

1 A bill to be entitled
2 An act relating to implementation of the
3 recommendations of the Blue-Green Algae Task Force;
4 amending s. 381.0065, F.S.; requiring owners of
5 certain onsite sewage treatment and disposal systems
6 to have the systems periodically inspected beginning
7 on a specified date; requiring the Department of
8 Environmental Protection to administer the inspection
9 program and implement program standards, procedures,
10 and requirements; providing for rulemaking; amending
11 s. 403.067, F.S.; requiring estimated pollutant load
12 reductions in basin management action plans to meet or
13 exceed certain total maximum daily load requirements;
14 revising requirements for the allocation of pollutant
15 load reductions in the plans; requiring the plans to
16 provide strategies for mitigating or eliminating
17 pollutant load increases; requiring the strategies to
18 be reevaluated during plan updates; requiring new or
19 revised plans to include a list that identifies and
20 prioritizes certain spatially focused projects;
21 requiring the department to assess certain projects;
22 requiring the assessments to be included in plan
23 updates; providing an effective date.

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

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Section 1. Subsection (8) of section 381.0065, Florida Statutes, is redesignated as subsection (9), and a new subsection (8) is added to that section, to read:

381.0065 Onsite sewage treatment and disposal systems; regulation.—

(8) PERIODIC INSPECTIONS.—Effective July 1, 2025, the owner of an onsite sewage treatment and disposal system, excluding a system required to have an operating permit, must have the system inspected at least once every 5 years to assess the fundamental operational condition of the system, prolong the life of the system, and identify any failure within the system. The department shall administer an onsite sewage treatment and disposal system inspection program for such periodic inspections. The department shall implement the program standards, procedures, and requirements and adopt rules that must include, at a minimum, all of the following:

- (a) A schedule for a 5-year inspection cycle.
- (b) A county-by-county implementation plan phased in over a 10-year period, with first priority given to those areas within a priority focus area for springs identified by the department.
- (c) Minimum standards for a functioning system.
- (d) Requirements for the pumpout or repair of a failing system.

51 (e) Enforcement procedures for failure of a system owner
 52 to obtain an inspection of the system and failure of a
 53 contractor to timely report inspection results to the department
 54 and the system owner.

55 Section 2. Paragraph (a) of subsection (7) of section
 56 403.067, Florida Statutes, is amended to read:

57 403.067 Establishment and implementation of total maximum
 58 daily loads.—

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

61 (a) *Basin management action plans.*—

62 1. In developing and implementing the total maximum daily
 63 load for a water body, the department, or the department in
 64 conjunction with a water management district, may develop a
 65 basin management action plan that addresses some or all of the
 66 watersheds and basins tributary to the water body. The ~~Such~~ plan
 67 must integrate the appropriate management strategies available
 68 to the state through existing water quality protection programs
 69 to achieve the total maximum daily loads and may provide for
 70 phased implementation of these management strategies to promote
 71 timely, cost-effective actions as provided for in s. 403.151.
 72 Estimated pollutant load reductions in a basin management action
 73 plan must meet or exceed the total amount of pollutant load
 74 reductions needed to meet the total maximum daily load
 75 requirements under the plan. The plan must establish a schedule

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

83 | 2. A basin management action plan must equitably allocate,
84 | pursuant to paragraph (6) (b), pollutant load reductions to
85 | ~~individual basins, as a whole to all basins, or to each~~
86 | identified point source or category of nonpoint sources, as
87 | appropriate. For nonpoint sources for which best management
88 | practices have been adopted, the initial requirement specified
89 | by the plan must be those practices developed pursuant to
90 | paragraph (c). When appropriate, the plan may consider ~~take into~~
91 | ~~account~~ the benefits of pollutant load reduction achieved by
92 | point or nonpoint sources that have implemented management
93 | strategies to reduce pollutant loads, including best management
94 | practices, before the development of the basin management action
95 | plan. The allocation must consider projected increases in
96 | pollutant loading related to population growth as estimated by
97 | the University of Florida Bureau of Economic and Business
98 | Research and projected increases in pollutant loading related to
99 | agricultural growth based on agricultural water use estimates by
100 | the Department of Agriculture and Consumer Services. The plan

101 must provide strategies for mitigating or eliminating the
102 pollutant load increases for the life of the plan. The
103 strategies must be reevaluated during each plan update ~~The plan~~
104 ~~must also identify the mechanisms that will address potential~~
105 ~~future increases in pollutant loading.~~

106 3. The basin management action planning process is
107 intended to involve the broadest possible range of interested
108 parties, with the objective of encouraging the greatest amount
109 of cooperation and consensus possible. In developing a basin
110 management action plan, the department shall assure that key
111 stakeholders, including, but not limited to, applicable local
112 governments, water management districts, the Department of
113 Agriculture and Consumer Services, other appropriate state
114 agencies, local soil and water conservation districts,
115 environmental groups, regulated interests, and affected
116 pollution sources, are invited to participate in the process.
117 The department shall hold at least one public meeting in the
118 vicinity of the watershed or basin to discuss and receive
119 comments during the planning process and shall otherwise
120 encourage public participation to the greatest practicable
121 extent. Notice of the public meeting must be published in a
122 newspaper of general circulation in each county in which the
123 watershed or basin lies at least 5 days, but not more than 15
124 days, before the public meeting. A basin management action plan
125 does not supplant or otherwise alter any assessment made under

126 subsection (3) or subsection (4) or any calculation or initial
 127 allocation.

128 4.a. Each new or revised basin management action plan must
 129 ~~shall~~ include all of the following:

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

135 (II)b. A description of best management practices adopted
 136 by rule.~~;~~

137 (III)e. A list of projects in priority ranking with a
 138 planning-level cost estimate and estimated date of completion
 139 for each listed project.~~;~~

140 (IV) A list that identifies and prioritizes spatially
 141 focused suites of projects in areas likely to yield maximum
 142 pollutant reductions.

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

146 (VI)e. A planning-level estimate of each listed project's
 147 expected load reduction, if applicable.

148 b. For each project listed pursuant to this subparagraph
 149 which has a total cost that exceeds \$1 million, the department
 150 must assess through integrated and comprehensive monitoring

151 whether the project is working to reduce nutrient pollution or
152 water use, or both, as intended. The assessments must be
153 completed expeditiously and included in each plan update.

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

158 6. The basin management action plan must include
159 milestones for implementation and water quality improvement, and
160 an associated water quality monitoring component sufficient to
161 evaluate whether reasonable progress in pollutant load
162 reductions is being achieved over time. An assessment of
163 progress toward these milestones shall be conducted every 5
164 years, and revisions to the plan shall be made as appropriate.
165 Revisions to the basin management action plan shall be made by
166 the department in cooperation with basin stakeholders. Revisions
167 to the management strategies required for nonpoint sources must
168 follow the procedures in subparagraph (c)4. Revised basin
169 management action plans must be adopted pursuant to subparagraph
170 5.

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

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176 | than required by an adopted total maximum daily load or
177 | wasteload allocation to generate, register, and trade water
178 | quality credits for the excess reductions to enable other
179 | sources to achieve their allocation; however, the generation of
180 | water quality credits does not remove the obligation of a source
181 | or activity to meet applicable technology requirements or
182 | adopted best management practices. The ~~Such~~ plans must allow
183 | trading between NPDES permittees, and trading that may or may
184 | not involve NPDES permittees, where the generation or use of the
185 | credits involve an entity or activity not subject to department
186 | water discharge permits whose owner voluntarily elects to obtain
187 | department authorization for the generation and sale of credits.

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

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

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

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

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

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220 The wastewater treatment plan must be adopted as part of the
221 basin management action plan no later than July 1, 2025. A local
222 government that does not have a domestic wastewater treatment
223 facility in its jurisdiction is not required to develop a
224 wastewater treatment plan unless there is a demonstrated need to
225 establish a domestic wastewater treatment facility within its

226 jurisdiction to improve water quality necessary to achieve a
227 total maximum daily load. A local government is not responsible
228 for a private domestic wastewater facility's compliance with a
229 basin management action plan unless such facility is operated
230 through a public-private partnership to which the local
231 government is a party.

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

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

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

246 (B) Identify onsite sewage treatment and disposal systems
247 that would be eliminated through connection to existing or
248 future central domestic wastewater infrastructure in the
249 jurisdiction or domestic wastewater service area of the local
250 government, that would be replaced with or upgraded to enhanced

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251 nutrient-reducing onsite sewage treatment and disposal systems,
252 or that would remain on conventional onsite sewage treatment and
253 disposal systems;

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

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

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

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

271 Section 3. This act shall take effect July 1, 2023.