

By Senator Young

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

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

27
28 Section 1. Paragraph (b) of subsection (3) of section
29 375.041, Florida Statutes, is amended to read:

30 375.041 Land Acquisition Trust Fund.—

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

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

36 1. A minimum of the lesser of 25 percent or \$200 million
37 shall be appropriated annually for Everglades projects that
38 implement the Comprehensive Everglades Restoration Plan as set
39 forth in s. 373.470, including the Central Everglades Planning
40 Project subject to Congressional authorization; the Long-Term
41 Plan as defined in s. 373.4592(2); and the Northern Everglades
42 and Estuaries Protection Program as set forth in s. 373.4595.
43 From these funds, \$32 million shall be distributed each fiscal
44 year through the 2023-2024 fiscal year to the South Florida
45 Water Management District for the Long-Term Plan as defined in
46 s. 373.4592(2). After deducting the \$32 million distributed
47 under this subparagraph, from the funds remaining, a minimum of
48 the lesser of 76.5 percent or \$100 million shall be appropriated
49 each fiscal year through the 2025-2026 fiscal year for the
50 planning, design, engineering, and construction of the
51 Comprehensive Everglades Restoration Plan as set forth in s.
52 373.470, including the Central Everglades Planning Project
53 subject to Congressional authorization. The Department of
54 Environmental Protection and the South Florida Water Management
55 District shall give preference to those Everglades restoration
56 projects that reduce harmful discharges of water from Lake
57 Okeechobee to the St. Lucie or Caloosahatchee estuaries in a
58 timely manner. For the purpose of performing the calculation
59 provided in this subparagraph, the amount of debt service paid
60 pursuant to paragraph (a) for bonds issued after July 1, 2016,
61 for the purposes set forth under paragraph (b) shall be added to

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62 the amount remaining after the payments required under paragraph
63 (a). The amount of the distribution calculated shall then be
64 reduced by an amount equal to the debt service paid pursuant to
65 paragraph (a) on bonds issued after July 1, 2016, for the
66 purposes set forth under this subparagraph.

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

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

86 4. A minimum of \$20 million shall be appropriated annually
87 to offset or partially offset property owner costs incurred to
88 retrofit onsite sewage treatment and disposal systems determined
89 by the Department of Environmental Protection to be individually
90 or collectively contributing excess nutrient pollution in the

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91 counties contributing to the Indian River Lagoon, the St. Lucie
92 and Caloosahatchee estuaries, and their watersheds; to connect
93 properties with such onsite systems to central sewer systems; or
94 to conduct muck dredging and large-scale stormwater improvements
95 in counties contributing to the Indian River Lagoon, the St.
96 Lucie and Caloosahatchee estuaries, and their watersheds. The
97 Department of Environmental Protection is authorized to use the
98 appropriated funds to make grants or provide other forms of
99 financial assistance to local governments and other entities for
100 these purposes.

101 Section 2. Present paragraph (d) of subsection (7) of
102 section 403.067, Florida Statutes, is redesignated as paragraph
103 (e), and a new paragraph (d) is added to that subsection, to
104 read:

105 403.067 Establishment and implementation of total maximum
106 daily loads.—

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

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

110 1. For purposes of this section, "Onsite sewage treatment
111 and disposal system" has the same meaning as in s. 381.0065.

112 2. As part of a basin management action plan, the
113 department, the Department of Health, relevant local
114 governments, and relevant local public and private wastewater
115 utilities must develop an onsite sewage treatment and disposal
116 system remediation plan if the department determines that
117 remediation is necessary to achieve a total maximum daily load.
118 In order to promote cost-effective remediation, the department
119 may identify one or more priority focus areas. The department

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120 shall identify these areas by considering soil conditions;
121 groundwater or surface water travel time; proximity to surface
122 waters, including predominantly marine waters as defined by
123 department rule; hydrogeology; onsite system density; nutrient
124 load; and other factors that may lead to water quality
125 degradation. The remediation plan must identify cost-effective
126 and financially feasible projects necessary to reduce the
127 nutrient impacts from onsite sewage treatment and disposal
128 systems. The plan shall be completed and adopted as part of the
129 basin management action plan no later than the first 5-year
130 milestone assessment identified in subparagraph (a)6. The
131 department is the lead agency in coordinating the preparation
132 and adoption of the plan. In developing and adopting the plan,
133 the department shall:

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

136 b. Work with local stakeholders to develop a public
137 education plan to provide area residents with reliable,
138 understandable information about onsite sewage treatment and
139 disposal systems and surface and groundwater pollution;

140 c. Ensure that the plan includes options, if appropriate,
141 for system repair, upgrade, or replacement; drainfield
142 modification; the addition of effective nutrient-reducing
143 features; connection to a central sewerage system; or other
144 actions addressing onsite sewage treatment and disposal system
145 issues. The department shall include in the plan a priority
146 ranking for each onsite system, or group of systems, that
147 requires remediation. The priority ranking shall be used to
148 ensure the most effective, efficient use of the funding provided

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149 for onsite system remediation. In awarding any such funds, the
150 department may consider expected nutrient reduction benefit per
151 unit cost, the size and scope of the project, local financial
152 contribution to the project relative to the overall cost, and
153 the financial impact on property owners and the community. For
154 the purpose of awarding funds, the department may, at its
155 discretion, totally or partially waive this consideration of the
156 local contribution for proposed projects within an area
157 designated as a rural area of opportunity under s. 288.0656; and

158 d. Ensure that the plan includes an implementation schedule
159 for completion of the actions related to reducing onsite sewage
160 treatment and disposal system nutrient loads, with milestones,
161 periodic progress evaluations, and a completion date necessary
162 to achieve the total maximum daily load within the timeframe
163 established in the basin management action plan.

164 3. The installation, repair, modification, or upgrade of
165 onsite sewage treatment and disposal systems on lots of 1 acre
166 or less and within the boundaries of a basin management action
167 plan with an onsite sewage treatment and disposal remediation
168 plan must conform to the requirements of the remediation plan.

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