

1 A bill to be entitled
 2 An act relating to the Florida Keys Area; amending s.
 3 215.619, F.S.; authorizing the issuance of bonds to be
 4 used to finance the cost of constructing sewage facilities
 5 in the Florida Keys Area; amending s. 380.0552, F.S.;
 6 revising legislative intent relating to the designation of
 7 the Florida Keys as an area of critical state concern;
 8 revising the procedures for removing the designation;
 9 providing for administrative review of such removal rather
 10 than judicial review; authorizing the Administration
 11 Commission to adopt rules or revise existing rules;
 12 revising the principles guiding development; revising
 13 compliance requirements for reviewing comprehensive plan
 14 amendments; amending s. 381.0065, F.S.; providing
 15 additional requirements for onsite sewage treatment and
 16 disposal systems in Monroe County; amending s. 403.086,
 17 F.S.; providing legislative findings and discharge
 18 requirements for wastewater facilities in Monroe County;
 19 repealing sections 4, 5, and 6 of ch. 99-395, Laws of
 20 Florida, as amended, relating to sewage treatment in the
 21 Florida Keys; providing an effective date.

22
 23 Be It Enacted by the Legislature of the State of Florida:

24
 25 Section 1. Subsection (1) of section 215.619, Florida
 26 Statutes, is amended to read:

27 215.619 Bonds for Everglades restoration.—

28 (1) The issuance of Everglades restoration bonds to

29 finance or refinance the cost of the acquisition and improvement
 30 of land, water areas, and related property interests and
 31 resources for the purpose of implementing the Comprehensive
 32 Everglades Restoration Plan under s. 373.470, the Lake
 33 Okeechobee Watershed Protection Plan under s. 373.4595, the
 34 Caloosahatchee River Watershed Protection Plan under s.
 35 373.4595, the St. Lucie River Watershed Protection Plan under s.
 36 373.4595, and the Florida Keys Area of Critical State Concern
 37 protection program under ss. 380.05 and 380.0552 in order to
 38 restore and conserve natural systems through the implementation
 39 of water management projects, including wastewater management
 40 projects identified in the "Keys Wastewater Plan," dated
 41 November 2007, and submitted to the Florida House of
 42 Representatives on December 4, 2007, is authorized in accordance
 43 with s. 11(e), Art. VII of the State Constitution.

44 (a) Everglades restoration bonds, except refunding bonds,
 45 may be issued only in fiscal years 2002-2003 through 2019-2020
 46 and may not be issued in an amount exceeding \$100 million per
 47 fiscal year unless:

48 1.(a) The Department of Environmental Protection has
 49 requested additional amounts in order to achieve cost savings or
 50 accelerate the purchase of land; or

51 2.(b) The Legislature authorizes an additional amount of
 52 bonds not to exceed \$200 million, and limited to \$50 million per
 53 fiscal year, for no more than 4 fiscal years, specifically for
 54 the purpose of funding the Florida Keys Area of Critical State
 55 Concern protection program. Proceeds from the bonds shall be
 56 managed by the Department of Environmental Protection for the

57 purpose of entering into financial assistance agreements with
 58 local governments located in the Florida Keys Area of Critical
 59 State Concern to finance or refinance the cost of constructing
 60 sewage collection, treatment, and disposal facilities.

61 (b) The duration of Everglades restoration bonds may not
 62 exceed 20 annual maturities, ~~and these bonds~~ must mature by
 63 December 31, 2040. Except for refunding bonds, a series of bonds
 64 may not be issued unless an amount equal to the debt service
 65 coming due in the year of issuance has been appropriated by the
 66 Legislature. Beginning July 1, 2010, the Legislature shall
 67 analyze the ratio of the state's debt to projected revenues
 68 before authorizing the issuance of ~~prior to the authorization to~~
 69 ~~issue any~~ bonds under this section.

70 Section 2. Subsections (2), (4), (7), and (9) of section
 71 380.0552, Florida Statutes, are amended to read:

72 380.0552 Florida Keys Area; protection and designation as
 73 area of critical state concern.—

74 (2) LEGISLATIVE INTENT.—It is ~~hereby declared that~~ the
 75 intent of the Legislature to is:

76 (a) ~~To~~ Establish a land use management system that
 77 protects the natural environment of the Florida Keys.

78 (b) ~~To~~ Establish a land use management system that
 79 conserves and promotes the community character of the Florida
 80 Keys.

81 (c) ~~To~~ Establish a land use management system that
 82 promotes orderly and balanced growth in accordance with the
 83 capacity of available and planned public facilities and
 84 services.

85 (d) ~~To~~ Provide ~~for~~ affordable housing in close proximity
 86 to places of employment in the Florida Keys.

87 (e) ~~To~~ Establish a land use management system that
 88 promotes and supports a diverse and sound economic base.

89 (f) ~~To~~ Protect the constitutional rights of property
 90 owners to own, use, and dispose of their real property.

91 (g) ~~To~~ Promote coordination and efficiency among
 92 governmental agencies that have ~~with~~ permitting jurisdiction
 93 over land use activities in the Florida Keys.

94 (h) Promote an appropriate land acquisition and protection
 95 strategy for environmentally sensitive lands within the Florida
 96 Keys.

97 (i) Protect and improve the nearshore water quality of the
 98 Florida Keys through the construction and operation of
 99 wastewater management facilities that meet the requirements of
 100 ss. 381.0065(4)(1) and 403.086(10), as applicable.

101 (j) Ensure that the population of the Florida Keys can be
 102 safely evacuated.

103 (4) REMOVAL OF DESIGNATION.—

104 (a) ~~Between July 12, 2008, and August 30, 2008, the state~~
 105 ~~land planning agency shall submit a written report to the~~
 106 ~~Administration Commission describing in detail the progress of~~
 107 ~~the Florida Keys Area toward accomplishing the tasks of the work~~
 108 ~~program as defined in paragraph (c) and providing a~~
 109 ~~recommendation as to whether substantial progress toward~~
 110 ~~accomplishing the tasks of the work program has been achieved.~~
 111 ~~Subsequent to receipt of the report, the Administration~~
 112 ~~Commission shall determine, prior to October 1, 2008, whether~~

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113 ~~substantial progress has been achieved toward accomplishing the~~
 114 ~~tasks of the work program.~~ The designation of the Florida Keys
 115 Area as an area of critical state concern under this section may
 116 be recommended for removal upon fulfilling the legislative
 117 intent under subsection (2) and completion of all the work
 118 program tasks specified in rules of the Administration
 119 Commission shall be removed October 1, 2009, unless the
 120 ~~Administration Commission finds, after receipt of the state land~~
 121 ~~planning agency report, that substantial progress has not been~~
 122 ~~achieved toward accomplishing the tasks of the work program. If~~
 123 ~~the designation of the Florida Keys Area as an area of critical~~
 124 ~~state concern is removed, the Administration Commission, within~~
 125 ~~60 days after removal of the designation, shall initiate~~
 126 ~~rulemaking pursuant to chapter 120 to repeal any rules relating~~
 127 ~~to the designation of the Florida Keys Area as an area of~~
 128 ~~critical state concern. If, after receipt of the state land~~
 129 ~~planning agency's report, the Administration Commission finds~~
 130 ~~that substantial progress toward accomplishing the tasks of the~~
 131 ~~work program has not been achieved, the Administration~~
 132 ~~Commission shall provide a written report to the Monroe County~~
 133 ~~Commission within 30 days after making such finding detailing~~
 134 ~~the tasks under the work program that must be accomplished in~~
 135 ~~order for substantial progress to be achieved within the next 12~~
 136 ~~months.~~

137 (b) Beginning November 30, 2010, the state land planning
 138 agency shall annually submit a written report to the
 139 Administration Commission describing the progress of the Florida
 140 Keys Area toward completing the work program tasks specified in

141 commission rules. The land planning agency shall recommend
 142 removing the Florida Keys Area from being designated as an area
 143 of critical state concern to the commission if it determines
 144 that:

145 1. All of the work program tasks have been completed,
 146 including construction of, operation of, and connection to
 147 central wastewater management facilities pursuant to s.
 148 403.086(10) and upgrade of onsite sewage treatment and disposal
 149 systems pursuant to s. 381.0065(4)(1);

150 2. All local comprehensive plans and land development
 151 regulations and the administration of such plans and regulations
 152 are adequate to protect the Florida Keys Area, fulfill the
 153 legislative intent specified in subsection (2), and are
 154 consistent with and further the principles guiding development;
 155 and

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

158 ~~(b) If the designation of the Florida Keys Area as an area~~
 159 ~~of critical state concern is not removed in accordance with~~
 160 ~~paragraph (a), the state land planning agency shall submit a~~
 161 ~~written annual report to the Administration Commission on~~
 162 ~~November 1 of each year, until such time as the designation is~~
 163 ~~removed, describing the progress of the Florida Keys Area toward~~
 164 ~~accomplishing remaining tasks under the work program and~~
 165 ~~providing a recommendation as to whether substantial progress~~
 166 ~~toward accomplishing the tasks of the work program has been~~
 167 ~~achieved. The Administration Commission shall determine, within~~
 168 ~~45 days after receipt of the annual report, whether substantial~~

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169 ~~progress has been achieved toward accomplishing the remaining~~
170 ~~tasks of the work program. The designation of the Florida Keys~~
171 ~~Area as an area of critical state concern under this section~~
172 ~~shall be removed unless the Administration Commission finds that~~
173 ~~substantial progress has not been achieved toward accomplishing~~
174 ~~the tasks of the work program. If the designation of the Florida~~
175 ~~Keys Area as an area of critical state concern is removed, the~~
176 ~~Administration Commission, within 60 days after removal of the~~
177 ~~designation, shall initiate rulemaking pursuant to chapter 120~~
178 ~~to repeal any rules relating to the designation of the Florida~~
179 ~~Keys Area as an area of critical state concern. If the~~
180 ~~Administration Commission finds that substantial progress has~~
181 ~~not been achieved, the Administration Commission shall provide~~
182 ~~to the Monroe County Commission, within 30 days after making its~~
183 ~~finding, a report detailing the tasks under the work program~~
184 ~~that must be accomplished in order for substantial progress to~~
185 ~~be achieved within the next 12 months.~~

186 (c) After receipt of the state land planning agency report
187 and recommendation, the Administration Commission shall
188 determine whether the requirements have been fulfilled and may
189 remove the designation of the Florida Keys as an area of
190 critical state concern. If the commission removes the
191 designation, it shall initiate rulemaking to repeal any rules
192 relating such designation within 60 days. If, after receipt of
193 the state land planning agency's report and recommendation, the
194 commission finds that the requirements for recommending removal
195 of designation have not been met, the commission shall provide a
196 written report to the local governments within 30 days after

197 making such a finding detailing the tasks that must be completed
 198 by the local government.

199 ~~(c) For purposes of this subsection, the term "work~~
 200 ~~program" means the 10-year work program as set forth in rule 28-~~
 201 ~~20.110, Florida Administrative Code, on January 1, 2006,~~
 202 ~~excluding amendments to the work program that take effect after~~
 203 ~~January 1, 2006.~~

204 (d) ~~The determination of the Administration Commission's~~
 205 ~~determination concerning the removal of the designation of the~~
 206 ~~Florida Keys as an area of critical state concern Commission as~~
 207 ~~to whether substantial progress has been made toward~~
 208 ~~accomplishing the tasks of the work program may be judicially~~
 209 ~~reviewed pursuant to chapter 120 86. All proceedings shall be~~
 210 ~~conducted by the Division of Administrative Hearings and must be~~
 211 ~~initiated within 30 days after the commission issues its~~
 212 ~~determination in the circuit court of the judicial circuit where~~
 213 ~~the Administration Commission maintains its headquarters and~~
 214 ~~shall be initiated within 30 days after rendition of the~~
 215 ~~Administration Commission's determination. The Administration~~
 216 ~~Commission's determination as to whether substantial progress~~
 217 ~~has been made toward accomplishing the tasks of the work program~~
 218 ~~shall be upheld if it is supported by competent and substantial~~
 219 ~~evidence and shall not be subject to administrative review under~~
 220 ~~chapter 120.~~

221 (e) After removal of the designation of the Florida Keys
 222 as an area of critical state concern, the state land planning
 223 agency shall review proposed local comprehensive plans, and any
 224 amendments to existing comprehensive plans, which are applicable

225 to the Florida Keys Area, the boundaries of which were described
 226 in chapter 28-29, Florida Administrative Code, as of January 1,
 227 2006, for compliance ~~with subparagraphs 1. and 2., in addition~~
 228 ~~to reviewing proposed local comprehensive plans and amendments~~
 229 ~~for compliance~~ as defined in s. 163.3184. All procedures and
 230 penalties described in s. 163.3184 apply to the review conducted
 231 pursuant to this paragraph.

232 ~~1. Adoption of construction schedules for wastewater~~
 233 ~~facilities improvements in the annually adopted capital~~
 234 ~~improvements element and adoption of standards for the~~
 235 ~~construction of wastewater treatment facilities which meet or~~
 236 ~~exceed the criteria of chapter 99-395, Laws of Florida.~~

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

244 (f) The Administration Commission may adopt rules or
 245 revise existing rules as necessary to administer this
 246 subsection.

247 (7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional,
 248 and local agencies and units of government in the Florida Keys
 249 Area shall coordinate their plans and conduct their programs and
 250 regulatory activities consistent with the principles for guiding
 251 development as specified ~~set forth~~ in chapter 27F-8, Florida
 252 Administrative Code, as amended effective August 23, 1984, which

253 ~~chapter~~ is hereby adopted and incorporated herein by reference.
 254 For the purposes of reviewing the consistency of the adopted
 255 plan, or any amendments to that plan, with the principles for
 256 guiding development, and any amendments to the principles, the
 257 principles shall be construed as a whole and ~~no~~ specific
 258 provisions may not ~~provision shall~~ be construed or applied in
 259 isolation from the other provisions. However, the principles for
 260 guiding development ~~as set forth in chapter 27F-8, Florida~~
 261 ~~Administrative Code, as amended effective August 23, 1984,~~ are
 262 repealed 18 months from July 1, 1986. After repeal, ~~the~~
 263 ~~following shall be the principles with which~~ any plan amendments
 264 must be consistent with the following principles:

265 (a) Strengthening ~~To strengthen~~ local government
 266 capabilities for managing land use and development so that local
 267 government is able to achieve these objectives without
 268 continuing ~~the continuation of~~ the area of critical state
 269 concern designation.

270 (b) Protecting ~~To protect~~ shoreline and marine resources,
 271 including mangroves, coral reef formations, seagrass beds,
 272 wetlands, fish and wildlife, and their habitat.

273 (c) Protecting ~~To protect~~ upland resources, tropical
 274 biological communities, freshwater wetlands, native tropical
 275 vegetation (for example, hardwood hammocks and pinelands), dune
 276 ridges and beaches, wildlife, and their habitat.

277 (d) Ensuring ~~To ensure~~ the maximum well-being of the
 278 Florida Keys and its citizens through sound economic
 279 development.

280 (e) Limiting ~~To limit~~ the adverse impacts of development

281 on the quality of water throughout the Florida Keys.

282 (f) Enhancing ~~To enhance~~ natural scenic resources,
 283 promoting ~~promote~~ the aesthetic benefits of the natural
 284 environment, and ensuring ~~ensure~~ that development is compatible
 285 with the unique historic character of the Florida Keys.

286 (g) Protecting ~~To protect~~ the historical heritage of the
 287 Florida Keys.

288 (h) Protecting ~~To protect~~ the value, efficiency, cost-
 289 effectiveness, and amortized life of existing and proposed major
 290 public investments, including:

- 291 1. The Florida Keys Aqueduct and water supply facilities;
- 292 2. Sewage collection, treatment, and disposal facilities;
- 293 3. Solid waste collection, treatment, and disposal
 294 facilities;
- 295 4. Key West Naval Air Station and other military
 296 facilities;
- 297 5. Transportation facilities;
- 298 6. Federal parks, wildlife refuges, and marine
 299 sanctuaries;
- 300 7. State parks, recreation facilities, aquatic preserves,
 301 and other publicly owned properties;
- 302 8. City electric service and the Florida Keys Electric Co-
 303 op; and
- 304 9. Other utilities, as appropriate.

305 (i) Protecting and improving water quality by providing
 306 for the construction, operation, maintenance, and replacement of
 307 stormwater management facilities; central sewage collection;
 308 treatment and disposal facilities; and the installation and

309 proper operation and maintenance of onsite sewage treatment and
 310 disposal systems.

311 (j) Ensuring the improvement of nearshore water quality by
 312 requiring the construction and operation of wastewater
 313 management facilities that meet the requirements of s.
 314 381.0065(4)(1) and s. 403.086(10), as applicable, and by
 315 directing growth to areas served by central wastewater treatment
 316 facilities through permit allocation systems.

317 (k)-(i) Limiting ~~To limit~~ the adverse impacts of public
 318 investments on the environmental resources of the Florida Keys.

319 (l)-(j) Making ~~To make~~ available adequate affordable
 320 housing for all sectors of the population of the Florida Keys.

321 (m)-(k) Providing ~~To provide~~ adequate alternatives for the
 322 protection of public safety and welfare in the event of a
 323 natural or manmade disaster and for a postdisaster
 324 reconstruction plan.

325 (n)-(l) Protecting ~~To protect~~ the public health, safety,
 326 and welfare of the citizens of the Florida Keys and maintain the
 327 Florida Keys as a unique Florida resource.

328 (9) MODIFICATION TO PLANS AND REGULATIONS.—

329 (a) Any land development regulation or element of a local
 330 comprehensive plan in the Florida Keys Area may be enacted,
 331 amended, or rescinded by a local government, but the enactment,
 332 amendment, or rescission becomes ~~shall become~~ effective only
 333 upon ~~the~~ approval ~~thereof~~ by the state land planning agency. The
 334 state land planning agency shall review the proposed change to
 335 determine if it is in compliance with the principles for guiding
 336 development specified ~~set forth~~ in chapter 27F-8, Florida

337 Administrative Code, as amended effective August 23, 1984, and
 338 ~~must shall either~~ approve or reject the requested changes within
 339 60 days ~~after~~ of receipt thereof. Amendments to local
 340 comprehensive plans in the Florida Keys Area must also be
 341 reviewed for compliance with the following:

342 1. Construction schedules and detailed capital financing
 343 plans for wastewater management improvements in the annually
 344 adopted capital improvements element, and standards for the
 345 construction of wastewater treatment and disposal facilities or
 346 collection systems that meet or exceed the criteria in s.
 347 403.086(10) for wastewater treatment and disposal facilities or
 348 s. 381.0065(4)(1) for onsite sewage treatment and disposal
 349 systems.

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

357 (b) Further, The state land planning agency, after
 358 consulting with the appropriate local government, may, no more
 359 ~~often~~ than once per a year, recommend to the Administration
 360 Commission the enactment, amendment, or rescission of a land
 361 development regulation or element of a local comprehensive plan.
 362 Within 45 days following the receipt of such recommendation ~~by~~
 363 ~~the state land planning agency,~~ the commission shall reject the
 364 recommendation, or accept it with or without modification and

365 adopt it~~7~~ by rule, including any changes. ~~Any~~ Such local
 366 development regulation or plan must ~~shall~~ be in compliance with
 367 the principles for guiding development.

368 Section 3. Paragraph (1) of subsection (4) of section
 369 381.0065, Florida Statutes, is amended to read:

370 381.0065 Onsite sewage treatment and disposal systems;
 371 regulation.—

372 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may
 373 not construct, repair, modify, abandon, or operate an onsite
 374 sewage treatment and disposal system without first obtaining a
 375 permit approved by the department. The department may issue
 376 permits to carry out this section, but shall not make the
 377 issuance of such permits contingent upon prior approval by the
 378 Department of Environmental Protection, except that the issuance
 379 of a permit for work seaward of the coastal construction control
 380 line established under s. 161.053 shall be contingent upon
 381 receipt of any required coastal construction control line permit
 382 from the Department of Environmental Protection. A construction
 383 permit is valid for 18 months from the issuance date and may be
 384 extended by the department for one 90-day period under rules
 385 adopted by the department. A repair permit is valid for 90 days
 386 following ~~from~~ the date of issuance. An operating permit must be
 387 obtained prior to the use of any aerobic treatment unit or if
 388 the establishment generates commercial waste. Buildings or
 389 establishments that use an aerobic treatment unit or generate
 390 commercial waste shall be inspected by the department at least
 391 annually to assure compliance with the terms of the operating
 392 permit. The operating permit for a commercial wastewater system

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393 is valid for 1 year from the date of issuance and must be
394 renewed annually. The operating permit for an aerobic treatment
395 unit is valid for 2 years from the date of issuance and must be
396 renewed every 2 years. If all information pertaining to the
397 siting, location, and installation conditions or repair of an
398 onsite sewage treatment and disposal system remains the same, a
399 construction or repair permit for the onsite sewage treatment
400 and disposal system may be transferred to another person, if the
401 transferee files, within 60 days after the transfer of
402 ownership, an amended application providing all corrected
403 information and proof of ownership of the property. There is no
404 fee associated with the processing of this supplemental
405 information. A person may not contract to construct, modify,
406 alter, repair, service, abandon, or maintain any portion of an
407 onsite sewage treatment and disposal system without being
408 registered under part III of chapter 489. A property owner who
409 personally performs construction, maintenance, or repairs to a
410 system serving his or her own owner-occupied single-family
411 residence is exempt from registration requirements for
412 performing such construction, maintenance, or repairs on that
413 residence, but is subject to all permitting requirements. A
414 municipality or political subdivision of the state may not issue
415 a building or plumbing permit for any building that requires the
416 use of an onsite sewage treatment and disposal system unless the
417 owner or builder has received a construction permit for such
418 system from the department. A building or structure may not be
419 occupied and a municipality, political subdivision, or any state
420 or federal agency may not authorize occupancy until the

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421 department approves the final installation of the onsite sewage
422 treatment and disposal system. A municipality or political
423 subdivision of the state may not approve any change in occupancy
424 or tenancy of a building that uses an onsite sewage treatment
425 and disposal system until the department has reviewed the use of
426 the system with the proposed change, approved the change, and
427 amended the operating permit.

428 (a) Subdivisions and lots in which each lot has a minimum
429 area of at least one-half acre and either a minimum dimension of
430 100 feet or a mean of at least 100 feet of the side bordering
431 the street and the distance formed by a line parallel to the
432 side bordering the street drawn between the two most distant
433 points of the remainder of the lot may be developed with a water
434 system regulated under s. 381.0062 and onsite sewage treatment
435 and disposal systems, provided the projected daily sewage flow
436 does not exceed an average of 1,500 gallons per acre per day,
437 and provided satisfactory drinking water can be obtained and all
438 distance and setback, soil condition, water table elevation, and
439 other related requirements of this section and rules adopted
440 under this section can be met.

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

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449 (c) Notwithstanding paragraphs (a) and (b), for
450 subdivisions platted of record on or before October 1, 1991,
451 when a developer or other appropriate entity has previously made
452 or makes provisions, including financial assurances or other
453 commitments, acceptable to the Department of Health, that a
454 central water system will be installed by a regulated public
455 utility based on a density formula, private potable wells may be
456 used with onsite sewage treatment and disposal systems until the
457 agreed-upon densities are reached. In a subdivision regulated by
458 this paragraph, the average daily sewage flow may not exceed
459 2,500 gallons per acre per day. This section does not affect the
460 validity of existing prior agreements. After October 1, 1991,
461 the exception provided under this paragraph is not available to
462 a developer or other appropriate entity.

463 (d) Paragraphs (a) and (b) do not apply to any proposed
464 residential subdivision with more than 50 lots or to any
465 proposed commercial subdivision with more than 5 lots where a
466 publicly owned or investor-owned sewerage system is available.
467 It is the intent of this paragraph not to allow development of
468 additional proposed subdivisions in order to evade the
469 requirements of this paragraph.

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

- 472 1. Seventy-five feet from a private potable well.
- 473 2. Two hundred feet from a public potable well serving a
474 residential or nonresidential establishment having a total
475 sewage flow of greater than 2,000 gallons per day.
- 476 3. One hundred feet from a public potable well serving a

477 residential or nonresidential establishment having a total
 478 sewage flow of less than or equal to 2,000 gallons per day.

479 4. Fifty feet from any nonpotable well.

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

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

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

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

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

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

501 1. Any residential lot that was platted and recorded on or
 502 after January 1, 1972, or that is part of a residential
 503 subdivision that was approved by the appropriate permitting
 504 agency on or after January 1, 1972, and that was eligible for an

505 onsite sewage treatment and disposal system construction permit
 506 on the date of such platting and recording or approval shall be
 507 eligible for an onsite sewage treatment and disposal system
 508 construction permit, regardless of when the application for a
 509 permit is made. If rules in effect at the time the permit
 510 application is filed cannot be met, residential lots platted and
 511 recorded or approved on or after January 1, 1972, shall, to the
 512 maximum extent possible, comply with the rules in effect at the
 513 time the permit application is filed. At a minimum, however,
 514 those residential lots platted and recorded or approved on or
 515 after January 1, 1972, but before January 1, 1983, shall comply
 516 with those rules in effect on January 1, 1983, and those
 517 residential lots platted and recorded or approved on or after
 518 January 1, 1983, shall comply with those rules in effect at the
 519 time of such platting and recording or approval. In determining
 520 the maximum extent of compliance with current rules that is
 521 possible, the department shall allow structures and
 522 appurtenances thereto which were authorized at the time such
 523 lots were platted and recorded or approved.

524 2. Lots platted before 1972 are subject to a 50-foot
 525 minimum surface water setback and are not subject to lot size
 526 requirements. The projected daily flow for onsite sewage
 527 treatment and disposal systems for lots platted before 1972 may
 528 not exceed:

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

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

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

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

549 b. No reasonable alternative, taking into consideration
550 factors such as cost, exists for the treatment of the sewage;
551 and

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

556
557 Where soil conditions, water table elevation, and setback
558 provisions are determined by the department to be satisfactory,
559 special consideration must be given to those lots platted before
560 1972.

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

573 a. The Division Director for Environmental Health of the
 574 department or his or her designee.

575 b. A representative from the county health departments.

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

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

580 e. A representative from the Department of Environmental
 581 Protection.

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

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

588

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

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

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

615 2. Each person who owns or operates a business or facility
 616 in an area zoned or used for industrial or manufacturing

617 | purposes, or its equivalent, or who owns or operates a business
 618 | that has the potential to generate toxic, hazardous, or
 619 | industrial wastewater or toxic or hazardous chemicals, and uses
 620 | an onsite sewage treatment and disposal system that is installed
 621 | on or after July 5, 1989, must obtain an annual system operating
 622 | permit from the department. A person who owns or operates a
 623 | business that uses an onsite sewage treatment and disposal
 624 | system that was installed and approved before July 5, 1989, need
 625 | not obtain a system operating permit. However, upon change of
 626 | ownership or tenancy, the new owner or operator must notify the
 627 | department of the change, and the new owner or operator must
 628 | obtain an annual system operating permit, regardless of the date
 629 | that the system was installed or approved.

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

641 | (j) An onsite sewage treatment and disposal system for a
 642 | single-family residence that is designed by a professional
 643 | engineer registered in the state and certified by such engineer
 644 | as complying with performance criteria adopted by the department

645 must be approved by the department subject to the following:

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

658 2. The technical review and advisory panel shall assist
 659 the department in the development of performance criteria
 660 applicable to engineer-designed systems.

661 3. A person electing to utilize an engineer-designed
 662 system shall, upon completion of the system design, submit such
 663 design, certified by a registered professional engineer, to the
 664 county health department. The county health department may
 665 utilize an outside consultant to review the engineer-designed
 666 system, with the actual cost of such review to be borne by the
 667 applicant. Within 5 working days after receiving an engineer-
 668 designed system permit application, the county health department
 669 shall request additional information if the application is not
 670 complete. Within 15 working days after receiving a complete
 671 application for an engineer-designed system, the county health
 672 department either shall issue the permit or, if it determines

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673 that the system does not comply with the performance criteria,
674 shall notify the applicant of that determination and refer the
675 application to the department for a determination as to whether
676 the system should be approved, disapproved, or approved with
677 modification. The department engineer's determination shall
678 prevail over the action of the county health department. The
679 applicant shall be notified in writing of the department's
680 determination and of the applicant's rights to pursue a variance
681 or seek review under the provisions of chapter 120.

682 4. The owner of an engineer-designed performance-based
683 system must maintain a current maintenance service agreement
684 with a maintenance entity permitted by the department. The
685 maintenance entity shall obtain a biennial system operating
686 permit from the department for each system under service
687 contract. The department shall inspect the system at least
688 annually, or on such periodic basis as the fee collected
689 permits, and may collect system-effluent samples if appropriate
690 to determine compliance with the performance criteria. The fee
691 for the biennial operating permit shall be collected beginning
692 with the second year of system operation. The maintenance entity
693 shall inspect each system at least twice each year and shall
694 report quarterly to the department on the number of systems
695 inspected and serviced.

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

700 (k) An innovative system may be approved in conjunction

701 with an engineer-designed site-specific system which is
 702 certified by the engineer to meet the performance-based criteria
 703 adopted by the department.

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

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

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

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

- 729 b. Suspended Solids of 10 mg/l.
- 730 c. Total Nitrogen, expressed as N, of 10 mg/l.
- 731 d. Total Phosphorus, expressed as P, of 1 mg/l.

732

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

736 3. On or after July 1, 2010, all new, modified, and
 737 repaired onsite sewage treatment and disposal systems must
 738 provide the level of treatment described in subparagraph 2.
 739 However, in areas scheduled to be served by central sewer by
 740 December 31, 2015, if the property owner has paid a connection
 741 fee or assessment for connection to the central sewer system, an
 742 onsite sewage treatment and disposal system may be repaired to
 743 the following minimum standards:

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

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

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

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

757 6. The county, each municipality, and those special
 758 districts established for the purpose of collection,
 759 transmission, treatment, or disposal of sewage may require
 760 connecting onsite sewage treatment and disposal systems to a
 761 central sewer system within 30 days after notice of availability
 762 of service.

763 (m) No product sold in the state for use in onsite sewage
 764 treatment and disposal systems may contain any substance in
 765 concentrations or amounts that would interfere with or prevent
 766 the successful operation of such system, or that would cause
 767 discharges from such systems to violate applicable water quality
 768 standards. The department shall publish criteria for products
 769 known or expected to meet the conditions of this paragraph. In
 770 the event a product does not meet such criteria, such product
 771 may be sold if the manufacturer satisfactorily demonstrates to
 772 the department that the conditions of this paragraph are met.

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

785 evaluation.

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

- 792 1. A representative of the Division of Environmental
 793 Health of the Department of Health.
- 794 2. A representative from the septic tank industry.
- 795 3. A representative from the home building industry.
- 796 4. A representative from an environmental interest group.
- 797 5. A representative from the State University System, from
 798 a department knowledgeable about onsite sewage treatment and
 799 disposal systems.
- 800 6. A professional engineer registered in this state who
 801 has work experience in onsite sewage treatment and disposal
 802 systems.
- 803 7. A representative from local government who is
 804 knowledgeable about domestic wastewater treatment.
- 805 8. A representative from the real estate profession.
- 806 9. A representative from the restaurant industry.
- 807 10. A consumer.

808
 809 Members shall be appointed for a term of 3 years, with the
 810 appointments being staggered so that the terms of no more than
 811 four members expire in any one year. Members shall serve without
 812 remuneration, but are entitled to reimbursement for per diem and

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813 travel expenses as provided in s. 112.061.

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

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

827 (r) Nothing in this section limits the power of a
828 municipality or county to enforce other laws for the protection
829 of the public health and safety.

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

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

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

- 852 a. The lot is at least one-half acre in size;
- 853 b. The bottom of the drainfield is at least 36 inches
 854 above the 2-year flood elevation; and
- 855 c. The applicant installs either: a waterless,
 856 incinerating, or organic waste composting toilet and a graywater
 857 system and drainfield in accordance with department rules; an
 858 aerobic treatment unit and drainfield in accordance with
 859 department rules; a system approved by the State Health Office
 860 that is capable of reducing effluent nitrate by at least 50
 861 percent; or a system approved by the county health department
 862 pursuant to department rule other than a system using
 863 alternative drainfield materials. The United States Department
 864 of Agriculture Soil Conservation Service soil maps, State of
 865 Florida Water Management District data, and Federal Emergency
 866 Management Agency Flood Insurance maps are resources that shall
 867 be used to identify flood-prone areas.

868 2. The use of fill or mounding to elevate a drainfield

869 system out of the 10-year floodplain of rivers, streams, or
 870 other bodies of flowing water shall not be permitted if such a
 871 system lies within a regulatory floodway of the Suwannee and
 872 Aucilla Rivers. In cases where the 10-year flood elevation does
 873 not coincide with the boundaries of the regulatory floodway, the
 874 regulatory floodway will be considered for the purposes of this
 875 subsection to extend at a minimum to the 10-year flood
 876 elevation.

877 (u) The owner of an aerobic treatment unit system shall
 878 maintain a current maintenance service agreement with an aerobic
 879 treatment unit maintenance entity permitted by the department.
 880 The maintenance entity shall obtain a system operating permit
 881 from the department for each aerobic treatment unit under
 882 service contract. The maintenance entity shall inspect each
 883 aerobic treatment unit system at least twice each year and shall
 884 report quarterly to the department on the number of aerobic
 885 treatment unit systems inspected and serviced. The owner shall
 886 allow the department to inspect during reasonable hours each
 887 aerobic treatment unit system at least annually, and such
 888 inspection may include collection and analysis of system-
 889 effluent samples for performance criteria established by rule of
 890 the department.

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

896 Section 4. Subsection (10) is added to section 403.086,

897 Florida Statutes, to read:
 898 403.086 Sewage disposal facilities; advanced and secondary
 899 waste treatment.-

900 (10) The Legislature finds that the discharge of
 901 inadequately treated and managed domestic wastewater from dozens
 902 of small wastewater facilities and thousands of septic tanks and
 903 other onsite systems in the Florida Keys compromises the quality
 904 of the coastal environment, including nearshore and offshore
 905 waters, and threatens the quality of life and local economies
 906 that depend on those resources. The Legislature also finds that
 907 the only practical and cost-effective way to fundamentally
 908 improve wastewater management in the Florida Keys is for the
 909 local governments in Monroe County, including those special
 910 districts established for the purpose of collection,
 911 transmission, treatment, or disposal of sewage, to timely
 912 complete the wastewater or sewage treatment and disposal
 913 facilities initiated under the work program of Administration
 914 Commission rule 28-20, Florida Administrative Code, and the
 915 Monroe County Sanitary Master Wastewater Plan, dated June 2000.
 916 The Legislature therefore declares that the construction and
 917 operation of comprehensive central wastewater systems in
 918 accordance with this subsection is in the public interest. To
 919 give effect to those findings, the requirements of this
 920 subsection apply to all domestic wastewater facilities in Monroe
 921 County, including privately owned facilities, unless otherwise
 922 provided under this subsection.

923 (a) The discharge of domestic wastewater into surface
 924 waters is prohibited.

925 (b) Monroe County, each municipality, and those special
 926 districts established for the purpose of collection,
 927 transmission, treatment, or disposal of sewage in Monroe County
 928 shall complete the wastewater collection, treatment, and
 929 disposal facilities within its jurisdiction designated as hot
 930 spots in the Monroe County Sanitary Master Wastewater Plan,
 931 dated June 2000, specifically listed in Exhibits 6-1 through 6-3
 932 of Chapter 6 of the plan and mapped in Exhibit F-1 of Appendix F
 933 of the plan. The required facilities and connections, and any
 934 additional facilities or other adjustments required by rules
 935 adopted by the Administration Commission under s. 380.0552, must
 936 be completed by December 31, 2015, pursuant to specific
 937 schedules established by the commission. Domestic wastewater
 938 facilities located outside local government and special district
 939 service areas must meet the treatment and disposal requirements
 940 of this subsection by December 31, 2015.

941 (c) After December 31, 2015, all new or expanded domestic
 942 wastewater discharges must comply with the treatment and
 943 disposal requirements of this subsection and department rules.

944 (d) Wastewater treatment facilities having design
 945 capacities:

946 1. Greater than or equal to 100,000 gallons per day must
 947 provide basic disinfection as defined by department rule and the
 948 level of treatment which, on a permitted annual average basis,
 949 produces an effluent that contains no more than the following
 950 concentrations:

- 951 a. Biochemical Oxygen Demand (CBOD5) of 5 mg/l.
- 952 b. Suspended Solids of 5 mg/l.

- 953 c. Total Nitrogen, expressed as N, of 3 mg/l.
- 954 d. Total Phosphorus, expressed as P, of 1 mg/l.
- 955 2. Less than 100,000 gallons per day must provide basic
- 956 disinfection as defined by department rule and the level of
- 957 treatment which, on a permitted annual average basis, produces
- 958 an effluent that contains no more than the following
- 959 concentrations:
- 960 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
- 961 b. Suspended Solids of 10 mg/l.
- 962 c. Total Nitrogen, expressed as N, of 10 mg/l.
- 963 d. Total Phosphorus, expressed as P, of 1 mg/l.
- 964 (e) Class V injection wells, as defined by department or
- 965 Department of Health rule, must meet the following requirements
- 966 and otherwise comply with department or Department of Health
- 967 rules, as applicable:
- 968 1. If the design capacity of the facility is less than 1
- 969 million gallons per day, the injection well must be at least 90
- 970 feet deep and cased to a minimum depth of 60 feet or to such
- 971 greater cased depth and total well depth as may be required by
- 972 department rule.
- 973 2. Except as provided in subparagraph 3. for backup wells,
- 974 if the design capacity of the facility is equal to or greater
- 975 than 1 million gallons per day, each primary injection well must
- 976 be cased to a minimum depth of 2,000 feet or to such greater
- 977 depth as may be required by department rule.
- 978 3. If an injection well is used as a backup to a primary
- 979 injection well, the following conditions apply:
- 980 a. The backup well may be used only when the primary

981 injection well is out of service because of equipment failure,
 982 power failure, or the need for mechanical integrity testing or
 983 repair;

984 b. The backup well may not be used for more than a total
 985 of 500 hours during any 5-year period unless specifically
 986 authorized in writing by the department;

987 c. The backup well must be at least 90 feet deep and cased
 988 to a minimum depth of 60 feet, or to such greater cased depth
 989 and total well depth as may be required by department rule; and

990 d. Fluid injected into the backup well must meet the
 991 requirements of paragraph (d).

992 (f) The requirements of paragraphs (d) and (e) do not
 993 apply to:

994 1. Class I injection wells as defined by department rule,
 995 including any authorized mechanical integrity tests;

996 2. Authorized mechanical integrity tests associated with
 997 Class V wells as defined by department rule; or

998 3. The following types of reuse systems authorized by
 999 department rule:

1000 a. Slow-rate land application systems;

1001 b. Industrial uses of reclaimed water; and

1002 c. Use of reclaimed water for toilet flushing, fire
 1003 protection, vehicle washing, construction dust control, and
 1004 decorative water features.

1005
 1006 However, disposal systems serving as backups to reuse systems
 1007 must comply with the other provisions of this subsection.

1008 (g) For wastewater treatment facilities in operation as of

1009 July 1, 2010, which are located within areas to be served by
 1010 Monroe County, municipalities in Monroe County, or those special
 1011 districts established for the purpose of collection,
 1012 transmission, treatment, or disposal of sewage but which are
 1013 owned by other entities, the requirements of paragraphs (d) and
 1014 (e) do not apply until January 1, 2016. Wastewater operating
 1015 permits issued pursuant to this chapter and in effect for these
 1016 facilities as of June 30, 2010, are extended until December 31,
 1017 2015, or until the facility is connected to a local government
 1018 central wastewater system, whichever occurs first. Wastewater
 1019 treatment facilities in operation after December 31, 2015, must
 1020 comply with the treatment and disposal requirements of this
 1021 subsection and department rules.

1022 (h) If it is demonstrated that a discharge, even if the
 1023 discharge is otherwise in compliance with this subsection, will
 1024 cause or contribute to a violation of state water quality
 1025 standards, the department shall:

- 1026 1. Require more stringent effluent limitations;
- 1027 2. Order the point or method of discharge changed;
- 1028 3. Limit the duration or volume of the discharge; or
- 1029 4. Prohibit the discharge.

1030 (i) All sewage treatment facilities must monitor effluent
 1031 for total nitrogen and total phosphorus concentration as
 1032 required by department rule.

1033 (j) The department shall require the levels of operator
 1034 certification and staffing necessary to ensure proper operation
 1035 and maintenance of sewage facilities.

1036 (k) The department may adopt rules necessary to carry out

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1037 this subsection.

1038 (1) The county, each municipality, and those special
1039 districts established for the purpose of collection,
1040 transmission, treatment, or disposal of sewage may require
1041 connecting wastewater treatment facilities owned by other
1042 entities to a central sewer system within 30 days after notice
1043 of availability of service.

1044 Section 5. Section 4 of chapter 99-395, Laws of Florida,
1045 as amended by section 6 of chapter 2006-223, Laws of Florida;
1046 section 5 of chapter 99-395, Laws of Florida; and section 6 of
1047 chapter 99-395, Laws of Florida, as amended by section 1 of
1048 chapter 2001-337 and section 1 of chapter 2004-455, Laws of
1049 Florida, are repealed.

1050 Section 6. This act shall take effect upon becoming a law.