

1 A bill to be entitled
2 An act relating to onsite sewage treatment and
3 disposal systems; amending s. 375.041, F.S.;
4 specifying an appropriation from the Land Acquisition
5 Trust Fund to offset or partially offset property
6 owner costs incurred to retrofit certain onsite sewage
7 treatment and disposal systems, to connect certain
8 properties to central sewer systems, and for certain
9 muck dredging and stormwater improvements; authorizing
10 the Department of Environmental Protection to make
11 certain grants; amending s. 403.067, F.S.; defining
12 "onsite sewage treatment and disposal system";
13 requiring the department, as part of a basin
14 management action plan, to develop onsite sewage
15 treatment and disposal system remediation plans under
16 certain conditions; specifying parameters for
17 selecting priority focus areas for remediation;
18 specifying the parameters for developing and adopting
19 a remediation plan; specifying requirements for the
20 installation, repair, modification, or upgrade of
21 certain onsite sewage treatment and disposal systems;
22 providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:
25

26 Section 1. Paragraph (b) of subsection (3) of section
27 375.041, Florida Statutes, is amended to read:

28 375.041 Land Acquisition Trust Fund.—

29 (3) Funds distributed into the Land Acquisition Trust Fund
30 pursuant to s. 201.15 shall be applied:

31 (b) Of the funds remaining after the payments required
32 under paragraph (a), but before funds may be appropriated,
33 pledged, or dedicated for other uses:

34 1. A minimum of the lesser of 25 percent or \$200 million
35 shall be appropriated annually for Everglades projects that
36 implement the Comprehensive Everglades Restoration Plan as set
37 forth in s. 373.470, including the Central Everglades Planning
38 Project subject to Congressional authorization; the Long-Term
39 Plan as defined in s. 373.4592(2); and the Northern Everglades
40 and Estuaries Protection Program as set forth in s. 373.4595.
41 From these funds, \$32 million shall be distributed each fiscal
42 year through the 2023-2024 fiscal year to the South Florida
43 Water Management District for the Long-Term Plan as defined in
44 s. 373.4592(2). After deducting the \$32 million distributed
45 under this subparagraph, from the funds remaining, a minimum of
46 the lesser of 76.5 percent or \$100 million shall be appropriated
47 each fiscal year through the 2025-2026 fiscal year for the
48 planning, design, engineering, and construction of the
49 Comprehensive Everglades Restoration Plan as set forth in s.
50 373.470, including the Central Everglades Planning Project

51 subject to Congressional authorization. The Department of
52 Environmental Protection and the South Florida Water Management
53 District shall give preference to those Everglades restoration
54 projects that reduce harmful discharges of water from Lake
55 Okeechobee to the St. Lucie or Caloosahatchee estuaries in a
56 timely manner. For the purpose of performing the calculation
57 provided in this subparagraph, the amount of debt service paid
58 pursuant to paragraph (a) for bonds issued after July 1, 2016,
59 for the purposes set forth under paragraph (b) shall be added to
60 the amount remaining after the payments required under paragraph
61 (a). The amount of the distribution calculated shall then be
62 reduced by an amount equal to the debt service paid pursuant to
63 paragraph (a) on bonds issued after July 1, 2016, for the
64 purposes set forth under this subparagraph.

65 2. A minimum of the lesser of 7.6 percent or \$50 million
66 shall be appropriated annually for spring restoration,
67 protection, and management projects. For the purpose of
68 performing the calculation provided in this subparagraph, the
69 amount of debt service paid pursuant to paragraph (a) for bonds
70 issued after July 1, 2016, for the purposes set forth under
71 paragraph (b) shall be added to the amount remaining after the
72 payments required under paragraph (a). The amount of the
73 distribution calculated shall then be reduced by an amount equal
74 to the debt service paid pursuant to paragraph (a) on bonds
75 issued after July 1, 2016, for the purposes set forth under this

76 | subparagraph.

77 | 3. The sum of \$5 million shall be appropriated annually
78 | each fiscal year through the 2025-2026 fiscal year to the St.
79 | Johns River Water Management District for projects dedicated to
80 | the restoration of Lake Apopka. This distribution shall be
81 | reduced by an amount equal to the debt service paid pursuant to
82 | paragraph (a) on bonds issued after July 1, 2016, for the
83 | purposes set forth in this subparagraph.

84 | 4. A minimum of \$20 million shall be appropriated annually
85 | each fiscal year to offset or partially offset property owner
86 | costs incurred to retrofit onsite sewage treatment and disposal
87 | systems determined by the Department of Environmental Protection
88 | to be individually or collectively contributing excess nutrient
89 | pollution to the Indian River Lagoon and the Caloosahatchee and
90 | St. Lucie estuaries, or to connect properties with such onsite
91 | systems to central sewer systems; and for muck dredging and
92 | large-scale stormwater improvements in the northern Indian River
93 | Lagoon. The Department of Environmental Protection is authorized
94 | to use the appropriated funds to make grants or provide other
95 | forms of financial assistance to local governments and other
96 | entities to carry out these purposes.

97 | Section 2. Paragraph (d) of subsection (7) of section
98 | 403.067, Florida Statutes, is redesignated as paragraph (e), and
99 | a new paragraph (d) is added to that subsection, to read:

100 | 403.067 Establishment and implementation of total maximum

101 daily loads.—

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

104 (d) Onsite sewage treatment and disposal systems.—

105 1. For purposes of this section, "onsite sewage treatment
106 and disposal system" has the same meaning as in s. 381.0065.

107 2. As part of a basin management action plan, the
108 department, the Department of Health, relevant local
109 governments, and relevant local public and private wastewater
110 utilities must develop an onsite sewage treatment and disposal
111 system remediation plan if the department determines that
112 remediation is necessary to achieve a total maximum daily load.
113 In order to promote cost-effective remediation, the department
114 may identify one or more priority geographic focus areas. The
115 department shall identify these areas by considering soil
116 conditions; groundwater or surface water travel time; proximity
117 to surface waters, including predominantly marine waters as
118 defined by department rule; hydrogeology; onsite sewage system
119 density; nutrient load; and other factors that may lead to water
120 quality degradation. The remediation plan must identify cost-
121 effective and financially feasible projects necessary to reduce
122 the nutrient impacts from onsite sewage treatment and disposal
123 systems. The plan shall be completed and adopted as part of the
124 basin management action plan no later than the first 5-year
125 milestone assessment identified in subparagraph 6. of paragraph

126 (a) of this subsection. The department is the lead agency in
127 coordinating the preparation and adoption of the plan. In
128 developing and adopting the plan, the department shall:

129 a. Collect and evaluate credible scientific information on
130 the effect of nutrients on surface and groundwaters;

131 b. Work with local stakeholders to develop a public
132 education plan to provide area residents with reliable,
133 understandable information about onsite sewage treatment and
134 disposal systems and surface and groundwater pollution;

135 c. Ensure that the plan includes options, if appropriate,
136 for system repair, upgrade, or replacement; drainfield
137 modification; the addition of effective nutrient-reducing
138 features; connection to a central sewerage system; or other
139 actions addressing onsite sewage treatment and disposal system
140 issues. The department shall include in the plan a priority
141 ranking for each onsite system, or group of systems, that
142 requires remediation. The priority ranking shall be used to
143 ensure the most effective, efficient use of the funding provided
144 for onsite system remediation. In awarding any such funds, the
145 department may consider expected nutrient reduction benefit per
146 unit cost, the size and scope of the project, local financial
147 contribution to the project relative to the overall cost, and
148 the financial impact on property owners and the community. The
149 department may waive or reduce the local contribution for
150 proposed projects within an area designated as a rural area of

151 opportunity under s. 288.0656; and

152 d. Ensure that the plan includes an implementation
153 schedule for completion of the actions related to remediating
154 onsite sewage treatment and disposal system nutrient loads, with
155 milestones, periodic progress evaluations, and a completion date
156 necessary to achieve the total maximum daily load within the
157 timeframe established in the basin management action plan.

158 3. The installation, repair, modification, or upgrade of
159 onsite sewage treatment and disposal systems on lots of 1 acre
160 or less and within the boundaries of a basin management action
161 plan with an onsite sewage treatment and disposal remediation
162 plan must conform to the requirements of the remediation plan.

163 Section 3. This act shall take effect July 1, 2017.