the prohibitions against certain testing for milkfat content and for repasteurizing milk; amending s. 502.231, F.S.; conforming a provision to changes made by the act; repealing s. 502.301, F.S., relating to the Dairy Industry Technical Council; amending s. 570.441, F.S.; extending the expiration for the use of funds from the Pest Control Trust Fund; amending s. 570.93, F.S.; revising requirements for the agricultural water conservation program; amending s. 590.02, F.S.; directing the Florida Forest Service to develop a training curriculum for wildland firefighting;
providing requirements for such training; amending s. 595.404, F.S.; authorizing the department to adopt and implement an exemption, variance, and waiver process for school food and other nutrition programs; amending s. 633.408, F.S.; providing wildland firefighter training and certification for certain firefighters and volunteer firefighters; reenacting ss. 373.016(4)(a), 373.223(3), and 373.701(2)(a), F.S., relating to a declaration of policy, conditions for a permit, and a declaration of policy, respectively, to incorporate the amendment made to s. 500.033, F.S., in references thereto; providing an effective date.

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

Section 1. Paragraphs (f), (k), (m), and (n) of subsection (2) of section 377.703, Florida Statutes, are amended to read:

377.703 Additional functions of the Department of Agriculture and Consumer Services.—

(2) DUTIES.—The department shall perform the following functions, unless as otherwise provided, consistent with the development of a state energy policy:

(f) The department shall submit an annual report to the Governor and the Legislature reflecting its activities and making recommendations for policies for improvement of the
state's response to energy supply and demand and its effect on the health, safety, and welfare of the residents of this state. The report must include a report from the Florida Public Service Commission on electricity and natural gas and information on energy conservation programs conducted and underway in the past year and include recommendations for energy efficiency and conservation programs for the state, including:

1. Formulation of specific recommendations for improvement in the efficiency of energy utilization in governmental, residential, commercial, industrial, and transportation sectors.

2. Collection and dissemination of information relating to energy efficiency and conservation.

3. Development and conduct of educational and training programs relating to energy efficiency and conservation, renewable energy, alternative fuels, and alternative vehicle technologies.

4. An analysis of the ways in which state agencies are seeking to implement s. 377.601(2), the state energy policy, and recommendations for better fulfilling this policy.

(k) The department shall coordinate energy-related programs of state government, including, but not limited to, the programs provided in this section. To this end, the department shall:

1. Provide assistance to other state agencies, counties, municipalities, and regional planning agencies to further and
promote their energy planning activities.

2. Require, in cooperation with the Department of Management Services, all state agencies to operate state-owned and state-leased buildings in accordance with energy conservation standards as adopted by the Department of Management Services. Every 3 months, the Department of Management Services shall furnish the department data on agencies' energy consumption and emissions of greenhouse gases in a format prescribed by the department.

3. Promote the development and use of renewable energy resources, energy efficiency technologies, and conservation measures, and alternative fuel and alternative vehicle technologies.

4. Promote the recovery of energy from wastes, including, but not limited to, the use of waste heat, the use of agricultural products as a source of energy, and recycling of manufactured products. Such promotion shall be conducted in conjunction with, and after consultation with, the Department of Environmental Protection and the Florida Public Service Commission where electrical generation or natural gas is involved, and any other relevant federal, state, or local governmental agency having responsibility for resource recovery programs.

(m) In recognition of the devastation to the economy of this state and the dangers to the health and welfare of
residents of this state caused by severe hurricanes, and the
potential for such impacts caused by other natural disasters,
the Division of Emergency Management, in consultation with the
department, shall include in its energy emergency contingency
plan and provide to the Florida Building Commission for
inclusion in the Florida Energy Efficiency Code for Building
Construction specific provisions to facilitate the use of cost-
effective solar energy technologies as emergency remedial and
preventive measures for providing electric power, street
lighting, and water heating service in the event of electric
power outages.

(n) On an annual basis, the department shall prepare an
assessment of the utilization of the renewable energy
technologies investment tax credit authorized in s. 220.192 and
the renewable energy production credit authorized in s. 220.193,
which the department shall submit to the President of the
Senate, the Speaker of the House of Representatives, and the
Executive Office of the Governor by February 1 of each year. The
assessment shall include, at a minimum, the following
information:

1. For the renewable energy technologies investment tax
credit authorized in s. 220.192:
   a. The name of each taxpayer receiving an allocation under
      this section;
   b. The amount of the credits allocated for that fiscal
year for each taxpayer; and

c. The type of technology and a description of each
investment for which each taxpayer receives an allocation.

2. For the renewable energy production credit authorized
in s. 220.193:

a. The name of each taxpayer receiving an allocation under
this section;

b. The amount of credits allocated for that fiscal year
for each taxpayer;

c. The type and amount of renewable energy produced and
sold, whether the facility producing that energy is a new or
expanded facility, and the approximate date on which production
began; and

d. The aggregate amount of credits allocated for all
taxpayers claiming credits under this section for the fiscal
year.

Section 2. Present subsections (57) through (67) of
section 487.021, Florida Statutes, are redesignated as
subsections (58) through (68), respectively, and a new
subsection (57) is added to that section, to read:

487.021 Definitions.—For the purpose of this part:

(57) "Raw agricultural commodities fumigation" means the
use of a fumigant pesticide, in a sufficient concentration to be
lethal to a given organism, to treat for pests in any fruits,
vegetables, nuts, legumes, mushrooms, or other non-animal matter
customarily consumed by humans or animals. The term includes the process of fumigating raw agricultural commodities under a tarpaulin or in a structure such as a storage facility, barn, silo, warehouse, or shipping container which is not inhabited by human beings, agricultural livestock, or domestic pets and is not connected by construction elements containing voids, pipes, conduits, drains, or ducts to a structure inhabited by human beings, agricultural livestock, or domestic pets which could allow for transfer of fumigant between the structures.

Section 3. Subsection (7) is added to section 487.0435, Florida Statutes, to read:

487.0435 License classification.—The department shall issue certified applicator licenses in the following classifications: certified public applicator; certified private applicator; and certified commercial applicator. In addition, separate classifications and subclassifications may be specified by the department in rule as deemed necessary to carry out the provisions of this part. Each classification shall be subject to requirements or testing procedures to be set forth by rule of the department and shall be restricted to the activities within the scope of the respective classification as established in statute or by rule. In specifying classifications, the department may consider, but is not limited to, the following:

(7) The use of a fumigant as a pesticide, solely in raw agricultural commodities fumigation, as defined in s. 487.021.
Section 4. Paragraphs (d), (i), (p), (q), (r), (v), and (bb) of subsection (1) of section 500.03, Florida Statutes, are amended to read:

500.03 Definitions; construction; applicability.—
(1) For the purpose of this chapter, the term:

(i) "Convenience store" means a business that is engaged primarily in the retail sale of groceries or motor fuels or special fuels and may offer food services to the public. Businesses providing motor fuel or special fuel to the public which also offer groceries or food service are included in the definition of a convenience store.

(p) "Food establishment" means a factory, food outlet, or other facility manufacturing, processing, packing, holding, or preparing food or selling food at wholesale or retail. The term includes any establishment or section of an establishment where food and food products are offered to the consumer and are intended for off-premises consumption and delicatessens that offer prepared food in bulk quantities only. The term does not include a business or activity that is regulated under s. 413.051, s. 500.80, chapter 509, or chapter 601. The term includes tomato packinghouses and reprocessors but does not include any other establishments that pack fruits and vegetables in
their raw or natural states, including those fruits or
vegetables that are washed, colored, or otherwise treated in
their unpeeled, natural form before they are marketed; and
markets that offer only fresh fruit and fresh vegetables for
sale.

(q) “Food outlet” means any grocery store; convenience
store; minor food outlet; meat, poultry, or fish and related
aquatic food market; fruit or vegetable market; food warehouse;
refrigerated storage facility; freezer locker; salvage food
facility; or any other similar place storing or offering food
for sale.

(r) “Food service establishment” means any place where
food is prepared and intended for individual portion service,
and includes the site at which individual portions are provided.
The term includes any such place regardless of whether
consumption is on or off the premises and regardless of whether
there is a charge for the food. The term includes delicatessens
that offer prepared food in individual service portions. The
term does not include schools, institutions, fraternal
organizations, private homes where food is prepared or served
for individual family consumption, retail food stores, the
location of food vending machines, cottage food operations, and
supply vehicles, nor does the term include a research and
development test kitchen limited to the use of employees and
which is not open to the general public.
(s)(v) "Minor food outlet" means any food retail establishment that sells food groceries and may offer food service to the public, but where neither business activity is a major retail function of the establishment, based on allocated space or gross sales.

(bb) "Retail food store" means any establishment or section of an establishment where food and food products are offered to the consumer and intended for off-premises consumption. The term includes delicatessens that offer prepared food in bulk quantities only. The term does not include establishments which handle only prepackaged, nonpotentially hazardous foods; roadside markets that offer only fresh fruits and fresh vegetables for sale; food service establishments; or food and beverage vending machines.

Section 5. Subsection (1) of section 500.033, Florida Statutes, is amended to read:

500.033 Florida Food Safety and Food Defense Advisory Council.—

(1) There is created the Florida Food Safety and Food Defense Advisory Council for the purpose of serving as a forum for presenting, investigating, and evaluating issues of current importance to the assurance of a safe and secure food supply to the citizens of Florida. The Florida Food Safety and Food Defense Advisory Council shall consist of, but not be limited to: the Commissioner of Agriculture or his or her designee; the
State Surgeon General or his or her designee; the Secretary of Business and Professional Regulation or his or her designee; the person responsible for domestic security with the Department of Law Enforcement; members representing the production, processing, distribution, and sale of foods; consumers or members of citizens groups; representatives of food industry groups; scientists or other experts in aspects of food safety from state universities; representatives from local, state, and federal agencies that are charged with responsibilities for food safety or food defense; and as ex officio members, the chairs of the Agriculture Committees of the Senate and the House of Representatives or their designees, and the chairs of the committees of the Senate and the House of Representatives with jurisdictional oversight of home defense issues or their designees, and the person responsible for domestic security within the Department of Law Enforcement or his or her designee. The Commissioner of Agriculture shall appoint the remaining members. The council shall make periodic reports to the Department of Agriculture and Consumer Services concerning findings and recommendations in the area of food safety and food defense.

Section 6. Paragraphs (a), (b), and (e) of subsection (1) and subsection (2) of section 500.12, Florida Statutes, are amended to read:

500.12 Food permits; building permits.
(1)(a) A food permit from the department is required of any person who operates a food establishment or retail food store, except:

1. Persons operating minor food outlets that sell food that is commercially prepackaged, not potentially hazardous, and not time or temperature controlled for safety, if the shelf space for those items does not exceed 12 total linear feet and no other food is sold by the minor food outlet.

2. Persons subject to continuous, onsite federal or state inspection.

3. Persons selling only legumes in the shell, either parched, roasted, or boiled.

4. Persons selling sugar cane or sorghum syrup that has been boiled and bottled on a premise located within the state. Such bottles must contain a label listing the producer's name and street address, all added ingredients, the net weight or volume of the product, and a statement that reads, "This product has not been produced in a facility permitted by the Florida Department of Agriculture and Consumer Services."

(b) Each food establishment and retail food store regulated under this chapter must apply for and receive a food permit before operation begins. An application for a food permit from the department must be accompanied by a fee in an amount determined by department rule. The department shall adopt by rule a schedule of fees to be paid by each food establishment.
and retail food store as a condition of issuance or renewal of a food permit. Such fees may not exceed $650 and shall be used solely for the recovery of costs for the services provided, except that the fee accompanying an application for a food permit for operating a bottled water plant may not exceed $1,000 and the fee accompanying an application for a food permit for operating a packaged ice plant may not exceed $250. The fee for operating a bottled water plant or a packaged ice plant shall be set by rule of the department. Food permits are not transferable from one person or physical location to another. Food permits must be renewed annually on or before January 1. If an application for renewal of a food permit fee is not received in full by the department on or before January 1 within 30 days after its due date, a late fee not exceeding $100 must be paid in addition to the applicable food permit fee before the department may issue the food permit. The moneys collected shall be deposited in the General Inspection Trust Fund.

(e) The department is the exclusive regulatory and permitting authority for all food outlets, retail food stores, food establishments, convenience stores, and minor food outlets in accordance with this section. Application for a food permit must be made on forms provided by the department, which forms must also contain provision for application for registrations and permits issued by other state agencies and for collection of the food permit fee and any other fees associated with
registration, licensing, or applicable surcharges. The details
of the application shall be prescribed by department rule.

(2) When any person applies for a building permit to
construct, convert, or remodel any food establishment, food
outlet, or retail food store, the authority issuing such permit
shall make available to the applicant a printed statement,
provided by the department, regarding the applicable sanitation
requirements for such establishments. A building permitting
authority, or municipality or county under whose jurisdiction a
building permitting authority operates, may not be held liable
for a food establishment, food outlet, or retail food store that
does not comply with the applicable sanitation requirements due
to failure of the building permitting authority to provide the
information as provided in this subsection.

(a) The department shall furnish, for distribution, a
statement that includes the checklist to be used by the food
inspector in any preoperational inspections to assure that the
food establishment is constructed and equipped to meet the
applicable sanitary guidelines. Such preoperational inspection
shall be a prerequisite for obtaining a food permit in
accordance with this section.

(b) The department may provide assistance, when requested
by the applicant, in the review of any construction or
remodeling plans for food establishments. The department may
charge a fee for such assistance which covers the cost of
providing the assistance and which shall be deposited in the
General Inspection Trust Fund for use in funding the food safety
program.

(c) A building permitting authority or other subdivision
of local government may not require the department to approve
construction or remodeling plans for food establishments and
retail food stores as a condition of any permit or license at
the local level.

Section 7. Subsection (1) of section 500.121, Florida
Statutes, is amended to read:

500.121 Disciplinary procedures.—
(1) In addition to the suspension procedures provided in
s. 500.12, if applicable, the department may impose an
administrative fine in the Class II category pursuant to s.
570.971 against any retail food store, food establishment, or
cottage food operation that violates this chapter, which fine,
when imposed and paid, shall be deposited by the department into
the General Inspection Trust Fund. The department may revoke or
suspend the permit of any such retail food store or food
establishment if it is satisfied that the retail food store or
food establishment has:

(a) Violated this chapter.

(b) Violated or aided or abetted in the violation of any
law of this state governing or applicable to retail food stores
or food establishments or any lawful rules of the department.
(c) Knowingly committed, or been a party to, any material fraud, misrepresentation, conspiracy, collusion, trick, scheme, or device whereby another person, lawfully relying upon the word, representation, or conduct of a retail food store or food establishment, acts to her or his injury or damage.

(d) Committed any act or conduct of the same or different character than that enumerated which constitutes fraudulent or dishonest dealing.

Section 8. Paragraph (a) of subsection (3) of section 500.147, Florida Statutes, is amended to read:

500.147 Inspection of food establishments, food records, and vehicles.—

(3) For bottled water plants:

(a) Bottled water must be from an approved source. Bottled water must be processed in conformance with 21 C.F.R. part 129 (2019) (2006), and must conform to 21 C.F.R. part 165 (2019) (2006). A person operating a bottled water plant shall be responsible for all water sampling and analyses required by this chapter.

Section 9. Section 502.012, Florida Statutes, is amended to read:

502.012 Definitions.—As used in this chapter, the term:

(1) "Bulk milk hauler/sampler" means a person who collects official samples and may transport raw milk from a farm or raw milk products to or from a milk plant, receiving station, or
transfer station and has in his or her possession a permit to
ten sample such products from any state regulatory agency charged in
implementing the United States Food and Drug Administration's
Grade "A" Milk Safety Program.

(2) "Bulk milk pickup tanker" means a vehicle, including
the truck and tank, and those appurtenances necessary for its
use, used by a bulk milk hauler/sampler to transport bulk raw
milk for pasteurization, ultra-pasteurization, aseptic
processing and packaging or retort processed after packaging
from a dairy farm to a milk plant, receiving station, or
transfer station necessary attachments, used by a milk hauler to
transport bulk raw milk for pasteurization from a dairy farm to
a milk plant, receiving station, or transfer station.

(3) "Dairy farm" means any place or premises where one
or more lactating animals, including cows, goats, sheep, water
buffalo, or other hooved mammals, or camels, are kept for
milking purposes and from which a part or all of the milk is
provided, sold, or offered for sale.

(4) "Department" means the Department of Agriculture
and Consumer Services.

(5) "Frozen dessert" means a specific standardized
frozen dessert described in 21 C.F.R. part 135 and any other
food defined by rule of the department which resembles such
standardized frozen dessert but does not conform to the specific
description of such standardized frozen dessert in 21 C.F.R.
part 135. The term includes, but is not limited to, a quiescently frozen confection, a quiescently frozen dairy confection, a frozen dietary dairy dessert, and a frozen dietary dessert.

(6) "Frozen desserts manufacturer" means a person who manufactures, processes, converts, partially freezes, or freezes any mix or frozen dessert for distribution or sale.

(7) "Frozen desserts plant" means any location or premises at which frozen desserts or mix are manufactured, processed, or frozen for distribution or sale at wholesale.

(8) "Frozen desserts retail establishment" means any location or premises, including a retail store, stand, hotel, boardinghouse, restaurant, vehicle, or mobile unit, at which frozen desserts are frozen, partially frozen, or dispensed for sale at retail.

(9) "Frozen dietary dairy dessert" or "frozen dietary dessert" means a food for any special dietary use, prepared by freezing, with or without agitation, and composed of a pasteurized mix that may contain fat, protein, carbohydrates, natural or artificial sweeteners, flavoring, stabilizers, emulsifiers, vitamins, and minerals.

(10) "Grade 'A' pasteurized milk ordinance" means the document entitled "Grade 'A' Pasteurized Milk Ordinance, United States Department of Health and Human Services, Public Health Service, Food and Drug Administration," including all associated
appendices, as adopted by department rule.

(11) "Imitation milk and imitation milk products"
means those foods that have the physical characteristics, such
as taste, flavor, body, texture, or appearance, of milk or milk
products as defined in this chapter and the Grade "A"
pasteurized milk ordinance but do not come within the definition
of "milk" or "milk products" and are nutritionally inferior to
the product imitated.

(12) "Milk" means the lacteal secretion, practically
free from colostrum, obtained by the complete milking of one or
more healthy cows, goats, sheep, water buffalo, camels, or other
hooved mammals.

(13) "Milk distributor" means any person who offers
for sale or sells to another person any milk or milk product.

(14) "Milk products" means products made with milk
that is processed in some manner, including being whipped,
acidified, cultured, concentrated, lactose-reduced, or sodium-
reduced or aseptically processed, or having the addition or
subtraction of milkfat, the addition of safe and suitable
microbial organisms, or the addition of safe and suitable
optional ingredients for protein, vitamin, or mineral
fortification. "Milk products" do not include products such as
evaporated milk, condensed milk, eggnog in a rigid metal
container, dietary products, infant formula, or ice cream and
other desserts.
(15) "Milkfat" or "butterfat" means the fat contained in milk.

(16) "Milk hauler" means any person who transports raw milk or raw milk products to or from a milk plant, receiving station, or transfer station.

(17) "Milk plant" means any place, premises, or establishment where milk or milk products are collected, handled, processed, stored, pasteurized, ultra-pasteurized, aseptically processed and packaged, retort processed after packaged, condensed, dried, packaged, bottled, or prepared for distribution.

(18) "Milk plant operator" means any person responsible for receiving, processing, pasteurizing, or packaging milk and milk products, or performing any other related operation.

(19) "Milk producer" means any person who operates a dairy farm and provides, sells, or offers for sale milk to a milk plant, receiving station, or transfer station.

(20) "Milk tank truck" means either a bulk milk pickup tanker or a milk transport tank.

(21) "Milk transport tank" means a vehicle, including the truck and tank, used by a bulk milk hauler/sampler or a milk hauler to transport bulk shipments of milk from a milk plant, receiving station, or transfer station to another milk plant, receiving station, or transfer station.
"Quiescently frozen confection" means a clean and wholesome frozen, sweetened, flavored product that, while being frozen, was not stirred or agitated (generally known as quiescent freezing). The confection may be acidulated with food-grade acid, may contain milk solids or water, or may be made with or without added harmless pure or imitation flavoring and with or without harmless coloring. The finished product must not contain more than 0.5 percent by weight of stabilizer composed of wholesome, edible material and must not contain less than 17 percent by weight of total food solids. In the production of the confection, processing or mixing before quiescent freezing that develops in the finished confection mix any physical expansion in excess of 10 percent may not be used.

"Quiescently frozen dairy confection" means a clean and wholesome frozen product made from water, milk products, and sugar, with added harmless pure or imitation flavoring, with or without added harmless coloring, with or without added stabilizer, or with or without added emulsifier, that, while being frozen, was not stirred or agitated (generally known as quiescent freezing). The confection must not contain less than 13 percent by weight of total milk solids, less than 33 percent by weight of total food solids, more than 0.5 percent by weight of stabilizer, or more than 0.2 percent by weight of emulsifier. Stabilizer and emulsifier must be composed of wholesome, edible material. In the production of a quiescently
frozen dairy confection, processing or mixing before quiescently freezing that develops in the finished confection mix any physical expansion in excess of 10 percent may not be used.

(24) "Raw milk" means unpasteurized unprocessed milk.

(25) "Receiving station" means any place, premises, or establishment where raw milk is received, collected, handled, stored, or cooled and is prepared for further transporting.

(26) "Reconstituted milk or milk products" or "recombined milk or milk products" means milk or milk products that result from reconstituting or recombining milk constituents with potable water.

(27) "Retail" means the sale of goods to the public for use or consumption rather than for resale.

(28) "Substitute milk and substitute milk products" means those foods that have the physical characteristics, such as taste, flavor, body, texture, or appearance, of milk or milk products as defined in this chapter and the Grade "A" pasteurized milk ordinance but do not come within the definition of "milk" or "milk products" and are nutritionally equivalent to the product for which they are substitutes.

(29) "Transfer station" means any place, premises, or establishment where milk or milk products are transferred directly from one milk tank truck to another.

(30) "Ultra-pasteurization" means the process of thermally processing a milk or milk product at or above 280 degrees
Fahrenheit for at least 2 seconds, before or after packaging, so
as to produce a milk or milk product that has an extended shelf-
life under refrigerated conditions.

(31) "Washing station" means any place, premises, or
establishment where milk tank trucks are cleaned and sanitized.

(32) "Wholesale" means the selling of goods in quantity to
be retailed by others.

Section 10. Paragraph (a) of subsection (2) of section
502.014, Florida Statutes, is amended to read:

502.014 Powers and duties.—
(2)(a) The department shall conduct onsite inspections of
all facility types defined in this chapter, and any products
produced or received by such facilities, and shall collect
samples for testing of any products produced or stored in such
facilities dairy farms, milk plants, and frozen dessert plants
and collect test samples of milk, milk products, and frozen
desserts as required by this chapter.

Section 11. Paragraph (b) of subsection (1), paragraph (d)
of subsection (3), and paragraph (a) of subsection (4) of
section 502.053, Florida Statutes, are amended to read:

502.053 Permits and fees; requirements; exemptions;
temporary permits.—
(1) PERMITS.—
(b) Each frozen dessert plant, whether located in the
state or outside the state, that manufactures frozen desserts or
other products defined in this chapter and offers these products for wholesale sale in this state must apply to the department for a permit to operate. The application must be submitted on forms prescribed by the department. All frozen dessert permits expire on June 30 of each year.

(3) REQUIREMENTS.—
(d) Each frozen dessert plant permitholder must report monthly, quarterly, semiannually, or annually, as required by the department, the number of gallons of frozen dessert or frozen dessert mix sold or manufactured by the permitholder in this state.

(4) EXEMPTIONS.—
(a) The following persons are exempt from bulk milk hauler/sampler milk hauler permit requirements:

1. Milk producers who transport milk or milk products only from their own dairy farms.

2. Employees of a milk distributor or milk plant operator who possesses a valid permit.

3. Drivers of bulk milk tank trucks between locations who do not collect milk from farms.

Section 12. Subsections (1) and (4) of section 502.181, Florida Statutes, are amended to read:

502.181 Prohibited acts.—It is unlawful for any person in this state to:

(1) Engage in the business of producing, hauling,
transferring, receiving, processing, packaging, or distributing milk, milk products, or frozen desserts or operating a washing station, manufacturing single-service containers, or manufacturing imitation or substitute milk or milk products, or testing for milkfat content, without first obtaining a permit or license from the department.

(4) Repasteurize milk.

Section 13. Paragraph (b) of subsection (1) of section 502.231, Florida Statutes, is amended to read:

502.231 Penalty and injunction.—

(1) The department may enter an order imposing one or more of the following penalties against any person who violates any provision of this chapter:

(b) Imposition of an administrative fine:

1. In the Class II category pursuant to s. 570.971 for each violation in the case of a frozen dessert licensee; or
2. Ten percent of the license fee or $100, whichever is greater, for failure to report the information described in s. 502.053(3)(d); or
3. In the Class I category pursuant to s. 570.971 for each occurrence for any other violation.

When imposing a fine under this paragraph, the department must consider the degree and extent of harm caused by the violation, the cost of rectifying the damage, the benefit to the violator,
whether the violation was committed willfully, and the violator's compliance record.

Section 14. Section 502.301, Florida Statutes, is repealed.

Section 15. 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 16. Upon the expiration and reversion of the amendment made to section 570.93, Florida Statutes, pursuant to section 91 of chapter 2019-116, Laws of Florida, paragraphs (a) and (c) of subsection (1) of section 570.93, Florida Statutes, are amended to read:

570.93 Department of Agriculture and Consumer Services; agricultural water conservation and agricultural water supply planning.—

(1) The department shall establish an agricultural water conservation program that includes the following:

(a) A cost-share program, coordinated where appropriate with the United States Department of Agriculture and other federal, state, regional, and local agencies, for irrigation system retrofit and application of mobile irrigation laboratory
evaluations and for water conservation and as provided in this section and, where applicable, for water quality improvement pursuant to s. 403.067(7)(c).

(c) Provision of assistance to the water management districts in the development and implementation, to the extent practicable, of a consistent, to the extent practicable, methodology for the efficient allocation of water for agricultural irrigation.

Section 17. 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:

(a) Enforce the provisions of this chapter;

(b) Prevent, detect, and suppress wildfires wherever they may occur on public or private land in this state and do all things necessary in the exercise of such powers, authority, and duties;

(c) Provide firefighting crews, who shall be under the control and direction of the Florida Forest Service and its designated agents;

(d) Appoint center managers, forest area supervisors, forestry program administrators, a forest protection bureau
chief, a forest protection assistant bureau chief, a field
operations bureau chief, deputy chiefs of field operations,
district managers, forest operations administrators, senior
forest rangers, investigators, forest rangers, firefighter
rotorcraft pilots, and other employees who may, at the Florida
Forest Service's discretion, be certified as forestry
firefighters pursuant to s. 633.408(8). Other law
notwithstanding, center managers, district managers, forest
protection assistant bureau chief, and deputy chiefs of field
operations have Selected Exempt Service status in the state
personnel designation;

(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 376.250
hours of wildfire training;

(f) Pay the cost of the initial commercial driver license
examination fee for those employees whose position requires them
to operate equipment requiring a license. This paragraph is
intended to be an authorization to the department to pay such
costs, not an obligation;

(g) Provide fire management services and emergency
response assistance and set and charge reasonable fees for
performance of those services. Moneys collected from such fees shall be deposited into the Incidental Trust Fund of the Florida Forest Service;

(h) Require all state, regional, and local government agencies operating aircraft in the vicinity of an ongoing wildfire to operate in compliance with the applicable state Wildfire Aviation Plan;

(i) Authorize broadcast burning, prescribed burning, pile burning, and land clearing debris burning to carry out the duties of this chapter and the rules adopted thereunder; and

(j) Make rules to accomplish the purposes of this chapter.

Section 18. Subsection (16) is added to section 595.404, Florida Statutes, to read:

595.404 School food and other nutrition programs; powers and duties of the department.—The department has the following powers and duties:

(16) To adopt and implement an exemption, variance, and waiver process by rule, as required by federal regulations, for sponsors under the programs implemented pursuant to this chapter, notwithstanding s. 120.542.

Section 19. 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 Forestry or Wildland Firefighter Certificate of Compliance is entitled to the same rights, privileges, and benefits provided for by law as a firefighter.

Section 20. For the purpose of incorporating the amendment made by this act to section 500.033, Florida Statutes, in a reference thereto, paragraph (a) of subsection (4) of section 373.016, Florida Statutes, is reenacted to read:

373.016 Declaration of policy.—
(4)(a) Because water constitutes a public resource benefiting the entire state, it is the policy of the Legislature that the waters in the state be managed on a state and regional basis. Consistent with this directive, the Legislature recognizes the need to allocate water throughout the state so as to meet all reasonable-beneficial uses. However, the Legislature acknowledges that such allocations have in the past adversely affected the water resources of certain areas in this state. To protect such water resources and to meet the current and future needs of those areas with abundant water, the Legislature
directs the department and the water management districts to encourage the use of water from sources nearest the area of use or application whenever practicable. Such sources shall include all naturally occurring water sources and all alternative water sources, including, but not limited to, desalination, conservation, reuse of nonpotable reclaimed water and stormwater, and aquifer storage and recovery. Reuse of potable reclaimed water and stormwater shall not be subject to the evaluation described in s. 373.223(3)(a)-(g). However, this directive to encourage the use of water, whenever practicable, from sources nearest the area of use or application shall not apply to the transport and direct and indirect use of water within the area encompassed by the Central and Southern Florida Flood Control Project, nor shall it apply anywhere in the state to the transport and use of water supplied exclusively for bottled water as defined in s. 500.03(1)(d), nor shall it apply to the transport and use of reclaimed water for electrical power production by an electric utility as defined in s. 366.02(2).

Section 21. For the purpose of incorporating the amendment made by this act to section 500.033, Florida Statutes, in a reference thereto, subsection (3) of section 373.223, Florida Statutes, is reenacted to read:

373.223 Conditions for a permit.—
(3) Except for the transport and use of water supplied by the Central and Southern Florida Flood Control Project,
anywhere in the state when the transport and use of water is supplied exclusively for bottled water as defined in s. 500.03(1)(d), any water use permit applications pending as of April 1, 1998, with the Northwest Florida Water Management District and self-suppliers of water for which the proposed water source and area of use or application are located on contiguous private properties, when evaluating whether a potential transport and use of ground or surface water across county boundaries is consistent with the public interest, pursuant to paragraph (1)(c), the governing board or department shall consider:

(a) The proximity of the proposed water source to the area of use or application.

(b) All impoundments, streams, groundwater sources, or watercourses that are geographically closer to the area of use or application than the proposed source, and that are technically and economically feasible for the proposed transport and use.

(c) All economically and technically feasible alternatives to the proposed source, including, but not limited to, desalination, conservation, reuse of nonpotable reclaimed water and stormwater, and aquifer storage and recovery.

(d) The potential environmental impacts that may result from the transport and use of water from the proposed source, and the potential environmental impacts that may result from use
of the other water sources identified in paragraphs (b) and (c).

(e) Whether existing and reasonably anticipated sources of water and conservation efforts are adequate to supply water for existing legal uses and reasonably anticipated future needs of the water supply planning region in which the proposed water source is located.

(f) Consultations with local governments affected by the proposed transport and use.

(g) The value of the existing capital investment in water-related infrastructure made by the applicant.

Where districtwide water supply assessments and regional water supply plans have been prepared pursuant to ss. 373.036 and 373.709, the governing board or the department shall use the applicable plans and assessments as the basis for its consideration of the applicable factors in this subsection.

Section 22. For the purpose of incorporating the amendment made by this act to section 500.033, Florida Statutes, in a reference thereto, paragraph (a) of subsection (2) of section 373.701, Florida Statutes, is reenacted to read:

373.701 Declaration of policy.—It is declared to be the policy of the Legislature:

(2)(a) Because water constitutes a public resource benefiting the entire state, it is the policy of the Legislature that the waters in the state be managed on a state and regional
basis. Consistent with this directive, the Legislature recognizes the need to allocate water throughout the state so as to meet all reasonable-beneficial uses. However, the Legislature acknowledges that such allocations have in the past adversely affected the water resources of certain areas in this state. To protect such water resources and to meet the current and future needs of those areas with abundant water, the Legislature directs the department and the water management districts to encourage the use of water from sources nearest the area of use or application whenever practicable. Such sources shall include all naturally occurring water sources and all alternative water sources, including, but not limited to, desalination, conservation, reuse of nonpotable reclaimed water and stormwater, and aquifer storage and recovery. Reuse of potable reclaimed water and stormwater shall not be subject to the evaluation described in s. 373.223(3)(a)-(g). However, this directive to encourage the use of water, whenever practicable, from sources nearest the area of use or application shall not apply to the transport and direct and indirect use of water within the area encompassed by the Central and Southern Florida Flood Control Project, nor shall it apply anywhere in the state to the transport and use of water supplied exclusively for bottled water as defined in s. 500.03(1)(d), nor shall it apply to the transport and use of reclaimed water for electrical power production by an electric utility as defined in s. 366.02(2).
Section 23. This act shall take effect July 1, 2020.
A bill to be entitled
An act relating to environmental enforcement; amending ss. 161.054, 258.397, 258.46, 373.129, 373.209, 373.430, 376.065, 376.071, 376.16, 376.25, 377.37, 378.211, 403.086, 403.121, 403.141, 403.161, 403.413, 403.7234, 403.726, 403.727, and 403.93345, F.S.; increasing the civil penalties for violations of certain provisions relating to beach and shore construction, the Biscayne Bay Aquatic Preserve, aquatic preserves, the state water resource plan, artesian wells, pollution, operating a terminal facility without discharge prevention and response certificates, discharge contingency plans for vessels, the Pollutant Discharge Prevention and Control Act, the Clean Ocean Act, the pollution of surface and ground waters, the regulation of oil and gas resources, the Phosphate Land Reclamation Act, sewage disposal facilities, pollution control, reasonable costs and expenses for pollution releases, necessary permits, dumping litter, small quantity generators, the abatement of imminent hazards caused by hazardous substances, hazardous waste generators, transporters, or facilities, and coral reef protection, respectively; providing that each day that certain violations are not remediated constitutes a separate offense; making technical changes; reenacting s. 823.11(5), F.S., to incorporate the amendment made to s. 376.16, F.S., in a reference thereto; reenacting ss. 403.077(5), 403.131(2), 403.4154(3)(d), and
403.860(5), F.S., to incorporate the amendment made to s. 403.121, F.S., in a reference thereto; reenacting ss. 403.708(10), 403.7191(7), and 403.811, F.S., to incorporate the amendment made to s. 403.141, F.S., in a reference thereto; reenacting s. 403.7255(2), F.S., to incorporate the amendment made to s. 403.161, F.S., in a reference thereto; reenacting s. 403.7186(8), F.S., to incorporate the amendment made to ss. 403.141 and 403.161, F.S., in references thereto; providing an effective date.

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

Section 1. 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 $10,000 to be fixed, imposed, and collected by the department. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

Section 2. 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 s. 403.412. In addition, the Department of Legal Affairs may is authorized to bring an action for civil penalties of $7,500$5,000 per day against any person, natural or corporate, who violates the provisions of this section or any rule or regulation issued hereunder. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated 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 3. 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 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. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

Section 4. 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 per offense. Until a violation is resolved by order or judgment, each date during any portion of 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 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 5. 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 shall be subject to either:

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

(b) A civil penalty of $150 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 6. 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) Any person who willfully commits a violation specified in paragraph (1)(a) commits is guilty of a felony of the third degree, punishable as provided in ss. 775.082(3)(e) and 775.083(1)(g), by a fine of not more than $50,000 or by imprisonment for 5 years, or by both, for each offense. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs is not remediated constitutes a separate offense.

(4) Any person who willfully 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 or 60 days in jail, or by both, for each offense.

(5) Any person who willfully commits a violation specified in paragraph (1)(b) or 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 7. Paragraphs (a) and (e) of subsection (5) of section 376.065, Florida Statutes, are amended to read:

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

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

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

Section 8. Paragraphs (a) and (e) of subsection (2) of section 376.071, Florida Statutes, are amended to read:

376.071 Discharge contingency plan for vessels.—

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

(e) A person who elects to appear before the county court or who is required to appear waives the limitations of the civil 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 9. 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. Until a violation is resolved

CODING: Words struck are deletions; words underlined are additions.
by order or judgment, each day during any portion of which the violation occurs or is not remediated constitutes a separate offense. The penalty provisions of this subsection do shall not apply to any discharge promptly reported and removed by a person responsible, in accordance with the rules and orders of the department, or to any discharge of pollutants equal to or less than 5 gallons.

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

(a) For discharges of gasoline or diesel over 5 gallons, the civil penalty for the second discharge shall be $750 $500 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
(b) For discharges of pollutants other than gasoline or diesel equal to or less than 5 gallons, the civil penalty shall be $150 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 for the second discharge of gasoline or diesel and a civil penalty up to, but not exceeding, $1,500 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 for the second discharge of pollutants other than gasoline or diesel and a civil penalty up to, but not exceeding, $15,000 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 which the person does not believe to be true in response to requirements of the provisions of ss. 376.011-376.21 commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 10. 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 for each violation. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

Section 11. 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 for each offense. However, the court may receive evidence in mitigation. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated 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 12. 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 shall 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), until a violation is resolved by order or judgment, each day or any portion thereof in which the violation continues or is not remediated shall constitute a separate violation.

Section 13. 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 14. 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 $10,000 per offense. However, the court may receive evidence in mitigation. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

(c) Except as provided in paragraph (2)(c), it is shall not be a defense to, or ground for dismissal of, these judicial remedies for damages and civil penalties that the department has failed to exhaust its administrative remedies, has failed to serve a notice of violation, or has failed to hold an administrative hearing prior to 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 may not impose administrative penalties in excess of $50,000 in a notice of violation. The department may 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 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 is 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) Nothing herein shall be construed as preventing any other legal or administrative action in accordance with law. 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 prior to 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.

(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 $1,500. For a
domestic or industrial wastewater violation not involving a
surface water or groundwater quality violation, the department
shall assess a penalty of $3,000 $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
$7,500 $5,000.

(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 does not apply to a dredge
and fill violation if the area dredged or filled exceeds one
acre. The department retains the authority to seek the judicial
imposition of civil penalties for all dredge and fill violations
involving more than one acre. The department shall assess a
penalty of $4,500 $3,000 for the failure to complete required
mitigation, failure to record a required conservation easement,
or for a water quality violation resulting from dredging or
filling activities, stormwater construction activities or failure of a stormwater treatment facility. For stormwater management systems serving less than 5 acres, the department shall assess a penalty of $3,000 $2,000 for the failure to properly or timely construct a stormwater management system. In addition to the penalties authorized in this subsection, the department shall assess a penalty of $7,500 $5,000 per violation against the contractor or agent of the owner or tenant that conducts unpermitted or unauthorized dredging or filling. For purposes of this paragraph, the preparation or signing of a permit application by a person currently licensed under chapter 471 to practice as a professional engineer does shall not make that person an agent of the owner or tenant.

(d) For mangrove trimming or alteration violations, the 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 shall 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 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 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 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 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 if the emission was from a major source and the source was major for the pollutant in violation; plus $1,500 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 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 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 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 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 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 not exceed $15,000.

(9) The administrative penalties assessed for any particular violation may not exceed $7,500 against any one violator, unless the violator has a history of noncompliance, the economic benefit of the violation as described in subsection (8) exceeds $7,500, 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.

(10) The administrative law judge may receive evidence in mitigation. The penalties identified in subsections (3), (4), and (5) may be reduced up to 50 percent by the administrative law judge for mitigating circumstances, including good faith efforts to comply prior to 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 be construed as not 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.

Section 15. Subsection (1) of section 403.141, Florida Statutes, is amended to read:

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. Until a violation is resolved by order or judgment,
each day during any portion of which such violation occurs or is
not remediated constitutes a separate offense. Nothing herein
gives shall give the department the right to bring an action on
behalf of any private person.

Section 16. Subsections (2) through (5) of section 403.161,
Florida Statutes, are amended to read:

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

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

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

(5) A Any person who willfully commits a violation
specified in paragraph (1)(b) or 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 17. 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, 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 18. 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 and $150 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 19. Subsection (3) of section 403.726, Florida 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 until a of continued violation is resolved by order or judgment. Whenever serious harm to human health, safety, and welfare; the environment; or private or public property may occur prior to completion of an administrative hearing or other formal proceeding that which might be initiated to abate the risk of serious harm, the department may obtain, ex parte, an injunction without paying filing and service fees prior to the filing and service of process.

Section 20. 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 for
each day of continued violation or until a violation is resolved
by order or judgment, 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 21. 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.
for the purpose of incorporating the amendment made by this act to s. 403.141, Florida Statutes, in references thereto.

Section 25. Subsection (2) of s. 403.7255, Florida Statutes, is reenacted for the purpose of incorporating the amendment made by this act to s. 403.161, Florida Statutes, in a reference thereto.

Section 26. Subsection (8) of s. 403.7186, Florida Statutes, is reenacted for the purpose of incorporating the amendments made by this act to ss. 403.141 and 403.161, Florida Statutes, in references thereto.

Section 27. This act shall take effect July 1, 2020.
The Committee on Environment and Natural Resources (Gruters) recommended the following:

**Senate Amendment**

Delete line 164 and insert:

specified in paragraph (1)(b) or who commits a violation

Delete line 784 and insert:

specified in paragraph (1)(c) commits is
I. **Summary:**

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. Additionally, the bill changes the duration that certain penalties may run, so that, until a violation is resolved by order or judgment, each day during any portion of which a violation occurs or is not remediated constitutes a separate offense.

II. **Present Situation:**

**Environmental Violations**

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 the compliance and enforcement process.2 Violations of Florida’s environmental laws can result in damages and administrative, civil, and/or 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

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1 DEP, About DEP, https://floridadep.gov/about-dep (last visited Jan. 21, 2020); s. 20.255, F.S.
the state caused by any violation. 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.

**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. In environmental enforcement, penalties should create incentives to bring immediate compliance and curb future violations.

Administrative penalties can be levied directly by the agency or in a proceeding in DOAH. 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. In most administrative proceedings, DEP has the final decision. An administrative law judge has the final decision for administrative proceedings involving the Environmental Litigation Reform Act, codified in s. 403.121, F.S., which is the primary statute addressing DEP’s administrative penalties. Compared to the judicial process, the administrative process is generally considered less expensive, faster and less time consuming, and more conducive to negotiated settlement. 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.

DEP must proceed administratively in cases in which DEP 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 notice of violation. DEP may not have more than one notice of violation pending against a party unless the violations occurred at a different site or the violations were discovered by DEP subsequent to the filing of a previous notice of violation.

Civil penalties are noncriminal fines that are generally levied by a court, and which agencies may be authorized to impose. DEP may pursue two forms of action in state court: a petition to

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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.
15 Section 403.121(2)(b), F.S.
16 Id.
17 The Environmental Litigation Reform Act allows DEP to seek civil penalties of up to $10,000 through the administrative process for most environmental violations. The Act may not be used if penalties exceed $10,000.
enforce an order previously entered through the administrative process, or a complaint for violations of statutes or rules.\textsuperscript{18} Under both forms, DEP may seek injunctive relief, civil penalties, damages, and costs and expenses.\textsuperscript{19} 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{20}

A court or an administrative law judge may receive evidence in mitigation, which may result in the decrease or elimination of penalties.\textsuperscript{21} 

Criminal penalties can include jail/prison time, a criminal fine, or both. Florida law imposes criminal penalties for certain violations of environmental law.\textsuperscript{22} Punishments for such violations may vary based on standards of intent, such as willful, reckless indifference, or gross careless disregard.\textsuperscript{23}

This present situation describes DEP’s general authority to levy penalties, largely pursuant to Chapter 403, F.S. DEP derives enforcement authority from several different chapters of Florida law based on subject matter, so DEP has additional enforcement authority for programs not covered in ch. 403, F.S. Additionally, the Department of Legal Affairs, any political subdivision or municipality of the state, or a citizen of the state may maintain an action for injunctive relief against the government entity charged with enforcing environmental laws or the violator of the laws.\textsuperscript{24}

III. Effect of Proposed Changes:

Sections 1-21 amend sections of the Florida Statutes containing various penalties for violations of environmental laws. In general, the bill increases the required or maximum penalties in the provisions listed below. In most cases, the penalties are increased by 50 percent.

Several places in existing law impose a penalty for each offense, with each day during which a violation occurs constituting a separate offense. The bill changes that standard to: each day during which a violation occurs or is not remediated,\textsuperscript{25} until a violation is resolved by order or judgment. This standard is changed in several sections and created in others.

The table below summarizes existing penalties and the penalties as revised by the bill. All penalties are levied by the Department of Environmental Protection (DEP) unless otherwise specified.

\textsuperscript{19} Id.
\textsuperscript{20} Section 403.121(1)(b), F.S.
\textsuperscript{21} Section 403.121, F.S.
\textsuperscript{22} Section 403.161, F.S.
\textsuperscript{23} Id.
\textsuperscript{24} Section 403.412, F.S.
\textsuperscript{25} The word “remediation” can refer to a large range of activities and timescales. In environmental law, remediation is generally described as restoring land, water, or air to its former state following some harm or pollution; \textit{see} \textit{BLACK’S LAW DICTIONARY} 1407 (9th ed. 2009).
<table>
<thead>
<tr>
<th>Florida Statutes</th>
<th>Violations</th>
<th>Existing Penalties</th>
<th>Changes in SB 1450</th>
</tr>
</thead>
<tbody>
<tr>
<td>161.054 (1), F.S.</td>
<td>Violating statutes, rules or orders regarding coastal construction</td>
<td>An administrative fine for each offense of up to $10,000.</td>
<td>An administrative fine for each offense of up to $15,000.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Each day during any portion of which a violation occurs constitutes a separate offense.</td>
<td>Until a violation is resolved by order or judgment, each day during any portion of which a violation occurs or is not remediated constitutes a separate offense.</td>
</tr>
<tr>
<td>258.397 (7), F.S.</td>
<td>Violating a statute or rules regarding Biscayne Bay Aquatic Preserve</td>
<td>Authorizes the Department of Legal Affairs to bring an action for civil penalties of $5,000 per day.</td>
<td>Authorizes the Department of Legal Affairs to bring an action for civil penalties of $7,500 per day.</td>
</tr>
<tr>
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<td></td>
<td>Until a violation is resolved by order or judgment, each day during any portion of which a violation occurs or is not remediated constitutes a separate offense.</td>
</tr>
<tr>
<td>258.46, F.S.</td>
<td>Violating the Florida Aquatic Preserve Act or related rules</td>
<td>A civil penalty of not less than $500 per day and not more than $5,000 per day of a violation.</td>
<td>A civil penalty of not less than $750 per day and not more than $7,500 per day of a violation.</td>
</tr>
<tr>
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<td></td>
<td>Until a violation is resolved by order or judgment, each day during any portion of which a violation occurs or is not remediated constitutes a separate offense.</td>
</tr>
<tr>
<td>373.129 (5), F.S.</td>
<td>Violating ch. 373, F.S., relating to water resources</td>
<td>Authorizes DEP, any water management district, any local board, or certain local governments(^{26}) to recover a civil penalty for each offense, in an amount not to exceed $10,000 per offense.</td>
<td>Authorizes DEP, any water management district, any local board, or certain local governments to recover a civil penalty for each offense, in an amount not to exceed $15,000 per offense.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Each date during which a violation occurs constitutes a separate offense.</td>
<td>Until a violation is resolved by order or judgment, each date during any portion of which a violation occurs constitutes a separate offense.</td>
</tr>
</tbody>
</table>

\(^{26}\) Section 373.103(8), F.S. Under certain circumstances, DEP may authorize a water management district to delegate to a local government by rule or agreement the power and duty to administer and enforce any of the statutes, rules, or regulations relating to stormwater permitting or surface water management which the district is authorized or required to administer.
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>373.209 (3)(b), F.S.</td>
<td>Violating a statute regarding artesian wells</td>
<td>A civil penalty of $100 per day for each day of a violation and each act of a violation.</td>
<td>A civil penalty of $150 per day for each day of a violation and each act of a violation.</td>
</tr>
<tr>
<td>373.430 (3), F.S.</td>
<td>Violating statutes regarding surface waters by willfully causing pollution</td>
<td>A fine of not more than $50,000 or imprisonment for 5 years, or both, for each offense.</td>
<td>A fine of not more than $50,000 or imprisonment for 5 years, or both, for each offense. Until a violation is resolved by order or judgment, each day during any portion of which a violation occurs or is not remediated constitutes a separate offense.</td>
</tr>
<tr>
<td>373.430 (4), F.S.</td>
<td>Violating statutes regarding surface waters by causing pollution due to reckless indifference or gross careless disregard</td>
<td>A fine of not more than $5,000 or 60 days in jail, or both, for each offense: causing certain pollution.</td>
<td>A fine of not more than $10,000 or 60 days in jail, or both, for each offense: causing certain pollution; failing to obtain any permit; or violating or failing to comply with any rule, regulation, order, or permit.</td>
</tr>
<tr>
<td>376.065 (5)(a) and (e), F.S.</td>
<td>Violating a statute regarding terminal facility certifications</td>
<td>A civil penalty of $500 for any violation of the section or a certification.</td>
<td>A civil penalty of $750 for any violation of the section or a certification.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>A civil penalty of $500 imposed by a county court if commission of the infraction is proved.</td>
<td>A civil penalty of $750 imposed by a county court if commission of the infraction is proved.</td>
</tr>
<tr>
<td>376.071 (2)(a) and (e), F.S.</td>
<td>Violations regarding discharge contingency plans for vessels</td>
<td>A civil penalty of $5,000 for each infraction.</td>
<td>A civil penalty of $7,500 for each infraction.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>A civil penalty of $5,000 imposed by a county court if commission of the infraction is proved.</td>
<td>A civil penalty of $7,500 imposed by a county court if commission of the infraction is proved.</td>
</tr>
<tr>
<td>376.16 (1), F.S.</td>
<td>Violating the Pollutant Discharge Prevention and</td>
<td>A civil penalty of up to $50,000 per violation per day.</td>
<td>A civil penalty of up to $75,000 per violation per day.</td>
</tr>
<tr>
<td>Florida Statutes</td>
<td>Violations</td>
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<td>Changes in SB 1450</td>
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<tr>
<td>376.16 (2), (3), (7), and (8), F.S.</td>
<td>Violating the Pollutant Discharge Prevention and Control Act or DEP rules or orders</td>
<td>Each day during any portion of which a violation occurs constitutes a separate offense.</td>
<td>Until a violation is resolved by order or judgment, each day during any portion of which a violation occurs or is not remediated constitutes a separate offense.</td>
</tr>
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<td>In addition to the penalty in subsection (1), for persons responsible for two or more discharges within a 12-month period at the same facility, the statute provides the following penalties:</td>
<td>In addition to the penalty in subsection (1), for persons responsible for two or more discharges within a 12-month period at the same facility, the statute provides the following penalties:</td>
</tr>
<tr>
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<td>• Gasoline/diesel over 5 gallons - a civil penalty of $500 for the second discharge and $1,000 for each subsequent discharge within a 12-month period.</td>
<td>• Gasoline/diesel over 5 gallons - a civil penalty of $750 for the second discharge and $1,500 for each subsequent discharge within a 12-month period.</td>
</tr>
<tr>
<td></td>
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<td>• Other pollutants - a civil penalty of $2,500 for the second discharge and $5,000 for each subsequent discharge within a 12-month period.</td>
<td>• Other pollutants - a civil penalty of $3,750 for the second discharge and $7,500 for each subsequent discharge within a 12-month period.</td>
</tr>
<tr>
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<td></td>
<td>For persons responsible for two or more discharges within a 12-month period at the same facility, the statute provides the following penalties:</td>
<td>For persons responsible for two or more discharges within a 12-month period at the same facility, the statute provides the following penalties:</td>
</tr>
<tr>
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<td></td>
<td>• Gasoline/diesel equal to or less than 5 gallons - a civil penalty of $50 for each discharge subsequent to the first.</td>
<td>• Gasoline/diesel equal to or less than 5 gallons - a civil penalty of $75 for each discharge subsequent to the first;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Other pollutants equal to or less than 5 gallons - a civil penalty of $100 for each discharge subsequent to the first.</td>
<td>• Other pollutants equal to or less than 5 gallons - a civil penalty of $150 for each discharge subsequent to the first.</td>
</tr>
<tr>
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<td></td>
<td>Authorizes the county court to impose the following civil penalties if the commission of an infraction is proved: up to $500</td>
<td>Authorizes the county court to impose the following civil penalties if the commission of an infraction is proved: up to $750</td>
</tr>
<tr>
<td>Florida Statutes</td>
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<tr>
<td>376.25 (6)(a), F.S.</td>
<td>Violating a statute regarding gambling vessels</td>
<td>A civil penalty of not more than $50,000 for each violation.</td>
<td>A civil penalty of not more than $75,000 for each violation. Until a violation is resolved by order or judgment, each day during any portion of which a violation occurs or is not remediated constitutes a separate offense.</td>
</tr>
<tr>
<td>377.37 (1)(a), F.S.</td>
<td>Violating statutory provisions, rules, orders or permits regarding oil and gas resources</td>
<td>A civil penalty of not more than $10,000 for each offense. Each day during any portion of which a violation occurs constitutes a separate offense.</td>
<td>A civil penalty of not more than $15,000 for each offense. Until a violation is resolved by order or judgment, each day during any portion of which a violation occurs or is not remediated constitutes a separate offense.</td>
</tr>
<tr>
<td>378.211 (2), F.S.</td>
<td>Violating statutes, rules, or orders regarding land reclamation</td>
<td>A civil penalty of $100 per violation of a minor or technical nature; $1,000 per major violation by an operator on which a penalty has not been imposed during the 5 previous years; and $5,000 per major violation not otherwise covered. Each day or any portion thereof in which a violation continues constitutes a separate violation.</td>
<td>A civil penalty of $150 per violation of a minor or technical nature; $1,500 per major violation by an operator on which a penalty has not been imposed during the 5 previous years; and $7,500 per major violation not otherwise covered. Until a violation is resolved by order or judgment, each day or any portion thereof in which a violation continues or is not remediated constitutes a separate violation.</td>
</tr>
</tbody>
</table>

27 Section 378.211(4), F.S. These civil penalties do not begin to accrue until the expiration of a specified time for initiating corrective action, set forth in a written notice of violation issued by DEP.
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>403.086 (2), F.S.</td>
<td>Violating orders regarding sanitary sewage disposal</td>
<td>A civil penalty of $500 for each 24-hour day or fraction thereof that the failure is allowed to continue.</td>
<td>A civil penalty of $750 for each 24-hour day or fraction thereof that the failure is allowed to continue.</td>
</tr>
<tr>
<td>403.121 (1)(b), F.S.</td>
<td>Violating ch. 403, F.S., regarding environmental control</td>
<td>For judicial remedies - authorizes DEP to judicially pursue and recover not more than $10,000 per offense. Each day during any portion of which a violation occurs constitutes a separate offense.</td>
<td>For judicial remedies - authorizes DEP to judicially pursue and recover not more than $15,000 per offense. Until a violation is resolved by order or judgment, each day during any portion of which a violation occurs or is not remediated constitutes a separate offense.</td>
</tr>
<tr>
<td>403.121 (2)(b) and (g) F.S.</td>
<td>Violating ch. 403, F.S., regarding environmental control</td>
<td>For administrative remedies - (except for violations involving hazardous wastes, asbestos, or underground injection) DEP must proceed administratively when seeking administrative penalties not exceeding $10,000 per assessment. DEP may not impose penalties in excess of $10,000 in a notice of violation. DEP retains the authority to judicially pursue penalties in excess of $10,000 for violations not included in the penalty schedule, or for multiple or multiday violations alleged to exceed a total of $10,000. Any case filed in state court because it is alleged to exceed a total of $10,000 in penalties may be settled in the court action for less than $10,000.</td>
<td>For administrative remedies - (except for violations involving hazardous wastes, asbestos, or underground injection) DEP must proceed administratively when seeking administrative penalties not exceeding $50,000 per assessment. DEP may not impose penalties in excess of $50,000 in a notice of violation. DEP retains the authority to judicially pursue penalties in excess of $50,000 for violations not included in the penalty schedule, or for multiple or multiday violations alleged to exceed a total of $50,000. 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.</td>
</tr>
<tr>
<td>403.121</td>
<td>Administrative penalty</td>
<td>$2,000 for a Maximum Containment Level violation; plus</td>
<td>$3,000 for a Maximum Containment Level violation; plus</td>
</tr>
<tr>
<td>Florida Statutes</td>
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</tr>
<tr>
<td>(3)(a), F.S. 28</td>
<td>schedule: violations regarding drinking water contamination</td>
<td>$1,000 for a primary, inorganic, organic, or radiological Maximum Contaminant Level or fecal coliform bacteria violation; plus $1,000 if the violation occurs at a community water system; plus $1,000 if any Maximum Contaminant Level is exceeded by more than 100 percent.</td>
<td>$1,500 for a primary, inorganic, organic, or radiological Maximum Contaminant Level or fecal coliform bacteria violation; plus $1,500 if the violation occurs at a community water system; plus $1,500 if any Maximum Contaminant Level is exceeded by more than 100 percent.</td>
</tr>
<tr>
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<td>$3,000 for failure to obtain a clearance letter before placing an ineligible drinking water system into service.</td>
<td>$4,500 for failure to obtain a clearance letter before placing an ineligible drinking water system into service.</td>
</tr>
<tr>
<td>403.121 (3)(b), F.S.</td>
<td>Administrative penalty schedule: violations regarding wastewater</td>
<td>$1,000 for failure to obtain a required wastewater permit (other than a permit for surface water discharge). $2,000 for an unlawful discharge or exceedance resulting in a domestic or industrial wastewater violation (not involving a surface water or groundwater quality violation).</td>
<td>$1,500 for failure to obtain a required wastewater permit (other than a permit for surface water discharge). $3,000 for an unlawful discharge or exceedance resulting in a domestic or industrial wastewater violation (not involving a surface water or groundwater quality violation). $7,500 for an unlawful discharge or exceedance resulting in a surface water or groundwater quality violation.</td>
</tr>
<tr>
<td>403.121 (3)(c), F.S.</td>
<td>Administrative penalty schedule: violations regarding dredge and fill or stormwater</td>
<td>$1,000 for an unlawful dredging, filling, or construction of a stormwater management system; plus $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 $1,000 if the area dredged or filled is greater than .25 acres but less than or equal to .5 acres; plus $1,000 if the area dredged or filled is greater than .25 acres but less than or equal to .5 acres; plus $1,500 if the area dredged or filled is greater than .25 acres but less than or equal to .5 acres; plus $1,500 if the area dredged or filled is greater than .25 acres but less than or equal to .5 acres; plus $1,500 if the area dredged or filled is greater than .25 acres but less than or equal to .5 acres; plus $1,500 if the area dredged or filled is greater than .25 acres but less than or equal to .5 acres; plus $1,500 if the area dredged or filled is greater than .25 acres but less than or equal to .5 acres; plus $1,500 if the area dredged or filled is greater than .25 acres but less than or equal to .5 acres; plus $1,500 if the area dredged or filled is greater than .25 acres but less than or equal to .5 acres; plus $1,500 if the area dredged or filled is greater than .25 acres but less than or equal to .5 acres; plus $1,500 if the area dredged or filled is greater than .25 acres but less than or equal to .5 acres; plus $1,500 if the area dredged or filled is greater than .25 acres but less than or equal to .5 acres; plus $1,500 if the area dredged or filled is greater than .25 acres but less than or equal to .5 acres; plus $1,500 if the area dredged or filled is greater than .25 acres but less than or equal to .5 acres; plus $1,500 if the area dredged or filled is greater than .25 acres but less than or equal to .5 acres; plus $1,500 if the area dredged or filled is greater than .25 acres but less than or equal to .5 acres; plus $1,500 if the area dredged or filled is greater than .25 acres but less than or equal to .5 acres; plus $1,500 if the area dredged or filled is greater than .25 acres but less than or equal to .5 acres; plus $1,500 if the area dredged or filled is greater than .25 acres but less than or equal to .5 acres; plus</td>
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</table>

28 Section 403.121(3), F.S. The administrative penalties in this subsection do not apply to hazardous waste, asbestos, or underground injection.
<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>403.121 (3)(d), F.S.</td>
<td>Administrative penalty schedule: violations regarding mangrove trimming</td>
<td>$5,000 per violation for conducting unlawful dredging or filling.</td>
<td>$7,500 per violation for conducting unlawful dredging or filling.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$5,000 per violation for conducting mangrove trimming or alterations without a permit.</td>
<td></td>
</tr>
<tr>
<td>403.121 (3)(e), F.S.</td>
<td>Administrative penalty schedule: violations regarding solid waste</td>
<td>$2,000 for unlawful disposal or storage of solid waste; plus $1,000 for Class I or III or construction and demolition debris in excess of 20 cubic yards; plus $1,000 if the waste is disposed of or stored in a waterbody or within 500 feet of a potable water well; plus $1,000 if the waste contains certain amounts of PCB, untreated biomedical waste, friable asbestos, used oil, or lead acid batteries.</td>
<td>$3,000 for unlawful disposal or storage of solid waste; plus $1,000 for Class I or III or construction and demolition debris in excess of 20 cubic yards; plus $1,500 if the waste is disposed of or stored in a waterbody or within 500 feet of a potable water well; plus $1,500 if the waste contains certain amounts of PCB, untreated biomedical waste, friable asbestos, used oil, or lead acid batteries.</td>
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</tr>
<tr>
<td>403.121 (3)(f), F.S.</td>
<td>Administrative penalty schedule: violations regarding air emissions</td>
<td>$1,000 for an unlawful air emission or exceedance; plus $3,000 for emissions from the major source of the violating pollutant; plus $1,000 if over 150% of the allowable level.</td>
<td>$1,500 for an unlawful air emission or exceedance; plus $4,500 for emissions from the major source of the violating pollutant; plus $1,500 if over 150% of the allowable level.</td>
</tr>
<tr>
<td>403.121 (3)(g), F.S.</td>
<td>Administrative penalty schedule: violations regarding storage tank system and petroleum contamination</td>
<td>$5,000 for failure to empty a damaged storage system as necessary to ensure a release does not occur until repairs are completed, when a release has occurred, failure to timely recover free product, or failure to conduct remediation or monitoring activities until a no-further-action or site-rehabilitation completion order has been issued.</td>
<td>$7,500 for failure to empty a damaged storage system as necessary to ensure a release does not occur until repairs are completed, when a release has occurred, failure to timely recover free product, or failure to conduct remediation or monitoring activities until a no-further-action or site-rehabilitation completion order has been issued.</td>
</tr>
</tbody>
</table>

| $3,000 for failure to maintain leachate control, unauthorized burning, failure to have a trained spotter on duty, or failure to provide access control for three consecutive inspections. |
| $2,000 for failure to construct or maintain a required stormwater management system. |
| $4,500 for failure to maintain leachate control, unauthorized burning, failure to have a trained spotter on duty, or failure to provide access control for three consecutive inspections. |
| $3,000 for failure to construct or maintain a required stormwater management system. |

<p>| $3,000 for failure to timely upgrade a storage tank system. |
| $2,000 for failure to conduct or maintain required release detection, failure to timely investigate a suspected release, 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. |
| $4,500 for failure to timely upgrade a storage tank system. |
| $3,000 for failure to conduct or maintain required release detection, failure to timely investigate a suspected release, 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. |</p>
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</thead>
<tbody>
<tr>
<td>403.121 (4), F.S.</td>
<td>Violating ch. 403, F.S., regarding environmental control</td>
<td>$1,000 for failure to properly operate, maintain, or close a storage tank system.</td>
<td>$1,500 for failure to properly operate, maintain, or close a storage tank system.</td>
</tr>
<tr>
<td></td>
<td>In administrative proceedings, in addition to penalties assessed under subsection (3):</td>
<td>• $5,000 for failure to satisfy financial responsibility requirements or for oil and gas pollution violations.</td>
<td>In administrative proceedings, in addition to penalties assessed under subsection (3):</td>
</tr>
<tr>
<td></td>
<td>• $4,000 for failure to install, maintain, or use a required pollution control system or device.</td>
<td>• $3,000 for failure to obtain a required permit before construction or modification.</td>
<td>• $6,000 for failure to install, maintain, or use a required pollution control system or device.</td>
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<td></td>
<td>• $3,000 for failure to obtain a required permit before construction or modification.</td>
<td>• $2,000 for failure to conduct required monitoring or testing, conduct required release detection, or construct in compliance with a permit.</td>
<td>• $4,500 for failure to obtain a required permit before construction or modification.</td>
</tr>
<tr>
<td></td>
<td>• $1,000 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 DEP.</td>
<td>• $500 for failure to prepare, submit, maintain, or use required reports or documentation.</td>
<td>• $3,000 for failure to conduct required monitoring or testing, conduct required release detection, or construct in compliance with a permit.</td>
</tr>
<tr>
<td></td>
<td>• $500 for failure to prepare, submit, maintain, or use required reports or documentation.</td>
<td>A penalty of $1,000 for failure to comply with any other department regulatory statute or rule.</td>
<td>A penalty of $1,000 for failure to comply with any other department regulatory statute or rule.</td>
</tr>
<tr>
<td>403.121 (5), (7), (8), and (9), F.S.</td>
<td>Violating ch. 403, F.S., regarding environmental control</td>
<td>A violator’s history of noncompliance for any previous</td>
<td>A violator’s history of noncompliance for any previous</td>
</tr>
<tr>
<td></td>
<td>A penalty of $500 for failure to comply with any other department regulatory statute or rule.</td>
<td></td>
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</tr>
<tr>
<td>Florida Statutes</td>
<td>Violations</td>
<td>Existing Penalties</td>
<td>Changes in SB 1450</td>
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<tr>
<td>403.141 (1), F.S.</td>
<td>Violating ch. 403, F.S., regarding environmental control, by committing prohibited acts</td>
<td>Violation found in an executed consent order finding violation, or resulting in a final order or judgment involving the imposition of $2,000 must be taken into consideration in a manner specified in statute. The total administrative penalty, including direct economic benefit gained by the violator that is added to the scheduled administrative penalty, may not exceed $10,000. The administrative penalties for a particular violation that are assessed against any one violator may not exceed $5,000, unless there is a history of noncompliance, the economic benefit exceeds $5,000, or there are multiday violations. Total administrative penalties may not exceed $10,000 per assessment for all violations attributable to a specific person in a notice of violation.</td>
<td>Violation found in an executed consent order finding violation, or resulting in a final order or judgment involving the imposition of $3,000 must be taken into consideration in a manner specified in statute. The total administrative penalty, including direct economic benefit gained by the violator that is added to the scheduled administrative penalty, may not exceed $15,000. The administrative penalties for a particular violation that are assessed against any one violator may not exceed $7,500, unless there is a history of noncompliance, the economic benefit exceeds $7,500, or there are multiday violations. Total administrative penalties may not exceed $50,000 per assessment for all violations attributable to a specific person in a notice of violation.</td>
</tr>
<tr>
<td>403.161 (3), F.S.</td>
<td>Violating ch. 403, F.S., regarding environmental control, by willfully causing pollution</td>
<td>A fine of not more than $50,000 or imprisonment for five years, or both, for each offense. Each day during any portion of which a violation occurs constitutes a separate offense.</td>
<td>A fine of not more than $50,000 or imprisonment for five years, or both, for each offense. Until a violation is resolved by order or judgment, each day during any portion of which a violation occurs or is not remediated constitutes a separate offense.</td>
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<tr>
<td>403.161 (4), F.S.</td>
<td>Violating ch. 403, F.S., regarding environmental control, by committing prohibited acts specified in the statute</td>
<td>A violation causing pollution due to reckless indifference or gross careless disregard is punishable by a fine of not more than $5,000 or 60 days in jail, or both, for each offense.</td>
<td>A violation causing pollution; failure to obtain a permit required under Ch. 403, F.S., or rules; or violating any rule, order, permit or certification adopted or issued by DEP due to reckless indifference or gross careless disregard is punishable by a fine of not more than $10,000 or 60 days in jail, or both, for each offense.</td>
</tr>
<tr>
<td>403.413 (6)(a), F.S.</td>
<td>Dumping litter</td>
<td>A civil penalty of $100 for dumping litter (not for commercial purposes) not exceeding 15 pounds or 27 cubic feet.</td>
<td>A civil penalty of $150 for dumping litter (not for commercial purposes) not exceeding 15 pounds or 27 cubic feet.</td>
</tr>
<tr>
<td>403.7234 (5), F.S.</td>
<td>Violations involving small quantity generators</td>
<td>A fine of between $50 and $100 per day for a maximum of 100 days for a noncompliant small quantity generator.</td>
<td>A fine of between $75 and $150 per day for a maximum of 100 days for a noncompliant small quantity generator.</td>
</tr>
<tr>
<td>403.726 (3), F.S.</td>
<td>Violations regarding hazardous waste creating an imminent hazard</td>
<td>Authorizes DEP to institute action to abate an imminent hazard and may recover a civil penalty of not more than $25,000 for each day of continued violation.</td>
<td>Authorizes DEP to institute action to abate an imminent hazard and may recover a civil penalty of not more than $37,000 for each day until a violation is resolved by order or judgment.</td>
</tr>
<tr>
<td>403.727 (3)(a), F.S.</td>
<td>Violations regarding hazardous waste</td>
<td>A civil penalty of not more than $50,000 for each day of continued violation.</td>
<td>A civil penalty of not more than $75,000 for each day of continued violation or until a violation is resolved by order or judgment.</td>
</tr>
<tr>
<td>403.93345 (8)(a)-(c) and (g), F.S.</td>
<td>Violating the Florida Coral Reef Protection Act</td>
<td>Damage to a coral reef less than or equal to 1 square meter: $150; additional $150 with aggravating circumstances; additional $150 if occurring within a state park or aquatic preserve. Damage to a coral reef of more than 1 square meter but less than or equal to 10 square meters: $300 per square meter; additional $300 per square meter with</td>
<td>Damage to a coral reef less than or equal to 1 square meter: $225; additional $225 with aggravating circumstances; additional $225 if occurring within a state park or aquatic preserve. Damage to a coral reef of more than 1 square meter but less than or equal to 10 square meters: $450 per square meter; additional $450 per square meter with</td>
</tr>
<tr>
<td>Florida Statutes</td>
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<td>aggravating circumstances; additional $300 per square meter if occurring within a state park or aquatic preserve. Damage exceeding an area of 10 square meters: $1,000 per square meter; additional $1,000 per square meter with aggravating circumstances; additional $1,000 per square meter if occurring within a state park or aquatic preserve. The total penalties levied may not exceed $250,000.</td>
<td>aggravating circumstances; additional $450 per square meter if occurring within a state park or aquatic preserve. Damage exceeding an area of 10 square meters: $1,500 per square meter; additional $1,500 per square meter with aggravating circumstances; additional $1,500 per square meter if occurring within a state park or aquatic preserve.</td>
<td>The total penalties levied may not exceed $375,000.</td>
</tr>
</tbody>
</table>

Sections 22-26 reenact ss. 823.11(5); 403.077(5); 403.131(2); 403.4154(3)(d); 403.860(5); 403.708(10); 403.7191(7); 403.811; 403.7255(2); and 403.7186(8), F.S. This reenactment is done for the purpose of incorporating certain amendments made by the bill, as the reenacted provisions reference sections of law that are amended by the bill.

Section 27 states that the bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.
E. Other Constitutional Issues:

The vagueness doctrine was developed to ensure compliance with the Due Process Clause in the Fifth Amendment of the United States Constitution, and Florida’s Constitution includes a similar due process guarantee.\(^{29}\) The vagueness doctrine provides that a statute must give the person of ordinary intelligence a reasonable opportunity to know what is prohibited, and it must provide explicit standards for those who apply them to avoid arbitrary and discriminatory enforcement.\(^{30}\) A statute is void for vagueness when, because of its imprecision, it fails to give an adequate notice of what conduct is prohibited.\(^{31}\) Thus, it invites arbitrary and discriminatory enforcement.\(^{32}\) A statute is not void for vagueness if the language conveys a sufficiently definite warning as to the proscribed conduct when measured by common understanding and practices.\(^{33}\) However, the Supreme Court has indicated that a statute giving fair notice of the prohibited conduct may still be void if it lends itself to arbitrary enforcement.\(^{34}\) The need for definiteness is even greater when a law imposes criminal penalties on individual behavior or implicates constitutionally protected rights.\(^{35}\)

In several places in the bill, a penalty standard is revised or added such that “until a violation is resolved by order or judgment, each day during any portion of which a violation occurs or is not remediated constitutes a separate offense.” In such instances, the meaning of the word “remediated” is crucial for determining the number of separate offenses. This term is undefined in the statutes amended by the bill. This condition is applied to criminal penalties in addition to administrative and civil penalties.

Article III, section 6 of the Florida Constitution requires every law to address a single subject, and the subject must be briefly expressed in the title. The bill contains changes to administrative and criminal penalties, and other changes to penalty language, that may not be fully described in the title of the bill. Accordingly, revisions to the title of the bill are recommended.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill increases numerous penalties for violations of environmental laws. In some instances, the bill also expands the potential time period when each passing day may

\(^{29}\) Id.

\(^{30}\) Florida Ass’n of Professional Lobbyists, Inc. v. Div. of Legislative Info. Services of the Florida Office of Legislative Services, 525 F.3d 1073, 1078 (11th Cir. 2008) (quoting Grayned v. City of Rockford, 408 U.S. 104, 108 (1972)).

\(^{31}\) Sult v. State, 906 So.2d 1013, 1020 ( Fla. 2005).

\(^{32}\) Id.

\(^{33}\) Simmons v. State, 944 So. 2d 317, 324 (Fla. 2006).

\(^{34}\) Id.; see Kolender v. Lawson, 461 U.S. 352, 358 (1983).

\(^{35}\) Simmons, 944 at 324.
constitute a separate offense. Overall, the bill increases the penalties that the private sector must pay for violations of environmental laws.

C. Government Sector Impact:

The bill increases the amounts of numerous penalties. If imposed, the funds from such penalties would increase revenue to the state. Therefore, the bill may have a positive, indeterminate impact on the government sector.

VI. Technical Deficiencies:

None.

VII. Related Issues:

On line 297, the word “which” should be deleted.

In sections of the bill containing “[u]ntil a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense,” or similar language, a definition for the word “remediated” is recommended.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 161.054, 258.397, 258.46, 373.129, 373.209, 373.430, 376.065, 376.071, 376.16, 376.25, 377.37, 378.211, 403.086, 403.121, 403.141, 403.161, 403.413, 403.7234, 403.726, 403.727, 403.93345.

This bill reenacts parts or all of the following sections of the Florida Statutes: 823.11, 403.077, 403.131, 403.4154, 403.860, 403.708, 403.7191, 403.811, 403.7255, 403.7186.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
A bill to be entitled
An act relating to environmental enforcement; amending ss. 161.054, 258.397, 258.46, 373.129, 373.209, 373.430, 376.065, 376.071, 376.16, 376.25, 377.37, 378.211, 403.086, 403.121, 403.141, 403.161, 403.413, 403.7234, 403.726, 403.727, and 403.93345, F.S.; increasing the civil penalties for violations of certain provisions relating to beach and shore construction, the Biscayne Bay Aquatic Preserve, aquatic preserves, the state water resource plan, artesian wells, pollution, operating a terminal facility without discharge prevention and response certificates, discharge contingency plans for vessels, the Pollutant Discharge Prevention and Control Act, the Clean Ocean Act, the pollution of surface and ground waters, the regulation of oil and gas resources, the Phosphate Land Reclamation Act, sewage disposal facilities, pollution control, reasonable costs and expenses for pollution releases, necessary permits, dumping litter, small quantity generators, the abatement of imminent hazards caused by hazardous substances, hazardous waste generators, transporters, or facilities, and coral reef protection, respectively; providing that each day that certain violations are not remediated constitutes a separate

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CODING: Words stricken are deletions; words underlined are additions.
offense; making technical changes; reenacting s. 823.11(5), F.S., to incorporate the amendment made to s. 376.16, F.S., in a reference thereto; reenacting ss. 403.077(5), 403.131(2), 403.4154(3)(d), and 403.860(5), F.S., to incorporate the amendment made to s. 403.121, F.S., in a reference thereto; reenacting ss. 403.708(10), 403.7191(7), and 403.811, F.S., to incorporate the amendment made to s. 403.141, F.S., in a reference thereto; reenacting s. 403.7255(2), F.S., to incorporate the amendment made to s. 403.161, F.S., in a reference thereto; reenacting s. 403.7186(8), F.S., to incorporate the amendment made to ss. 403.141 and 403.161, F.S., in references thereto; providing an effective date.

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

Section 1. 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.
Section 2. 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 s. 403.412. In addition, the Department of Legal Affairs may be authorized to bring an action for civil penalties of $7,500 $5,000 per day against any person, natural or corporate, who violates the provisions of this section or any rule or regulation issued hereunder. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated 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 3. 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. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

Section 4. 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. Until a violation is resolved by order or judgment, each date during any portion of which such violation occurs or is not remediated 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 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 5. 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 6. Subsections (2) through (5) of section 373.430, Florida Statutes, are amended to read:

373.430 Prohibitions, violation, penalty, intent.—

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

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

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

(5) **A Any** person who willfully commits a violation specified in paragraph (1)(b) **or 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 7. Paragraphs (a) and (e) of subsection (5) of section 376.065, Florida Statutes, are amended to read:

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

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

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

Section 8. Paragraphs (a) and (e) of subsection (2) of section 376.071, Florida Statutes, are amended to read:

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

(e) A person who elects to appear before the county court or who is required to appear waives the limitations of the civil 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 9. 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 per violation per day to be assessed by the department. Until a violation is resolved by order or judgment, 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 and the civil penalty for each subsequent discharge within a 12-month period shall be $1,500, 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 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 which the person does not believe to be true in
response to requirements of the provisions of ss. 376.011-376.21
commits a felony of the second degree, punishable as provided in
s. 775.082, s. 775.083, or s. 775.084.

Section 10. 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 for each violation. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

Section 11. 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 \( \underline{\text{\$15,000}} \) $10,000 for each offense. However, the court may receive evidence in mitigation. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated 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 12. 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 shall not exceed the following amounts, and the court shall consider evidence in mitigation:

(a) For violations of a minor or technical nature, \( \underline{\text{\$150}} \) $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), until a violation is resolved by order or judgment, each day or any portion thereof in which the violation continues or is not remediated shall constitute a separate violation.

Section 13. 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 14. Section 403.121, Florida Statutes, is amended to read:

403.121 Enforcement; procedure; remedies.—The department shall have the following judicial and administrative remedies
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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. However, the court may receive evidence in mitigation. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated 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 prior to 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 may not impose administrative penalties in excess of $50,000 in a notice of violation. The department may 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
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 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

CODING: Words **stricken** are deletions; words *underlined* are additions.
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 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 is 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) Nothing herein shall be construed as preventing any other legal or administrative action in accordance with law. 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 shall apply to any administrative action taken by the department or any delegated program pursuing administrative penalties in accordance with this section.

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

(a) For a drinking water contamination violation, the department shall assess a penalty of $3,000 $2,000 for a Maximum Containment Level (MCL) violation; plus $1,500 $1,000 if the violation is for a primary inorganic, organic, or radiological Maximum Contaminant Level or it is a fecal coliform bacteria violation; plus $1,500 $1,000 if the violation occurs at a community water system; and plus $1,500 $1,000 if any Maximum Contaminant Level is exceeded by more than 100 percent. For failure to obtain a clearance letter prior to 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 $1,500 $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 $3,000 $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 $7,500 $5,000.

(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 does shall not apply to a dredge
and fill violation if the area dredged or filled exceeds one acre. The department retains the authority to seek the judicial imposition of civil penalties for all dredge and fill violations involving more than one acre. The department shall assess a penalty of $4,500 $3,000 for the failure to complete required mitigation, failure to record a required conservation easement, or for a water quality violation resulting from dredging or filling activities, stormwater construction activities or failure of a stormwater treatment facility. For stormwater management systems serving less than 5 acres, the department shall assess a penalty of $3,000 $2,000 for the failure to properly or timely construct a stormwater management system. In addition to the penalties authorized in this subsection, the department shall assess a penalty of $7,500 $5,000 per violation against the contractor or agent of the owner or tenant that conducts unpermitted or unauthorized dredging or filling. For purposes of this paragraph, the preparation or signing of a permit application by a person currently licensed under chapter 471 to practice as a professional engineer does not make that person an agent of the owner or tenant.

(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 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 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 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 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 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 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 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 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 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
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 $7,500 $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 $7,500 $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 subsections 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 prior to 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 Subsection (3), subsection (4), subsection (5), subsection (6), or subsection (7) shall 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.

Section 15. Subsection (1) of section 403.141, Florida Statutes, is amended to read:

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. Until a violation is resolved by order or judgment,
each day during any portion of which such violation occurs or is
not remediated constitutes a separate offense. Nothing herein
gives the department the right to bring an action on
behalf of any private person.

Section 16. 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 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. Until a
violation is resolved by order or judgment, each day during any
portion of which such violation occurs or is not remediated
constitutes a separate offense.

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

(5) A Any person who willfully commits a violation
specified in paragraph (1)(b) or 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 17. 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 18. 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 and $150 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 19. Subsection (3) of section 403.726, Florida Statutes, is amended to read:

403.726 Abatement of imminent hazard caused by hazardous substance.—

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

Section 20. 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 or until a violation is resolved by order or judgment, 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 21. 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 22. Subsection (5) of s. 823.11, Florida Statutes, is reenacted for the purpose of incorporating the amendment made by this act to s. 376.16, Florida Statutes, in a reference thereto.

Section 23. Subsection (5) of s. 403.077, subsection (2) of s. 403.131, paragraph (d) of subsection (3) of s. 403.4154, and subsection (5) of s. 403.860, Florida Statutes, are reenacted for the purpose of incorporating the amendment made by
Section 24. Subsection (10) of s. 403.708, subsection (7) of s. 403.7191, and s. 403.811, Florida Statutes, are reenacted for the purpose of incorporating the amendment made by this act to s. 403.141, Florida Statutes, in references thereto.

Section 25. Subsection (2) of s. 403.7255, Florida Statutes, is reenacted for the purpose of incorporating the amendment made by this act to s. 403.161, Florida Statutes, in a reference thereto.

Section 26. Subsection (8) of s. 403.7186, Florida Statutes, is reenacted for the purpose of incorporating the amendments made by this act to ss. 403.141 and 403.161, Florida Statutes, in references thereto.

Section 27. This act shall take effect July 1, 2020.
A bill to be entitled
An act relating to medical marijuana employee
protection; creating ss. 112.219 and 448.111, F.S.;
providing definitions; prohibiting an employer from
taking adverse personnel action against an employee or
job applicant who is a qualified patient using medical
marijuana; providing exceptions; 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; providing construction; providing
an effective date.

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

Section 1. Section 112.219, Florida Statutes, is created to
read:

112.219 Medical Marijuana Public Employee Protection Act.—
(1) As used in this section, the term:
(a) “Adverse personnel action” means the refusal to hire or
employ a qualified patient; the discharge, suspension, transfer,
or demotion of a qualified patient; the mandatory retirement of
a qualified patient; or the discrimination of a qualified
patient with respect to compensation, terms, conditions, or
privileges of employment.
(b) “Employee” has the same meaning as in s. 112.0455.
(c) “Employer” means a state, regional, county, local, or
municipal government entity, whether executive, judicial, or legislative; an official, officer, department, division, bureau, commission, authority, or political subdivision therein; or a public school, community college, or state university that employs individuals for salary, wages, or other remuneration.

(d) “Job applicant” has the same meaning as in s. 112.0455.

(e) “Law enforcement agency” has the same meaning as in s. 908.102.

(f) “Physician certification” has the same meaning as in s. 381.986.

(g) “Qualified patient” has the same meaning as in s. 381.986.

(h) “Safety-sensitive” means tasks or duties of a job which the employer reasonably believes could affect the safety and health of the employee performing the tasks or duties or other persons, including, but not limited to, any of the following:

1. The handling, packaging, processing, storage, disposal, or transport of hazardous materials.

2. The operation of a motor vehicle, equipment, machinery, or power tools.

3. The repair, maintenance, or monitoring of any equipment, machinery, or manufacturing process, the malfunction or disruption of which could result in injury or property damage.

4. The performance of firefighting duties.

5. The operation, maintenance, or oversight of critical services and infrastructure, including, but not limited to, electric, gas, and water utilities or power generation or distribution.

6. The extraction, compression, processing, manufacturing,
handling, packaging, storage, disposal, treatment, or transport of potentially volatile, flammable, combustible materials, elements, chemicals, or any other highly regulated component.

7. The dispensing of pharmaceuticals.
8. The carrying of a firearm.
9. The direct care of a patient or child.

(i) “Undue hardship” means an action requiring significant difficulty or expense, when considered in light of the following factors:

1. The nature, cost, and duration of the accommodation.
2. The overall financial resources of the employer.
3. The overall size of the business of the employer with respect to the number of employees and the number, type, and location of the employer’s facilities.
4. The effect on expenses and resources or any other impacts of such accommodation upon the operation of the employer.

(2) An employer may not take adverse personnel action against an employee or job applicant who is a qualified patient using medical marijuana consistent with s. 381.986, unless the position held by the employee or sought by the job applicant is one involving safety-sensitive job duties. However, an employer may take appropriate adverse personnel action against any employee if the employer establishes by a preponderance of the evidence that the lawful use of medical marijuana is impairing the employee’s ability to perform his or her job responsibilities. For purposes of this subsection, an employer may consider an employee’s ability to perform his or her job responsibilities to be impaired if the employee displays
specific articulable symptoms while working which decrease or less the performance of his or her duties or tasks.

(3)(a) If an employer has a drug testing policy and an employee or job applicant tests positive for marijuana or its metabolites, the employer must provide written notice within 5 business days after receipt of the positive test result to the employee or job applicant of his or her right to provide an explanation for the positive test result.

(b) Within 5 business days after receipt of the written notice, the employee or job applicant may submit information to an employer explaining or contesting the positive test result or may request a confirmation test, as defined in s. 112.0455, at the expense of the employee or job applicant.

(c) An employee or a job applicant may submit a physician certification for medical marijuana or a medical marijuana use registry identification card as part of his or her explanation for the positive test result.

(d) If an employee or a job applicant fails to provide a satisfactory explanation for the positive test result, an employer must verify the positive test result with a confirmation test, at the expense of the employer, before the employer may take adverse personnel action against the employee or job applicant.

(4)(a) Notwithstanding s. 381.986(15), an employee or a job applicant who has been the subject of an adverse personnel action in violation of this section may institute a civil action in a court of competent jurisdiction for relief as set forth in paragraph (c) within 180 days after the alleged violation.

(b) An employee or a job applicant may not recover in any
action brought under this subsection if the adverse personnel
text predicated upon a ground other than the employee’s or
job applicant’s exercise of a right protected by this section.
(c) In any action brought under this subsection, the court
may order any of the following:
1. An injunction restraining continued violation of this
section.
2. Reinstatement of the employee to the same position held
before the adverse personnel action, or to an equivalent
position.
3. Reinstatement of full fringe benefits and seniority
rights.
4. Compensation for lost wages, benefits, and other
remuneration.
5. Reasonable attorney fees and costs.
6. Any other compensatory damages allowable by general law.
(5) This section does not:
(a) Prohibit an employer from taking adverse personnel
action against an employee for the possession or use of a
controlled substance, as defined in s. 893.02, during normal
business hours or require an employer to commit any act that
would cause the employer to violate federal law or that would
result in the loss of a federal contract or federal funding;
(b) Require a government medical assistance program or
private health insurer to reimburse a person for costs
associated with the use of medical marijuana; or
(c)1. Require an employer to modify the job or working
conditions of a person who engages in the use of medical
marijuana based on the reasonable business purposes of the
employer. However, notwithstanding s. 381.986(15) and except as provided in subparagraph 2., the employer must attempt to make reasonable accommodations for the medical needs of an employee who engages in the use of medical marijuana if the employee holds a valid medical marijuana use identification card, unless the employer can demonstrate that the accommodation would pose a threat of harm or danger to persons or property, impose an undue hardship on the employer, or prohibit an employee from fulfilling his or her job responsibilities.

2. Prohibit a law enforcement agency from adopting policies and procedures that preclude an employee from engaging in the use of medical marijuana.

Section 2. Section 448.111, Florida Statutes, is created to read:

448.111 Medical Marijuana Employee Protection Act.— (1) As used in this section, the term:

(a) “Adverse personnel action” means the refusal to hire or employ a qualified patient; the discharge, suspension, transfer, or demotion of a qualified patient; the mandatory retirement of a qualified patient; or the discrimination of a qualified patient with respect to compensation, terms, conditions, or privileges of employment.

(b) “Employee” has the same meaning as in s. 448.101.

(c) “Employer” means a private individual, firm, partnership, institution, corporation, or association that employs individuals for salary, wages, or other remuneration.

(d) “Job applicant” has the same meaning as in s. 440.102.

(e) “Law enforcement agency” has the same meaning as in s. 908.102.
(f) “Physician certification” has the same meaning as in s. 381.986.

(g) “Qualified patient” has the same meaning as in s. 381.986.

(h) “Safety-sensitive” means tasks or duties of a job which the employer reasonably believes could affect the safety and health of the employee performing the tasks or duties or other persons, including, but not limited to, any of the following:

1. The handling, packaging, processing, storage, disposal, or transport of hazardous materials.
2. The operation of a motor vehicle, equipment, machinery, or power tools.
3. The repair, maintenance, or monitoring of any equipment, machinery, or manufacturing process, the malfunction or disruption of which could result in injury or property damage.
4. The performance of firefighting duties.
5. The operation, maintenance, or oversight of critical services and infrastructure, including, but not limited to, electric, gas, and water utilities or power generation or distribution.
6. The extraction, compression, processing, manufacturing, handling, packaging, storage, disposal, treatment, or transport of potentially volatile, flammable, combustible materials, elements, chemicals, or any other highly regulated component.
7. The dispensing of pharmaceuticals.
8. The carrying of a firearm.
9. The direct care of a patient or child.

(i) “Undue hardship” means an action requiring significant difficulty or expense, when considered in light of the following

CODING: Words stricken are deletions; words underlined are additions.
factors:

1. The nature, cost, and duration of the accommodation.
2. The overall financial resources of the employer.
3. The overall size of the business of the employer with respect to the number of employees and the number, type, and location of the employer’s facilities.
4. The effect on expenses and resources or any other impacts of such accommodation upon the operation of the employer.

(2) An employer may not take adverse personnel action against an employee or a job applicant who is a qualified patient using medical marijuana consistent with s. 381.986, unless the position held by the employee or sought by the job applicant is one involving safety-sensitive job duties. However, an employer may take appropriate adverse personnel action against any employee if the employer establishes by a preponderance of the evidence that the lawful use of medical marijuana is impairing the employee’s ability to perform his or her job responsibilities. For purposes of this subsection, an employer may consider an employee’s ability to perform his or her job responsibilities to be impaired if the employee displays specific articulable symptoms while working which decrease or lessen the performance of his or her duties or tasks.

(3)(a) If an employer has a drug testing policy and an employee or a job applicant tests positive for marijuana or its metabolites, the employer must provide written notice within 5 business days after receipt of the positive test result to the employee or job applicant of his or her right to provide an explanation for the positive test result.
31-00557A-20

(b) Within 5 business days after receipt of the written notice, the employee or job applicant may submit information to an employer explaining or contesting the positive test result or may request a confirmation test, as defined in s. 440.102, at the expense of the employee or job applicant.

(c) An employee or a job applicant may submit a physician certification for medical marijuana or a medical marijuana use registry identification card as part of his or her explanation for the positive test result.

(d) If an employee or a job applicant fails to provide a satisfactory explanation for the positive test result, an employer must verify the positive test result with a confirmation test, at the expense of the employer, before the employer may take adverse personnel action against the employee or job applicant.

(4)(a) Notwithstanding s. 381.986(15), an employee or a job applicant who has been the subject of an adverse personnel action in violation of this section may institute a civil action in a court of competent jurisdiction for relief as set forth in paragraph (c) within 180 days after the alleged violation.

(b) An employee or a job applicant may not recover in any action brought under this subsection if the adverse personnel action was predicated upon a ground other than the employee’s or job applicant’s exercise of a right protected by this section.

(c) In any action brought under this subsection, the court may order any of the following:

1. An injunction restraining continued violation of this section.

2. Reinstatement of the employee to the same position held
before the adverse personnel action, or to an equivalent position.

3. Reinstatement of full fringe benefits and seniority rights.

4. Compensation for lost wages, benefits, and other remuneration.

5. Reasonable attorney fees and costs.

6. Any other compensatory damages allowable by general law.

(5) This section does not:

(a) Prohibit an employer from taking adverse personnel action against an employee for the possession or use of a controlled substance, as defined in s. 893.02, during normal business hours or require an employer to commit any act that would cause the employer to violate federal law or that would result in the loss of a federal contract or federal funding;

(b) Require a government medical assistance program or private health insurer to reimburse a person for costs associated with the use of medical marijuana; or

(c)1. Require an employer to modify the job or working conditions of a person who engages in the use of medical marijuana based on the reasonable business purposes of the employer. However, notwithstanding s. 381.986(15) and except as provided in subparagraph 2., the employer must attempt to make reasonable accommodations for the medical needs of an employee who engages in the use of medical marijuana if the employee holds a valid medical marijuana use identification card, unless the employer can demonstrate that the accommodation would pose a threat of harm or danger to persons or property, impose an undue hardship on the employer, or prohibit an employee from
291 fulfilling his or her job responsibilities.
292
2. Prohibit a law enforcement agency from adopting policies
293 and procedures that preclude an employee from engaging in the
294 use of medical marijuana.
295
Section 3. This act shall take effect upon becoming a law.
A bill to be entitled
An act relating to medical marijuana employee
protection; creating ss. 112.219 and 448.111, F.S.;
providing definitions; prohibiting an employer from
taking adverse personnel action against an employee or
job applicant who is a qualified patient using medical
marijuana; providing exceptions; 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 for if an employee or job
applicant tests positive for marijuana; providing a
cause of action and damages; providing applicability;
providing construction; providing an effective date.

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

Section 1. Section 112.219, Florida Statutes, is created
to read:

112.219 Medical Marijuana Public Employee Protection Act.—
(1) As used in this section, the term:
(a) "Adverse personnel action" means the refusal to hire
or employ a qualified patient; the discharge, suspension,
transfer, or demotion of a qualified patient; the mandatory
retirement of a qualified patient; or the discrimination of a

CODING: Words stricken are deletions; words underlined are additions.
qualified patient with respect to compensation, terms, conditions, or privileges of employment.

(b) "Employee" has the same meaning as in s. 112.0455.

(c) "Employer" means a state, regional, county, local, or municipal government entity, whether executive, judicial, or legislative; an official, officer, department, division, bureau, commission, authority, or political subdivision therein; or a public school, community college, or state university that employs individuals for salary, wages, or other remuneration.

(d) "Job applicant" has the same meaning as in s. 112.0455.

(e) "Law enforcement agency" has the same meaning as in s. 908.102.

(f) "Physician certification" has the same meaning as in s. 381.986.

(g) "Qualified patient" has the same meaning as in s. 381.986.

(h) "Safety-sensitive" means tasks or duties of a job that the employer reasonably believes could affect the safety and health of the employee performing the tasks or duties or other persons, including, but not limited to, any of the following:

1. The handling, packaging, processing, storage, disposal, or transport of hazardous materials.

2. The operation of a motor vehicle, equipment, machinery, or power tools.
3. The repair, maintenance, or monitoring of any equipment, machinery, or manufacturing process, the malfunction or disruption of which could result in injury or property damage.

4. The performance of firefighting duties.

5. The operation, maintenance, or oversight of critical services and infrastructure including, but not limited to, electric, gas, and water utilities or power generation or distribution.

6. The extraction, compression, processing, manufacturing, handling, packaging, storage, disposal, treatment, or transport of potentially volatile, flammable, combustible materials, elements, chemicals, or any other highly regulated component.

7. The dispensing of pharmaceuticals.

8. The carrying of a firearm.

9. The direct care of a patient or child.

(i) "Undue hardship" means an action requiring significant difficulty or expense, when considered in light of the following factors:

1. The nature, cost, and duration of the accommodation.

2. The overall financial resources of the employer.

3. The overall size of the business of the employer with respect to the number of employees and the number, type, and location of the employer's facilities.

4. The effect on expenses and resources or any other
impacts of such accommodation upon the operation of the employer.

(2) An employer may not take adverse personnel action against an employee or job applicant who is a qualified patient using medical marijuana consistent with s. 381.986, unless the position held by the employee or sought by the job applicant is one involving safety-sensitive job duties. However, an employer may take appropriate adverse personnel action against any employee if the employer establishes by a preponderance of the evidence that the lawful use of medical marijuana is impairing the employee's ability to perform his or her job responsibilities. For purposes of this subsection, an employer may consider an employee's ability to perform his or her job responsibilities to be impaired if the employee displays specific articulable symptoms while working that decrease or lessen the performance of his or her duties or tasks.

(3)(a) If an employer has a drug testing policy and an employee or job applicant tests positive for marijuana or its metabolites, the employer must provide written notice within 5 business days after receipt of the positive test result to the employee or job applicant of his or her right to provide an explanation for the positive test result.

(b) Within 5 business days after receipt of the written notice, the employee or job applicant may submit information to an employer explaining or contesting the positive test result or
may request a confirmed test, as defined in s. 112.0455, at the expense of the employee or job applicant.

(c) An employee or job applicant may submit a physician certification for medical marijuana or a medical marijuana use registry identification card as part of his or her explanation for the positive test result.

(d) If an employee or job applicant fails to provide a satisfactory explanation for the positive test result, an employer must verify the positive test result with a confirmation test, at the expense of the employer, before the employer may take adverse personnel action against the employee or job applicant.

(4)(a) Notwithstanding s. 381.986(15), an employee or job applicant who has been the subject of an adverse personnel action in violation of this section may institute a civil action in a court of competent jurisdiction for relief as set forth in paragraph (c) within 180 days after the alleged violation.

(b) An employee or job applicant may not recover in any action brought under this subsection if the adverse personnel action was predicated upon a ground other than the employee's or job applicant's exercise of a right protected by this section.

(c) In any action brought under this subsection, the court may order any of the following:

1. An injunction restraining continued violation of this section.
2. Reinstatement of the employee to the same position held before the adverse personnel action, or to an equivalent position.

3. Reinstatement of full fringe benefits and seniority rights.

4. Compensation for lost wages, benefits, and other remuneration.

5. Reasonable attorney fees and costs.

6. Any other compensatory damages allowable by general law.

(5) This section does not:

(a) Prohibit an employer from taking adverse personnel action against an employee for the possession or use of a controlled substance, as defined in s. 893.02, during normal business hours or require an employer to commit any act that would cause the employer to violate federal law or that would result in the loss of a federal contract or federal funding;

(b) Require a government medical assistance program or private health insurer to reimburse a person for costs associated with the use of medical marijuana; or

(c)1. Require an employer to modify the job or working conditions of a person who engages in the use of medical marijuana based on the reasonable business purposes of the employer. However, notwithstanding s. 381.986(15) and except as provided in subparagraph 2., the employer must attempt to make
reasonable accommodations for the medical needs of an employee
who engages in the use of medical marijuana if the employee
holds a valid medical marijuana use identification card, unless
the employer can demonstrate that the accommodation would pose a
threat of harm or danger to persons or property, impose an undue
hardship on the employer, or prohibit an employee from
fulfilling his or her job responsibilities.

2. Prohibit a law enforcement agency from adopting
policies and procedures that preclude an employee from engaging
in the use of medical marijuana.

Section 2. Section 448.111, Florida Statutes, is created
to read:

448.111 Medical Marijuana Employee Protection Act.—
(1) As used in this section, the term:
(a) "Adverse personnel action" means the refusal to hire
or employ a qualified patient; the discharge, suspension,
transfer, or demotion of qualified patient; the mandatory
retirement of a qualified patient; or the discrimination of a
qualified patient with respect to compensation, terms,
conditions, or privileges of employment.
(b) "Employee" has the same meaning as in s. 448.101.
(c) "Employer" means a private individual, firm,
partnership, institution, corporation, or association that
employs individuals for salary, wages, or other remuneration.
(d) "Job applicant" has the same meaning as in s. 440.102.
(e) "Law enforcement agency" has the same meaning as in s. 908.102.

(f) "Physician certification" has the same meaning as in s. 381.986.

(g) "Qualified patient" has the same meaning as in s. 381.986.

(h) "Safety-sensitive" means tasks or duties of a job that the employer reasonably believes could affect the safety and health of the employee performing the tasks or duties or other persons, including, but not limited to, any of the following:

1. The handling, packaging, processing, storage, disposal, or transport of hazardous materials.

2. The operation of a motor vehicle, equipment, machinery, or power tools.

3. The repair, maintenance, or monitoring of any equipment, machinery, or manufacturing process, the malfunction or disruption of which could result in injury or property damage.

4. The performance of firefighting duties.

5. The operation, maintenance, or oversight of critical services and infrastructure including, but not limited to, electric, gas, and water utilities or power generation or distribution.

6. The extraction, compression, processing, manufacturing, handling, packaging, storage, disposal, treatment, or transport
of potentially volatile, flammable, combustible materials, elements, chemicals, or any other highly regulated component.

7. The dispensing of pharmaceuticals.
8. The carrying of a firearm.
9. The direct care of a patient or child.

(i) "Undue hardship" means an action requiring significant difficulty or expense, when considered in light of the following factors:

1. The nature, cost, and duration of the accommodation.
2. The overall financial resources of the employer.
3. The overall size of the business of the employer with respect to the number of employees and the number, type, and location of the employer's facilities.
4. The effect on expenses and resources or any other impacts of such accommodation upon the operation of the employer.

(2) An employer may not take adverse personnel action against an employee or job applicant who is a qualified patient using medical marijuana consistent with s. 381.986, unless the position held by the employee or sought by the job applicant is one involving safety-sensitive job duties. However, an employer may take appropriate adverse personnel action against any employee if the employer establishes by a preponderance of the evidence that the lawful use of medical marijuana is impairing the employee's ability to perform his or her job.
responsibilities. For purposes of this subsection, an employer may consider an employee's ability to perform his or her job responsibilities to be impaired if the employee displays specific articulable symptoms while working that decrease or lesson the performance of his or her duties or tasks.

(3)(a) If an employer has a drug testing policy and an employee or job applicant tests positive for marijuana or its metabolites, the employer must provide written notice within 5 business days after receipt of the positive test result to the employee or job applicant of his or her right to provide an explanation for the positive test result.

(b) Within 5 business days after receipt of the written notice, the employee or job applicant may submit information to an employer explaining or contesting the positive test result or may request a confirmed test, as defined in s. 440.102, at the expense of the employee or job applicant.

(c) An employee or job applicant may submit a physician certification for medical marijuana or a medical marijuana use registry identification card as part of his or her explanation for the positive test result.

(d) If an employee or job applicant fails to provide a satisfactory explanation for the positive test result, an employer must verify the positive test result with a confirmation test, at the expense of the employer, before the employer may take adverse personnel action against the employee.
or job applicant.

(4)(a) Notwithstanding s. 381.986(15), an employee or job applicant who has been the subject of an adverse personnel action in violation of this section may institute a civil action in a court of competent jurisdiction for relief as set forth in paragraph (c) within 180 days after the alleged violation.

(b) An employee or job applicant may not recover in any action brought under this subsection if the adverse personnel action was predicated upon a ground other than the employee's or job applicant's exercise of a right protected by this section.

(c) In any action brought under this subsection, the court may order any of the following:

1. An injunction restraining continued violation of this section.
2. Reinstatement of the employee to the same position held before the adverse personnel action, or to an equivalent position.
3. Reinstatement of full fringe benefits and seniority rights.
4. Compensation for lost wages, benefits, and other remuneration.
5. Reasonable attorney fees and costs.
6. Any other compensatory damages allowable by general law.

(5) This section does not:
(a) Prohibit an employer from taking adverse personnel action against an employee for the possession or use of a controlled substance, as defined in s. 893.02, during normal business hours or require an employer to commit any act that would cause the employer to violate federal law or that would result in the loss of a federal contract or federal funding;

(b) Require a government medical assistance program or private health insurer to reimburse a person for costs associated with the use of medical marijuana; or

(c)1. Require an employer to modify the job or working conditions of a person who engages in the use of medical marijuana based on the reasonable business purposes of the employer. However, notwithstanding s. 381.986(15) and except as provided in subparagraph 2., the employer must attempt to make reasonable accommodations for the medical needs of an employee who engages in the use of medical marijuana if the employee holds a valid medical marijuana use identification card, unless the employer can demonstrate that the accommodation would pose a threat of harm or danger to persons or property, impose an undue hardship on the employer, or prohibit an employee from fulfilling his or her job responsibilities.

2. Prohibit a law enforcement agency from adopting policies and procedures that preclude an employee from engaging in the use of medical marijuana.

Section 3. This act shall take effect upon becoming a law.
Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Agriculture, Environment, and General Government)

A bill to be entitled
An act relating to water quality improvements;
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. 373.4131, F.S.; requiring the Department of Environmental Protection to include stormwater structural controls inspections as part of its regular staff training; requiring the department and the water management districts to adopt rules regarding stormwater design and operation by a specified date; amending s. 381.0065, F.S.; conforming provisions to changes made by the act; requiring the department to adopt rules for the location of onsite sewage treatment and disposal systems and complete
such rulemaking by a specified date; requiring the
department to evaluate certain data relating to the
self-certification program and provide the Legislature
with recommendations by a specified date; providing
that certain provisions relating to existing setback
requirements are applicable to permits only until the
adoption of certain rules by the department; creating
s. 381.00652, F.S.; creating an onsite sewage
treatment and disposal systems technical advisory
committee within the department; providing the duties
and membership of the committee; requiring the
committee to submit a report to the Governor and the
Legislature by a specified date; providing for the
expiration of the committee; repealing s. 381.0068,
F.S., relating to a technical review and advisory
panel; amending s. 403.061, F.S.; requiring the
department to adopt rules relating to the underground
pipes of wastewater collection systems; requiring
public utilities or their affiliated companies that
hold or are seeking a wastewater discharge permit to
file certain 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. 403.067, 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 fertilization and nutrient 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;
authorizing certain entities to develop research plans
and legislative budget requests relating to best
management practices by a specified date; 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 the 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;
exempting the rules from a specified statutory
requirement; amending s. 403.086, F.S.; prohibiting
facilities for sanitary sewage disposal from disposing
of any waste in the Indian River Lagoon beginning on a
specified date without first providing advanced waste
treatment; requiring facilities for sanitary sewage
disposal to have a power outage contingency plan;
requiring the facilities to take steps to prevent
overflows and leaks and ensure that the water reaches
the appropriate facility for treatment; requiring the
facilities to provide the Department of Environmental
Protection with certain information; requiring the
department to adopt rules; amending s. 403.087, F.S.;
requiring the department to issue operation permits
for domestic wastewater treatment facilities to
certain facilities under certain circumstances;
amending s. 403.088, F.S.; revising the permit
conditions for a water pollution operation permit;
requiring the department to submit a report to the
Governor and the Legislature by a specified date
identifying all wastewater utilities that experienced
sanitary sewer overflows within a specified timeframe;
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.; increasing and providing
administrative penalties; amending s. 403.1835, F.S.;
conforming a cross-reference; requiring the department
to give priority for water pollution control financial
assistance to projects that implement certain
provisions and that promote efficiency; amending s.
403.1838, F.S.; revising requirements for the
prioritization of grant applications within the Small
Community Sewer Construction Assistance Act; providing
a declaration of important state interest; amending
WHEREAS, nutrients negatively impact groundwater and surface waters in this state and cause the proliferation of algal blooms, and

WHEREAS, onsite sewage treatment and disposal systems were designed to manage human waste and are permitted by the Department of Health for that purpose, and

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

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

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

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

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

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

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

WHEREAS, the agricultural sector is a significant contributor to the excess delivery of nutrients to surface waters throughout this state and has been identified as the dominant source of both phosphorus and nitrogen within the Lake Okeechobee watershed and a number of other basin management action plan areas, and

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

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

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. Subsection (5) of section 373.4131, Florida Statutes, is amended, and subsection (6) is added to that section, to read:
(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 coordinating field inspections of publicly and privately owned stormwater structural controls, such as stormwater retention or 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 using the most recent scientific information available; and
   (b) The department shall evaluate inspection data relating to compliance by those entities that self-certify under s. 403.814(12) and provide the Legislature with recommendations for improvements to the self-certification program.

Section 4. 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, a new paragraph (d) is added to that subsection, and subsections (3) and (4) of that section are amended, to read:

381.0065 Onsite sewage treatment and disposal systems;

(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 HEALTH.—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
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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 the department 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 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 Florida and that are principally located in Florida. Research projects may be 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 from the issuance date and may be extended by the department for one 90-day period under rules adopted by
the department. A repair permit is valid for 90 days from the date of issuance. An operating permit must be obtained before
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 from the date of issuance and must be renewed annually. The operating permit for an aerobic treatment unit is valid for 2 years 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. There is no fee 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 a developer or other appropriate entity.

(d) Paragraphs (a) and (b) do not apply to any proposed residential subdivision with more than 50 lots or to any proposed commercial subdivision with more than 5 lots where a publicly owned or investor-owned sewerage 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 to locate 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 are adopted. 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.
Onsite sewage treatment and disposal systems that are permitted before adoption of the rules identified in paragraph (e) may 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.

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.

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. There is no fee 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, exists for the treatment of the sewage; and

c. The discharge from the onsite sewage treatment and disposal system will not adversely affect the health of the applicant or the public or significantly degrade the groundwater or surface waters.
Where soil conditions, water table elevation, and setback provisions are determined by the department to be satisfactory, special consideration must be given to those lots platted before 1972.

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

   a. The Secretary of Environmental Protection State Surgeon General or his or her designee.
   b. A representative from the county health departments.
   c. A representative from the home building industry recommended by the Florida Home Builders Association.
   d. A representative from the septic tank industry recommended by the Florida Onsite Wastewater Association.
   e. A representative from the Department of Health Environmental Protection.
   f. A representative from the real estate industry who is also a developer in this state who develops lots using onsite sewage treatment and disposal systems, recommended by the
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 sewerage system is not available within 500 feet of the building sewer stub-out and if system construction and operation standards can be met. This paragraph does not require publicly owned or investor-owned sewerage treatment systems to accept anything other than domestic wastewater.

1. A building located in an area zoned or used for industrial or manufacturing purposes, or its equivalent, when such building is served by an onsite sewage treatment and disposal system, must not be occupied until the owner or tenant has obtained written approval from the department. The department may not grant approval when the proposed use of the system is to dispose of toxic, hazardous, or industrial
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, need not obtain a system operating permit. However, upon change of ownership or tenancy, the new owner or operator must notify the department of the change, and the new owner or operator must obtain an annual system operating permit, regardless of the date that the system was installed or approved.

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

(j) An onsite sewage treatment and disposal system designed 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 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 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 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 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 central sewer by December 31, 2015, if the property owner has paid a connection fee or assessment for connection to the central 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 sewer system until December 31, 2020.

(m) No product sold in the state for use in onsite sewage treatment and disposal systems may 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. 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 Secretary of Environmental Protection 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.

(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 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.

(q) The department may not require any form of subdivision analysis of property by an owner, developer, or subdivider prior to submission of an application for an onsite sewage treatment and disposal system.
(r) Nothing in this section limits the power of a municipality or county to enforce other laws for the protection of the public health and safety.

(s) In the siting of onsite sewage treatment and disposal systems, including drainfields, shoulders, and slopes, guttering 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.

(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 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 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 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.

(u) 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. 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.

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).

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.

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

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

b. The system is not a sanitary nuisance; and

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

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

(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.

(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 5. Section 381.00652, Florida Statutes, is created to read:

381.00652 Onsite sewage treatment and disposal systems technical advisory committee.
(1) 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 in the marketplace of enhanced nutrient-reducing onsite sewage treatment and disposal systems, including 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.

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

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

   1. A professional engineer.
   2. A septic tank contractor.
   3. A representative 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.
(4) 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.
(5) This section expires August 15, 2022.
(6) For purposes of this section, the term “department” means the Department of Environmental Protection.
Section 6. Effective July 1, 2021, section 381.0068, Florida Statutes, is repealed.
Section 7. Present subsections (14) through (44) of section 403.061, Florida Statutes, are redesignated as subsections (15) through (45), respectively, a new subsection (14) is added to that section, and subsection (7) of that section is amended, 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 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 county, municipality, or
political subdivision may not 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 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 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.
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 8. 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 waterbodies 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 9. Subsection (7) of section 403.067, Florida Statutes, is amended to read:
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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, where appropriate, and voluntary trading of water quality credits to achieve the needed pollutant load reductions.

2. A basin management action plan must equitably allocate, pursuant to paragraph (6)(b), pollutant reductions to individual basins, as a whole to all basins, or to each identified point source or category of nonpoint sources, as appropriate. For nonpoint sources for which best management practices have been adopted, the initial requirement specified by the plan must be those practices developed pursuant to paragraph (c).
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 utilities, if the department identifies domestic wastewater 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 that addresses domestic wastewater developed by each local government in cooperation with the department, the water management district, and the public and private domestic wastewater facilities within the jurisdiction of the local government. 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 facility.

   (II) Include the permitted capacity in average annual gallons per day for the domestic wastewater facility; the average nutrient concentration and the estimated average nutrient load of the domestic wastewater; a 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.

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 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 systems, or that would remain on conventional onsite sewage treatment and disposal systems;

(C) Estimate the costs of potential onsite sewage treatment and disposal systems 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.

(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) or s. 403.061(21), and public education;

   c. Other water quality management and restoration activities, for example surface water improvement and management plans approved by water management districts or basin management action plans developed pursuant to this subsection;
d. Trading of water quality credits or other equitable economically based agreements;

e. Public works including capital facilities; or

f. Land acquisition.

2. For a basin management action plan adopted pursuant to paragraph (a), any management strategies and pollutant reduction requirements associated with a pollutant of concern for which a 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. Where interim measures, best management practices, or
other measures are adopted by rule, the effectiveness of such
practices in achieving the levels of pollution reduction
established in allocations developed by the department pursuant
to subsection (6) and this subsection or in programs implemented pursuant to paragraph (12)(b) must be verified at representative sites by the department. The department shall use best professional judgment in making the initial verification that the best management practices are reasonably expected to be effective and, where applicable, 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. Where 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.
Should the reevaluation determine that the best management
practice or other measure requires modification, the department,
a water management district, or the Department of Agriculture
and Consumer Services, as appropriate, shall revise the rule to
require implementation of the modified practice within a
reasonable time period as specified in the rule.

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

6. 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
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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 review of the best management practice documentation required by rule adopted in accordance with subparagraph (c)2., including, but not limited to, nitrogen and phosphorous fertilizer application records, which must be collected and retained pursuant to subparagraphs (c)3., 4., and 6.

(e) Data collection and research.—

1. The Department of Agriculture and Consumer Services, the University of Florida Institute of Food and Agricultural...
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1622 Sciences, and other state universities and Florida College
1623 System institutions with agricultural research programs may
1624 annually develop research plans and legislative budget requests
1625 to:
1626   a. Evaluate and suggest enhancements to the existing
1627 adopted agricultural best management practices to reduce
1628 nutrients;
1629   b. Develop new best management practices that, if proven
effective, the Department of Agriculture and Consumer Services
may adopt by rule pursuant to paragraph (c); and
1630   c. Develop agricultural nutrient 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 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.

1641 2. To be considered for funding, the University of Florida
1642 Institute of Food and Agricultural Sciences and other state
1643 universities and Florida College System institutions that have
1644 agricultural research programs must submit such plans to the
1645 department and the Department of Agriculture and Consumer
1646 Services by August 1 of each year.

1647 Section 10. Section 403.0673, Florida Statutes, is created
to read:
1649 403.0673 Wastewater grant program.—A wastewater grant
1650 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 them 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 plants. First priority must be given to subsidize connection 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 connection of onsite sewage treatment and disposal systems to a wastewater treatment plants. The department shall consider the estimated reduction in nutrient load per project; project readiness; cost-effectiveness of the project; 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 11. Section 403.0855, Florida Statutes, is created to read:

403.0855 Biosolids management.—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 waterbodies. The Legislature further finds that the expedited implementation of the recommendations of the Biosolids Technical Advisory Committee, including 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. The department shall adopt rules for biosolids...
management. Rules adopted by the department pursuant to this section before the 2021 regular legislative session are not subject to s. 120.541(3). A municipality or county may enforce or extend an ordinance, a regulation, a resolution, a rule, a moratorium, or a policy, any of which was adopted before November 1, 2019, relating to the land application of Class B biosolids until the ordinance, regulation, resolution, rule, moratorium, or policy is repealed by the municipality or county.

Section 12. Present subsections (7) through (10) of section 403.086, Florida Statutes, are redesignated as subsections (8) through (11), respectively, a new subsection (7) is added to that section, and paragraph (c) of subsection (1) and subsection (2) of that section are amended, to read:

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

(1)

(c) Notwithstanding any other provisions of this chapter or chapter 373, 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, Indian River Lagoon beginning July 1, 2025, 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 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
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to facilities permitted to discharge to the nontidally
influenced portions of the Peace River.

(2) Any facilities for sanitary sewage disposal shall
provide for secondary waste treatment, a power outage
contingency plan that mitigates the impacts of power outages on
the utility’s collection system and pump stations, and, in
addition thereto, advanced waste treatment as deemed necessary
and ordered by the Department of Environmental Protection.

Failure to conform is shall be punishable by a civil penalty of
$500 for each 24-hour day or fraction thereof that such failure
is allowed to continue thereafter.

(7) All facilities for sanitary sewage 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 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 plan must
include information regarding the annual expenditures dedicated
to the inflow and infiltration studies and the required
replacement action plans, as well as expenditures that are
dedicated to pipe assessment, repair, and replacement. The
department shall adopt rules regarding the implementation of
inflow and infiltration studies and leakage surveys; however, such department rules may not fix or revise utility rates or budgets. Any entity subject to this subsection and s. 403.061(14) may submit one report to comply with both provisions. Substantial compliance with this subsection is evidence in mitigation for the purposes of assessing penalties pursuant to ss. 403.121 and 403.141.

Section 13. 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 14. Present subsections (3) and (4) of section 403.088, Florida Statutes, are redesignated as subsections (4) and (5), respectively, a new subsection (3) is added to that section, and paragraph (c) of subsection (2) of that section is amended, 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. 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.
year. The report must identify the utility name, operator, permitted capacity in annual average gallons per day, the number of overflows, and the total volume of sewage released, and, to the extent known and available, the volume of sewage recovered, the volume of sewage discharged to surface waters, and the cause of the sanitary sewer overflow, including whether it 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 15. 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 16. 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 $10,000 per assessment as calculated in accordance with subsections (3), (4), (5), (6), and (7).

Pursuant to 42 U.S.C. s. 300g-2, the administrative penalty 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 $10,000 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.

(g) Nothing herein shall be construed as preventing any
other legal or administrative action in accordance with law. 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.

(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. 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
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, shall be added to the
scheduled administrative penalty. The total administrative
penalty, including any economic benefit added to the scheduled
administrative penalty, shall not exceed $20,000 $10,000.

(9) The administrative penalties assessed for any
particular violation 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 shall
not exceed $50,000 $10,000 per assessment for all violations
attributable to a specific person in the notice of violation.

Section 17. 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 ss. 403.086(7) and 403.088(2)(c).
(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 18. 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
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 19. The Legislature determines and declares that this act fulfills an important state interest.

Section 20. 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 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 21. 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 22. 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 23. 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)
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 24. 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 ss. 403.061(38) and 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 Environmental Protection.

(3) Each application for a permit authorized pursuant to ss. 403.061(39) and 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) or s. 403.061(39) shall be incorporated into port master plans developed pursuant to s. 163.3178(2)(k).

Section 25. 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 403.061(27), or an aquatic preserve established under ss. 258.39-258.399 may request that the commission establish boating-restricted areas solely to protect any seagrass and contiguous seagrass habitat within their private property.
boundaries from seagrass scarring due to propeller dredging. Owners making a request pursuant to this paragraph must demonstrate to the commission clear ownership of the submerged lands. The commission shall adopt rules to implement this paragraph, including, but not limited to, establishing an application process and criteria for meeting the requirements of this paragraph. Each approved boating-restricted area shall be established by commission rule. For marking boating-restricted zones established pursuant to this paragraph, owners of privately submerged lands shall apply to the commission for a uniform waterway marker permit in accordance with ss. 327.40 and 327.41, and shall be responsible for marking the boating-restricted zone in accordance with the terms of the permit.

Section 26. 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 27. Subsection (9) of section 373.414, Florida Statutes, is amended to read:

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

(9) The department and the governing boards, on or before July 1, 1994, shall adopt rules to incorporate the provisions of this section, relying primarily on the existing rules of the department and the water management districts, into the rules governing the management and storage of surface waters. Such rules shall seek to achieve a statewide, coordinated and consistent permitting approach to activities regulated under this part. Variations in permitting criteria in the rules of individual water management districts or the department shall only be provided to address differing physical or natural characteristics. Such rules adopted pursuant to this subsection shall include the special criteria adopted pursuant to s. 403.061(30) and may include the special criteria adopted pursuant to s. 403.061(35). 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 28. 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 29. 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 30. 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 31. 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 32. Paragraph (k) of subsection (1) of section 376.307, Florida Statutes, is amended to read:

(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) and 403.086(9) which are authorized for implementation under the Leah Schad Memorial Ocean Outfall Program.

Section 33. 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), as applicable.

(4) REMOVAL OF DESIGNATION.—

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

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

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

Section 34. 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) (18) A food service inspection function for domestic violence centers that are certified by the Department of Children and Families and monitored by the Florida Coalition Against Domestic Violence under part XII of chapter 39 and group care homes as described in subsection (15) (16), which shall be conducted annually and be limited to the requirements in department rule applicable to community-based residential facilities with five or fewer residents.

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

Section 35. Effective July 1, 2021, subsection (1) of section 381.0061, Florida Statutes, is amended to read:

381.0061 Administrative fines.—

(1) In addition to any administrative action authorized by chapter 120 or by other law, the department may impose a fine, which may 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 36. 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 37. 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 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
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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. 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) 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 38. 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 evaluations.

Section 39. 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
Section 40. 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 (4), 161.0535 (7), 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 41. 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 s. 403.087(7)(a)5.a. the provisions of s. 403.087(6)(a)5.a. for the construction of a new major source of air pollution that will be subject to the permitting requirements of this section once constructed and for activities triggering permitting requirements under Title I, Part C or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-7514a.

Section 42. 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 43. 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)5.a. 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) 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 ss. 403.061(30)(b) and 403.061(29)(b).

Section 44. 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 45. 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) 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 46. The Division of Law Revision is directed to replace the phrase “adoption of the rules identified in
paragraph (e)” as it is used in the amendment made by this act to s. 381.0065, 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 47. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2020.
I. Summary:

PCS/CS/SB 712 includes recommendations from the Blue-Green Algae Task Force. The major topics in this bill include onsite sewage treatment and disposal systems (OSTDSs, commonly referred to as septic systems), wastewater, stormwater, agriculture, and biosolids. The bill directs the Department of Environmental Protection (DEP) to make rules relating to most of these topics. Note that rules that cost at least $1 million over the first five years of implementation require legislative ratification. Therefore, several of these provisions may not be fully effectuated without additional legislation.

The DEP will incur indeterminate additional costs in developing multiple new regulatory programs, updating basin management action plans (BMAPs), promulgating rules, and developing, submitting, and reviewing new reports. The DEP can absorb these costs within existing resources. The implementation of the real-time water quality monitoring and wastewater grant programs will have a negative fiscal impact on the DEP, but these provisions are subject to appropriations. See Section V.

Regarding OSTDSs, the bill:
- Transfers the regulation of OSTDSs from the Department of Health (DOH) to the DEP.
- Directs the DEP to adopt rules to locate OSTDSs by July 1, 2022:

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1 Section 120.541(3), F.S.
These rules will take into consideration conventional and advanced OSTDS designs, impaired water bodies, wastewater and drinking water infrastructure, potable water sources, nonpotable wells, stormwater infrastructure, OSTDS remediation plans, nutrient pollution, and the recommendations of an OSTDS technical advisory committee;

- Once those rules are adopted, they will supersede the existing statutory requirements for setbacks.

**Deletes the DOH OSTDS technical advisory committee and creates a DEP OSTDS technical advisory committee that will expire on August 15, 2022, after making recommendations to the Governor and the Legislature regarding the regulation of OSTDSs.**

**Requires local governments to develop OSTDS remediation plans within BMAPs if the DEP determines that OSTDSs contribute at least 20 percent of the nutrient pollution or if the DEP determines remediation is necessary to achieve the total maximum daily load. Such plans must be adopted as part of the BMAPs no later than July 1, 2025.**

Regarding wastewater, the bill:

- Creates a wastewater grant program, subject to appropriation, within the DEP that requires a 50 percent local match of funds. Eligible projects include:
  - Projects to upgrade OSTDSs.
  - Projects to construct, upgrade, or expand facilities to provide advanced waste treatment.
  - Projects to connect OSTDSs to central sewer facilities.
- Requires the DEP to submit an annual report to the Governor and the Legislature on the projects funded by the wastewater grant program.
- Provides incentives for wastewater projects that promote efficiency by coordinating wastewater infrastructure expansions with other infrastructure improvements.
- Gives priority in the state revolving loan fund for eligible wastewater projects that meet the additional requirements of the bill to prevent leakage, overflows, infiltration, and inflow.
- Requires the DEP to adopt rules to reasonably limit, reduce, and eliminate leaks, seepages, or inputs into the underground pipes of wastewater collection systems.
- Authorizes the DEP to require public utilities seeking a wastewater discharge permit to file reports and other data regarding utility costs:
  - Such reports may include data related to expenditures on pollution mitigation and prevention, including the prevention of sanitary sewer overflows, collection and transmission system pipe leakages, and inflow and infiltration.
  - The DEP is required to adopt rules related to these requirements.
- Requires local governments to develop wastewater treatment plans within BMAPs if the DEP determines that domestic wastewater facilities contribute at least 20 percent of the nutrient pollution or if the DEP determines remediation is necessary to achieve the total maximum daily load. Such plans must be adopted as part of the BMAPs no later than July 1, 2025.
- Adds to the DEP’s penalty schedule a penalty of $4,000 for failure to survey an adequate portion of a wastewater collection system and take steps to reduce sanitary sewer overflows, pipe leaks, and inflow and infiltration. Substantial compliance with certain bill requirements is evidence in mitigation for penalty assessment.
- Increases the cap on the DEP’s administrative penalties from $10,000 to $50,000.
- Doubles the wastewater administrative penalties.
- Prohibits facilities for sanitary sewage disposal from disposing of waste into the Indian River Lagoon and its tributaries without providing advanced waste treatment.
• Requires facilities for sanitary sewage disposal to provide for a power outage contingency plan for collection systems and pump stations.

• Requires facilities for sanitary sewage to prevent sanitary sewer overflows or underground pipe leaks and ensure that collected wastewater reaches the facility for appropriate treatment.
  o The bill requires studies, plans, and reports related to this requirement (the action plan).
  o The DEP must adopt rules regarding the implementation of inflow and infiltration studies and leakage surveys.

• Authorizes certain facilities for sanitary sewage to receive 10-year permits if they are meeting the goals in their action plan for inflow, infiltration, and leakage prevention.

• Makes the following changes relating to water pollution operation permits:
  o The permit must require the investigation or surveying of the wastewater collection system to determine pipe integrity.
  o The permit must require an annual report to the DEP, which details facility revenues and expenditures in a manner prescribed by the DEP rule, including any deviation from annual expenditures related to their action plan.

• Requires the DEP to submit an annual report to the Governor and the Legislature that identifies all wastewater utilities that experienced a sanitary sewer overflow in the preceding calendar year. The DEP must include with this report certain utility-specific information for each utility that experienced an overflow.

Regarding stormwater, the bill:
• Requires the DEP and the Water Management Districts (WMDs), by January 1, 2021, to initiate rulemaking to update their stormwater rules.

• Requires the DEP, by January 1, 2021, to evaluate inspection data relating to entities that self-certify their stormwater permits and provide the Legislature with recommendations for improvements to the self-certification program.

• Directs the DEP and the Department of Economic Opportunity to include in their model stormwater management program ordinances that target nutrient reduction practices and use green infrastructure.

Regarding agriculture, the bill:
• Requires the Department of Agriculture and Consumer Services (DACS) to collect and provide to the DEP fertilization and nutrient records from each agriculture producer enrolled in best management practices.

• Requires the DACS to perform onsite inspections of each agricultural producer that enrolls in a best management practice every two years.

• Authorizes the DACS and institutions of higher education with agricultural research programs to develop research plans and legislative budget requests relating to the evaluation and improvement of agricultural best management practices and agricultural nutrient reduction projects.

Regarding biosolids, the bill:
• Requires the DEP to adopt rules for biosolids management.

• Exempts the biosolids rules from legislative ratification if they are adopted prior to the 2021 legislative session.
• Clarifies that local governments with biosolids ordinances may retain those ordinances until repealed.

The bill also creates a real-time water quality monitoring program, subject to appropriation, within the DEP.

The effective date of the bill is July 1, 2021.

II. Present Situation:

Water Quality and Nutrients

Phosphorus and nitrogen are naturally present in water and are essential nutrients for the healthy growth of plant and animal life. The correct balance of both nutrients is necessary for a healthy ecosystem; however, excessive nitrogen and phosphorus can cause significant water quality problems.

Phosphorus and nitrogen are derived from natural and human-made sources. Natural inputs include the atmosphere, soils, and the decay of plants and animals. Human-made sources include sewage disposal systems (wastewater treatment facilities and septic systems), overflows of storm and sanitary sewers (untreated sewage), agricultural production and irrigation practices, and stormwater runoff.²

Excessive nutrient loads may result in harmful algal blooms, nuisance aquatic weeds, and the alteration of the natural community of plants and animals. Dense, harmful algal blooms can also cause human health problems, fish kills, problems for water treatment plants, and impairment of the aesthetics and taste of waters. Growth of nuisance aquatic weeds tends to increase in nutrient-enriched waters, which can impact recreational activities.³

Blue-Green Algae Task Force

In January of 2019, Governor DeSantis issued the comprehensive Executive Order Number 19-12.⁴ The order directed the Department of Environmental Protection (DEP) to establish a Blue-Green Algae Task Force charged with expediting progress towards reducing nutrient pollution and the impacts of blue-green algae (cyanobacteria) blooms in the state.⁵ The task force’s responsibilities include identifying priority projects for funding and making recommendations for regulatory changes. The five-person task force issued a consensus document on October 11, 2019.⁶ To the extent that the task force has issued recommendations on topics addressed in this Present Situation, those recommendations are included in the relevant section.

Total Maximum Daily Loads

A total maximum daily load (TMDL), which must be adopted by rule, is a scientific determination of the maximum amount of a given pollutant that can be absorbed by a waterbody and still meet water quality standards. Waterbodies or sections of waterbodies that do not meet the established water quality standards are deemed impaired. Pursuant to the federal Clean Water Act, the DEP is required to establish a TMDL for impaired waterbodies. A TMDL for an impaired waterbody is defined as the sum of the individual waste load allocations for point sources and the load allocations for nonpoint sources and natural background. Point sources are discernible, confined, and discrete conveyances including pipes, ditches, and tunnels. Nonpoint sources are unconfined sources that include runoff from agricultural lands or residential areas.

Basin Management Action Plans and Best Management Practices

The DEP is the lead agency in coordinating the development and implementation of TMDLs. Basin management action plans (BMAPs) are one of the primary mechanisms the DEP uses to achieve TMDLs. BMAPs are plans that address the entire pollution load, including point and nonpoint discharges, for a watershed. BMAPs generally include:

- Permitting and other existing regulatory programs, including water quality based effluent limitations;
- Best management practices (BMPs) and non-regulatory and incentive-based programs, including cost-sharing, waste minimization, pollution prevention, agreements, and public education;
- Public works projects, including capital facilities; and
- Land acquisition.

The DEP may establish a BMAP as part of the development and implementation of a TMDL for a specific waterbody. First, the BMAP equitably allocates pollutant reductions to individual basins, to all basins as a whole, or to each identified point source or category of nonpoint sources. Then, the BMAP establishes the schedule for implementing projects and activities to meet the pollution reduction allocations. The BMAP development process provides an opportunity for local stakeholders, local government and community leaders, and the public to participate.

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8 Section 403.067(1), F.S.
9 Section 403.031(21), F.S.
10 Fla. Admin. Code R. 62-620.200(37). “Point source” is defined as “any discernible, confined, and discrete conveyance, including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged.” Nonpoint sources of pollution are sources of pollution that are not point sources. Nonpoint sources can include runoff from agricultural lands or residential areas; oil, grease and toxic materials from urban runoff; and sediment from improperly managed construction sites.
11 Section 403.061, F.S. DEP has 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. Furthermore, s. 403.061(21), F.S., allows DEP to advise, consult, cooperate, and enter into agreements with other state agencies, the federal government, other states, interstate agencies, etc.
12 Section 403.067(7), F.S.
13 Id.
collectively determine and share water quality cleanup responsibilities collectively. BMAPs are adopted by secretarial order.

BMAPs must include milestones for implementation and water quality improvement. They must also include 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 must be conducted every five years, and revisions to the BMAP must be made as appropriate.

Producers of nonpoint source pollution included in a BMAP must comply with the established pollutant reductions by either implementing the appropriate BMPs or by conducting water quality monitoring. A nonpoint source discharger may be subject to enforcement action by the DEP or a water management district (WMD) based on a failure to implement these

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15 Section 403.067(7)(a)5., F.S.
16 Section 403.067(7)(a)6., F.S.
17 Section 403.067(7)(b)2.g., F.S. For example, BMPs for agriculture include activities such as managing irrigation water to minimize losses, limiting the use of fertilizers, and waste management.
requirements. BMPs are designed to reduce the amount of nutrients, sediments, and pesticides that enter the water system and to help reduce water use. BMPs are developed for agricultural operations as well as for other activities, such as nutrient management on golf courses, forestry operations, and stormwater management.

Currently, BMAPs are adopted or pending for a significant portion of the state and will continue to be developed as necessary to address water quality impairments. The graphic above shows the state’s adopted and pending BMAPs.

The Blue-Green Algae Task Force made the following recommendations for BMAPs:
- Include regional storage and treatment infrastructure in South Florida watersheds.
- Consider land use changes, legacy nutrients, and the impact of the BMAP on downstream waterbodies.
- Develop a more targeted approach to project selection.
- Evaluate project effectiveness through monitoring.

Agricultural BMPs

Agricultural best management practices (BMPs) are practical measures that agricultural producers undertake to reduce the impacts of fertilizer and water use and otherwise manage the landscape to further protect water resources. BMPs are developed using the best available science with economic and technical consideration and, in certain circumstances, can maintain or enhance agricultural productivity. BMPs are implemented by the Department of Agriculture and Consumer Services (DACS). Since the BMP program was implemented in 1999, the DACS has adopted nine BMP manuals and is currently developing two more that cover nearly all major agricultural commodities in Florida. According to the annual report on BMPs prepared by the DACS, approximately 54 percent of agricultural acreage is enrolled in the DACS BMP program statewide. Producers implementing BMPs receive a presumption of compliance with state water quality standards for the pollutants addressed by the BMPs and those who enroll in the BMP program become eligible for technical assistance and cost-share funding for BMP implementation. To enroll in the BMP program, producers must meet with the Office of Agricultural Water Policy (OAWP) to determine the BMPs that are applicable to their operation.
and submit a Notice of Intent to Implement the BMPs, along with the BMP checklist from the applicable BMP manual.\textsuperscript{26} Within a BMAP, management strategies, including BMPs and water quality monitoring, are enforceable.\textsuperscript{27} The University of Florida’s Institute of Food and Agricultural Sciences (IFAS) is heavily involved in the adoption and implementation of BMPs. The IFAS provides expertise to both the DACS and agriculture producers, and has extension offices throughout Florida. The IFAS puts on summits and workshops on BMPs,\textsuperscript{28} conducts research to issue recommendations for improving BMPs,\textsuperscript{29} and issues training certificates for BMPs that require licenses such as Green Industry BMPs.\textsuperscript{30}

For agriculture and BMPs, the Blue-Green Algae Task Force recommended:

- Increasing BMP enrollment.
- Improving records and additional data collection.
- Accelerating updates to BMP manuals.\textsuperscript{31}

**BMAPs for Outstanding Florida Springs**

In 2016, the Legislature passed the Florida Springs and Aquifer Protection Act, which identified 30 "Outstanding Florida Springs" (OFS) that have additional statutory protections and requirements.\textsuperscript{32} Key aspects of the Springs and Aquifer Protection Act relating to water quality include:

- The designation of a priority focus area for each OFS. A priority focus area of an OFS means the area or areas of a basin where the Florida Aquifer is generally most vulnerable to pollutant inputs where there is a known connectivity between groundwater pathways and an Outstanding Florida Spring, as determined by the DEP in consultation with the appropriate WMDs, and delineated in a BMAP;\textsuperscript{33}
- The development of an onsite sewage treatment and disposal system (OSTDS) remediation plan\textsuperscript{34} if it has been determined that OSTDSs within a priority focus area contribute at least 20 percent of nonpoint source nitrogen pollution or that remediation is necessary to achieve the TMDL;
- A 20-year timeline for implementation of the TMDL, including 5-, 10-, and 15-year targets;\textsuperscript{35} and

\textsuperscript{27} Section 403.067(7)(d), F.S.
\textsuperscript{28} UF/IFAS, *BMP Resource*, available at https://bmp.ifas.ufl.edu/ (last visited Dec. 5, 2019).
\textsuperscript{31} Id.
\textsuperscript{32} Chapter 2016-1, Laws of Fla.; see s. 373.802, F.S., Outstanding Florida Springs include all historic first magnitude springs, including their associated spring runs, as determined by DEP using the most recent Florida Geological Survey springs bulletin, and De Leon Springs, Peacock Springs, Poe Springs, Rock Springs, Wekiwa Springs, and Gemini Springs, and their associated spring runs.
\textsuperscript{33} Section 373.802(5), F.S.
\textsuperscript{34} Commonly called a “septic remediation plan.”
\textsuperscript{35} Section 373.807, F.S.
• The prohibition against new OSTDSs on parcels of less than 1 acre, unless the system
  complies with the OSTDS remediation plan.  

The DEP is the lead agency in coordinating the preparation and adoption of the OSTDS
remediation plan. The OSTDS remediation plan must include options for repair, upgrade,
replacement, drainfield modification, the addition of effective nitrogen reducing features,
connection to a central sewerage system, or other action for a sewage system or group of
systems. The options must be cost-effective and financially feasible projects necessary to
reduce the nutrient impacts from OSTDSs within the area.

In June 2018, the DEP adopted 13 BMAPs, addressing all 24 nitrogen-impaired OFS. Eight of
these plans are currently effective, while five others are pending the outcome of legal challenges
on various alleged deficiencies in the BMAPs. These alleged deficiencies include lack of
specificity in the required list of projects and programs identified to implement a TMDL, lack of
detail in cost estimates, incomplete or unclear strategies for nutrient reduction, and failure to
account for population growth and agricultural activity.

Wastewater Treatment Facilities

The proper treatment and disposal or reuse of domestic wastewater is an important part of
protecting Florida’s water resources. The majority of Florida’s domestic wastewater is controlled
and treated by centralized treatment facilities regulated by the DEP. Florida has approximately
2,000 permitted domestic wastewater treatment facilities.

Chapter 403, F.S., requires that any facility or activity which discharges waste into waters of the
state or which will reasonably be expected to be a source of water pollution must obtain a permit
from the DEP. Generally, persons who intend to collect, transmit, treat, dispose, or reuse
wastewater are required to obtain a wastewater permit. A wastewater permit issued by the DEP is
required for both operation and certain construction activities associated with domestic or
industrial wastewater facilities or activities. A DEP permit must also be obtained prior to
construction of a domestic wastewater collection and transmission system.

Under section 402 of the Clean Water Act, any discharge of a pollutant from a point source to
surface waters (i.e., the navigable waters of the United States or beyond) must obtain a National

36 Section 373.811, F.S.
37 Section 373.807(3), F.S.
38 Id.
40 Our Santa Fe River, Inc., et. al. v. DEP, No. 18-1601, DEP No. 18-2013; Sierra Club v. DEP, No. 17-1175, DEP No. 18-0204; Friends of Wekiva River, Inc. v. DEP, No. 18-1065, DEP No. 18-0217; Thomas Greenhalgh v. DEP, No. 17-1165, DEP No. 18-0204; Paul Still v. DEP, No. 18-1061; Save the Manatee Club, Inc. v. DEP, No. 17-1167, DEP No. 18-0206; Silver Springs Alliance, Inc. and Rainbow River Conservation, Inc. v. DEP, No. 18-1060, DEP No. 18-0211.
42 Section 403.087, F.S.
Pollution Discharge Elimination System (NPDES) permit. 44 NPDES permit requirements for most wastewater facilities or activities (domestic or industrial) that discharge to surface waters are incorporated into a state-issued permit, thus giving the permittee one set of permitting requirements rather than one state and one federal permit. 45 The DEP issues operation permits for a period of five years for facilities regulated under the NPDES program and up to 10 years for other domestic wastewater treatment facilities meeting certain statutory requirements. 46

In its 2016 Report Card for Florida’s Infrastructure, the American Society of Civil Engineers reported that the state’s wastewater system is increasing in age and the condition of installed treatment and conveyance systems is declining. 47 As existing infrastructure ages, Florida utilities are placing greater emphasis on asset management systems to maintain service to customers. Population growth, aging infrastructure, and sensitive ecological environments are increasing the need to invest in Florida’s wastewater infrastructure. 48

**Advanced Waste Treatment**

Under Florida law, facilities for sanitary sewage disposal are required to provide for advanced waste treatment, as deemed necessary by the DEP. 49 The standard for advanced waste treatment is defined in statute using the maximum concentrations of nutrients or contaminants that a reclaimed water product may contain. 50 The standard also requires high-level disinfection. 51

<table>
<thead>
<tr>
<th>Nutrient or Contaminant</th>
<th>Maximum Concentration Annually</th>
</tr>
</thead>
<tbody>
<tr>
<td>Biochemical Oxygen Demand</td>
<td>5 mg/L</td>
</tr>
<tr>
<td>Suspended Solids</td>
<td>5 mg/L</td>
</tr>
<tr>
<td>Total Nitrogen</td>
<td>3 mg/L</td>
</tr>
<tr>
<td>Total Phosphorus</td>
<td>1 mg/L</td>
</tr>
</tbody>
</table>

Facilities for sanitary sewage disposal are prohibited from disposing of waste into certain waters in the state without providing advanced waste treatment approved by the DEP. 52 Specifically, Tampa Bay is viewed as a success story for this type of prohibition.

[Tampa Bay is] one of the few estuaries in the U.S. that has shown evidence of improving environmental conditions. These water-quality

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44 33 U.S.C. s. 1342.
45 Sections 403.061 and 403.087, F.S.
46 Section 403.087(3), F.S.
48 Id.
49 Section 403.086(2), F.S.
50 Section 403.086(4), F.S.
52 Section 403.086(1)(c), F.S. 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 into any river, stream, channel, canal, bay, bayou, sound, or other water tributary thereto, without providing advanced waste treatment approved by DEP. This prohibition does not apply to facilities permitted by February 1, 1987, and which discharge secondary treated effluent, followed by water hyacinth treatment, to tributaries of the named waters; or to facilities permitted to discharge to the nontidally influenced portions of the Peace River.
improvements have been due, in large part, to upgrades in wastewater-treatment practices at municipal wastewater-treatment plants in the region.

Since 1980, all wastewater-treatment plants that discharge to the bay or its tributaries have been required by state legislation to meet advanced wastewater-treatment standards, a step that has reduced the annual nutrient loads from these sources by about 90 percent.\textsuperscript{53}

\textbf{Sanitary Sewer Overflows, Leakages, and Inflow and Infiltration}

Although domestic wastewater treatment facilities are permitted and designed to safely and properly collect and manage a specified wastewater capacity, obstructions or extreme conditions can cause a sanitary sewer overflow (SSO). Any overflow, spill, release, discharge, or diversion of untreated or partially treated wastewater from a sanitary sewer system is a SSO.\textsuperscript{54} A SSO may subject the owner or operator of a facility to civil penalties of not more than $10,000 for each offense, a criminal conviction or fines, and additional administrative penalties.\textsuperscript{55} Each day during the period in which a violation occurs constitutes a separate offense.\textsuperscript{56} However, administrative penalties are capped at $10,000.\textsuperscript{57}

A key concern with SSOs entering rivers, lakes, or streams is their negative effect on water quality. In addition, because SSOs contain partially treated or potentially untreated domestic wastewater, ingestion or similar contact may cause illness. People can be exposed through direct contact in areas of high public access, food that has been contaminated, inhalation, and skin absorption. The Department of Health (DOH) issues health advisories when bacteria levels present a risk to human health and may post warning signs when bacteria affect public beaches or other areas where there is a risk of human exposure.\textsuperscript{58}

Reduction of SSOs can be achieved through:
- Cleaning and maintaining the sewer system;
- Reducing inflow and infiltration through rehabilitation and repairing broken or leaking lines;
- Enlarging or upgrading sewer, pump station, or sewage treatment plant capacity and/or reliability; and
- Constructing wet weather storage and treatment facilities to treat excess flows.\textsuperscript{59}

Inflow and Infiltration (I&I) occurs when groundwater and/or rainwater enters the sanitary sewer system and ends up at the wastewater treatment facility, necessitating its treatment as if it were


\textsuperscript{55} Sections 403.121 and 403.141, F.S.

\textsuperscript{56} \textit{Id.}

\textsuperscript{57} Section 403.121(2)(b),(8), and (9), F.S.

\textsuperscript{58} DEP, \textit{SSOs,} available at \url{https://floridadep.gov/sites/default/files/sanitary-sewer-overflows.pdf}.

\textsuperscript{59} \textit{Id.}
wastewater. I&I can be caused by groundwater infiltrating the sewer system through faulty pipes or infrastructure, or any inflows of rainwater or non-wastewater into the sewer system.

I&I is a major cause of SSOs in Florida. When domestic wastewater facilities are evaluated for permit renewal, collection systems are not evaluated for issues such as excessive infiltration/inflow unless problems result at the treatment plant. Another major cause of SSOs is the loss of electricity to the infrastructure for the collection and transmission of wastewater, such as pump stations, especially during storms. Pump stations receiving flow from another station through a force main, or those discharging through pipes 12 inches or larger, must have emergency generators. All other pump stations must have emergency pumping capability through one of three specified arrangements. These requirements for emergency pumping capacity only apply to domestic wastewater collection/transmission facilities existing after November 6, 2003, unless facilities existing prior to that date are modified.

The Blue-Green Algae Task Force made the following recommendations relating to SSOs:

- Emergency back-up capabilities should be required for all lift stations constructed prior to 2003.
- The DEP and wastewater facilities should take a more proactive approach to infiltration and inflow issues.

**Wastewater Asset Management**

Asset management is the practice of managing infrastructure capital assets to minimize the total cost of owning and operating these assets while delivering the desired service levels. Many utilities use asset management to pursue and achieve sustainable infrastructure. A high-performing asset management program includes detailed asset inventories, operation and maintenance tasks, and long-range financial planning.

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62 Fla. Admin. Code R. 62-600.735; see Fla. Admin. Code R. 62-600.200. “Collection/transmission systems” are defined as “sewers, pipelines, conduits, pumping stations, force mains, and all other facilities used for collection and transmission of wastewater from individual service connections to facilities intended for the purpose of providing treatment prior to release to the environment.”
65 Id.
69 Id.
Each utility is responsible for making sure that its system stays in good working order, regardless of the age of its components or the availability of additional funds. Asset management programs with good data can be the most efficient method of meeting this challenge. Some key steps for asset management are making an inventory of critical assets, evaluating the condition and performance of such assets, and developing plans to maintain, repair, and replace assets and to fund these activities. The United States Environmental Protection Agency (EPA) provides guidance and reference manuals for utilities to aid in developing asset management plans.

Many states, including Florida, provide financial incentives for the development and implementation of an asset management plan when requesting funding under a State Revolving Fund or other state funding mechanism. Florida’s incentives include priority scoring, reduction of interest rates, principal forgiveness for financially disadvantaged small communities, and eligibility for small community wastewater facilities grants.

In 2016, the Legislature authorized the Public Service Commission (PSC) to allow a utility to create a utility reserve fund for repair and replacement of existing distribution and collection infrastructure that is nearing the end of its useful life or is detrimental to water quality or reliability of service. The utility reserve fund would be funded by a portion of the rates charged by the utility, by a secured escrow account, or through a letter of credit.

The PSC adopted rules governing the implementation, management, and use of the fund, including expenses for which the fund may be used, segregation of reserve account funds, requirements for a capital improvement plan, and requirements for the PSC authorization before fund disbursements. The PSC requires an applicant to provide a capital improvement plan or an asset management plan in seeking authorization to create a utility reserve fund.

**The Clean Water State Revolving Fund Program**

Florida's Clean Water State Revolving Fund (CWSRF) is a federal-state partnership that provides communities a permanent, independent source of low-cost financing for a wide-range of water quality infrastructure projects. The CWSRF is funded through money received from

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70 Id.
71 Id.
79 Fla. Admin. Code R. 25-30.444(2)(e) and (m).
federal grants as well as state contributions, which then "revolve" through the repayment of previous loans and interest earned. While these programs offer loans, grant-like funding is also available for qualified small, disadvantaged communities, which reduces the amount owed on loans by the percentage for which the community qualifies.

The CWSRF provides low-interest loans to local governments to plan, design, and build or upgrade wastewater, stormwater, and nonpoint source pollution prevention projects. Certain agricultural best management practices may also qualify for funding. Very low interest rate loans, grants, and other discounted assistance for small communities are available. Interest rates on loans are below market rates and vary based on the economic means of the community. Generally, local governments and special districts are eligible loan sponsors.81 The EPA classifies eleven types of projects that are eligible to receive CWSRF assistance. They include projects for:

- A publicly owned treatment works;
- A public, private, or nonprofit entity to implement a state nonpoint source pollution management program;
- A public, private, or nonprofit entity to develop and implement a conservation and management plan;
- A public, private, or nonprofit entity to construct, repair, or replace decentralized wastewater treatment systems that treat municipal wastewater or domestic sewage;
- A public, private, or nonprofit entity to manage, reduce, treat, or recapture stormwater or subsurface drainage water;
- A public entity to reduce the demand for publicly owned treatment works capacity through water conservation, efficiency, or reuse;
- A public, private, or nonprofit entity to develop and implement watershed projects;
- A public entity to reduce the energy consumption needs for publicly owned treatment works;
- A public, private, or nonprofit entity for projects for reusing or recycling wastewater, stormwater, or subsurface drainage water;
- A public, private, or nonprofit entity to increase the security of publicly owned treatment works; and
- Any qualified nonprofit entity, to provide technical assistance to owners and operators of small and medium sized publicly owned treatment works to plan, develop, and obtain financing for the CWSRF eligible projects and to assist each treatment works in achieving compliance with the Clean Water Act.82

Of these eligible projects, the DEP is required to give priority to projects that:

- Eliminate public health hazards;
- Enable compliance with laws requiring the elimination of discharges to specific water bodies, including the requirements of s. 403.086(9), F.S., regarding domestic wastewater ocean outfalls;
- Assist in the implementation of total maximum daily loads adopted under s. 403.067, F.S.;

Enable compliance with other pollution control requirements, including, but not limited to, toxics control, wastewater residuals management, and reduction of nutrients and bacteria;

- Assist in the implementation of surface water improvement and management plans and pollutant load reduction goals developed under state water policy;
- Promote reclaimed water reuse;
- Eliminate failing onsite sewage treatment and disposal systems or those that are causing environmental damage; or
- Reduce pollutants to and otherwise promote the restoration of Florida’s surface and ground waters.\textsuperscript{83}

**Small Community Sewer Construction**

The Small Community Sewer Construction Assistance Act is a grant program established as part of the CWSRF program that requires the DEP to award grants to assist financially disadvantaged small communities with their needs for adequate domestic wastewater facilities.\textsuperscript{84} Under the program, a financially disadvantaged small community is defined as a county, municipality, or special district\textsuperscript{85} with a total population of 10,000 or less, and a per capita income less than the state average per capita income.\textsuperscript{86} In 2016, the Legislature included counties and special districts as eligible entities for grants under the program if they otherwise met the definition of a financially disadvantaged small community.\textsuperscript{87}

In accordance with rules adopted by the Environmental Regulation Commission, the DEP may provide grants, for up to 100 percent of the costs of planning, designing, constructing, upgrading, or replacing wastewater collection, transmission, treatment, disposal, and reuse facilities, including necessary legal and administrative expenses.\textsuperscript{88} The rules of the commission must also:

- 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;
- Require appropriate user charges, connection fees, and other charges to ensure the long-term operation, maintenance, and replacement of the facilities constructed under each grant;
- Require grant applications to be submitted on appropriate forms with appropriate supporting documentation and require records to be maintained;
- Establish a system to determine eligibility of grant applications;
- Establish a system to determine the relative priority of grant applications, which must consider public health protection and water pollution abatement;
- Establish requirements for competitive procurement of engineering and construction services, materials, and equipment; and
- Provide for termination of grants when program requirements are not met.\textsuperscript{89}

\textsuperscript{83} Section 403.1835(7), F.S.
\textsuperscript{84} Sections 403.1835(3)(d) and 403.1838, F.S.
\textsuperscript{85} Section 189.012(6), F.S., defines special district; s. 189.012(2) and (3), F.S., define dependent special district and independent special district, respectively.
\textsuperscript{86} Section 403.1838(2), F.S.
\textsuperscript{87} Chapter 2016-55, Laws of Fla.
\textsuperscript{88} Section 403.1838(3)(a), F.S.
\textsuperscript{89} Section 403.1838(3)(b), F.S.; Fla. Admin. Code R. Ch. 62-505.
Onsite Sewage Treatment and Disposal Systems

Onsite sewage treatment and disposal systems (OSTDSs), commonly referred to as “septic systems,” generally consist of two basic parts: the septic tank and the drainfield.\(^90\) Waste from toilets, sinks, washing machines, and showers flows through a pipe into the septic tank, where anaerobic bacteria break the solids into a liquid form. The liquid portion of the wastewater flows into the drainfield, which is generally a series of perforated pipes or panels surrounded by lightweight materials such as gravel or Styrofoam. The drainfield provides a secondary treatment where aerobic bacteria continue deactivating the germs. The drainfield also provides filtration of the wastewater, as gravity draws the water down through the soil layers.\(^91\)

The DOH administers OSTDS programs, develops statewide rules, and provides training and standardization for county health department employees responsible for issuing permits for the installation and repair of OSTDSs within the state.\(^92\) The DOH regulations focus on construction standards and setback distances. The regulations are primarily designed to protect the public from waterborne illnesses.\(^93\) The DOH also conducts research to evaluate performance, environmental health, and public health effects of OSTDSs. Innovative OSTDS products and technologies must be approved by the DOH.\(^94\)

The DOH and the DEP have an interagency agreement that standardizes procedures and clarifies responsibilities between them regarding the regulation of OSTDSs.\(^95\) The DEP has jurisdiction

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\(^91\) Id.

\(^92\) Section 381.0065(3), F.S.


\(^94\) Section 381.0065(3), F.S.

over OSTDSs when: domestic sewage flow exceeds 10,000 gallons per day; commercial sewage flow exceeds 5,000 gallons per day; there is a likelihood of hazardous or industrial wastes; a sewer system is available; or if any system or flow from the establishment is currently regulated by the DEP (unless the DOH grants a variance).\textsuperscript{96} In all other circumstances, the DOH regulates OSTDSs.

There are an estimated 2.6 million OSTDSs in Florida, providing wastewater disposal for 30 percent of the state’s population.\textsuperscript{97} In Florida, development in some areas is dependent on OSTDSs due to the cost and time it takes to install central sewer systems.\textsuperscript{98} For example, in rural areas and low-density developments, central sewer systems are not cost-effective. Less than one percent of OSTDSs in Florida are actively managed under operating permits and maintenance agreements.\textsuperscript{99} The remainder of systems are generally serviced only when they fail, often leading to costly repairs that could have been avoided with routine maintenance.\textsuperscript{100}

In a conventional OSTDS, a septic tank does not reduce nitrogen from the raw sewage. In Florida, approximately 30-40 percent of the nitrogen levels are reduced in the drainfield of a system that is installed 24 inches or more from groundwater.\textsuperscript{101} This still leaves a significant amount of nitrogen to percolate into the groundwater, which makes nitrogen from OSTDSs a potential contaminant in groundwater.\textsuperscript{102}

Different types of advanced OSTDSs exist that can remove greater amounts of nitrogen than a typical septic system (often referred to as “advanced” or “nutrient-reducing” septic systems).\textsuperscript{103} The DOH publishes on its website approved products and resources on advanced systems.\textsuperscript{104} Determining which advanced system is the best option can depend on site-specific conditions.

The owner of a properly functioning OSTDS must connect to a sewer system within one year of receiving notification that a sewer system is available for connection.\textsuperscript{105} Owners of an OSTDS in need of repair or modification must connect within 90 days of notification from the DOH.\textsuperscript{106}

\textsuperscript{96} Id. at 6-13; s. 381.0065(3)(b), F.S.; DEP, Septic Systems, https://floridadep.gov/water/domestic-wastewater/content/septic-systems (last visited Dec. 2, 2019).
\textsuperscript{99} Id.
\textsuperscript{100} Id.
\textsuperscript{105} Section 381.00655, F.S.
\textsuperscript{106} Id.
The Blue-Green Algae Task Force made the following recommendations relating to OSTDSs:

- The DEP should develop a more comprehensive regulatory program to ensure that OSTDSs are sized, designed, constructed, installed, operated, and maintained to prevent nutrient pollution, reduce environmental impact, and preserve human health.
- More post-permitting septic tank inspections should take place.
- Protections for vulnerable areas in the state should be expanded.
- Additional funding to accelerate septic to sewer conversions.\(^\text{107}\)

**The DOH Technical Review and Advisory Panel**

The DOH has a technical review and advisory panel to review agency rules and provide assistance to the DOH with rule adoption.\(^\text{108}\) It is comprised of, at a minimum:

- A soil scientist;
- A professional engineer registered in this state who is recommended by the Florida Engineering Society and who has work experience in OSTDSs;
- Two representatives from the home-building industry recommended by the Florida Home Builders Association, including one who is a developer in this state who develops lots using onsite sewage treatment and disposal systems;
- A representative from the county health departments who has experience permitting and inspecting the installation of onsite sewage treatment and disposal systems in this state;
- A representative from the real estate industry who is recommended by the Florida Association of Realtors;
- A consumer representative with a science background;
- Two representatives of the septic tank industry recommended by the Florida Onsite Wastewater Association, including one who is a manufacturer of onsite sewage treatment and disposal systems;
- A representative from local government who is knowledgeable about domestic wastewater treatment and who is recommended by the Florida Association of Counties and the Florida League of Cities; and
- A representative from the environmental health profession who is recommended by the Florida Environmental Health Association and who is not employed by a county health department.\(^\text{109}\)

Members are to be appointed for a term of two years. The panel may also, as needed, be expanded to include ad hoc, nonvoting representatives who have topic-specific expertise.\(^\text{110}\)


\(^{108}\) Section 381.0068, F.S.

\(^{109}\) *Id.*

\(^{110}\) *Id.*
Stormwater Management

Stormwater is the flow of water resulting from, and immediately following, a rainfall event.\(^{111}\) When stormwater falls on pavement, buildings, and other impermeable surfaces, the runoff flows quickly and can pick up sediment, nutrients (such as nitrogen and phosphorous), chemicals, and other pollutants.\(^{112}\) Stormwater pollution is a major source of water pollution in Florida.\(^{113}\)

There are two main regulatory programs to address water quality from stormwater: the federal program that regulates discharges of pollutants into waters of the United States\(^ {114}\) and the state Environmental Resource Permitting (ERP) Program that regulates activities involving the alteration of surface water flows.\(^ {115}\) The federal NPDES Stormwater Program regulates the following types of stormwater pollution:\(^ {116}\)

- Certain municipal storm sewer systems;
- Runoff from certain construction activities; and
- Runoff from industrial activities.\(^ {117}\)

Florida’s ERP Program includes regulation of activities that create stormwater runoff, as well as dredging and filling in wetlands and other surface waters.\(^ {118}\) ERPs are designed to prevent flooding, protect wetlands and other surface waters, and protect Florida’s water quality from stormwater pollution.\(^ {119}\) The statewide ERP Program is implemented by the DEP, the WMDs, and certain local governments. The ERP Applicant Handbook, incorporated by reference into the DEP rules, provides guidance on the DEP’s ERP Program, including stormwater topics such as the design of stormwater management systems.\(^ {120}\)


112 DEP, Stormwater Management, 1 (2016), available at https://floridadep.gov/sites/default/files/stormwater-management_0.pdf. When rain falls on fields, forests, and other areas with naturally permeable surfaces the water not absorbed by plants filters through the soil and replenishes Florida’s groundwater supply.


The DEP and the WMDs are authorized to require permits and impose reasonable conditions:
- To ensure that construction or alteration of stormwater management systems and related structures are consistent with applicable law and not harmful to water resources;\(^{121}\) and
- For the maintenance or operation of such structures.\(^{122}\)

The DEP’s stormwater rules are technology-based effluent limitations rather than water quality-based effluent limitations.\(^{123}\) This means that stormwater rules rely on design criteria for BMPs to achieve a performance standard for pollution reduction, rather than specifying the amount of a specific pollutant that may be discharged to a waterbody and still ensure that the waterbody attains water quality standards.\(^{124}\) The rules contain minimum stormwater treatment performance standards, which require design and performance criteria for new stormwater management systems to achieve at least 80 percent reduction of the average annual load of pollutants that would cause or contribute to violations of state water quality standards.\(^{125}\) The standard is 95 percent reduction when applied to Outstanding Florida Waters. In 2007, an evaluation performed for the DEP generally concluded that Florida’s stormwater design criteria failed to consistently meet either the 80 percent or 95 percent target goals in the DEP’s rules.\(^{126}\) The images shown here depict six major types of surface water management systems.\(^{127}\)

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121 Section 373.413, F.S.; see s. 403.814(12), F.S.
122 Section 373.416, F.S.
127 Presentation to the Blue-Green Algae Task Force by Benjamin Melnik, Deputy Director of the Division of Water Resource Management, Stormwater, 12 (September 24, 2019) (on file with Committee on Environment and Natural Resources).
The DEP and the WMDs must require applicants to provide reasonable assurance that state water quality standards will not be violated. If a stormwater management system is designed in accordance with the stormwater treatment requirements and criteria adopted by the DEP or the WMDs, then the system design is presumed not to cause or contribute to violations of applicable state water quality standards. If a stormwater management system is constructed, operated, and maintained for stormwater treatment in accordance with a valid permit or exemption, then the stormwater discharged from the system is presumed not to cause or contribute to violations of applicable state water quality standards. If an applicant is unable to meet water quality standards because existing ambient water quality does not meet standards, the DEP or a WMD must consider mitigation measures that cause a net improvement of the water quality in the water body that does not meet the standards.

129 Section 373.4131(3)(b), F.S. Fla. Admin. Code R. 62-40.432(2); see also DEP, ERP Stormwater, https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/erp-stormwater (last visited Dec. 2, 2019) (stating that a key component of the stormwater rule is a “rebuttable presumption that discharges from a stormwater management system designed in accordance with the BMP design criteria will not cause harm to water resources”).
130 Section 373.4131(3)(c), F.S.
131 Section 373.414(1)(b)3., F.S.
2010 Stormwater Rulemaking

From 2008 to 2010, the DEP and the WMDs worked together on developing a statewide unified stormwater rule to protect Florida’s surface waters from the effects of excessive nutrients in stormwater runoff. A technical advisory committee was established. In 2010, the DEP announced a series of workshops to present for public comment the statewide stormwater quality draft rule Chapter 62-347 of the Florida Administrative Code and an Applicant’s Handbook. The notice stated the goal of the rule was to “increase the level of nutrient treatment in stormwater discharges and provide statewide consistency by establishing revised stormwater quality treatment performance standards and best management practices design criteria.”

These rulemaking efforts produced a draft document called the “Environmental Resource Permit Stormwater Quality Applicant’s Handbook: Design Requirements for Stormwater Treatment in Florida.” The 2010 draft handbook’s stormwater quality permitting requirements:

- Provided for different stormwater treatment performance standards based on various classifications of water quality.
- Included instructions for calculating a project’s required nutrient load reduction based on comparing the predevelopment and post-development loadings.
- Provided the required criteria for stormwater BMPs.
- Listed fifteen different types of stormwater treatment systems, including low impact design, pervious pavements, and stormwater harvesting.

The new rule and revised handbook were expected to be adopted in 2011. However, no such rules or revised handbook were ever adopted. While the draft Stormwater Quality Applicant’s Handbook never went into effect, it can provide context for understanding what new rules on these topics may look like.

The Blue-Green Algae Task Force recommended that the DEP revise and update stormwater design criteria and implement an effective inspection and monitoring program.

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134 Id.
136 Id. at 6-7.
137 Id. at 8-11.
138 Id. at 3.
Water Quality Monitoring

One of the DEP’s goals is to determine the quality of the state’s surface and ground water resources. This goal is primarily accomplished through several water quality monitoring strategies that are administered through the Water Quality Assessment Program. Responsibilities of the program include: monitoring and assessing how water quality is changing over time; the overall water quality and impairment status of the state’s water resources; and the effectiveness of water resource management, protection, and restoration programs.141

Within the Water Quality Assessment Program, the DEP administers the Watershed Monitoring Program. This program is responsible for collecting reliable data through water samples from rivers, streams, lakes, canals, and wells around the state.142 This information is used by the DEP to determine which waters are impaired and what restoration efforts are needed.

The Blue-Green Algae Task Force recommended that science-based decision making and monitoring programs be enhanced, including the development of an expanded and more comprehensive statewide water quality monitoring strategy. Monitoring programs should focus on informing restoration project selection, implementation, and evaluation.143

Indian River Lagoon

The Indian River Lagoon (IRL) system is an estuary144 that runs along 156 miles of Florida’s east coast and borders Volusia, Brevard, Indian River, St. Lucie, and Martin counties.145 The IRL system is composed of three main waterbodies: Mosquito Lagoon, Banana River, and the Indian River Lagoon.146 Four BMAPs have been adopted for the IRL region.147

The IRL is one of the most biologically diverse estuaries in North America and is home to more than 2,000 species of plants, 600 species of fish, 300 species of birds, and 53 endangered or threatened species.148 The estimated economic value received from the IRL in 2014 was

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146 Id.
approximately $7.6 billion.Industry groups that are directly influenced by the IRL support nearly 72,000 jobs.

The IRL ecosystem has been harmed by human activities in the region. Stormwater runoff from urban and agricultural areas, wastewater treatment facility discharges, canal discharges, septic systems, animal waste, and fertilizer applications have led to harmful levels of nutrients and sediments entering the lagoon. These pollutants create cloudy conditions, feed algal blooms, and lead to muck accumulation, all of which negatively impact the seagrass that provides habitat for much of the IRL’s marine life.

Type Two Transfer

Section 20.06(2), F.S., defines a type two transfer as the merging of an existing department, program, or activity into another department. Any program or activity transferred by a type two transfer retains all the statutory powers, duties, and functions it held previous to the transfer. The program or activity also retains its records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, unless otherwise provided by law. The transfer of segregated funds must be made in such a manner that the relation between the program and the revenue source is retained.

Rural Areas of Opportunity

A rural area of opportunity (RAO) is a rural community or region of rural communities that has been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster or that presents a unique economic development opportunity of regional impact. By executive order, the Governor may designate up to three RAOs, establishing each region as a priority assignment for Rural Economic Development Initiative (REDI) agencies. The Governor can waive the criteria, requirements, or any similar provisions of any state economic development incentive for projects in a RAO.

The currently designated RAOs are:

- Northwestern RAO: Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Wakulla, and Washington counties, and part of Walton County.

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150 Id. at ix. The main IRL-related industry groups are categorized as: Living Resources; Marine Industries; Recreation and Visitor-related; Resource Management; and Defense & Aerospace.
152 Id.
153 Section 20.06(2), F.S.
154 Section 288.0656(2)(d), F.S.
155 Section 288.0656(7), F.S.
• South Central RAO: DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee counties, and the cities of Pahokee, Belle Glade, South Bay (Palm Beach County), and Immokalee (Collier County).


**Statement of Estimated Regulatory Cost**

If a proposed agency rule will have an adverse impact on small business or is likely to increase directly or indirectly regulatory costs in excess of $200,000 aggregated within one year after implementation, an agency must prepare a statement of estimated regulatory costs (SERC). The SERC must include an economic analysis projecting a proposed rule’s adverse effect on specified aspects of the state’s economy or an increase in regulatory costs. If the SERC shows that the adverse impact or regulatory costs of the proposed rule exceeds $1 million in the aggregate within five years after implementation, then the proposed rule must be submitted to the Legislature for ratification and may not take effect until it is ratified by the Legislature.

**Biosolids**

Approximately two-thirds of Florida’s population is served by around 2,000 domestic wastewater facilities permitted by the DEP. When domestic wastewater is treated, solid, semisolid, or liquid residue known as biosolids accumulates in the wastewater treatment plant and must be removed periodically to keep the plant operating properly. Biosolids also include products and treated material from biosolids treatment facilities and septage management facilities regulated by the DEP. The collected residue is high in organic content and contains moderate amounts of nutrients.

The DEP has stated that wastewater treatment facilities produce about 340,000 dry tons of biosolids each year. Biosolids can be disposed of in several ways: transfer to another facility, placement in a landfill, distribution and marketing as fertilizer, incineration, bioenergy, and land

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157 Section 120.541, F.S.
158 Id.
160 Section 373.4595, F.S. Biosolids are the solid, semisolid, or liquid residue generated during the treatment of domestic wastewater in a domestic wastewater treatment facility and include products and treated material from biosolids treatment facilities and septage management facilities. The term does not include the treated effluent or reclaimed water from a domestic wastewater treatment facility, solids removed from pump stations and lift stations, screenings and grit removed from the preliminary treatment components of domestic wastewater treatment facilities, or ash generated during the incineration of biosolids.
163 Id.
application to pasture or agricultural lands.\textsuperscript{165} About one-third of the total amount of biosolids produced is used for land application\textsuperscript{166} and is subject to regulatory requirements established by the DEP to protect public health and the environment.\textsuperscript{167}

Land application is the use of biosolids at a permitted site to provide nutrients or organic matter to the soil, such as agricultural land, golf courses, forests, parks, or reclamation sites. Biosolids are applied in accordance with restrictions based on crop nutrient needs, phosphorus limits in the area, and soil fertility.\textsuperscript{168} Biosolids contain macronutrients (such as nitrogen and phosphorus) and micronutrients (such as copper, iron, and manganese) that are utilized by crops. The application of these nutrient-rich biosolids increases the organic content of the soil, fostering more productive plant growth.\textsuperscript{169} To prevent odor or the contamination of soil, crops, livestock, and humans, land application sites must meet site management requirements such as site slopes, setbacks, and proximity to groundwater restrictions.\textsuperscript{170} There are approximately 140 permitted land application sites in Florida, with waste haulers being the most common site permittees.\textsuperscript{171}

\begin{footnotesize}
\begin{enumerate}
  \item Id. at 4.
  \item Id. at 5.
  \item Id. at 20.
  \item Id. at 9.
\end{enumerate}
\end{footnotesize}
The DEP regulates three classes of biosolids for beneficial use. 
- Class B - minimum level of treatment; 
- Class A - intermediate level of treatment; and 
- Class AA - highest level of treatment. 172

The DEP categorizes the classes based on treatment and quality. Treatment of biosolids must:
- Reduce or completely eliminate pathogens;
- Reduce the attractiveness of the biosolids for pests (such as insects and rodents); and
- Reduce the amount of toxic metals in the biosolids. 173

Class AA biosolids can be distributed and marketed as fertilizer. Because they are the highest quality, they are not subject to the same regulations as Class A and Class B biosolids and are exempt from nutrient restrictions. 174 Typically, Class B biosolids are used in land application. 175

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172 *Id.* at 6.
173 *Id.* at 7.
174 *Id.* at 8.
175 *Id.* at 6.
Biosolids are regulated under Rule 62-640 of the Florida Administrative Code. The rules provide minimum requirements, including monitoring and reporting requirements, for the treatment, management, use, and disposal of biosolids. The rules are applicable to wastewater treatment facilities, applicators, and distributors and include permit requirements for both treatment facilities and biosolids application sites.

Each permit application for a biosolids application site must include a site-specific nutrient management plan (NMP) that establishes the specific rates of application and procedures to apply biosolids to land. Biosolids may only be applied to land application sites that are permitted by the DEP and have a valid NMP. Biosolids must be applied at rates established in accordance with the nutrient management plan and may be applied to a land application site only if all concentrations of minerals do not exceed ceiling and cumulative concentrations determined by rule. According to the St. Johns Water Management District, application rates of biosolids are determined by crop nitrogen demand, which can often result in the overapplication of phosphorus to the soil and can increase the risk of nutrient runoff into nearby surface waters.

Once a facility or site is permitted, it is subject to monitoring, record-keeping, reporting, and notification requirements. The requirements are site-specific and can be increased or reduced by the DEP based on the quality or quantity of wastewater or biosolids treated; historical variations in biosolids characteristics; industrial wastewater or sludge contributions to the facility; the use, land application, or disposal of the biosolids; the water quality of surface and ground water and the hydrogeology of the area; wastewater or biosolids treatment processes; and the compliance history of the facility or application site.

State Bans on the Land Application of Biosolids

Section 373.4595, F.S., sets out the statutory guidelines for the Northern Everglades and Estuaries Protection Program. This statute is designed to protect and promote the hydrology of Lake Okeechobee, and the Caloosahatchee and St. Lucie Rivers and their estuaries. As part of those protections, the Legislature banned the disposal of domestic wastewater biosolids within the Lake Okeechobee, Caloosahatchee River, and St. Lucie River watersheds unless the applicant can affirmatively demonstrate that the nutrients in the biosolids will not add to nutrient loadings in the watershed. The prohibition against land application in these watersheds does not apply to Class AA biosolids that are distributed as fertilizer products in accordance with Rule 62-640.850 of the Florida Administrative Code.

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179 Id.
183 Id.
184 Chapter 2016-1, Laws of Florida; see s. 373.4595, F.S.
185 Id.
The land application of Class A and Class B biosolids is also prohibited within priority focus areas in effect for Outstanding Florida Springs if the land application is not in accordance with a NMP that has been approved by the DEP. The NMP must establish the rate at which all biosolids, soil amendments, and nutrient sources at the land application site can be applied to the land for crop production while minimizing the amount of pollutants and nutrients discharged into groundwater and waters of the states.

**Local Regulation of Biosolids**

The Indian River County Code addresses land application of biosolids by providing criteria for designated setbacks, reporting requirements, and required approval. In July 2018, the Indian River County Commission voted for a six-month moratorium on the land application of Class B biosolids on all properties within the unincorporated areas of the county. The ordinance also directs the County Administrator to coordinate with the DEP on a study to report the findings and recommendations concerning Class B biosolids land application activities and potential adverse effects. The County Commission voted in January 2019 to extend the moratorium for an additional six months.

The City Council of Fellsmere adopted a similar moratorium, Ordinance 2018-06, in August 2018, authorizing a temporary moratorium for 180 days or until a comprehensive review of the impact on the city’s ecosystem is completed. In January 2019, the ordinance was extended for an additional 180 days.

The Treasure Coast Regional Planning Council held a Regional Biosolids Symposium in June 2018, where regional representatives and stakeholders discussed biosolids and alternative techniques for disposal. At its meeting in July, the Treasure Coast Regional Planning Council adopted a resolution encouraging state and local governments to prioritize the reduction and eventual elimination of the land application of human wastewater biosolids. It also encouraged the state to establish a Pilot Projects Program to incentivize local utilities to implement new wastewater treatment technologies that would allow more efficient use of biosolids.

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186 Section 373.811(4), F.S.
187 Id.
189 Id.
195 Id.
**Rule Development**

In 2018, the DEP created a Biosolids Technical Advisory Committee (TAC) to establish an understanding of potential nutrient impacts of the land application of biosolids, evaluate current management practices, and explore opportunities to better protect Florida’s water resources. The TAC members represent various stakeholders, including environmental and agricultural industry experts, large and small utilities, waste haulers, consultants, and academics.196

The TAC convened on four occasions from September 2018 to January 2019 and discussed the current options for biosolids management in the state, ways to manage biosolids to improve the protection of water resources, and research needs to build upon and improve biosolids management.197

Based on recommendations of the TAC and public input, the DEP published a draft rule on October 29, 2019.198 Key proposals in the draft rule include:

- A prohibition on the land application of biosolids where the seasonal high water table is within 15 cm of the soil surface or 15 cm of the intended depth of biosolids placement. The existing rule requires a soil depth of two 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.
- A requirement that land application must be done in accordance with applicable BMAPs.
- Definitions for “capacity index,” “percent water extractable phosphorus,” and “seasonal high water table.”
- More stringent requirements must be provided in the Nutrient Management Plan.
- All biosolids sites must enroll in a DACS BMP Program.
- All biosolids applications are considered projects of heightened public concern/interest, meaning that a permit applicant must publish notice of their application one time only within fourteen days after a complete application is filed.200
- Increased monitoring for surface and groundwater.
- The requirement measures to be taken to prevent leaching of nutrients for the storage of biosolids.
- Existing facilities must be in compliance with the new rule within three years of the adoption date.

This biosolids rule required a SERC that exceeds the threshold to trigger the requirement for legislative ratification.201 The SERC makes the following statements:

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196 The seven members of TAC included two academic representatives from the University of Florida, two representatives of small and large utilities, and one representative each for environmental interests, agricultural interests, and waste haulers.


199 Note: the draft rule uses the phrase “public interest” but the rule crossreferenced in the draft rule uses the phrase “public concern.”


The revised rule may significantly reduce biosolids land application rates (the amount applied per acre on an annual basis) by an estimated 75 percent. In 2018, just under 90,000 dry tons of Class B biosolids were applied to biosolids land application sites with about 84,000 acres of the currently permitted 100,000 acres in Florida. Reduced land application rates would necessitate the permitting about four to ten times more land to accommodate the current quantity of land applied Class B biosolids.

As haulers have already permitted land application sites closer to the domestic wastewater facilities that generate biosolids, any additional sites are expected to be at greater distances from these facilities. This could result in longer hauling distances. Additionally, some existing sites may cease land application completely, either because the site may not be suitable for land application or because the landowner may not want to subject their property to ground water or surface water quality monitoring. The additional site monitoring requirements for ground water and surface water will also increase operational costs, so some biosolids site permittees, especially for smaller sites, may choose to cease operations. Under the proposed rule, some portion of currently land-applied Class B biosolids are expected to then be disposed of in landfills or be converted to Class AA biosolids. The reduction in land application rates, loss of land application sites, and shift away from land application could result in:

- Loss of biosolids hauling contracts.
- Loss of jobs with biosolids hauling companies.
- Loss of grass production and income for landowners.
- Increased operational expenses for biosolids haulers, and;
- Loss of cost savings and production for cattle ranchers and hay farmers.

Under the revised rule, biosolids land application rates will drop by an average of 75 percent. Some farmers indicate an economic value of about $60 per acre in fertilizer savings through biosolids land application. In 2018, approximately 84,000 acres were utilized for the land application of biosolids, which would represent a current fertilizer cost savings of approximately $5,040,000. This would be a loss of $3,780,000 in cost savings annually if 75 percent less biosolids can be applied per acre.\(^\text{202}\)

The SERC includes the following statewide estimates:

- Capital costs for new permitting and land application sites of $10 million;
- Recurring costs for additional sites and transportation of wet biosolids of at least $31 million; and
- Additional monitoring costs of $1 million.\(^\text{203}\)

\(^\text{202 Id.}\)
\(^\text{203 Id.}\)
The DEP expects more biosolids to be converted to class AA biosolids/fertilizer. They estimate the capital cost for additional class AA biosolids projects will be between $300-$400 million.\textsuperscript{204} The DEP is currently reviewing lower cost regulatory alternatives that have been submitted.\textsuperscript{205} The next step will be a hearing before the Environmental Regulation Commission and adoption of the rule. Following rule adoption, legislative ratification is required.\textsuperscript{206}

**Damages and Monetary Penalties**

The DEP may institute a civil action (in court) or an administrative proceeding (in the Division of Administrative Hearings) 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.\textsuperscript{207} Civil actions and administrative proceedings have different procedures.\textsuperscript{208} Administrative proceedings are often viewed as less formal, less lengthy, and less costly.

With respect to damages, the violator is liable for:
- Damage caused to the air, waters, or property, including animal, plant, or aquatic life, of the state; and
- 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.\textsuperscript{209}

In addition to damages, a violator can be liable for penalties. For civil penalties, the DEP can levy up to $10,000 per offense. Each day of the violation is a separate offense. The DEP is directed to proceed administratively in all cases in which the DEP seeks penalties that do not exceed $10,000 per assessment. The DEP is prohibited from imposing penalties in excess of $10,000 in a notice of violation. The DEP cannot have more than one notice of violation pending against a party unless it occurred at a different site or the violations were discovered by the department subsequent to the filing of a previous notice of violation.\textsuperscript{210}

Section 403.121(3), F.S., sets out a penalty schedule for various violations. In particular, it includes the following penalties related to wastewater:
- $1,000 for failure to obtain a required wastewater permit.
- $2,000 for a domestic or industrial wastewater violation not involving a surface water or groundwater quality violation resulting in an unpermitted or unauthorized discharge or effluent-limitation exceedance.
- $5,000 for an unpermitted or unauthorized discharge or effluent-limitation exceedance that resulted in a surface water or groundwater quality violation.\textsuperscript{211}

\textsuperscript{204} \textit{Id.}
\textsuperscript{205} Email from Justin Wolfe, General Counsel, DEP, RE: Biosolids Rule (Dec. 2, 2019)(on file with the Environment and Natural Resources Committee).
\textsuperscript{206} Section 120.541(3), F.S.
\textsuperscript{207} Section 403.121, F.S.
\textsuperscript{208} Sections 403.121 and 403.141, F.S.
\textsuperscript{209} Section 403.121, F.S.
\textsuperscript{210} \textit{Id.}
\textsuperscript{211} Section 403.121(3)(b), F.S.
A court or an administrative law judge may receive evidence in mitigation. The DEP may also seek injunctive relief either judicially or administratively. Additionally, criminal penalties are available for various types of violations of chapter 403, F.S.

III. **Effect of Proposed Changes:**

The bill provides a series of whereas clauses related to water quality issues the state is seeking to resolve.

**Section 1** titles the bill the “Clean Waterways Act.”

**Section 2** takes the following steps toward shifting regulation of onsite sewage treatment and disposal systems (OSTDSs) from the Department of Health (DOH) to the Department of Environmental Protection (DEP):

- By July 1, 2020, the DOH must provide a report to the Governor and the Legislature detailing the following information regarding OSTDSs:
  - The average number of permits issued each year;
  - The number of department employees conducting work on or related to the program each year; and
  - The program’s costs and expenditures, including, but not limited to, salaries and benefits, equipment costs, and contracting costs.

- By December 31, 2020, the DOH and the DEP must submit recommendations to the Governor and the Legislature regarding the transfer of the Onsite Sewage Program from the DOH to the DEP. 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 DEP.

- By June 30, 2021, the DOH and the DEP must enter into an interagency agreement that must address all agency cooperation for a period not less than five years after the transfer, including:
  - The continued role of the county health departments in the permitting, inspection, data management, and tracking of OSTDSs under the direction of the DEP.
  - The appropriate proportionate number of administrative positions, and their related funding levels and sources and assigned property, to be transferred from the DOH to the DEP.
  - The development of a recommended plan to address the transfer or shared use of facilities used or owned by the DOH.
  - Any operating budget adjustments that are necessary to implement the requirements of the bill. The bill details how operating budget adjustments will be made. The appropriate substantive committees of the Senate and the House of Representatives will be notified of the proposed revisions to ensure their consistency with legislative policy and intent.

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Section 403.121(3)(b), F.S.

Section 403.161, F.S.
Effective July 1, 2021, the regulation of OSTDSs relating to the Onsite Sewage Program in the DOH is transferred by a type two transfer to the DEP. Transferred employees will retain their leave.

Section 3 amends s. 373.4131, F.S., relating to statewide environmental resource permitting (ERPs). The bill requires the DEP to train its staff on coordinating field inspections of stormwater structural controls, such as stormwater retention or detention ponds.

By January 1, 2021:
- The DEP and the water management districts (WMDs) must initiate rulemaking to update the stormwater design and operation regulations using the most recent scientific information available; and
- The DEP must evaluate inspection data relating to compliance by those entities that self-certify stormwater ERPs and must provide the Legislature with recommendations for improvements to the self-certification program.

Note: More stringent stormwater rules would likely exceed the regulatory cost threshold of $1 million in the aggregate within five years after implementation; therefore, the proposed rule may have to be submitted to the Legislature for ratification and may not take effect until it is ratified by the Legislature.\(^\text{215}\)

Section 4 amends s. 381.0065, F.S., relating to OSDTS regulation, effective July 1, 2021, to coincide with the DEP’s role as the regulating entity for OSTDSs.

The bill requires the DEP to adopt rules to locate OSTDSs, including establishing setback distances, to prevent groundwater contamination and surface water contamination and to preserve the public health. The rulemaking process must be completed by July 1, 2022. The rules must consider conventional and advanced OSTDS designs, impaired or degraded water bodies, wastewater and drinking water infrastructure, potable water sources, nonpotable wells, stormwater infrastructure, the OSTDS remediation plans developed as part of the basin management action plans (BMAPs), nutrient pollution, and the recommendations of the OSTDS technical advisory committee created by the bill.

Upon adoption of these rules, the rules will supersede existing statutory revisions relating to setbacks. The DEP must report the date of adoption of the rules to the Division of Law Revision for incorporation into the statutes.

The bill deletes language that is inconsistent with these provisions.

Note: New OSTDS rules would likely exceed the regulatory cost threshold of $1 million in the aggregate within five years after implementation; therefore, the proposed rule may have to be submitted to the Legislature for ratification and may not take effect until it is ratified by the Legislature.\(^\text{216}\)

\(^{215}\) Id.
\(^{216}\) Id.
Section 5 creates s. 381.00652, F.S., to create an OSTDS technical advisory committee (TAC) within the DEP.

The responsibilities of the TAC are to:
- Provide recommendations to increase the availability in the marketplace of nutrient-removing OSTDSs, including systems that are cost-effective, low-maintenance, and reliable.
- Consider and recommend regulatory options, such as fast-track approval, prequalification, or expedited permitting, to facilitate the introduction and use of nutrient-removing OSTDSs 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.
- Provide recommendations for appropriate setback distances for OSTDSs from surface water, groundwater, and wells.

The DEP must use existing and available resources to administer and support the activities of the TAC.

By August 1, 2021, the DEP, in consultation with the DOH, will appoint nine members to the TAC:
- A professional engineer.
- A septic tank contractor.
- A representative from the home building industry.
- A representative from the real estate industry.
- A representative from the OSTDS industry.
- A representative from local government.
- Two representatives from the environmental community.
- 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.

Members will serve without compensation and are not entitled to reimbursement for per diem or travel expenses.

By January 1, 2022, the TAC will submit its recommendations to the Governor and the Legislature.

The TAC is repealed on August 15, 2022.

Section 6 repeals the DOH’s technical review and advisory panel, effective July 1, 2021.

Section 7 amends s. 403.061, F.S., which sets out the DEP’s powers and duties. The bill requires the DEP rules to reasonably limit, reduce, and eliminate domestic wastewater collection and transmission system pipe leakages and inflow and infiltration.

The bill authorizes the DEP to 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 among the utility’s permitted
systems. The DEP may require such reports or other data necessary to ensure a permitted entity is reporting expenditures on pollution mitigation and prevention, including, but not limited to, the prevention of sanitary sewer overflows, collection and transmission system pipe leakages, and inflow and infiltration. The DEP is required to adopt rules to implement this subsection.

Note: Such rules would likely exceed the regulatory cost threshold of $1 million in the aggregate within five years after implementation; therefore, the proposed rule may have to be submitted to the Legislature for ratification and may not take effect until it is ratified by the Legislature.\textsuperscript{217}

Section 8 creates s. 403.0616, F.S., to establish a real-time water quality monitoring program within the DEP, subject to appropriation. The program’s purpose is to assist in the restoration, preservation, and enhancement of impaired waterbodies and coastal resources. The DEP is encouraged to form public-private partnerships with established scientific entities with existing, proven real-time water quality monitoring equipment and experience in deploying such equipment.

Section 9 amends s. 403.067(7), F.S., relating to basin management action plans (BMAPs), to set out parameters for an OSTDS remediation plan and a wastewater treatment plan. It prohibits the DEP from requiring a higher cost option for a wastewater project within a BMAP if it achieves the same nutrient load reduction as a lower-cost option. It also makes revisions relating to agricultural best management practices (BMPs).

If the DEP identifies domestic wastewater facilities or OSTDSs as contributors of at least 20 percent of point source or nonpoint source nutrient pollution or if the DEP determines that remediation is necessary to achieve the total maximum daily load (TMDL), the BMAP for a nutrient TMDL must create a wastewater treatment plan and/or an OSTDS remediation plan.

A wastewater treatment plan must address domestic wastewater and be developed by each local government in cooperation with the DEP, the WMD, and the public and private domestic wastewater facilities within the jurisdiction of the local government. The wastewater treatment plan must:

- Provide for construction, expansion, or upgrades necessary to achieve the TMDL requirements applicable to the domestic wastewater facility.
- Include: the permitted capacity in average annual gallons per day for the domestic wastewater facility; the average nutrient concentration and the estimated average nutrient load of the domestic wastewater; a 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 BMAP 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.

\textsuperscript{217} Id.
necessary to achieve a TMDL. The bill clarifies that a local government is not responsible for a private domestic wastewater facility’s compliance with a BMAP.

An OSTDS remediation plan must be developed by each local government in cooperation with the DEP, the Department of Health, the WMDs, and public and private domestic wastewater facilities. The OSTDS remediation plan must identify cost-effective and financially feasible projects necessary to achieve the nutrient load reductions required for OSTDSs. To identify cost-effective and financially feasible projects for remediation of OSTDSs, the local government shall:

- Include an inventory of OSTDSs based on the best information available;
- Identify OSTDSs that would be eliminated through connection to existing or future central wastewater infrastructure, that would be replaced with or upgraded to enhanced nutrient-reducing systems, or that would remain on conventional OSTDSs;
- Estimate the costs of potential OSTDS connections, upgrades, or replacements; and
- Identify deadlines and interim milestones for the planning, design, and construction of projects.

The DEP must adopt the OSTDS remediation plan as part of the BMAP no later than July 1, 2025, or as required by existing law for Outstanding Florida Springs.

At least every two years, the Department of Agriculture and Consumer Services (DACS) must perform on-site inspections of each agricultural producer that enrolls in a BMP to ensure that such practice is being properly implemented. Verification must include a review of the BMP documentation required by the rule adopted by the DACS, including, but not limited to, nitrogen and phosphorus fertilizer application records. This information shall be provided to the DEP.

The bill authorizes the DACS, the University of Florida Institute of Food and Agricultural Sciences, and other state universities and Florida College System institutions with agricultural research programs to annually develop research plans and legislative budget requests to:

- Evaluate and suggest enhancements to the existing adopted BMPs to reduce nutrients;
- Develop new BMPs that, if proven effective, the DACS may adopt by rule; and
- Develop agricultural nutrient reduction projects that willing participants could implement on a site-specific, cooperative basis, in addition to BMPs. The DEP may consider these projects for inclusion in a BMAP. These nutrient 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 BMAP.

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 DEP and the DACS, by August 1 of each year.

Section 10 creates s. 403.0673, F.S., a wastewater grant program within the DEP. Subject to appropriation, the DEP may provide grants for projects that will reduce excess nutrient pollution for:
Projects to retrofit OSTDSs to upgrade them to nutrient-reducing OSTDSs.
Projects to construct, upgrade, or expand facilities to provide advanced waste treatment.
Projects to connect OSTDSs to central sewer facilities.

In allocating such funds, first priority must be given to projects that subsidize the connection of OSTDSs to a wastewater treatment plant. 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 along a transportation right-of-way. Third priority must be given to all other connections of onsite sewage treatment and disposal systems to wastewater treatment plants.

In determining priorities, the DEP must consider:
- The estimated reduction in nutrient load per project;
- Project readiness;
- Cost-effectiveness of the project;
- The overall environmental benefit of a project;
- The location of a project within the plan area;
- The availability of local matching funds; and
- Projected water savings or quantity improvements associated with a project.

Each grant must require a minimum of a 50 percent local match of funds. However, the DEP may 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. The DEP and the WMDs will coordinate to identify grant recipients in each district.

Beginning January 1, 2021, and each January 1 thereafter, the DEP must submit a report regarding the projects funded by the grant program to the Governor and the Legislature.

Section 11 creates s. 403.0855, F.S., on biosolids management. The bill provides legislative findings, requires the DEP to adopt rules for biosolids management, and exempts such rules from legislative ratification if they are adopted prior to the 2021 legislative session.

The bill specifies that a municipality or county may enforce or extend an ordinance, regulation, resolution, rule, moratorium, or policy that was adopted prior to November 1, 2019, relating to the land application of Class B biosolids until repealed by the municipality or county.

Section 12 amends s. 403.086, F.S., relating to sewage disposal facilities.

The bill prohibits facilities for sanitary sewage disposal from disposing of waste into Indian River Lagoon or its tributaries without providing for advanced waste treatment, beginning July 1, 2025.

The bill requires facilities for sanitary sewage disposal to have a power outage contingency plan that mitigates the impacts of power outages on the utility’s collection system and pump stations.

All facilities for sanitary sewage that control a collection or transmission system of pipes and pumps to collect and transmit wastewater from domestic or industrial sources to the facility must
take steps to prevent sanitary sewer overflows or underground pipe leaks and ensure that collected waste water 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 that comply with the DEP rule to limit, reduce, and eliminate leaks, seepages, or inputs into wastewater treatment systems’ underground pipes. These facility action plans must be reported to the DEP. The facility report must include information regarding the annual expenditures dedicated to the inflow and infiltration studies and replacement action plans required herein, as well as expenditures dedicated to pipe assessment, repair, and replacement.

The DEP must adopt rules regarding the implementation of inflow and infiltration studies and leakage surveys. These rules may not fix or revise utility rates or budgets. The bill clarifies that a utility, that must submit annual reports under other similar provisions created by the bill, may submit one report to comply with both provisions. Substantial compliance with the action plan described above is evidence in mitigation for the purposes of assessing certain penalties.

Note: Such rules would likely exceed the regulatory cost threshold of $1 million in the aggregate within five years after implementation; therefore, the proposed rule may have to be submitted to the Legislature for ratification and may not take effect until it is ratified by the Legislature. 218

Section 13 amends s. 403.087, F.S., to require the DEP to issue operating permits for up to 10 years (rather than up to five) for facilities regulated under the National Pollutant Discharge Elimination System Program if the facility is meeting the stated goals in the action plan relating to the prevention of sanitary sewer overflows or underground pipe leaks.

Section 14 amends s. 403.088, F.S., relating to water pollution operation permits. The bill requires the permit to include 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 must submit an annual report to the DEP, which details facility revenues and expenditures in a manner prescribed by the DEP rule. The report must detail any deviation from annual expenditures related to inflow and infiltration studies; model plans for pipe assessment, repair, and replacement; and pipe assessment, repair, and replacement.

Substantial compliance with the requirements above is evidence in mitigation for the purposes of assessing penalties.

No later than March 1 of each year, the DEP must submit a report to the Governor and the Legislature which identifies all wastewater utilities that experienced a sanitary sewer overflow in the preceding calendar year. The report must identify the utility name; operator; permitted capacity in annual average gallons per day; number of overflows; total volume of sewage released; and, to the extent known and available, the volume of sewage recovered, the volume of

218 Id.
sewage discharged to surface waters, and the cause of the sanitary sewer overflow, including whether it was caused by a third party.

Note: Rules required to implement this section would likely exceed the regulatory cost threshold of $1 million in the aggregate within five years after implementation; therefore, the proposed rule may have to be submitted to the Legislature for ratification and may not take effect until it is ratified by the Legislature.219

Section 15 amends s. 403.0891, F.S., to require the DEP and the Department of Economic Opportunity to develop model ordinances that target nutrient reduction practices and use green infrastructure.

Section 16 amends s. 403.121, F.S., to increase the cap on the DEP’s administrative penalties from $10,000 to $50,000. It also doubles all wastewater administrative penalties.

The bill provides that “failure to comply with wastewater permitting requirements or rules adopted thereunder will result in a $4,000 penalty.

Section 17 amends s. 403.1835, F.S., relating to water pollution control financial assistance. This is the section of law that sets out how the DEP administers the Clean Water State Revolving Loan Fund. The bill adds categories to the list of projects that should receive priority for funding. This includes:
• Projects that implement the requirements of the bill relating to wastewater infrastructure maintenance planning and reporting requirements created by the bill.
• Projects that 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 18 amends s. 403.1838, F.S., to require that rules related to prioritization of funds for the Small Community Sewer Construction Assistance Grant Program include the:
• Prioritization of projects that prevent pollution, and
• 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.

Section 19 provides a statement that this act fulfills an important state interest.

Sections 20-45 make conforming changes.

Section 46 directs the Division of Law Revision to replace certain language in the bill with the date the DEP adopts certain rules on OSTDSs as required by the bill.

Section 47 states that except as otherwise expressly provided in the bill, the act will take effect July 1, 2021.

219 Id.
IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The county/municipality mandates provision of Art. VII, s. 18 of the Florida Constitution may apply to this bill because it requires local governments to develop OSTDS remediation plans and wastewater treatment plans. If the bill does qualify as a mandate, the law must fulfill an important state interest and final passage must be approved by two-thirds of the membership of each house of the Legislature.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The following discussion identifies aspects of the bill that may cause a negative fiscal impact because they implement more stringent environmental requirements. However, it is worth noting that there are costs associated with failing to address pollution issues. Cleanup costs, human health impacts, ecosystem deterioration, loss of tourism, and decreased real estate values are some key examples of possible costs associated with pollution.

Updating stormwater rules and adopting new onsite sewage treatment disposal systems (OSTDS) and wastewater rules would likely cause a negative fiscal impact to the private sector. However, if that impact exceeds $1 million over five years, the rules will require legislative ratification, which means they will not go into effect without additional legislation.

The additional requirements of OSTDS remediation plans and wastewater treatment plans may cause a negative fiscal impact to the private sector entities within basin management.
action plans (BMAPs) that must address OSTDS or wastewater pollution to meet the total maximum daily load.

Private wastewater utilities that discharge into Indian River Lagoon may have costs associated to conversion to advanced waste treatment.

Utilities that fail to survey an adequate portion of the wastewater collection system and take steps to reduce sanitary sewer overflows, pipe leaks, and inflow and infiltration will be subject to a $4,000 fine for each violation. All wastewater administrative penalties are doubled under this bill. The cap on the Department of Environmental Protection’s administrative penalties is increased to $50,000 from $10,000.

C. Government Sector Impact:

The DEP will incur additional costs in developing multiple new regulatory programs, updating BMAPs, and developing, submitting, and reviewing new reports.

The additional requirements of OSTDS remediation plans and wastewater treatment plans may cause a negative fiscal impact to local governments that must address OSTDS or wastewater pollution to meet their TMDL. However, there is flexibility in how these plans are developed, which makes these costs speculative and subject to the development of each specific OSTDS remediation plan or wastewater treatment plan.

The implementation of a real-time water quality monitoring program will have a negative fiscal impact on the DEP, but this provision is subject to appropriation.

The wastewater grant program would have a positive fiscal impact on local governments, but this provision is subject to appropriation. The DEP will likely incur some costs associated with the development of this grant program and the report to the Governor and the Legislature. The DEP can absorb these costs within existing resources.

Public wastewater utilities that discharge into Indian River Lagoon may have costs associated with conversion to advanced waste treatment. However, the local governments in the region are spending substantial amounts on pollution cleanup. Lessening the pollutants in this waterbody may have a positive fiscal impact in the long term.

The impact of exempting the biosolids rule from ratification is speculative at this time because the rule has not been adopted. There is likely a negative fiscal impact to both the public and private sectors to meet the requirements of the new rule. There may be a long-term positive fiscal impact as a result of reduced cleanup costs and reduced damage to the natural systems associated with more rigorous land application requirements.

The increase in administrative penalties will likely have an indeterminate yet positive fiscal impact on the DEP.
VI. Technical Deficiencies:

VII. None. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 153.54, 153.73, 163.3180, 180.03, 311.105, 327.46, 373.250, 373.414, 373.4131, 373.705, 373.707, 373.709, 373.807, 376.307, 380.0552, 381.006, 381.0061, 381.0064, 381.0065, 381.00651, 381.0101, 403.061, 403.067, 403.086, 403.08601, 403.087, 403.0871, 403.0872, 403.088, 403.0891, 403.121, 403.1835, 403.1838, 403.707, 403.861, 489.551, and 590.02.

This bill creates the following sections of the Florida Statutes: 381.00652, 403.0616, 403.0673, and 403.0855.

This bill repeals section 381.0068 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

- **Recommended CS/CS by Appropriations Subcommittee on Agriculture, Environment, and General Government on January 22, 2020:**
  The committee substitute: Corrects the name of the “National Sanitation Foundation” because it changed its name to “NSF International”;
- Clarifies that a local government is not responsible for a private wastewater facility’s compliance with a Basin Management Action Plan (BMAP);
- Clarifies that the records collected by the Department of Agriculture and Consumer Services (DACS) during their inspections include nitrogen and phosphorus fertilizer application records;
- Clarifies that wastewater infrastructure projects that comply with the sanitary sewer overflow, leakage, and infiltration and inflow requirements of the bill will receive priority funding from the state revolving loan fund by moving the prioritization to the section of law governing the state revolving loan fund;
- Clarifies that the Department of Environmental Protection (DEP) may not fix or revise utility rates of budgets;
- Clarifies that utilities that need to report on infiltration and inflow and leakage only need to submit one report to the DEP annually;
- Increases the cap on the DEP’s administrative penalties to $50,000 from $10,000;
- Doubles the wastewater administrative penalties;
- Provides incentives for projects that promote efficiency by coordinating wastewater infrastructure expansions with other infrastructure improvements occurring within of along a transportation facility right-of-way;
Includes these incentives in the small community sewer construction assistance program, the state revolving loan program, and the new wastewater grant program created by the bill;

Clarifies that local governments with biosolids ordinances may retain those ordinance until repealed;

Requires the DACS to provide information collected from on-site inspections of each agricultural producer enrolled in a best management practice (BMP) to the DEP. These on-site inspections are required at least every two years.

CS by Community Affairs on December 9, 2019:
The committee substitute:

Effectuates a type two transfer of septic system oversight from the DOH to DEP rather than just requiring a report;

Requires DEP to develop rules relating to the location of septic systems;

Revises language related to DEP updating its stormwater rules;

Requires DEP to make recommendations to the Legislature on self-certification of stormwater permits rather than prohibiting the use of self-certification in BMAP areas;

Leaves the BMAP process for Outstanding Florida Springs while revising the requirement for OSTDS remediation plans and adding a requirement for wastewater treatment plans in the general BMAP statute;

Requires that these new plans be incorporated into the BMAP by 2025;

Removes provisions relating to Florida-Friendly Fertilizer Ordinances;

Adds rural areas of opportunities to the possible grant recipients for the wastewater grant created by the bill;

Removes provisions that would make agricultural BMPs enforceable earlier and in more impaired waterbodies;

Adds a requirement that DACS conduct onsite inspections of BMPs at least every two years;

Adds a requirement that DACS collect and remit certain records relating to agricultural BMPs to DEP;

Adds language authorizing DACS and certain institutions of higher education to submit budget requests for certain activities relating to the improvement of agricultural BMPs;

Removes the provision requiring additional notification and penalties related to sanitary sewer overflows and replaces it with numerous requirements relating to the prevention of sanitary sewer overflows, inflow and infiltration, and leakage;

Removes provisions increasing penalties but adds “failure to survey an adequate portion of the wastewater collection system and take steps to reduce sanitary sewer overflows, pipe leaks, and inflow and infiltration” to the penalty schedule;

Deletes the DOH OSTDS technical advisory committee and creates a DEP OSTDS technical advisory committee that will expire on August 15, 2022, after making recommendations to the Governor and Legislature regarding the regulation of OSTDSs;

Requires DEP to adopt rules relating to biosolids management and exempts such rules from legislative ratification if they are adopted before the 2021 legislative session.
• Directs the Division of Law Revision to incorporate the date of rule adoption into the statutes.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
By Senator Bradley

A bill to be entitled
An act relating to environmental protection; creating
s. 373.477, F.S.; requiring a minimum annual
appropriation for Everglades restoration and the
protection of water resources in this state beginning
in a specified fiscal year; providing 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;
providing an effective date.

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

Section 1. Section 373.477, Florida Statutes, is created to read:

373.477 Everglades restoration and protection of water
resources.—For fiscal year 2020-2021, and annually thereafter, a
minimum of $625 million shall be appropriated as provided in
this section for the purposes of Everglades restoration and the
protection of water resources in this state. The funding must be
used for a science-based process to identify projects that are
needed to achieve such restoration and protection.

(1) The annual appropriations to the Department of
Environmental Protection must provide for the following
distributions:

(a) The greater of $300 million or as provided pursuant to
s. 375.041(3)(b)1., for Everglades restoration, and s.
375.041(3)(b)4., for the Everglades Agricultural Area reservoir project.
(b) The sum of $50 million to the South Florida Water Management District for the design, engineering, and construction of aquifer storage and recovery wells.

(c) Funding for spring restoration pursuant to s. 375.041(3)(b)2.

(d) The sum of $40 million for alternative water supplies or water conservation.

(e) The sum of $15 million for projects within the watersheds of the St. Johns River, the Suwannee River, and the Apalachicola River.

(f) The sum of $15 million for projects within the watersheds of the Indian River Lagoon.

(g) The sum of $10 million for coral reef protection and restoration.

(2) The sum of $4 million to the Fish and Wildlife Conservation Commission for red tide research.

(3) Any remaining balance shall be allocated to fund any of the following:

(a) Targeted water quality improvements.

(b) Alternative water supplies or water conservation.

(c) Water quality enhancements and accountability, innovative technologies, and harmful algal bloom prevention and mitigation.

(d) Land acquisition or easement acquisition, including, but not limited to, lands or easements purchased pursuant to the Florida Forever program or the Rural and Family Lands Protection Program.

(4) This section is repealed on June 30, 2023, unless reviewed and saved from repeal through reenactment by the
Section 2. This act shall take effect July 1, 2020.
A bill to be entitled
An act relating to environmental resource management;
amending s. 403.067, F.S.; providing that basin
management action plan management strategies may
include certain water quality improvement elements;
requiring the Department of Environmental Protection,
in coordination with the Department of Agriculture and
Consumer Services, to develop and implement a
cooperative agricultural regional water quality
improvement element; providing guidelines for the
element; providing requirements for participation in
the element; requiring the Department of Environmental
Protection, in coordination with the Department of
Health or water management districts, to develop and
implement a cooperative urban, suburban, commercial,
or institutional water quality improvement element;
providing guidelines for the element; requiring the
Department of Environmental Protection to work with
the Department of Agriculture and Consumer Services
and producers to improve certain data and technology
resources; requiring the Institute of Food and
Agriculture Sciences of the University of Florida, in
cooperation with the Department of Agriculture and
Consumer Services, to develop a research plan and a
legislative budget request; providing requirements for
the plan; establishing a nutrient reduction cost-share
program within the Department of Environmental
Protection; providing requirements for the program,
subject to legislative appropriation; providing
priorities for funding allocations; authorizing the
department to waive a local match requirement under
certain circumstances; requiring an annual report to
the Governor and the Legislature; amending s. 403.412,
F.S.; prohibiting local governments from recognizing,
granting, conveying, or extending legal rights or
legal standing to animals or the natural environment
under certain circumstances; providing construction;
providing an effective date.

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

Section 1. Paragraph (a) of subsection (7) of section
403.067, Florida Statutes, is amended, paragraphs (e), (f), and
(g) are added to that subsection, and subsection (14) is added
to that section, 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, technically cost-effective actions as provided for in s. 403.151. The plan must establish a schedule for 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, where appropriate, and voluntary trading of water quality credits to achieve the needed pollutant load reductions. In addition to the interim measures, best management practices, or other measures required in paragraph (c), management strategies may include a cooperative agricultural regional water quality improvement element, as set forth in paragraph (e), or a cooperative urban, suburban, commercial, or institutional regional water quality improvement element, as set forth in paragraph (f).

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). Where appropriate, the plan may take into account the benefits of pollutant load reduction achieved by point or nonpoint sources that have implemented management strategies to reduce pollutant loads, including best management practices, before the development of the basin management action plan. The plan must also identify the mechanisms that will address potential future
increases in pollutant loading.

3. The basin management action planning process is intended to involve the broadest possible range of interested parties, with the objective of encouraging the greatest amount of cooperation and consensus possible. In developing a basin management action plan, the department shall assure that key stakeholders, including, but not limited to, applicable local governments, water management districts, the Department of Agriculture and Consumer Services, other appropriate state 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 not less than 5 days nor 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 must 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 involves 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.

(e) Cooperative agricultural regional water quality
improvement element.—A basin management action plan may include
as an additional management strategy a cooperative agricultural
regional water quality improvement element.

1. The department, in coordination with the Department of
Agriculture and Consumer Services, shall develop the element and
implement it through a cost-sharing program. The element may
include cost-effective, technically and financially practical cooperative agricultural nutrient reduction projects that may be implemented on private properties, subject to available funding. The projects may include any of the following on lands of willing sellers or willing participants, which, in combination with state-sponsored regional projects and other management strategies included in the basin management action plan, will reduce the nutrient impacts from agricultural operations:

a. Land acquisition in fee or in conservation easements.

b. Site-specific water quality improvement or dispersed water management projects.

2. To qualify for participation in the element, the participant must have already implemented the interim measures, best management practices, or other measures adopted by the department pursuant to subparagraph (c)2.

3. The element may be included in the basin management action plan as a part of the 5-year assessment under subparagraph (a)6.

(f) Cooperative urban, suburban, commercial, or institutional water quality improvement element.—The basin management action plan may include as an additional management strategy a cooperative urban, suburban, commercial, or institutional regional water quality improvement element.

1. The department, in coordination with the Department of Health or water management districts, shall develop the element and implement it through a cost-sharing program. The element may include cost-effective, technically and financially practical cooperative urban, suburban, commercial, or institutional regional nutrient reduction projects that may be implemented on
properties, subject to available funding. The projects may include those that reduce stormwater pollutant loading, which, in combination with state-sponsored regional projects and other management strategies included in the basin management action plan, will reduce the nutrient impacts from urban, suburban, commercial, or institutional operations.

2. The element may be included in the basin management action plan as a part of the 5-year assessment under subparagraph (a)6.

(g) Data collection and research.—
1. The department shall work with the Department of Agriculture and Consumer Services to improve the accuracy of data used to estimate agricultural land uses in basin management action plans. The departments shall work with producers to identify agricultural technologies that could be implemented, subject to available funding, on properties where the technologies are deemed technically and financially practical.

2. The Institute of Food and Agricultural Sciences of the University of Florida, in cooperation with the Department of Agriculture and Consumer Services, shall develop a research plan and a legislative budget request to:
   a. Evaluate and, where cost-effective and technically and financially practical, suggest enhancements to the adopted best management practices;
   b. Develop new best management practices that are cost-effective and technically and financially practical and that, when proven, may be considered by the department for rule adoption pursuant to paragraph (c).
   c. Develop technically and financially practical
agricultural nutrient reduction projects that would be
implemented with willing participants on a site-specific,
cooperative basis in addition to best management practices, and
that would be considered for inclusion in a basin management
action plan pursuant to paragraph (e).

3. The department, in cooperation with the Institute of
Food and Agricultural Sciences of the University of Florida and
the regulated entities, shall consider the adoption by rule of
best management practices for the management of nutrient impacts
from golf courses and other recreational areas.

(14) NUTRIENT REDUCTION COST-SHARE PROGRAM.—A nutrient
reduction cost-share program is established within the
department.

(a) Subject to legislative appropriation, the department
may provide funding for projects that will individually or
collectively reduce nutrient pollution under a basin management
action plan or an alternative restoration plan for the
following:

1. Projects to retrofit onsite sewage treatment and
disposal systems.

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

3. Projects to connect onsite sewage treatment and disposal
systems to central sewer facilities.

4. Projects identified in the cooperative urban, suburban,
commercial, or institutional regional water quality improvement
element pursuant to paragraph (7)(f).

5. Projects identified in the cooperative agricultural
regional water quality improvement element pursuant to paragraph

(7)(e).

6. Data collection and research activities identified in paragraph (7)(f).

(b) In allocating funds for projects, the department shall equally prioritize projects identified in subparagraphs (a)1.-4. with projects identified in subparagraph (a)5. For projects identified in subparagraphs (a)1.-4., priority must be given to projects that subsidize the connection of onsite sewage treatment and disposal systems to a wastewater treatment plant or that subsidize inspections and assessments of onsite sewage treatment and disposal systems. In determining such priorities, 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 within the plan area, the availability of local matching funds, and the projected water savings or quantity improvements associated with the project.

(c) Each project described in subparagraphs (a)1.-3. must require a minimum of a 50 percent local match of funds. However, the department may 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 pursuant to s. 288.0656.

(d) The department shall coordinate with the Department of Agriculture and Consumer Services, the Institute of Food and Agricultural Sciences of the University of Florida, and each water management district, as necessary, in allocating funds pursuant to this subsection.
(e) 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 2. 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, or charter may not recognize, grant, convey, or extend legal standing or legal rights, as those terms are generally construed, to a plant, an animal, a body of water, or any other part of the natural environment which is not a person or a political subdivision, as defined in s. 1.01(8), unless otherwise specifically authorized by state law or the State Constitution.

(b) This subsection may not be interpreted or construed to do any of the following:

1. Limit the ability of the Department of Legal Affairs, any political subdivision of the state, or a resident of the state to maintain an action for injunctive relief as provided in this section.

2. Limit the ability of an aggrieved or adversely affected party to appeal and 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 to challenge compliance of the agreement with the Florida Local Government Development Agreement Act, as provided in s. 163.3243.
Section 3. This act shall take effect July 1, 2020.
The Committee on Environment and Natural Resources (Albritton) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Subsection (7) of section 403.067, Florida Statutes, is amended, and subsections (14) and (15) are added to that section, 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, and technically and financially practical 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:

   a. Regional treatment systems or other public works, where appropriate;

   b. Voluntary trading of water quality credits to achieve the needed pollutant load reductions;

   c. Interim measures, best management practices, or other measures in paragraph (c);

   d. Implementation of cooperative agricultural regional water quality improvement projects or practices in paragraph (e); and

   e. Cooperative urban, suburban, commercial, or institutional regional water quality improvement projects or practices in paragraph (f).
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). Where appropriate, the plan may take into account the benefits of pollutant load reduction achieved by point or nonpoint sources that have implemented management strategies to reduce pollutant loads, including best management practices, before the development of the basin management action plan. The plan must also identify the mechanisms that will address potential future increases in pollutant loading.

3. The basin management action planning process is intended to involve the broadest possible range of interested parties, with the objective of encouraging the greatest amount of cooperation and consensus possible. In developing a basin management action plan, the department shall assure that key stakeholders, including, but not limited to, applicable local governments, water management districts, the Department of Agriculture and Consumer Services, other appropriate state 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 not less than 5 days nor 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.

(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(21), and public education;

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

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

   e. Public works including capital facilities; or

   f. Land acquisition.
2. For a basin management action plan adopted pursuant to paragraph (a), any management strategies and pollutant reduction requirements associated with a pollutant of concern for which a 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, when 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, where applicable, 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. Should the reevaluation determine that the best management practice or other measure requires modification, the department, a water management district, or the Department of Agriculture and Consumer Services, as appropriate, shall revise the rule to require implementation of the modified practice within a reasonable time period as specified in the rule.

5. Agricultural records relating to processes or methods of production, costs of production, profits, or other financial information held by the Department of Agriculture and Consumer Services pursuant to subparagraphs 3. and 4. 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.

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. A nonagricultural and agricultural nonpoint source owner
or operator who discharges into a basin included in an adopted
basin management action plan must comply with the following, as
applicable, within 5 years after the date of the adoption of the
basin management action plan or an amendment thereto that
imposes new requirements:

   a. For a nonagricultural nonpoint source discharger,
      nonagricultural interim measures, nonagricultural best
      management practices, or other measures adopted by rule pursuant
to subparagraph (c)1. or management measures adopted in a basin
      management action plan.

   b. For an agricultural nonpoint source discharger,
      agricultural interim measures, agricultural best management
      practices, or other measures adopted by rule pursuant to
      subparagraph (c)2. and implemented according to a notice of
      intent filed by the agricultural nonpoint source discharger.

   c. For an agricultural and nonagricultural nonpoint source
      discharger who opts to implement water quality monitoring in
      lieu of compliance with sub-subparagraph a. or sub-subparagraph
      b., water quality monitoring required under sub-subparagraph
4. Implementation of actions in subparagraph 3. shall be verified by a site visit at least once every 2 years by the responsible agency as follows:
   a. For nonagricultural interim measures, nonagricultural best management practices, or other measures adopted by rule pursuant to subparagraph (c)1., verification by the department or water management district, as appropriate.
   b. For agricultural interim measures, agricultural best management practices, or other measures adopted by rule pursuant to subparagraph (c)2., verification by the Department of Agriculture and Consumer Services.
   c. For management measures adopted in a basin management action plan, verification by the department.

If verification pursuant to this subparagraph cannot be accomplished every 2 years, the responsible agency shall include recommendations for meeting the intent of the verification along with a budget request as part of the progress report required under s. 403.0675.

(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 a cost-sharing program as provided by law. 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 if funding is made available as provided by law. 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 program participants.

3. To qualify for participation in the cooperative agricultural regional water quality improvement element, the participant must have already implemented the interim measures, 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.

(f) Cooperative urban, suburban, commercial, or institutional regional water quality improvement element.
1. The department, the Department of Health, local governments, and water management districts with jurisdiction in the basin shall develop a cooperative urban, suburban, commercial, or institutional regional water quality improvement element as part of a basin management action plan in which:
   a. Nonagricultural interim measures and nonagricultural best management practices have been implemented and the waterbody remains impaired;
   b. Nonagricultural 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 shall be implemented through a cost-sharing program as provided by general law. The element must include cost-effective and technically and financially practical cooperative regional nutrient reduction projects that can be implemented on urban, suburban, commercial, or institutional properties if funding is made available as provided by general law. The element must be included in the basin management action plan as a part of the next 5-year assessment under subparagraph (a)6.

(g) Data collection and research.—
1. The Department of Agriculture and Consumer Services shall work with the department to improve the accuracy of data used to estimate agricultural land uses in the basin management action plan and work with producers to identify agricultural technologies that are cost-effective and technically and
financially practical and could be implemented on agricultural lands if funding is made available as provided by general law.

2. The University of Florida Institute of Food and Agricultural Sciences shall work with the Department of Agriculture and Consumer Services to develop a research plan and a legislative budget request to:
   a. Evaluate and, if cost-effective and technically and financially practical, suggest enhancements to adopted best management practices;
   b. Develop new best management practices that are cost-effective and technically and financially practical and that, when proven, can be considered by the Department of Agriculture and Consumer Services for rule adoption pursuant to paragraph (c); and
   c. Develop technically and financially practical cooperative agricultural nutrient reduction projects to be considered by water management districts for inclusion in a basin management action plan pursuant to paragraph (e) that will reduce the nutrient impacts from agricultural operations on surface and groundwater quality.

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).

(14) NUTRIENT REDUCTION COST-SHARE PROGRAM.—A nutrient reduction cost-share program is established within the department.
(a) Subject to appropriation, the department may provide funding for the following projects in a basin management action plan or an alternative restoration plan that will individually or collectively reduce nutrient pollution:

1. Projects to retrofit onsite sewage treatment and disposal systems.

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

3. Projects to connect onsite sewage treatment and disposal systems to central sewer facilities.

4. Projects identified in the cooperative urban, suburban, commercial, or institutional regional water quality improvement element pursuant to paragraph (7)(f).

5. Projects identified in the cooperative agricultural regional water quality improvement element pursuant to paragraph (7)(e).

6. Data collection and research activities identified in paragraph (7)(g).

(b) In allocating funds for projects, the department shall prioritize projects in subbasins with the highest nutrient concentrations within a basin management action plan and projects that are identified in subparagraphs (a)1.-5. For projects identified in subparagraphs (a)1.-4., further prioritization must be given to projects that subsidize the connection of onsite sewage treatment and disposal systems to a wastewater treatment plant or that subsidize inspections and assessments of onsite sewage treatment and disposal systems.

(c) In determining the priority of projects pursuant to paragraph (b), the department shall consider the following for
each project:

1. The estimated reduction in nutrient load.
2. Readiness.
4. Overall environmental benefit.
5. The location within the plan area.
6. The availability of local matching funds.
7. Projected water savings or water quantity improvements.

(d) Each project described in subparagraphs (a)1.-3. must require a minimum of 50 percent local matching funds. However, the department may, at its discretion, waive, in whole or in part, consideration of the local contribution for proposed projects within an area designated as a rural area of opportunity as defined in s. 288.0656(2).

(e) The department shall coordinate with the Department of Agriculture and Consumer Services, the University of Florida Institute of Food and Agricultural Sciences, and each water management district, as necessary, in allocating funds appropriated pursuant to paragraph (a).

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

(g) The nutrient reduction cost-share program is in addition to, and does not replace, existing funding authorizations.

(15) RURAL HOMESTEADS.—

(a) The Legislature recognizes that lands classified as
agricultural by property appraisers may include rural homesteads in addition to producing agricultural lands. It is the intent of the Legislature to support those who seek to establish and maintain rural homesteads and focus on a sustainable, self-supporting lifestyle.

(b) As used in this subsection, the term “rural homesteads” means low-density rural residential properties up to 50 acres in size which are homesites and noncommercial in nature that include single-family homes and accessory structures together with the keeping of livestock, horses, traditional farm animals and poultry, and the planting and maintenance of groves and gardens for the primary purpose of serving the needs and interests of those living on the property.

(c) Rural homesteads are not subject to the requirements of paragraph (7)(c). However, if any activity on a rural homestead rises to the level of bona fide agricultural activity and is classified as agricultural use pursuant to s. 193.461, the land owner must comply with the requirements of paragraph (7)(c).

Section 2. Section 403.0675, Florida Statutes, is amended to read:

403.0675 Progress reports. On or before July 1 of each year, beginning in 2018:

(1) On or before July 1 of each year:

(a) Beginning in 2018, the department, in conjunction with the water management districts, shall post on its website and submit electronically an annual progress report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the status of each total maximum daily load, basin management action plan, minimum flow or minimum water...
level, and recovery or prevention strategy adopted pursuant to s. 403.067 or parts I and VIII of chapter 373. The report must include the status of each project identified to achieve a total maximum daily load or an adopted minimum flow or minimum water level, as applicable. If a report indicates that any of the 5-year, 10-year, or 15-year milestones, or the 20-year target date, if applicable, for achieving a total maximum daily load or a minimum flow or minimum water level will not be met, the report must include an explanation of the possible causes and potential solutions. If applicable, the report must include project descriptions, estimated costs, proposed priority ranking for project implementation, and funding needed to achieve the total maximum daily load or the minimum flow or minimum water level by the target date. Each water management district shall post the department’s report on its website.

(b) Beginning in 2020, the department shall include in the report required under paragraph (a):

1. The status of the results of verification of the stormwater systems and nonagricultural best management practices.

2. The number of landowners, dischargers, or other responsible persons required to implement applicable management strategies, including best management practices or water quality monitoring, who did not comply with such requirements.

(2) (a) The Department of Agriculture and Consumer Services shall post on its website and submit electronically an annual progress report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the status of the implementation of the agricultural nonpoint source best
management practices, including an implementation assurance report summarizing survey responses and response rates, site inspections, and other methods used to verify implementation of and compliance with best management practices pursuant to basin management action plans.

(b) Beginning July 1, 2020, and each July 1 thereafter, the Department of Agriculture and Consumer Services shall include in the progress report required under paragraph (a) a status of the results of implementation of agricultural nonpoint source best management practices in the following categories:

1. Irrigated and nonirrigated agricultural acres.
2. Fallow agricultural acres.
3. Agricultural parcels of fewer than 50 acres, excluding rural homesteads as defined in s. 403.067(15).

(c) Beginning July 1, 2020, and each July 1 thereafter, the department shall include in the progress report the number of landowners, dischargers, or other responsible persons required to implement applicable management strategies, including best management practices or water quality monitoring, who did not comply with such requirements.

(3) A nonagricultural and agricultural nonpoint source owner and operator who discharges into a basin included in an adopted basin management action plan must comply with the following, as applicable, within 5 years after the date of the adoption of the basin management action plan or an amendment thereto:

(a) For a nonagricultural nonpoint source discharger, nonagricultural interim measures, nonagricultural best management practices, other measures adopted by rule pursuant to
s. 403.067(7)(c)1., or management measures adopted in a basin
management action plan.

(b) For an agricultural nonpoint source discharger,
agricultural interim measures, agricultural best management
practices, or other measures adopted by rule pursuant to s.
403.067(7)(c)2. and implemented according to a notice of intent
filed by the agricultural nonpoint source discharger.

(c) For an agricultural and nonagricultural nonpoint source
discharger who opts to implement water quality monitoring in
lieu of compliance with paragraph (a) or paragraph (b), water
quality monitoring required under s. 403.067(7)(b)2.g.

(4) For the progress reports submitted on July 1, 2020,
July 1, 2021, and July 1, 2022, the department and the
Department of Agriculture and Consumer Services shall focus on
the priority areas identified in the basin management action
plans.

Section 3. 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, or charter may not recognize, grant,
convey, or extend legal standing or legal rights, as those terms
are generally construed, to a plant, an animal, a body of water,
or any other part of the natural environment which is not a
person or a political subdivision as defined in s. 1.01(8),
unless otherwise specifically authorized by state law or the
State Constitution.

(b) This subsection may not be interpreted or construed to
do any of the following:
1. Limit the ability of the Department of Legal Affairs, any political subdivision of the state, or a resident of this state to maintain an action for injunctive relief as provided in this section.

2. Limit the ability of an aggrieved or adversely affected party to appeal and 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 to challenge compliance of the agreement with the Florida Local Government Development Agreement Act, as provided in s. 163.3243.

Section 4. This act shall take effect July 1, 2020.

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled An act relating to environmental resource management; amending s. 403.067, F.S.; providing additional management strategies for basin management action plans; requiring certain basin management action plans to include certain cooperative regional water quality improvement elements; providing requirements for the Department of Environmental Protection, the Department of Agriculture and Consumer Services, and owners of agricultural operations in developing and implementing such elements; 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; requiring the University of Florida Institute of Food and Agricultural Sciences to work with the Department of Agriculture and Consumer Services to develop a specified research plan and a legislative budget request; requiring the Department of Environmental Protection to work with the University of Florida Institute of Food and Agricultural Sciences to consider the adoption of best management practices for nutrient impacts from golf courses; establishing a nutrient reduction cost-share program within the Department of Environmental Protection; providing requirements for such program; providing legislative intent regarding rural homesteads; defining the term “rural homesteads”; exempting such homesteads from certain best management practices under certain conditions; amending s. 403.0675, F.S.; requiring the Department of Environmental Protection and the Department of Agriculture and Consumer Services to include specified information in annual progress reports for basin management action plans; amending s. 403.412, F.S.; 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; providing construction; providing an effective date.
I. Summary:

SB 1382 authorizes basin management action plans (plans that address water quality on a basin-wide level) 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 basin management action plan during the 5-year update.

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 best management practices and the agricultural element.

The bill creates a nutrient reduction cost-share program. Subject to appropriation, DEP may provide funding for nutrient reduction projects in a basin management action plan or alternative restoration plan. Eligible projects include: retrofitting septic systems; constructing, upgrading, or expanding wastewater facilities to provide advanced waste treatment; projects to connect septic to sewer; projects in the nonagricultural element; projects in the agricultural element; and data collection and research activities. The bill specifies prioritization and cost-share requirements for project funding. In allocating funding, DEP must coordinate with DACS, IFAS, and the water management districts. The bill requires an annual report to the Governor and Legislature regarding the projects funded by this program.

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.
II. Present Situation:

Water Quality and Nutrients

Phosphorus and nitrogen are naturally present in water and are essential nutrients for the healthy growth of plant and animal life. The correct balance of both nutrients is necessary for a healthy ecosystem; however, excessive nitrogen and phosphorus can cause significant water quality problems.

Phosphorus and nitrogen are derived from natural and human-made sources. Natural inputs include the atmosphere, soils, and the decay of plants and animals. Human-made sources include sewage disposal systems (wastewater treatment facilities and septic systems), overflows of storm and sanitary sewers (untreated sewage), agricultural production and irrigation practices, and stormwater runoff.¹

Excessive nutrient loads may result in harmful algal blooms, nuisance aquatic weeds, and the alteration of the natural community of plants and animals. Dense, harmful algal blooms can also cause human health problems, fish kills, problems for water treatment plants, and impairment of the aesthetics and taste of waters. Growth of nuisance aquatic weeds tends to increase in nutrient-enriched waters, which can impact recreational activities.²

Total Maximum Daily Loads

A total maximum daily load (TMDL), which must be adopted by rule, is a scientific determination of the maximum amount of a given pollutant that can be absorbed by a waterbody and still meet water quality standards.³ Waterbodies or sections of waterbodies that do not meet the established water quality standards are deemed impaired. Pursuant to the federal Clean Water Act, DEP is required to establish a TMDL for impaired waterbodies.⁴ A TMDL for an impaired waterbody is defined as the sum of the individual waste load allocations for point sources and the load allocations for nonpoint sources and natural background.⁵ Point sources are discernible, confined, and discrete conveyances including pipes, ditches, and tunnels. Nonpoint sources are unconfined sources that include runoff from agricultural lands or residential areas.⁶

⁴ Section 403.067(1), F.S.
⁵ Section 403.031(21), F.S.
⁶ Fla. Admin. Code R. 62-620.200(37). “Point source” is defined as “any discernible, confined, and discrete conveyance, including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged.” Nonpoint sources of pollution are sources of pollution that are not point sources. Nonpoint sources can include runoff from agricultural lands or residential areas; oil, grease and toxic materials from urban runoff; and sediment from improperly managed construction sites.
**Basin Management Action Plans and Best Management Practices**

DEP is the lead agency in coordinating the development and implementation of TMDLs. Basin management action plans (BMAPs) are one of the primary mechanisms DEP uses to achieve TMDLs. BMAPs are plans that address the entire pollution load, including point and nonpoint discharges, for a watershed. BMAPs generally include:

- Permitting and other existing regulatory programs, including water quality based effluent limitations;
- Best management practices (BMPs) and non-regulatory and incentive-based programs, including: cost sharing, waste minimization, pollution prevention, agreements, and public education;
- Public works projects, including capital facilities; and
- Land acquisition.\(^7\)

DEP may establish a BMAP as part of the development and implementation of a TMDL for a specific waterbody. First, the BMAP equitably allocates pollutant reductions to individual basins, to all basins as a whole, or to each identified point source or category of nonpoint sources.\(^9\) Then, the BMAP establishes the schedule for implementing projects and activities to meet the pollution reduction allocations. The BMAP development process provides an opportunity for local stakeholders, local government and community leaders, and the public to collectively determine and share water quality cleanup responsibilities.\(^10\) BMAPs are adopted by secretarial order.\(^11\)

BMAPs must include milestones for implementation and water quality improvement. They must also include 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 must be conducted every five years and revisions to the BMAP must be made as appropriate.\(^12\)

Producers of nonpoint source pollution included in a BMAP must comply with the established pollutant reductions by either implementing the appropriate BMPs or by conducting water quality monitoring.\(^13\) A nonpoint source discharger may be subject to enforcement action by DEP or a water management district (WMD) based on a failure to implement these requirements.\(^14\) BMPs are designed to reduce the amount of nutrients, sediments, and pesticides that enter the water system and to help reduce water use. BMPs are developed for agricultural

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\(^7\) Section 403.061, F.S. DEP has 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. Furthermore, s. 403.061(21), F.S., allows DEP to advise, consult, cooperate, and enter into agreements with other state agencies, the federal government, other states, interstate agencies, etc.

\(^8\) Section 403.067(7), F.S.

\(^9\) Id.


\(^11\) Section 403.067(7)(a)5., F.S.

\(^12\) Section 403.067(7)(a)6., F.S.

\(^13\) Section 403.067(7)(b)2.g., F.S. For example, BMPs for agriculture include activities such as managing irrigation water to minimize losses, limiting the use of fertilizers, and waste management.

\(^14\) Section 403.067(7)(b)2.h., F.S.
operations as well as for other activities, such as nutrient management on golf courses, forestry operations, and stormwater management.\textsuperscript{15}

Currently, BMAPs are adopted or pending for a significant portion of the state and will continue to be developed as necessary to address water quality impairments. The graphic below shows the state’s adopted and pending BMAPs.\textsuperscript{16}

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{image}
\caption{Basin Management Action Plans (BMAPs)}
\end{figure}

\textbf{Agricultural BMPs}

Agricultural best management practices (BMPs) are practical measures that agricultural producers undertake to reduce the impacts of fertilizer and water use and otherwise manage the landscape to further protect water resources. BMPs are developed using the best available methods.


science with economic and technical consideration and, in certain circumstances, can maintain or enhance agricultural productivity. BMPs are implemented by the Department of Agriculture and Consumer Services (DACS). Since the BMP program was implemented in 1999, DACS has adopted nine BMP manuals and is currently developing two more that cover nearly all major agricultural commodities in Florida. According to the annual report on BMPs prepared by DACS, approximately 54 percent of agricultural acreage is enrolled in the DACS BMP program statewide. Producers implementing BMPs receive a presumption of compliance with state water quality standards for the pollutants addressed by the BMPs and those who enroll in the BMP program become eligible for technical assistance and cost-share funding for BMP implementation. To enroll in the BMP program, producers must meet with the Office of Agricultural Water Policy (OAWP) to determine the BMPs that are applicable to their operation and submit a Notice of Intent to Implement the BMPs, along with the BMP checklist from the applicable BMP manual. Within a BMAP, management strategies, including best management practices and water quality monitoring, are enforceable.

The University of Florida’s Institute of Food and Agricultural Sciences (IFAS) is heavily involved in the adoption and implementation of BMPs. IFAS provides expertise to both DACS and agriculture producers and has extension offices throughout Florida. IFAS puts on summits and workshops on BMPs, conducts research to issue recommendations for improving BMPs, and issues training certificates for BMPs that require licenses such as Green Industry BMPs.

The Blue-Green Algae Task Force, a state task force addressing water pollution in Florida, recently recommended the following with respect to agricultural nutrient reduction:

- Increasing BMP enrollment;
- Improving records and additional data collection; and
- Accelerating updates to BMP manuals.

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20 Section 403.067(7), F.S.
22 Section 403.067(7)(d), F.S.
Restoration Plans as Alternatives to TMDLS

Under the Florida Watershed Restoration Act, DEP can forgo establishing a TMDL for a waterbody if DEP can document that there is reasonable assurance existing or proposed pollution control mechanisms or programs will effectively address the impairment. These restoration plans depend on local stakeholders to gather necessary documentation to demonstrate reasonable assurance that the proposed control mechanisms will restore the particular waterbody. Similar to the adoption of a BMAP, a finalized restoration plan is adopted by secretarial order.

The following information must be documented in a restoration plan:
- Description of the impaired waterbody;
- Description of water quality or aquatic ecological goals;
- Description of proposed management actions to be undertaken;
- Description of procedures for monitoring and reporting results; and
- Description of and commitment to proposed corrective actions.

Wastewater Treatment Facilities

The proper treatment and disposal or reuse of domestic wastewater is an important part of protecting Florida’s water resources. The majority of Florida’s domestic wastewater is controlled and treated by centralized treatment facilities regulated by DEP. Florida has approximately 2,000 permitted domestic wastewater treatment facilities.

Chapter 403, F.S., requires that any facility or activity which discharges wastes into waters of the state or which will reasonably be expected to be a source of water pollution must obtain a permit from DEP. Generally, persons who intend to collect, transmit, treat, dispose, or reuse wastewater are required to obtain a wastewater permit. A wastewater permit issued by DEP is required for both operation and certain construction activities associated with domestic or industrial wastewater facilities or activities. A DEP permit must also be obtained prior to construction of a domestic wastewater collection and transmission system.

Under section 402 of the Clean Water Act, any discharge of a pollutant from a point source to surface waters (i.e., the navigable waters of the United States or beyond) must obtain a National Drinking Water Compliance Certification Following

27 Chapter 99-223, Laws of Fla.
29 Id.
33 Section 403.087, F.S.
Pollution Discharge Elimination System (NPDES) permit.\(^{35}\) NPDES permit requirements for most wastewater facilities or activities (domestic or industrial) that discharge to surface waters are incorporated into a state-issued permit, thus giving the permittee one set of permitting requirements rather than one state and one federal permit.\(^{36}\) DEP issues operation permits for a period of 5 years for facilities regulated under the NPDES program and up to 10 years for other domestic wastewater treatment facilities meeting certain statutory requirements.\(^{37}\)

In its 2016 Report Card for Florida’s Infrastructure, the American Society of Civil Engineers reported that the state’s wastewater system is increasing in age and the condition of installed treatment and conveyance systems is declining.\(^{38}\) As existing infrastructure ages, Florida utilities are placing greater emphasis on asset management systems to maintain service to customers. Population growth, aging infrastructure, and sensitive ecological environments are increasing the need to invest in Florida’s wastewater infrastructure.\(^{39}\)

### Advanced Waste Treatment

Under Florida law, facilities for sanitary sewage disposal are required to provide for advanced waste treatment, as deemed necessary by DEP.\(^{40}\) The standard for advanced waste treatment is defined in statute using the maximum concentrations of nutrients or contaminants that a reclaimed water product may contain.\(^{41}\) The standard also requires a high-level disinfection.\(^{42}\)

<table>
<thead>
<tr>
<th>Nutrient or Contaminant</th>
<th>Maximum Concentration Annually</th>
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</thead>
<tbody>
<tr>
<td>Biochemical Oxygen Demand</td>
<td>5 mg/L</td>
</tr>
<tr>
<td>Suspended Solids</td>
<td>5 mg/L</td>
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<tr>
<td>Total Nitrogen</td>
<td>3 mg/L</td>
</tr>
<tr>
<td>Total Phosphorus</td>
<td>1 mg/L</td>
</tr>
</tbody>
</table>

### Onsite Sewage Treatment and Disposal Systems

Onsite sewage treatment and disposal systems (OSTDS), commonly referred to as “septic systems,” generally consist of two basic parts: the septic tank and the drainfield.\(^{43}\) Waste from toilets, sinks, washing machines and showers flows through a pipe into the septic tank, where anaerobic bacteria break the solids into a liquid form. The liquid portion of the wastewater flows into the drainfield, which is generally a series of perforated pipes or panels surrounded by lightweight materials such as gravel or Styrofoam. The drainfield provides a secondary treatment

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\(^{35}\) 33 U.S.C s. 1342.

\(^{36}\) Sections 403.061 and 403.087, F.S.

\(^{37}\) Section 403.087(3), F.S.


\(^{39}\) Id.

\(^{40}\) Section 403.086(2), F.S.

\(^{41}\) Section 403.086(4), F.S.


where aerobic bacteria continue deactivating the germs. The drainfield also provides filtration of the wastewater, as gravity draws the water down through the soil layers.\textsuperscript{44}

The Department of Health (DOH) administers OSTDS programs, develops statewide rules, and provides training and standardization for county health department employees responsible for issuing permits for the installation and repair of OSTDSs within the state.\textsuperscript{45} DOH regulations focus on construction standards and setback distances. The regulations are primarily designed to protect the public from waterborne illnesses.\textsuperscript{46} DOH also conducts research to evaluate performance, environmental health, and public health effects of OSTDSs.

Innovative OSTDS products and technologies must be approved by DOH.\textsuperscript{47}

There are an estimated 2.6 million OSTDSs in Florida, providing wastewater disposal for 30 percent of the state’s population.\textsuperscript{48} In Florida, development in some areas is dependent on OSTDSs due to the cost and time it takes to install central sewer systems.\textsuperscript{49} For example, in rural areas and low-density developments, central sewer systems are not cost effective. Less than one percent of OSTDSs in Florida are actively managed under operating permits and maintenance agreements.\textsuperscript{50} The remainder of systems are generally serviced only when they fail, often leading to costly repairs that could have been avoided with routine maintenance.\textsuperscript{51}

In Florida, approximately 30-40 percent of the nitrogen levels are reduced in the drainfield of a system that is installed 24 inches or more from groundwater.\textsuperscript{52} This still leaves a significant

\textsuperscript{44} Id.; Conventional Septic System graphic: See EPA, Types of Septic Systems, \url{https://www.epa.gov/septic/types-septic-systems} (last visited Dec. 2, 2019).
\textsuperscript{45} Section 381.0065(3), F.S.
\textsuperscript{47} Section 381.0065(3), F.S.
\textsuperscript{50} Id.
\textsuperscript{51} Id.
amount of nitrogen to percolate into the groundwater, which makes nitrogen from OSTDSs a potential contaminant in groundwater.53

Different types of advanced OSTDSs exist that can remove greater amounts of nitrogen than a typical septic system (often referred to as “advanced” or “enhanced nutrient-reducing” septic systems).54 DOH publishes on its website approved products and resources on advanced systems.55 Determining which advanced system is the best option can depend on site-specific conditions.

Stormwater Management

Stormwater is the flow of water resulting from, and immediately following, a rainfall event.56 When stormwater falls on pavement, buildings, and other impermeable surfaces the runoff flows quickly and can pick up sediment, nutrients (such as nitrogen and phosphorous), chemicals, and other pollutants.57 Stormwater pollution is a major source of water pollution in Florida.58

There are two main regulatory programs to address water quality from stormwater: the federal program that regulates discharges of pollutants into waters of the United States59 and the state Environmental Resource Permitting (ERP) Program that regulates activities involving the alteration of surface water flows.60 The federal NPDES Stormwater Program regulates the following types of stormwater pollution:61

- Certain municipal storm sewer systems;
- Runoff from certain construction activities; and
- Runoff from industrial activities.62

57 DEP, Stormwater Management, 1 (2016), available at https://floridadep.gov/sites/default/files/stormwater-management_0.pdf. When rain falls on fields, forests, and other areas with naturally permeable surfaces the water not absorbed by plants filters through the soil and replenishes Florida’s groundwater supply.
Florida’s ERP Program includes regulation of activities that create stormwater runoff, as well as dredging and filling in wetlands and other surface waters. The ERPs are designed to prevent flooding, protect wetlands and other surface waters, and protect Florida’s water quality from stormwater pollution. The statewide ERP Program is implemented by DEP, the WMDs, and certain local governments. The ERP Applicant Handbook, incorporated by reference into DEP rules, provides guidance on DEP’s ERP Program including stormwater topics such as the design of stormwater management systems.

DEP and the WMDs are authorized to require permits and impose reasonable conditions:
- To ensure that construction or alteration of stormwater management systems and related structures are consistent with applicable law and not harmful to water resources;
- For the maintenance or operation of such structures.

Rural Areas of Opportunity

A rural area of opportunity (RAO) is a rural community, or region of rural communities, that has been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster or that presents a unique economic development opportunity of regional impact. By executive order, the Governor may designate up to three RAOs, establishing each region as a priority assignment for Rural Economic Development Initiative (REDI) agencies. The Governor can waive the criteria, requirements, or any similar provisions of any state economic development incentive for projects in a RAO.

The Rights of Nature Movement

The Rights of Nature Movement is the concept of recognizing that nature has legal rights and legal standing in a court of law. “It is the recognition that our ecosystems – including trees, oceans, animals, mountains – have rights just as human beings have rights.”

Standing is a party’s right to make a legal claim or seek judicial enforcement of a duty or right.

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66 Section 373.413, F.S.; see s. 403.814(12), F.S.
67 Section 373.416, F.S.
68 Section 288.0656(2)(d), F.S.
69 Section 288.0656(7), F.S.
71 Id.
72 BLACK’S LAW DICTIONARY, 1536 (9th ed. 2009).
the plaintiff actual injury and that the interest sought to be protected is within the zone of interests meant to be regulated by the statutory or constitutional guarantee.\textsuperscript{73} Under the Rights of Nature concept, an ecosystem could be named as an injured party in a court of law, with its own legal standing rights. Proponents of the Rights of Nature see legal personhood as a promising tool for protecting nature and analogous to corporate personhood and the protection of corporate rights.\textsuperscript{74}

Ecuador includes a Rights of Nature provision in its constitution.\textsuperscript{75} Under the Ecuadorian constitution, nature has rights “to exist, persist, maintain and regenerate its vital cycles, structure, functions and its processes in evolution.”\textsuperscript{76} Bolivia, New Zealand, India,\textsuperscript{77} and Colombia\textsuperscript{78} have also taken steps toward recognizing rights of nature.

The Pennsylvania Constitution contains a provision stating “the people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.”\textsuperscript{79} Based on this constitutional provision a court overturned a Pennsylvania law protecting extractive interests from local ordinances undertaking to limit environmentally harmful activities.\textsuperscript{80} Local governments in Pennsylvania,\textsuperscript{81} Maine,\textsuperscript{82} New Hampshire,\textsuperscript{83} and California,\textsuperscript{84} among others, have enacted rights of nature provisions in their local ordinances. The idea is being discussed in various Florida communities, but no local ordinances have been adopted at this time.\textsuperscript{85}

**The Florida Environmental Protection Act**

The Environmental Protection Act of 1971 authorizes the bringing of an action for injunctive relief to compel a governmental authority to enforce laws, rules, and regulations for the protection of the air, water, and other natural resources of the state of Florida or to enjoin a person or governmental agency or authority from violating any laws, rules, or regulations for the

\textsuperscript{73} Id.


\textsuperscript{75} Constitución Política de la República del Ecuador, art. 10, 71-74 (Ecuador), English translation available at http://pdba.georgetown.edu/Constitutions/Ecuador/english08.html.

\textsuperscript{76} Id.

\textsuperscript{77} See generally, Gwendolyn J. Gordon, *Environmental Personhood*, 50, 43 COLUM. J. ENVTL. L. 49 (Jan. 11, 2019).


\textsuperscript{79} PA. CONST. art. 1, § 27


\textsuperscript{81} See City of Pittsburgh Code of Ordinances, § 618.03.

\textsuperscript{82} Town of Shapleigh Code, §99-16.


\textsuperscript{84} Santa Monica Municipal Code, Ch. 12.02.030.

protection of the air, water, and other natural resources of the state.\(^{86}\) In any administrative, licensing, or other proceedings authorized by law for the protection of the air, water, or other natural resources of the state from pollution, impairment, or destruction, the government or a citizen of the state has standing to intervene as a party on the filing of a pleading asserting that the activity to be licensed or permitted has or will have the effect of impairing, polluting, or otherwise injuring the air, water, or other natural resources of the state.\(^{87}\) A citizen’s substantial interests are considered to be affected if the party demonstrates it may suffer an injury in fact which is of sufficient immediacy and is of the type and nature intended to be protected by law. No demonstration of special injury different in kind from the general public at large is required. A sufficient demonstration of a substantial interest may be made by a petitioner who establishes that the proposed activity, conduct, or product to be licensed or permitted affects the petitioner’s use or enjoyment of air, water, or natural resources protected by law.\(^{88}\)

In *Florida Wildlife Federation v. State Dept. of Environmental Regulation*, the Florida Supreme Court held that the Environmental Protection Act sets out substantive rights not previously possessed.\(^{89}\) Private citizens of Florida may institute a suit under the Environmental Protection Act without showing of special injury required by traditional rules of standing.\(^{90}\) The Act does not constitute an impermissible intrusion by the legislature into the Supreme Court's power over practice and procedure in state courts, but rather creates a new cause of action setting out substantive rights not previously possessed and enabling the citizens of Florida to institute suit for the protection of their environment without a showing of "special injury" as previously required.\(^{91}\)

### III. Effect of Proposed Changes:

**Optional Basin Management Action Plan Elements (Section 1)**

The bill amends s. 403.067(7), F.S., to authorize the creation of a cooperative agricultural regional water quality improvement element (agricultural element) or a cooperative urban, suburban, commercial, or institutional water quality improvement element (nonagricultural element) as part of a basin management action plan (BMAP). These elements may be included in the basin management action plan as a part of the 5-year assessment.

The Department of Environmental Protection (DEP) develops the agricultural element in coordination with the Department of Agriculture and Consumer Services (DACS) through a cost-sharing program. Projects in the agricultural element may include agricultural nutrient reduction projects that are:
- Cost-effective,
- Technically and financially practical,
- Cooperative, and
- Implemented on private properties.

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\(^{86}\) Section 403.412(2)(a), F.S.
\(^{87}\) Section 403.412(5), F.S.
\(^{88}\) Id.
\(^{89}\) Id.
\(^{90}\) 390 So.2d 64 (Fla. 1980).
\(^{91}\) Id.
Inclusion of such projects is subject to available funding and must be carried out on lands of willing sellers or willing participants.

The projects may include:

- Land acquisition in fee or in conservation easements,
- Site-specific water quality improvement, or
- Dispersed water management projects.

To qualify for participation in the element, the participant must have already implemented the interim measures, best management practices (BMPs), or other measures adopted by the “department” (See Technical Issues Below).

DEP develops the nonagricultural element in coordination with the Department of Health or water management districts as a cost-sharing program. Projects in the nonagricultural element may include nutrient reduction projects that are:

- Cost-effective,
- Technically and financially practical,
- Cooperative,
- Urban, suburban, commercial, or institutional, and
- Regional.

Inclusion of such projects is subject to available funding. The projects may include those that reduce stormwater pollutant loading.

**Data Collection and Research (Section 1)**

The bill directs DEP to work with DACS to improve the accuracy of data used to estimate agricultural land uses in BMAPs. The departments must work with producers to identify agricultural technologies that could be implemented, subject to available funding, on properties where the technologies are deemed technically and financially practical.

The Institute of Food and Agricultural Sciences (IFAS) of the University of Florida, in cooperation with the DACS, must develop a research plan and a legislative budget request to:

- Evaluate and suggest cost-effective enhancements to the adopted BMPs.
- Develop new, cost-effective BMPs that, when proven, may be considered by the “department” (See Technical Issues Below) for rule adoption.
- Develop agricultural nutrient reduction projects that would be implemented with willing participants on a site-specific, cooperative basis in addition to BMPs, and that would be considered for inclusion in the agricultural element of a BMAP.

All such proposals must be technically and financially practical.

DEP, in cooperation with IFAS and the regulated entities, must consider the adoption by rule of BMPs for the management of nutrient impacts from golf courses and other recreational areas.
**Nutrient Reduction Cost-Share Program (Section 1)**

The bill creates a nutrient reduction cost-share program within DEP. Subject to legislative appropriation, DEP may provide funding for projects that will individually or collectively reduce nutrient pollution under a basin management action plan or an alternative restoration plan for the following:

- The following wastewater projects (wastewater projects require a 50 percent local match of funds which can be waived for a rural area of opportunity):
  - Projects to retrofit onsite sewage treatment and disposal systems.
  - Projects to construct, upgrade, or expand facilities to provide advanced waste treatment.
  - Projects to connect onsite sewage treatment and disposal systems to central sewer facilities.
- Projects in the nonagricultural element of a BMAP (created in the bill and described above).
- Projects in the agricultural element of a BMAP (created in the bill and described above).
- The data collection and research activities created in the bill (See Technical Issues Section).

Wastewater projects and projects in the nonagricultural element must be equally prioritized with projects in the agricultural element.

For wastewater projects or projects in the nonagricultural element, priority must be given to projects that subsidize the connection of onsite sewage treatment and disposal systems to a wastewater treatment plant or that subsidize inspections and assessments of onsite sewage treatment and disposal systems. In determining priorities, DEP must 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 within the plan area, the availability of local matching funds, and the projected water savings or quantity improvements associated with the project.

DEP must coordinate with DACS, IFAS, and each water management district, as necessary, in allocating funds pursuant to this subsection. Beginning January 1, 2021, DEP must submit an annual report regarding the projects funded pursuant to this program to the Governor and Legislature.

**Rights of Nature (Section 2)**

The bill amends the Florida Environmental Protection Act to prohibit local governments from recognizing, granting, conveying, or extending legal standing or legal rights to a plant, an animal, a body of water, or any other part of the natural environment unless otherwise specifically authorized by state law or the State Constitution.

The changes in the bill explicitly do not:
- Limit the ability of the Department of Legal Affairs, any political subdivision of the state, or a resident of the state to maintain an action for injunctive relief for existing pollution violations.
- Limit the ability of an aggrieved or adversely affected party to appeal and 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.

**Effective Date (Section 3)**

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

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

   None.

B. Public Records/Open Meetings Issues:

   None.

C. Trust Funds Restrictions:

   None.

D. State Tax or Fee Increases:

   None.

E. Other Constitutional Issues:

   None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

   None.

B. Private Sector Impact:

   The private sector could see a positive fiscal impact from the cost-share program.

C. Government Sector Impact:

   There would be a negative fiscal impact to the state associated with funding the bill’s research and cost-share programs, but there may be a long-term positive fiscal impact associated with pollution prevention.

**VI. Technical Deficiencies:**

Line 264 should refer to (7)(g).
On line 189, the reference to “department” on this line should probably be changed to “Department of Agriculture and Consumer Services” as it is the entity responsible for BMPs, etc. under s. 403.067(7)(c)2. In ch. 403, use of the term “department” means DEP.

On line 230, the reference to “department” should probably also be “Department of Agriculture and Consumer Services.”

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 403.067 and 403.412 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
   (Summarizing differences between the Committee Substitute and the prior version of the bill.)

   None.

B. Amendments:

   None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
### Preemption of Local Occupational Licensing by Grant (M)

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 & municipalities to issue journeyman licenses. Effective Date: July 1, 2020

**Current Committee of Reference:** House Commerce Committee

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<td>01/16/2020</td>
<td>HOUSE Now in Commerce Committee</td>
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**Similar**

- SB 1336 Preemption of Local Occupational Licensing (Perry)

### Specialty License Plates by Bell

Specialty License Plates: Directs DHSMV to develop Florida State Beekeepers Association license plate; provides for distribution & use of fees collected from sale of plates. Effective Date: October 1, 2020, but only if HB 29 or similar legislation takes effect

**Current Committee of Reference:** House Transportation & Infrastructure Subcommittee

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<td>HOUSE Now in Transportation &amp; Infrastructure Subcommittee</td>
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**Compare**

- SB 0110 Fees/Florida State Beekeepers Association License Plate (Rader)
- SB 0412 License Plates (Bean)
- HB 1135 License Plates (Grant (J))

**Identical**

- SB 0108 Specialty License Plates/Florida State Beekeepers Association (Rader)

**Linked**

- HB 0029 Specialty License Plate Fees (Bell)

### Specialty License Plate Fees by Bell

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

**Current Committee of Reference:** House Transportation & Infrastructure Subcommittee

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**Compare**

- SB 0108 Specialty License Plates/Florida State Beekeepers Association (Rader)

**Identical**

- SB 0110 Fees/Florida State Beekeepers Association License Plate (Rader)

**Linked**

- 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**  
| SB 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**  
08/16/2019 SENATE Referred to Commerce and Tourism; Community Affairs; Rules  

**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**  
11/06/2019 SENATE Now in Appropriations Subcommittee on Education  
**Compare**  
| HB 0115 | Keep Our Graduates Working Act (Duran) |
| 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) |

**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
**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

**Actions**

08/16/2019  SENATE Referred to Commerce and Tourism; Judiciary; Rules

Identical

HB 0739  Discrimination in Labor and Employment (Thompson)

**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 Infrastructure and Security

**Actions**

08/16/2019  SENATE Referred to Infrastructure and Security; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations

Compare

HB 0029  Specialty License Plate Fees (Bell)
SB 0412  License Plates (Bean)
HB 1135  License Plates (Grant (J))

Identical

HB 0027  Specialty License Plates (Bell)

Linked

SB 0110  Fees/Florida State Beekeepers Association License Plate (Rader)

**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 Infrastructure and Security
<table>
<thead>
<tr>
<th>Actions</th>
<th>Date</th>
<th>Committee and Action Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>08/16/2019</td>
<td>SENATE Referred to Infrastructure and Security; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations</td>
<td></td>
</tr>
<tr>
<td>Compare</td>
<td></td>
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</tr>
<tr>
<td>HB 0027</td>
<td>Specialty License Plates (Bell)</td>
<td></td>
</tr>
<tr>
<td>Identical</td>
<td></td>
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<tr>
<td>HB 0029</td>
<td>Specialty License Plate Fees (Bell)</td>
<td></td>
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<tr>
<td>Linked</td>
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<tr>
<td>SB 0108</td>
<td>Specialty License Plates/Florida State Beekeepers Association (Rader)</td>
<td></td>
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<tr>
<td>SB 0112</td>
<td><strong>Capital Relocation Study</strong> by Rader</td>
<td></td>
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<tr>
<td></td>
<td>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</td>
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<tr>
<td></td>
<td><strong>Current Committee of Reference:</strong> Senate Governmental Oversight and Accountability</td>
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<tr>
<td>Actions</td>
<td>Date</td>
<td>Committee and Action Details</td>
</tr>
<tr>
<td>08/16/2019</td>
<td>SENATE Referred to Governmental Oversight and Accountability; Community Affairs; Rules</td>
<td></td>
</tr>
<tr>
<td>HB 0115</td>
<td><strong>Keep Our Graduates Working Act</strong> by Duran</td>
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<tr>
<td></td>
<td>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 &amp; entities; repeals provisions relating to health care practitioners in default on student loan or scholarship obligations. Effective Date: July 1, 2020</td>
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<td></td>
<td><strong>Current Committee of Reference:</strong> No Current Committee</td>
<td></td>
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<tr>
<td>Actions</td>
<td>Date</td>
<td>Committee and Action Details</td>
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<tr>
<td>01/23/2020</td>
<td>HOUSE Placed on Special Order Calendar, 01/29/20</td>
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<tr>
<td>Compare</td>
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<tr>
<td>SB 0066</td>
<td>Student Loans and Scholarship Obligations of Health Care Practitioners (Cruz)</td>
<td></td>
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<tr>
<td>HB 0077</td>
<td>Student Loans and Scholarship Obligations of Health Care Practitioners (Goff-Marcil)</td>
<td></td>
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<tr>
<td>SB 0474</td>
<td>Deregulation of Professions and Occupations (Albritton)</td>
<td></td>
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<tr>
<td>HB 0713</td>
<td>Department of Health (Rodriguez (AM))</td>
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<tr>
<td>SB 0926</td>
<td>Health Care Practitioner Licensure (Harrell)</td>
<td></td>
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<tr>
<td>Similar</td>
<td></td>
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<tr>
<td>SB 0356</td>
<td>Keep Our Graduates Working Act (Hutson)</td>
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<tr>
<td>SB 0142</td>
<td><strong>Abolishing the Constitution Revision Commission</strong> by Brandes</td>
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<td></td>
<td>Abolishing the Constitution Revision Commission; Proposing amendments to the State Constitution to abolish the Constitution Revision Commission, etc.</td>
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<tr>
<td></td>
<td><strong>Current Committee of Reference:</strong> Senate Rules</td>
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<tr>
<td>Actions</td>
<td>Date</td>
<td>Committee and Action Details</td>
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<tr>
<td>01/24/2020</td>
<td>SENATE On Committee agenda - Rules, 01/29/20, 1:30 pm, 110 S</td>
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<tr>
<td>Compare</td>
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<tr>
<td>Bill Number</td>
<td>Title</td>
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<tr>
<td>HB 0303</td>
<td>Constitution Revision Commission (Drake)</td>
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<tr>
<td>HB 0301</td>
<td>Repeal of Constitution Revision Commission (Drake)</td>
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<tr>
<td>HB 0147</td>
<td><strong>Water Resources</strong> by Jacobs</td>
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<td>Water Resources: Requires DEP to conduct specified comprehensive &amp; quantitative needs-based</td>
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<td>overview of state's water resources &amp; submit report to Governor &amp; Legislature. Effective</td>
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<td></td>
<td>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><strong>Actions</strong></td>
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<td></td>
<td>09/23/2019 HOUSE Now in Agriculture &amp; Natural Resources Subcommittee</td>
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<td></td>
<td><strong>Identical</strong></td>
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<td></td>
<td>SB 0690  Water Resources (Albritton)</td>
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<tr>
<td>HB 0153</td>
<td><strong>Indian River Lagoon State Matching Grant Program</strong> by Fine</td>
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<td></td>
<td>Indian River Lagoon State Matching Grant Program: Provides that certain projects identified</td>
<td></td>
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<td>in Indian River Lagoon Comprehensive Conservation &amp; Management Plan are eligible for state</td>
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<td>funding consideration; directs DEP to coordinate with water management districts to identify</td>
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<td>projects &amp; grant recipients. Effective Date: July 1, 2020</td>
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<td><strong>Current Committee of Reference:</strong> House Agriculture &amp; Natural Resources Appropriations</td>
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<td>Subcommittee</td>
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<td><strong>Actions</strong></td>
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<td></td>
<td>11/13/2019 HOUSE Now in Agriculture &amp; Natural Resources Appropriations Subcommittee</td>
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<td><strong>Compare</strong></td>
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<td></td>
<td>SB 0712  Water Quality Improvements (Mayfield)</td>
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<td><strong>Similar</strong></td>
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<td>SB 0640  Indian River Lagoon State Matching Grant Program (Harrell)</td>
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<tr>
<td>SB 0178</td>
<td><strong>Public Financing of Construction Projects</strong> by Rodriguez (J)</td>
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<td>Public Financing of Construction Projects; Prohibiting state-financed constructors from</td>
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<td>commencing construction of certain structures in coastal areas after a specified date</td>
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<td>without first taking certain steps regarding a sea level impact projection study;</td>
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<td>requiring the Department of Environmental Protection to develop by rule a standard for</td>
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<td>such studies; requiring the department to enforce certain requirements and to adopt rules,</td>
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<td>etc. Effective Date: On the same date that SB 7016 or similar legislation takes effect,</td>
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<td>if such legislation is adopted in the same legislative session or an extension thereof and</td>
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<td>becomes a law</td>
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<td><strong>Current Committee of Reference:</strong> Senate Appropriations Subcommittee on Agriculture,</td>
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<td></td>
<td>Environment and General Government</td>
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<td><strong>Actions</strong></td>
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<tr>
<td></td>
<td>12/13/2019 SENATE Now in Appropriations Subcommittee on Agriculture, Environment, and</td>
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<td>General Government</td>
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<td></td>
<td><strong>Compare</strong></td>
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<tr>
<td></td>
<td>HB 1073  Statewide Office of Resiliency (Stevenson)</td>
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<td></td>
<td><strong>Identical</strong></td>
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<td>HB 0579  Public Financing of Construction Projects (Aloupis)</td>
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<td><strong>Linked</strong></td>
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<td></td>
<td>SB 7016  Statewide Office of Resiliency (Infrastructure and Security)</td>
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<tr>
<td>SB 0182</td>
<td><strong>Preemption of Recyclable and Polystyrene Materials</strong> by Stewart</td>
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</tbody>
</table>
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

**Current Committee of Reference:** Senate Community Affairs

<table>
<thead>
<tr>
<th>Actions</th>
<th>09/19/2019</th>
<th>SENATE Referred to Community Affairs; Environment and Natural Resources; Rules</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compare</td>
<td>SB 1722</td>
<td>Recyclable Materials (Taddeo)</td>
</tr>
<tr>
<td></td>
<td>HB 6043</td>
<td>Preemption of Recyclable and Polystyrene Materials (Grieco)</td>
</tr>
</tbody>
</table>

**HB 0191** Young Farmers and Ranchers by Bell

Young Farmers and Ranchers: Creates Florida Young Farmers & Ranchers Matching Grant Program within DACS; provides requirements for recipient eligibility & grant awards; specifies that grant funding is contingent upon specific legislative appropriation. Effective Date: July 1, 2020

**Current Committee of Reference:** House Agriculture & Natural Resources Subcommittee

<table>
<thead>
<tr>
<th>Actions</th>
<th>09/25/2019</th>
<th>HOUSE Now in Agriculture &amp; Natural Resources Subcommittee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compare</td>
<td>SB 1130</td>
<td>Young Farmers and Ranchers (Albritton)</td>
</tr>
</tbody>
</table>

**SB 0218** Licensure Requirements for Osteopathic Physicians by Harrell

Licensure Requirements for Osteopathic Physicians; Revising licensure requirements for persons seeking licensure or certification as an osteopathic physician, etc. Effective Date: Upon becoming a law

**Current Committee of Reference:** Senate Appropriations

<table>
<thead>
<tr>
<th>Actions</th>
<th>10/24/2019</th>
<th>SENATE Now in Appropriations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compare</td>
<td>SB 0230</td>
<td>Department of Health (Harrell)</td>
</tr>
<tr>
<td></td>
<td>HB 0713</td>
<td>Department of Health (Rodriguez (AM))</td>
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<tr>
<td></td>
<td>HB 0221</td>
<td>Osteopathic Physicians Certification and Licensure (Roach)</td>
</tr>
</tbody>
</table>

**HB 0221** Osteopathic Physicians Certification and Licensure by Roach

Osteopathic Physicians Certification and Licensure: Requires successful completion of internship or residency in specified accredited program to be licensed or certified as osteopathic physician. Effective Date: upon becoming a law

**Current Committee of Reference:** House Health & Human Services Committee

<table>
<thead>
<tr>
<th>Actions</th>
<th>01/15/2020</th>
<th>HOUSE Now in Health &amp; Human Services Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compare</td>
<td>SB 0230</td>
<td>Department of Health (Harrell)</td>
</tr>
<tr>
<td></td>
<td>HB 0713</td>
<td>Department of Health (Rodriguez (AM))</td>
</tr>
<tr>
<td></td>
<td>Identical</td>
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</tr>
</tbody>
</table>
### SB 0226 Athletic Trainers by Harrell

Athletic Trainers: Revising the definition of the term “athletic trainer”; revising athletic trainer licensure requirements; revising continuing education requirements for the renewal of an athletic trainer license; requiring that the supervision of an athletic training student meet certain requirements, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Rules

**Actions**
- **01/23/2020** SENATE Now in Rules

**Compare**
- SB 0230 Department of Health (Harrell)
- HB 0713 Department of Health (Rodriguez (AM))

**Identical**
- HB 0485 Athletic Trainers (Antone)

### SB 0230 Department of Health by Harrell

Department of Health; 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 licensure requirements for a person seeking licensure or certification as an osteopathic physician; extending through 2025 the Florida Center for Nursing’s responsibility to study and issue an annual report on the implementation of nursing education programs; requiring dentists and certified registered dental hygienists to report in writing certain adverse incidents to the department within a specified timeframe; revising athletic trainer licensure requirements, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Appropriations

**Actions**
- **10/23/2019** SENATE Now in Appropriations

**Compare**
- SB 0218 Licensure Requirements for Osteopathic Physicians (Harrell)
- HB 0221 Osteopathic Physicians Certification and Licensure (Roach)
- SB 0226 Athletic Trainers (Harrell)
- SB 0390 Massage Therapy (Hooper)
- HB 0485 Athletic Trainers (Antone)
- HB 0677 Chiropractic Medicine (Smith (D))
- SB 1124 Legislative Review of Occupational Regulations (Diaz)
- SB 1138 Chiropractic Medicine (Brandes)
- HB 1143 Department of Health (Gregory)
- SB 1296 Health Access Dental Licenses (Berman)
- HB 1341 Massage Therapy (Goff-Marcil)
- HB 1461 Health Access Dental Licenses (Brown)

**Similar**
- HB 0713 Department of Health (Rodriguez (AM))

### HB 0237 Agricultural Products by Roth

Agricultural Products: Revises & provides definition. Effective Date: July 1, 2020
<table>
<thead>
<tr>
<th>SB 0250</th>
<th>Development Orders by Berman</th>
</tr>
</thead>
<tbody>
<tr>
<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>
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</tbody>
</table>

| Current Committee of Reference: Senate Community Affairs |

<table>
<thead>
<tr>
<th>Actions</th>
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<tbody>
<tr>
<td>09/19/2019 SENATE Referred to Community Affairs; Judiciary; Rules</td>
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<tr>
<td>Identical</td>
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<tr>
<td>HB 6019 Development Orders (Casello)</td>
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<table>
<thead>
<tr>
<th>HB 0255</th>
<th>Florida Commission on Human Relations by Antone</th>
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</thead>
<tbody>
<tr>
<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; requires commission to provide notice to aggrieved person in certain circumstances; 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>
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| Current Committee of Reference: House Civil Justice Subcommittee |

<table>
<thead>
<tr>
<th>Actions</th>
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<tbody>
<tr>
<td>10/10/2019 HOUSE Now in Civil Justice Subcommittee</td>
</tr>
<tr>
<td>Compare</td>
</tr>
<tr>
<td>SB 0450 Whistleblower’s Act (Brandes)</td>
</tr>
<tr>
<td>Similar</td>
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<tr>
<td>SB 0726 Florida Commission on Human Relations (Rouson)</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>SB 0278</th>
<th>Climate Health Planning by Rodriguez (J)</th>
</tr>
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<tbody>
<tr>
<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>
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| Current Committee of Reference: Senate Health Policy |

<table>
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<tr>
<th>Actions</th>
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<tbody>
<tr>
<td>10/15/2019 SENATE Referred to Health Policy; Infrastructure and Security; Appropriations</td>
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<thead>
<tr>
<th>SB 0280</th>
<th>Climate Fiscal Responsibility by Rodriguez (J)</th>
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<tbody>
<tr>
<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>
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| Current Committee of Reference: Senate Infrastructure and Security |

<table>
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<th>Actions</th>
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<tbody>
<tr>
<td>10/15/2019 SENATE Referred to Infrastructure and Security; Finance and Tax; Appropriations</td>
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</table>

| HB 0305 | Preemption of Conditions of Employment by Rommel |
### Preemption of Conditions of Employment

Preempts to state right to regulate conditions of employment by an employer; voids certain ordinances, regulations, or policies that are preempted by act. Effective Date: upon becoming a law

**Current Committee of Reference:** House Local, Federal & Veterans Affairs Subcommittee

### SB 0318 Sale of Sunscreen

**by Stewart**

Sale of Sunscreen; Prohibiting the sale, offer for sale, or distribution of certain sunscreen products to a consumer who does not have a prescription for such product, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Environment and Natural Resources

### SB 0332 Land Acquisition Trust Fund

**by Stewart**

Land Acquisition Trust Fund; Requiring a specified annual appropriation to the Florida Forever Trust Fund; prohibiting moneys from the Land Acquisition Trust Fund from being used for specified costs, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Appropriations Subcommittee on Agriculture, Environment and General Government

### SB 0356 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

### Similar

- SB 1126 Employment Conditions (Gruters)
- SB 0318 Sale of Sunscreen by Stewart
- SB 0332 Land Acquisition Trust Fund by Stewart
- SB 0356 Keep Our Graduates Working Act by Hutson
- HB 0115 Keep Our Graduates Working Act (Duran)
**HB 0357**  *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

**Current Committee of Reference:** No Current Committee

### Actions

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<tr>
<th>Date</th>
<th>Action Description</th>
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<tbody>
<tr>
<td>10/16/2019</td>
<td>HOUSE Withdrawn prior to introduction</td>
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### Compare

<table>
<thead>
<tr>
<th>Bill</th>
<th>Description</th>
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<tbody>
<tr>
<td>HB 1101</td>
<td>Internship Tax Credit Program (Daley)</td>
</tr>
<tr>
<td>SB 1412</td>
<td>Internship Tax Credit Program (Powell)</td>
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### Similar

<table>
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<tr>
<th>Bill</th>
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<tbody>
<tr>
<td>HB 0439</td>
<td>Internship Tax Credit Program (Daley)</td>
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<tr>
<td>SB 0642</td>
<td>Internship Tax Credit Program (Powell)</td>
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**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

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<tr>
<th>Date</th>
<th>Action Description</th>
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<tbody>
<tr>
<td>10/15/2019</td>
<td>SENATE Referred to Health Policy; Appropriations; Rules</td>
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### Compare

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<td>SB 0230</td>
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<tr>
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<tr>
<td>HB 1341</td>
<td>Massage Therapy (Goff-Marcil)</td>
</tr>
</tbody>
</table>

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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

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<tr>
<th>Date</th>
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<tbody>
<tr>
<td>10/30/2019</td>
<td>HOUSE Now in Agriculture &amp; Natural Resources Subcommittee</td>
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### Compare

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<td>Water Quality Improvements (Payne)</td>
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</table>
**SB 0686**  Stormwater Management Systems (Gruters)

**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**

- HB 1101  Internship Tax Credit Program (Daley)
- SB 1412  Internship Tax Credit Program (Powell)

**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**

12/09/2019  SENATE Now in Innovation, Industry, and Technology

**Identical**

- HB 1107  Customer Service Standards for State Agencies (Mercado)

**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**

10/15/2019  SENATE Referred to Governmental Oversight and Accountability; Judiciary; Rules

**Compare**

- HB 0255  Florida Commission on Human Relations (Antone)
- SB 0726  Florida Commission on Human Relations (Rouson)

**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**

10/15/2019  SENATE Referred to Commerce and Tourism; Innovation, Industry, and Technology; Rules
### 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. July 1, 2020

**Current Committee of Reference:** Senate Commerce and Tourism

<table>
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<tr>
<th>Actions</th>
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<tr>
<td>HB 1193</td>
<td>Deregulation of Professions and Occupations (Ingoglia)</td>
</tr>
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</table>

### 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:** House Health & Human Services Committee

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<tr>
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<tr>
<th>SB 0226</th>
<th>Athletic Trainers (Harrell)</th>
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### 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:** House Commerce Committee

<table>
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**Similar**

| HB 0691 | Minimum Wage (Jacquet) |

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**SB 0474**

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. July 1, 2020

**Current Committee of Reference:** Senate Commerce and Tourism

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**HB 0485**

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:** House Health & Human Services Committee

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**HB 0511**

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:** House Commerce Committee

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**Similar**

| HB 0691 | Minimum Wage (Jacquet) |

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<th>01/20/2020</th>
<th>HOUSE Now in Commerce Committee</th>
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</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**

| 11/15/2019 | HOUSE Now in Workforce Development & Tourism Subcommittee |

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<td>SB 0882</td>
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**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:** House Agriculture & Natural Resources Subcommittee

**Actions**

| 11/15/2019 | HOUSE Now in Agriculture & Natural Resources Subcommittee |

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**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**

| 11/25/2019 | HOUSE Now in Oversight, Transparency & Public Management Subcommittee |

<table>
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<tr>
<td>SB 0962</td>
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**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**

| 11/25/2019 | HOUSE Now in Business & Professions Subcommittee |

| Compare |
### 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 Subcommittee on Agriculture, Environment and General Government

<table>
<thead>
<tr>
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</thead>
</table>

### 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

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</table>

### 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

<table>
<thead>
<tr>
<th>Actions</th>
<th>12/05/2019 SENATE Withdrawn prior to introduction</th>
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</table>

### Similar Projects

- **SB 0638** Apalachicola Environmental Stewardship Act by Montford
- **SB 0640** Indian River Lagoon State Matching Grant Program by Harrell
- **SB 0642** Internship Tax Credit Program by Powell
### HB 0659  Drones by Fischer

Drones: Adds exception to prohibited uses of drone for managing and eradicating invasive exotic plants or animals on public lands. Effective Date: July 1, 2020

**Current Committee of Reference:** House Agriculture & Natural Resources Appropriations Subcommittee

**Actions**

<table>
<thead>
<tr>
<th>Date</th>
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<tbody>
<tr>
<td>01/24/2020</td>
<td>HOUSE On Committee agenda - Agriculture &amp; Natural Resources Appropriations Subcommittee, 01/28/20, 9:00 am, 17 H</td>
</tr>
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</table>

**Identical**

| SB 0822 Drones (Albritton) |

### SB 0664  Verification of Employment Eligibility by Lee

Verification of Employment Eligibility; Requiring employers to register with and use the E-Verify system beginning on a specified date to verify the employment eligibility of new employees; requiring the Department of Economic Opportunity to order certain agencies to suspend an employer’s license under certain circumstances; requiring the department to notify the United States Immigration and Customs Enforcement Agency and specified law enforcement agencies of certain violations, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Judiciary

**Actions**

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<tr>
<td>11/06/2019</td>
<td>SENATE Referred to Judiciary; Commerce and Tourism; Rules</td>
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</table>

### 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

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<tr>
<td>12/03/2019</td>
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</table>

**Compare**

| SB 0230 Department of Health (Harrell) |
| HB 0713 Department of Health (Rodriguez (AM)) |
| SB 1124 Legislative Review of Occupational Regulations (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

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### 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>11/06/2019</td>
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<td>HB 0405</td>
<td>Stormwater Management Systems (Good)</td>
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**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

### Actions

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<tr>
<td>HB 0147</td>
<td>Water Resources (Jacobs)</td>
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</table>

**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

### Actions

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<td>SB 0456</td>
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**HB 0707 Legislative Review of Occupational Regulations** by Renner

Legislative Review of Occupational Regulations: Authorizes schedule for the 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:** House Health & Human Services Committee

### Actions

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<td>SB 0390</td>
<td>Massage Therapy (Hooper)</td>
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<td>HB 0713</td>
<td>Department of Health (Rodriguez (AM))</td>
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SB 0712  **Water Quality Improvements** by Mayfield

Water Quality Improvements; Citing this act as the “Clean Waterways Act”; requiring the Department Health to provide a specified report to the Governor and the Legislature 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; creating an onsite sewage treatment and disposal systems technical advisory committee within the department; requiring the department to adopt rules relating to the underground pipes of wastewater collection systems; 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, etc. Effective Date: Except as otherwise expressly provided in this act this act shall take effect July 1, 2020

**Current Committee of Reference:** Senate Appropriations

**Actions**

01/24/2020  SENATE Now in Appropriations

**Compare**

HB 0153  Indian River Lagoon State Matching Grant Program (Fine)
HB 0405  Stormwater Management Systems (Good)
SB 0640  Indian River Lagoon State Matching Grant Program (Harrell)
SB 0686  Stormwater Management Systems (Gruters)
HB 1343  Water Quality Improvements (Payne)
HB 1363  Basin Management Action Plans (Overdorf)
SB 1382  Environmental Resource Management (Albritton)

HB 0713  **Department of Health** by Rodriguez (AM)

Department of Health: Authorizes DOH to adopt rules relating to certain programs; revises certain duties & responsibilities of department; revises licensure requirements for certain professions under authority of department; provides adverse incident reporting requirements for certain dental professionals. Effective Date: July 1, 2020

**Current Committee of Reference:** House Health Care Appropriations Subcommittee

**Actions**

01/24/2020  HOUSE On Committee agenda - Health Care Appropriations Subcommittee, 01/28/20, 12:00 pm, 404 H

**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)
HB 0221  Osteopathic Physicians Certification and Licensure (Roach)
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<td>HB 0677</td>
<td>Chiropractic Medicine (Smith (D))</td>
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<td>HB 0707</td>
<td>Legislative Review of Occupational Regulations (Renner)</td>
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<td>SB 0926</td>
<td>Health Care Practitioner Licensure (Harrell)</td>
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<td>SB 1124</td>
<td>Legislative Review of Occupational Regulations (Diaz)</td>
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<td>SB 1138</td>
<td>Chiropractic Medicine (Brandes)</td>
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<td>HB 1143</td>
<td>Department of Health (Gregory)</td>
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<td>SB 1296</td>
<td>Health Access Dental Licenses (Berman)</td>
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<td>HB 1341</td>
<td>Massage Therapy (Goff-Marcil)</td>
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<td>HB 1461</td>
<td>Health Access Dental Licenses (Brown)</td>
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<td>SB 1230</td>
<td>Department of Health (Harrell)</td>
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<tr>
<td>SB 0722</td>
<td><strong>Land Acquisition Trust Fund</strong> by Montford</td>
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<tr>
<td>SB 0732</td>
<td><strong>Insulation Products</strong> by Gruters</td>
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<tr>
<td>HB 0511</td>
<td>Insulation Products (Fine)</td>
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<tr>
<td>HB 0775</td>
<td><strong>Everglades Protection Area</strong> by Avila</td>
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</tbody>
</table>

**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**

11/18/2019 SENATE Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

**SB 0732 Insulation Products** by Gruters

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**

11/21/2019 SENATE Referred to Community Affairs; Commerce and Tourism; Rules

**Similar**

HB 0511 Insulation Products (Fine)

**HB 0775 Everglades Protection Area** by Avila

Everglades Protection Area: Requires comprehensive plans & plan amendments adopted by governing body of local government whose boundaries include Everglades Protection Area to follow state coordinated review process; requires DEP to coordinate with local government on certain mitigation measures for such plans & amendments. Effective Date: July 1, 2020

**Current Committee of Reference:** House Agriculture & Natural Resources Appropriations Subcommittee

**Actions**

01/24/2020 HOUSE On Committee agenda - Agriculture & Natural Resources Appropriations Subcommittee, 01/28/20, 9:00 am, 17 H
### Identical
- **SB 1390** Everglades Protection Area (Simmons)

### HB 0777
**Fish and Wildlife Activities** by Gregory

Fish and Wildlife Activities: Prohibits certain harassment of hunters, trappers, & fishers in or on specified lands, areas, & waters; authorizes FWCC to designate additional free fishing days; prohibits certain possession of specified reptiles; provides exemption from sales & use tax for retail sale of certain hunting, fishing, & camping supplies during specified period; authorizes certain dealers to opt out of exemption; authorizes DOR to adopt emergency rules; provides appropriation. Effective Date: July 1, 2020

**Current Committee of Reference:** House Agriculture & Natural Resources Subcommittee

**Actions**
- **01/16/2020** Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 01/17/20, 09:00 am, 117 K (No Votes Will Be Taken)

**Compare**
- **SB 1310** Hunting and Fishing Sales Tax Holiday (Mayfield)
- **SB 1414** Fish and Wildlife Activities (Mayfield)

### SB 0786
**Public Records/Aquaculture Records/Department of Agriculture and Consumer Services** by Gainer

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 Governmental Oversight and Accountability

**Actions**
- **01/15/2020** SENATE Now in Governmental Oversight and Accountability

### Identical
- **HB 0905** Pub. Rec./Aquaculture Production Information/Department of Agriculture and Consumer Services (Ausley)

### HB 0791
**Florida National Estuary Program Act** by Fitzenhagen

Florida National Estuary Program Act: Requires DEP to give funding consideration to estuaries identified under National Estuary Program; requires funds to be used for specified projects; requires programs receiving funding to submit report to Governor, Legislature, DEP, & water management districts. Effective Date: July 1, 2020

**Current Committee of Reference:** House Agriculture & Natural Resources Subcommittee

**Actions**
- **12/16/2019** HOUSE Now in Agriculture & Natural Resources Subcommittee

### Similar
- **SB 1608** Florida National Estuary Program Act (Mayfield)

### SB 0822
**Drones** by Albritton

Drones; Adding an exception to prohibited uses of a drone, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Governmental Oversight and Accountability

**Actions**
- **01/22/2020** SENATE On Committee agenda - Governmental Oversight and Accountability, 01/27/20, 1:30 pm, 301 S

**Identical**
<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Title</th>
<th>Description</th>
<th>Committee Reference</th>
<th>Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>SB 0882</td>
<td>Heat Illness Prevention by Torres, Jr.</td>
<td>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</td>
<td>Senate Agriculture</td>
<td>SENATE Referred to Agriculture; Health Policy; Rules</td>
</tr>
<tr>
<td>HB 0889</td>
<td>Employment Practices by Davis</td>
<td>Employment Practices: Creates &quot;Florida Family Leave Act&quot;; 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, &amp; duties; provides for civil action &amp; penalties &amp; 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 &amp; transfer, &amp; return rights for employee who is disabled from pregnancy, childbirth, or medical condition related to pregnancy or childbirth. Effective Date: July 1, 2020</td>
<td>House Business &amp; Professions Subcommittee</td>
<td>HOUSE Now in Business &amp; Professions Subcommittee</td>
</tr>
<tr>
<td>SB 0890</td>
<td>Local Licensing by Perry</td>
<td>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; requiringlicensees to provide consumers with certain information; providing that local governments have disciplinary jurisdiction over such licensees, etc. Effective Date: 10/1/2020</td>
<td>Senate Innovation, Industry, and Technology</td>
<td>SENATE On Committee agenda - Innovation, Industry, and Technology, 01/27/20, 1:30 pm, 110 S</td>
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<tr>
<td>HB 0905</td>
<td>Pub. Rec./Aquaculture Production Information/Department of Agriculture and Consumer Services by Ausley</td>
<td>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 &amp; repeal under Open Government Sunset Review Act; provides statement of public necessity. Effective Date: July 1, 2020</td>
<td>House Agriculture &amp; Natural Resources Subcommittee</td>
<td>HOUSE Now in Agriculture &amp; Natural Resources Subcommittee</td>
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<td>Bill Number</td>
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<td>SB 0786</td>
<td>Public Records/Aquaculture Records/Department of Agriculture and Consumer Services</td>
<td>(Gainer)</td>
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<td>SB 0906</td>
<td><strong>Prohibited Reptiles</strong> by Farmer, Jr.</td>
<td>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, etc. Effective Date: 7/1/2020</td>
<td>Senate Community Affairs</td>
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<td><strong>Current Committee of Reference:</strong> Senate Community Affairs</td>
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<td>01/21/2020 SENATE Now in Community Affairs</td>
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<td>HB 1415 Prohibited Reptiles (Daley)</td>
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<td>HB 0913</td>
<td><strong>Florida Climate and Resiliency Research Program</strong> by Diamond</td>
<td>Florida Climate and Resiliency Research Program: Establishes program within DEP; provides for program purpose &amp; participants; requires program to submit Florida Resiliency Plan to Governor &amp; Legislature at specified intervals; provides plan requirements; directs DEP to coordinate &amp; oversee program &amp; provide staff support. Effective Date: July 1, 2020</td>
<td>House Agriculture &amp; Natural Resources Subcommittee</td>
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<td><strong>Current Committee of Reference:</strong> House Agriculture &amp; Natural Resources Subcommittee</td>
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<td>12/19/2019 HOUSE Now in Agriculture &amp; Natural Resources Subcommittee</td>
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<td><strong>Similar</strong></td>
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<td>SB 1232 Florida Climate and Resiliency Research Program (Rouson)</td>
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<td>HB 0921</td>
<td><strong>Department of Agriculture and Consumer Services</strong> by Brannan III</td>
<td>Department of Agriculture and Consumer Services: Revises contents of renewable &amp; alternative energy technologies report; authorizes certain use of fumigants; revises membership of Florida Food Safety &amp; Food Defense Advisory Council; revises food permit late fee; requires operation permits for frozen dessert wholesalers; provides exemption from bulk milk hauler/sampler permit requirements; removes prohibitions for repasteurized milk &amp; milkfat content testing; repeals Dairy Industry Technical Council; extends expiration for Pest Control Trust Fund use; revises agricultural water conservation program; directs Florida Forest Service to develop wildland fire training &amp; certification. Effective Date: July 1, 2020</td>
<td>House Agriculture &amp; Natural Resources Subcommittee</td>
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<td>SB 1514 Department of Agriculture and Consumer Services (Albritton)</td>
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<td>HB 0933</td>
<td><strong>Captive-bred Animal Culture</strong> by Watson (C)</td>
<td>Captive-bred Animal Culture: Requires DACS to submit list of research &amp; development projects &amp; captive-bred animal culture plan to Governor &amp; Legislature; requires certificate of registration for captive-bred animal producers; creates Captive-bred Animal Culture Advisory Council; provides prohibited acts &amp; penalties. Effective Date: July 1, 2020</td>
<td>House Agriculture &amp; Natural Resources Subcommittee</td>
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<td>12/19/2019 HOUSE Now in Agriculture &amp; Natural Resources Subcommittee</td>
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<td>SB 1176 Captive-bred Animal Culture (Perry)</td>
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</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**

12/13/2019  SENATE Referred to Governmental Oversight and Accountability; Judiciary; Rules

**Similar**

HB 0595  Medical Marijuana Employee Protection (Polsky)

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**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; providing the percentage of the sales price of certain mobile homes which is subject to sales tax; revising an exemption from regulation for certain water service resellers, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Infrastructure and Security

**Actions**

01/16/2020  SENATE Now in Infrastructure and Security

**Compare**

SB 0818  Manufactured Housing (Hooper)

HB 1339  Housing (Yarborough)

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**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:** Senate Governmental Oversight and Accountability

**Actions**

01/22/2020  SENATE Now in Governmental Oversight and Accountability

**Identical**

HB 1061  Aquatic Preserves (Massullo, Jr.)

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**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

**Actions**

01/13/2020  HOUSE Now in Agriculture & Natural Resources Subcommittee

**Similar**
<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Bill Title</th>
<th>Sponsor</th>
<th>Bill Text</th>
<th>Committee</th>
<th>Action Date</th>
<th>Committee of Reference</th>
<th>Similar Bills</th>
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<tr>
<td>HB 1073</td>
<td>Statewide Office of Resiliency</td>
<td>Stevenson</td>
<td>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</td>
<td>House Appropriations Committee</td>
<td>01/21/2020</td>
<td>HOUSE Now in Appropriations Committee</td>
<td>SB 0178, HB 0579</td>
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<td>Statewide Office of Resiliency (Infrastructure and Security)</td>
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<tr>
<td>HB 1091</td>
<td>Environmental Enforcement</td>
<td>Fine</td>
<td>Environmental Enforcement: Increases civil penalties for violations of certain provisions relating to beach &amp; shore construction, Biscayne Bay Aquatic Preserve, aquatic preserves, state water resource plan, artesian wells, pollution, operating terminal facility without discharge prevention &amp; response certificates, discharge contingency plans for vessels, Pollutant Discharge Prevention &amp; Control Act, Clean Ocean Act, pollution of surface &amp; ground waters, regulation of oil &amp; gas resources, Phosphate Land Reclamation Act, sewage disposal facilities, pollution control, reasonable costs &amp; expenses for pollution releases, necessary permits, dumping litter, small quantity generators, abatement of imminent hazards caused by hazardous substances, hazardous waste generators, transporters, or facilities, &amp; coral reef protection; provides that certain conditions constitute separate offenses. Effective Date: July 1, 2020</td>
<td>House Agriculture &amp; Natural Resources Subcommittee</td>
<td>01/13/2020</td>
<td>HOUSE Now in Agriculture &amp; Natural Resources Subcommittee</td>
<td>SB 1450</td>
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<td>HB 1101</td>
<td>Internship Tax Credit Program</td>
<td>Daley</td>
<td>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</td>
<td>House Ways &amp; Means Committee</td>
<td>01/23/2020</td>
<td>Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 01/24/20, 9:00 am, 117 K (No Votes Will Be Taken)</td>
<td>HB 0357, HB 0439, SB 0642</td>
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<td>Internship Tax Credit Program (Powell)</td>
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</table>
### SB 1124 Legislative Review of Occupational Regulations by Diaz

Legislative Review of Occupational Regulations; 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 Governmental Oversight and Accountability

#### Actions

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<th>Action Description</th>
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<tbody>
<tr>
<td>12/13/2019</td>
<td>SENATE Referred to Governmental Oversight and Accountability; Appropriations; Rules</td>
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#### Compare

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<tr>
<th>Bill Number</th>
<th>Description</th>
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<tbody>
<tr>
<td>SB 0230</td>
<td>Department of Health (Harrell)</td>
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<tr>
<td>SB 0390</td>
<td>Massage Therapy (Hooper)</td>
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<td>SB 0474</td>
<td>Deregulation of Professions and Occupations (Albritton)</td>
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<td>HB 0677</td>
<td>Chiropractic Medicine (Smith (D))</td>
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<tr>
<td>HB 0713</td>
<td>Department of Health (Rodriguez (AM))</td>
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<td>HB 1137</td>
<td>Consumer Protection (Clemons)</td>
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<td>SB 1138</td>
<td>Chiropractic Medicine (Brandes)</td>
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<td>HB 1143</td>
<td>Department of Health (Gregory)</td>
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<td>HB 1193</td>
<td>Deregulation of Professions and Occupations (Ingoglia)</td>
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<td>HB 1341</td>
<td>Massage Therapy (Goff-Marcil)</td>
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<td>SB 1492</td>
<td>Consumer Protection (Wright)</td>
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#### Similar

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<th>Bill Number</th>
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<tr>
<td>HB 0707</td>
<td>Legislative Review of Occupational Regulations (Renner)</td>
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</table>

### SB 1126 Employment Conditions by Gruters

Employment Conditions; Prohibiting a political subdivision from establishing, mandating, or otherwise requiring an employer to offer conditions of employment which are not otherwise required by state or federal law; specifying that the regulation of conditions of employment is expressly preempted to the state, etc. Effective Date: Upon becoming a law

**Current Committee of Reference:** Senate Governmental Oversight and Accountability

#### Actions

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<tr>
<td>12/13/2019</td>
<td>SENATE Referred to Governmental Oversight and Accountability; Community Affairs; Rules</td>
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<tr>
<td>HB 0305</td>
<td>Preemption of Conditions of Employment (Rommel)</td>
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</table>

### HB 1129 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
### Legislative Review of Proposed Regulation of Unregulated Functions

**HB 1155** 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:** House Oversight, Transparency & Public Management Subcommittee

**Actions**

01/21/2020  HOUSE Now in Oversight, Transparency & Public Management Subcommittee

**Identical**

SB 1614  Legislative Review of Proposed Regulation of Unregulated Functions (Perry)

### Local Licensing

**HB 1161** by Plakon

Local Licensing: Provides individuals who hold valid, active local licenses may work within scope of such licenses in any local government jurisdiction without needing to meet additional licensing requirements; provides that local governments have disciplinary jurisdiction over such licensees; requires local governments to forward any disciplinary orders to licensee's original licensing jurisdiction for further action; requires DBPR to create & maintain local licensing information system. Effective Date: October 1, 2020

**Current Committee of Reference:** House Business & Professions Subcommittee

**Actions**

01/13/2020  HOUSE Now in Business & Professions Subcommittee

**Identical**

SB 0890  Local Licensing (Perry)

### Captive-bred Animal Culture

**SB 1176** by Perry

Captive-bred Animal Culture; Creating the "Florida Animal Policy Act"; providing duties of the Department of Agriculture and Consumer Services; requiring the department to submit a list of specified research and development projects with its annual legislative budget request to the Governor and the Legislature; requiring a captive-bred producer to apply to the department for a certificate of registration; creating the Captive-bred Animal Culture Advisory Council adjunct to the department, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Agriculture

**Actions**

12/18/2019  SENATE Referred to Agriculture; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

**Identical**

HB 0933  Captive-bred Animal Culture (Watson (C))

### Drug-free Workplaces

**SB 1186** by Baxley

Drug-free Workplaces; Requiring licensed drug-testing facilities to perform prescreening tests on urine specimens to determine the specimens' validity; providing that urine specimens may not be sent to an out-of-state facility unless the facility complies with certain requirements; revising information required in a written policy statement provided to employees and job applicants before drug testing; revising procedures for specimen collection, testing, and preservation, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Commerce and Tourism
<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Title</th>
<th>Sponsor</th>
<th>Committee</th>
<th>Reference Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>SB 1194</td>
<td>Employment Practices</td>
<td>Cruz</td>
<td>Senate Commerce and Tourism</td>
<td>01/28/2020</td>
</tr>
<tr>
<td></td>
<td>Employment Practices; Creating the &quot;Florida Family Leave Act&quot;; requiring an employer to allow certain employees to take paid family leave to bond with a new child upon the child's birth, adoption, or foster care placement; requiring that family leave be taken concurrently with any leave taken pursuant to federal family and medical leave provisions; requiring the Department of Economic Opportunity to create a poster and a model notice that specify family leave rights, etc. Effective Date: 7/1/2020</td>
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<tr>
<td></td>
<td>Current Committee of Reference: Senate Commerce and Tourism</td>
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</tr>
<tr>
<td>HB 1199</td>
<td>Environmental Protection Act</td>
<td>Ingoglia</td>
<td>House Civil Justice Subcommittee</td>
<td>01/13/2020</td>
</tr>
<tr>
<td></td>
<td>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</td>
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<tr>
<td></td>
<td>Current Committee of Reference: House Civil Justice Subcommittee</td>
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</tr>
<tr>
<td>SB 1232</td>
<td>Florida Climate and Resiliency Research Program</td>
<td>Rouson</td>
<td>Senate Infrastructure and Security</td>
<td>01/08/2020</td>
</tr>
<tr>
<td></td>
<td>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</td>
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<tr>
<td></td>
<td>Current Committee of Reference: Senate Infrastructure and Security</td>
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<td></td>
</tr>
<tr>
<td>HB 1265</td>
<td>Verification of Employment Eligibility</td>
<td>Byrd</td>
<td>House Commerce Committee</td>
<td>01/23/2020</td>
</tr>
<tr>
<td></td>
<td>Verification of Employment Eligibility: Requires public employers, contractors, &amp; 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; requires private employers to verify employment eligibility of newly hired employees; provides acceptable methods for verification; provides specified immunity; creates rebuttable presumption for private employers. Effective Date: July 1, 2020</td>
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<tr>
<td></td>
<td>Current Committee of Reference: House Commerce Committee</td>
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</tbody>
</table>
### SB 1336  
**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 Community Affairs

### HB 1343  
**Water Quality Improvements** by Payne

Water Quality Improvements: 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; directs DEP to determine that hardship exists for certain OSTDS onsite variance requests; creates OSTDS technical advisory committee; requires county health departments to coordinate with DEP to administer evaluation programs; requires basin management action plans to include treatment & remediation plans; requires DEP to submit cost estimates to OEDR; provides for management of biosolids & water quality monitoring; establishes clean water grant program. Effective Date: July 1, 2021

**Current Committee of Reference:** House Agriculture & Natural Resources Subcommittee

### 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 and the Department of Environmental Protection 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 Environment and Natural Resources

### Similar

#### SB 1822  
Verification of Employment Eligibility (Gruters)

#### SB 1336  
Preemption of Local Occupational Licensing (Gruters)

#### SB 1336  
Preemption of Local Occupational Licensing (Perry)

#### HB 0003  
Preemption of Local Occupational Licensing (Grant (M))

#### HB 1343  
Water Quality Improvements (Payne)

#### HB 0405  
Stormwater Management Systems (Good)

#### HB 0686  
Stormwater Management Systems (Gruters)

#### SB 0712  
Water Quality Improvements (Mayfield)

#### HB 1363  
Basin Management Action Plans (Overdorf)

#### HB 0405  
Stormwater Management Systems (Good)

#### SB 0686  
Stormwater Management Systems (Gruters)

#### SB 0712  
Water Quality Improvements (Mayfield)

#### HB 1363  
Basin Management Action Plans (Overdorf)

#### HB 1343  
Water Quality Improvements (Payne)
### 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 Agriculture & Natural Resources Subcommittee

**Actions**

<table>
<thead>
<tr>
<th>Date</th>
<th>Action Description</th>
</tr>
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<tbody>
<tr>
<td>01/24/2020</td>
<td>HOUSE On Committee agenda - Agriculture &amp; Natural Resources Subcommittee, 01/28/20, 12:00 pm, 12 H</td>
</tr>
</tbody>
</table>

**Compare**

- SB 0712 Water Quality Improvements (Mayfield)
- HB 1343 Water Quality Improvements (Payne)
- SB 1382 Environmental Resource Management (Albritton)

### SB 1382 Environmental Resource Management by Albritton

Environmental Resource Management; Providing that basin management action plan management strategies may include certain water quality improvement elements; requiring the Department of Environmental Protection, in coordination with the Department of Health or water management districts, to develop and implement a cooperative urban, suburban, commercial, or institutional water quality improvement element; requiring the Institute of Food and Agriculture Sciences of the University of Florida, in cooperation with the Department of Agriculture and Consumer Services, to develop a research plan and a legislative budget request, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Environment and Natural Resources

**Actions**

<table>
<thead>
<tr>
<th>Date</th>
<th>Action Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/22/2020</td>
<td>SENATE On Committee agenda - Environment and Natural Resources, 01/27/20, 4:00 pm, 37 S</td>
</tr>
</tbody>
</table>

**Compare**

- SB 0712 Water Quality Improvements (Mayfield)
- HB 1199 Environmental Protection Act (Ingoglia)
- 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**

<table>
<thead>
<tr>
<th>Date</th>
<th>Action Description</th>
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<tbody>
<tr>
<td>01/17/2020</td>
<td>HOUSE Now in Health Quality Subcommittee</td>
</tr>
</tbody>
</table>

**Compare**

- SB 1862 Public Records/Criminal History Records and Related Information (Brandes)
## Everglades Protection Area by Simmons

Everglades Protection Area; Requiring comprehensive plans and plan amendments adopted by the governing bodies of local governments whose boundaries include any portion of the Everglades Protection Area to follow the state coordinated review process; requiring the Department of Environmental Protection to make certain determinations for such plans and amendments, to provide written notice of its determination to the local governments within a specified timeframe, and to coordinate with the local governments on certain mitigation measures, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Environment and Natural Resources

### Actions

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<tr>
<th>Date</th>
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<tbody>
<tr>
<td>01/22/2020</td>
<td>SENATE On Committee agenda - Environment and Natural Resources, 01/27/20, 4:00 pm, 37 S</td>
</tr>
</tbody>
</table>

## Internship Tax Credit Program by Powell

Internship Tax Credit Program; Creating the "Florida Internship Tax Credit Program"; 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

**Current Committee of Reference:** Senate Education

### Actions

<table>
<thead>
<tr>
<th>Date</th>
<th>Action Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/23/2020</td>
<td>Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 01/24/20, 9:00 am, 117 K (No Votes Will Be Taken)</td>
</tr>
</tbody>
</table>

## Prohibited Reptiles by Daley

Prohibited Reptiles: Prohibits keeping, possessing, importing, selling, bartering, trading, or breeding for personal use or sale for personal use green iguanas or black & white tegus. Effective Date: July 1, 2020

**Current Committee of Reference:** House Agriculture & Natural Resources Subcommittee

### Actions

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<tr>
<th>Date</th>
<th>Action Description</th>
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<tbody>
<tr>
<td>01/17/2020</td>
<td>HOUSE Now in Agriculture &amp; Natural Resources Subcommittee</td>
</tr>
</tbody>
</table>

## Florida Safe Drinking Water Act by Diamond

Florida Safe Drinking Water Act: Requires DEP to adopt & implement rules for statewide maximum contaminant levels for specified pollutants by date certain; provides requirements for adopting & implementing such rules; requires DEP to annually review specified studies & laws & initiate certain rulemaking. Effective Date: July 1, 2020

**Current Committee of Reference:** House Agriculture & Natural Resources Subcommittee
### SB 1450 Environmental Enforcement by Gruters

Environmental Enforcement; Increasing the civil penalties for violations of certain provisions relating to beach and shore construction, the Biscayne Bay Aquatic Preserve, aquatic preserves, the state water resource plan, artesian wells, pollution, operating a terminal facility without discharge prevention and response certificates, discharge contingency plans for vessels, the Pollutant Discharge Prevention and Control Act, the Clean Ocean Act, the pollution of surface and ground waters, the regulation of oil and gas resources, the Phosphate Land Reclamation Act, sewage disposal facilities, pollution control, reasonable costs and expenses for pollution releases, necessary permits, dumping litter, small quantity generators, the abatement of imminent hazards caused by hazardous substances, hazardous waste generators, transporters, or facilities, and coral reef protection, respectively, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Environment and Natural Resources

### Actions

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<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
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<tbody>
<tr>
<td>01/22/2020</td>
<td>SENATE On Committee agenda - Environment and Natural Resources, 01/27/20, 4:00 pm, 37 S</td>
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### Identical

<table>
<thead>
<tr>
<th>Bill</th>
<th>Title</th>
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<tbody>
<tr>
<td>HB 1091</td>
<td>Environmental Enforcement (Fine)</td>
</tr>
</tbody>
</table>

### 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

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<tr>
<th>Date</th>
<th>Event Description</th>
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<tbody>
<tr>
<td>01/17/2020</td>
<td>HOUSE Now in Local, Federal &amp; Veterans Affairs Subcommittee</td>
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</table>

### Similar

<table>
<thead>
<tr>
<th>Bill</th>
<th>Title</th>
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<tbody>
<tr>
<td>SB 1812</td>
<td>Remove Marijuana from the Schedule I Drug List (Rodriguez (J))</td>
</tr>
</tbody>
</table>

### SB 1514 Department of Agriculture and Consumer Services by Albritton

Department of Agriculture and Consumer Services; Revising the contents of a Department of Agriculture and Consumer Services report to the Governor and the Legislature to include the development of certain renewable and alternative energy technologies; requiring the department to promote the development of alternative fuel and alternative vehicle technologies; authorizing the department to consider the use of a fumigant as a pesticide for raw agricultural commodities; requiring operation permits for wholesalers of frozen dessert products, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Agriculture

### Actions

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<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
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<tbody>
<tr>
<td>01/13/2020</td>
<td>SENATE Referred to Agriculture; Innovation, Industry, and Technology; Appropriations</td>
</tr>
</tbody>
</table>

### Identical

<table>
<thead>
<tr>
<th>Bill</th>
<th>Title</th>
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</thead>
<tbody>
<tr>
<td>HB 0921</td>
<td>Department of Agriculture and Consumer Services (Brannan III)</td>
</tr>
</tbody>
</table>

### 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

<table>
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<tr>
<th>Actions</th>
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<tr>
<td>01/17/2020</td>
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</table>

**Identical**

| HB 1155 | Legislative Review of Proposed Regulation of Unregulated Functions (Hage) |

**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 Environment and Natural Resources

<table>
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<tr>
<th>Actions</th>
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<tr>
<td>01/17/2020</td>
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</table>

**Similar**

| HB 1427 | Florida Safe Drinking Water Act (Diamond) |

**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

<table>
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<th>Actions</th>
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<td>01/17/2020</td>
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</table>

**Compare**

| SB 0182 | Preemption of Recyclable and Polystyrene Materials (Stewart) |
| HB 6043 | Preemption of Recyclable and Polystyrene Materials (Grieco) |

**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

<table>
<thead>
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<th>Actions</th>
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<tbody>
<tr>
<td>01/17/2020</td>
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</table>

**Similar**

| HB 1129 | Home Delivery Services (Caruso) |

**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.
### Senate Health Policy

**Current Committee of Reference:** Senate Health Policy

### Actions

<table>
<thead>
<tr>
<th>Date</th>
<th>Action Description</th>
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<tbody>
<tr>
<td>01/17/2020</td>
<td>SENATE Referred to Health Policy; Criminal Justice; Rules</td>
</tr>
</tbody>
</table>

### 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

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<tr>
<th>Date</th>
<th>Action Description</th>
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<tbody>
<tr>
<td>01/17/2020</td>
<td>SENATE Referred to Judiciary; Commerce and Tourism; Rules</td>
</tr>
</tbody>
</table>

### 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

<table>
<thead>
<tr>
<th>Date</th>
<th>Action Description</th>
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<tbody>
<tr>
<td>01/17/2020</td>
<td>SENATE Referred to Finance and Tax; Innovation, Industry, and Technology; Appropriations</td>
</tr>
</tbody>
</table>

### Compare

- **HB 0149** Medical Marijuana Treatment Centers (Sabatini)

### 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
### 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; providing 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, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Environment and Natural Resources

**Actions**
- 01/17/2020: SENATE Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

### 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**
- 09/23/2019: HOUSE Now in Commerce Committee
- **Identical**
  - SB 0250: Development Orders (Berman)

### 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**
- 11/15/2019: HOUSE Now in Business & Professions Subcommittee
- **Compare**
  - SB 1722: Recyclable Materials (Taddeo)
- **Identical**
  - SB 0182: Preemption of Recyclable and Polystyrene Materials (Stewart)

### 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

**Actions**
- 01/17/2020: HOUSE Now in Local, Federal & Veterans Affairs Subcommittee

### SB 7016
**Statewide Office of Resiliency by Infrastructure and Security**

Statewide Office of Resiliency; Establishing the office within the Executive Office of the Governor; creating
the Statewide Sea-Level Rise Task Force within the office; authorizing the Department of Environmental Protection to contract for specified services, upon request of the task force; requiring the Environmental Regulation Commission to take certain action on the task force’s recommendations, etc.

APPROPRIATION: $500,000 Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Appropriations

### Actions

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<th>Date</th>
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<tr>
<td>01/23/2020</td>
<td>SENATE Not Considered by Appropriations</td>
</tr>
</tbody>
</table>

### Compare

- **HB 0579** Public Financing of Construction Projects (Aloupis)
- **HB 1073** Statewide Office of Resiliency (Stevenson)
- **SB 0178** Public Financing of Construction Projects (Rodriguez (J))

### 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

### Actions

<table>
<thead>
<tr>
<th>Date</th>
<th>Action Description</th>
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<tr>
<td>01/15/2020</td>
<td>HOUSE Now in Appropriations Committee</td>
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