



369274

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/20/2019	.	
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The Committee on Environment and Natural Resources (Mayfield) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. This act may be cited as the "Clean Waterways Act."

Section 2. The Department of Environmental Protection, in coordination with the Department of Health, shall develop a report for presentation to the Legislature by July 1, 2020, which addresses the impacts of a type two transfer of the



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11 Department of Health's onsite sewage program to the Department
12 of Environmental Protection for the regulation of onsite sewage
13 treatment and disposal systems. The report must include
14 revisions to state law, including budgetary changes, which would
15 need to be addressed to complete the type two transfer. If the
16 Department of Environmental Protection is authorized to develop
17 a memorandum of agreement with the Department of Health
18 describing how the type two transfer would be implemented if the
19 Legislature authorized such a transfer, this report is not
20 required.

21 Section 3. Section 373.807, Florida Statutes, is amended to
22 read:

23 373.807 Protection of water quality in Outstanding Florida
24 Springs.—By July 1, 2016, the department shall initiate
25 assessment, pursuant to s. 403.067(3), of Outstanding Florida
26 Springs or spring systems for which an impairment determination
27 has not been made under the numeric nutrient standards in effect
28 for spring vents. Assessments must be completed by July 1, 2018.

29 (1) (a) Concurrent with the adoption of a nutrient total
30 maximum daily load for an Outstanding Florida Spring, the
31 department, or the department in conjunction with a water
32 management district, shall initiate development of a basin
33 management action plan, as specified in s. 403.067. For an
34 Outstanding Florida Spring with a nutrient total maximum daily
35 load adopted before July 1, 2016, the department, or the
36 department in conjunction with a water management district,
37 shall initiate development of a basin management action plan by
38 July 1, 2016. During the development of a basin management
39 action plan, if the department identifies onsite sewage



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40 treatment and disposal systems as contributors of at least 20
41 percent of nonpoint source nutrient ~~nitrogen~~ pollution or if the
42 department determines remediation is necessary to achieve the
43 total maximum daily load, the basin management action plan shall
44 include an onsite sewage treatment and disposal system
45 remediation plan pursuant to s. 403.067(7) (e) ~~subsection (3)~~ for
46 those systems identified as requiring remediation.

47 (b) A basin management action plan for an Outstanding
48 Florida Spring shall be adopted within 2 years after its
49 initiation and must include, at a minimum:

50 1. A list of all specific projects and programs identified
51 to implement a nutrient total maximum daily load;

52 2. A list of all specific projects identified in any
53 incorporated onsite sewage treatment and disposal system
54 remediation plan, if applicable;

55 3. A priority rank for each listed project. The priority
56 ranking shall be based on the estimated reduction in nutrient
57 load per project, project readiness, cost effectiveness, overall
58 environmental benefit, location within the plan area, local
59 matching funds, and water savings or quantity improvements;

60 4. For each listed project, a planning level cost estimate,
61 ~~and~~ the estimated date of completion, and a plan submitted by
62 each local government within the plan area and approved by the
63 department for each wastewater treatment plant project as
64 specified in s. 403.067(7) (d) and onsite sewage treatment and
65 disposal system remediation plan as specified in s.
66 403.067(7) (e). Each plan must include deadlines and is subject
67 to penalties required under s. 403.067;

68 5. The source and amount of financial assistance to be made



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69 available by the department, a water management district, or
70 other entity for each listed project;

71 6. An estimate of each listed project's nutrient load
72 reduction;

73 7. Identification of each point source or category of
74 nonpoint sources, including, but not limited to, urban turf
75 fertilizer, sports turf fertilizer, agricultural fertilizer,
76 onsite sewage treatment and disposal systems, wastewater
77 treatment facilities, animal wastes, and stormwater facilities.
78 An estimated allocation of the pollutant load must be provided
79 for each point source or category of nonpoint sources; and

80 8. An implementation plan designed with a target to achieve
81 the nutrient total maximum daily load no more than 20 years
82 after the adoption of a basin management action plan.

83

84 The department shall develop a schedule establishing 5-year, 10-
85 year, and 15-year targets for achieving the nutrient total
86 maximum daily load. The schedule shall be used to provide
87 guidance for planning and funding purposes and is exempt from
88 chapter 120.

89 (c) For a basin management action plan adopted before July
90 1, 2016, which addresses an Outstanding Florida Spring, the
91 department or the department in conjunction with a water
92 management district must revise the plan if necessary to comply
93 with this section by July 1, 2018.

94 (d) A local government may apply to the department for a
95 single extension of up to 5 years for any project in an adopted
96 basin management action plan. A local government in a rural area
97 of opportunity, as defined in s. 288.0656, may apply for a



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98 single extension of up to 10 years for such a project. The
99 department may grant the extension if the local government
100 provides to the department sufficient evidence that an extension
101 is in the best interest of the public.

102 (2) By July 1, 2020 ~~2017~~, each local government, as defined
103 in s. 373.802(2), that has not adopted an ordinance pursuant to
104 s. 403.9337, shall develop, enact, and implement an ordinance
105 pursuant to that section. It is the intent of the Legislature
106 that ordinances required to be adopted under this subsection
107 reflect the latest scientific information, advancements, and
108 technological improvements in the industry. A local government
109 that fails to adopt, enact, and implement this ordinance is
110 subject to a daily fine as provided in ss. 403.121, 403.141, and
111 403.161 and may not approve any building permit for new
112 construction within the plan area until such time as the
113 ordinance has been adopted, enacted, and implemented. In
114 implementing the ordinance, a local government shall conduct
115 educational campaigns, enforcement programs, and mandatory
116 notification of property owners subject to the ordinance, and
117 shall submit a report on its implementation efforts to the
118 department for publication on the department's website.

119 (3) If a basin management action plan or an alternative
120 restoration plan has not been adopted within 90 days after the
121 adoption of a nutrient total maximum daily load for an
122 Outstanding Florida Spring, agricultural operations located
123 within the associated Water Body Identification Number shall
124 sign a notice of intent to implement the applicable agricultural
125 best management practices or other measures adopted by the
126 Department of Agriculture and Consumer Services pursuant to s.



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127 403.067(7)(c) or conduct water quality monitoring as prescribed
128 by the department or a water management district. Such
129 agricultural operations may be subject to enforcement action by
130 the department or a water management district based upon a
131 failure to comply with this subsection.

132 ~~(3) As part of a basin management action plan that includes~~
133 ~~an Outstanding Florida Spring, the department, the Department of~~
134 ~~Health, relevant local governments, and relevant local public~~
135 ~~and private wastewater utilities shall develop an onsite sewage~~
136 ~~treatment and disposal system remediation plan for a spring if~~
137 ~~the department determines onsite sewage treatment and disposal~~
138 ~~systems within a priority focus area contribute at least 20~~
139 ~~percent of nonpoint source nitrogen pollution or if the~~
140 ~~department determines remediation is necessary to achieve the~~
141 ~~total maximum daily load. The plan shall identify cost-effective~~
142 ~~and financially feasible projects necessary to reduce the~~
143 ~~nutrient impacts from onsite sewage treatment and disposal~~
144 ~~systems and shall be completed and adopted as part of the basin~~
145 ~~management action plan no later than the first 5-year milestone~~
146 ~~required by subparagraph (1)(b)8. The department is the lead~~
147 ~~agency in coordinating the preparation of and the adoption of~~
148 ~~the plan. The department shall:~~

149 ~~(a) Collect and evaluate credible scientific information on~~
150 ~~the effect of nutrients, particularly forms of nitrogen, on~~
151 ~~springs and springs systems; and~~

152 ~~(b) Develop a public education plan to provide area~~
153 ~~residents with reliable, understandable information about onsite~~
154 ~~sewage treatment and disposal systems and springs.~~

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156 ~~In addition to the requirements in s. 403.067, the plan shall~~
157 ~~include options for repair, upgrade, replacement, drainfield~~
158 ~~modification, addition of effective nitrogen reducing features,~~
159 ~~connection to a central sewerage system, or other action for an~~
160 ~~onsite sewage treatment and disposal system or group of systems~~
161 ~~within a priority focus area that contribute at least 20 percent~~
162 ~~of nonpoint source nitrogen pollution or if the department~~
163 ~~determines remediation is necessary to achieve a total maximum~~
164 ~~daily load. For these systems, the department shall include in~~
165 ~~the plan a priority ranking for each system or group of systems~~
166 ~~that requires remediation and shall award funds to implement the~~
167 ~~remediation projects contingent on an appropriation in the~~
168 ~~General Appropriations Act, which may include all or part of the~~
169 ~~costs necessary for repair, upgrade, replacement, drainfield~~
170 ~~modification, addition of effective nitrogen reducing features,~~
171 ~~initial connection to a central sewerage system, or other~~
172 ~~action. In awarding funds, the department may consider expected~~
173 ~~nutrient reduction benefit per unit cost, size and scope of~~
174 ~~project, relative local financial contribution to the project,~~
175 ~~and the financial impact on property owners and the community.~~
176 ~~The department may waive matching funding requirements for~~
177 ~~proposed projects within an area designated as a rural area of~~
178 ~~opportunity under s. 288.0656.~~

179 (4) The department shall provide notice to a local
180 government of all permit applicants under s. 403.814(12) in a
181 priority focus area of an Outstanding Florida Spring over which
182 the local government has full or partial jurisdiction.

183 Section 4. Subsection (2) of section 373.811, Florida
184 Statutes, is amended to read:



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185 373.811 Prohibited activities within a priority focus
186 area.—The following activities are prohibited within a priority
187 focus area in effect for an Outstanding Florida Spring:

188 (2) New onsite sewage treatment and disposal systems on
189 lots of less than 1 acre, if the addition of the specific
190 systems conflicts with an onsite treatment and disposal system
191 remediation plan incorporated into a basin management action
192 plan in accordance with s. 403.067(7)(e) ~~s. 373.807(3)~~.

193 Section 5. Subsections (22) and (23) are added to section
194 403.031, Florida Statutes, to read:

195 403.031 Definitions.—In construing this chapter, or rules
196 and regulations adopted pursuant hereto, the following words,
197 phrases, or terms, unless the context otherwise indicates, have
198 the following meanings:

199 (22) "Wastewater facilities" or "wastewater treatment
200 facilities" means any of the following: the collection and
201 transmission system, the wastewater treatment plant, and the
202 reuse or disposal system.

203 (23) "Wastewater plant" or "wastewater treatment plant"
204 means any plant or other works used for the purpose of treating,
205 stabilizing, or holding wastewater.

206 Section 6. Section 403.0616, Florida Statutes, is created
207 to read:

208 403.0616 Real-time water quality monitoring program.—

209 (1) Subject to appropriation, the department shall
210 establish a real-time water quality monitoring program to assist
211 in the restoration, preservation, and enhancement of impaired
212 waterbodies and coastal resources.

213 (2) In order to expedite the creation and implementation of



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214 the program, the department is encouraged to form public-private
215 partnerships with established scientific entities with existing,
216 proven real-time water quality monitoring equipment and
217 experience in deploying such equipment.

218 Section 7. Present paragraph (d) of subsection (7) of
219 section 403.067, Florida Statutes, is redesignated as paragraph
220 (f), a new paragraph (d) and paragraphs (e) and (g) are added to
221 that subsection, paragraph (a) of that subsection is amended,
222 and paragraph (d) is added to subsection (3) of that section, to
223 read:

224 403.067 Establishment and implementation of total maximum
225 daily loads.—

226 (3) ASSESSMENT.—

227 (d) If a basin management action plan or an alternative
228 restoration plan has not been adopted within 90 days after the
229 adoption of a total maximum daily load for a water body or water
230 body segment, agricultural operations located within the
231 associated Water Body Identification Number shall sign a notice
232 of intent to implement the applicable agricultural best
233 management practices or other measures adopted by the Department
234 of Agriculture and Consumer Services pursuant to s.
235 403.067(7)(c) or conduct water quality monitoring as prescribed
236 by the department or a water management district. Such
237 agricultural operations may be subject to enforcement action by
238 the department or a water management district based upon a
239 failure to comply with this paragraph.

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

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



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243 1. In developing and implementing the total maximum daily
244 load for a water body, the department, or the department in
245 conjunction with a water management district, may develop a
246 basin management action plan that addresses some or all of the
247 watersheds and basins tributary to the water body. Such plan
248 must integrate the appropriate management strategies available
249 to the state through existing water quality protection programs
250 to achieve the total maximum daily loads and may provide for
251 phased implementation of these management strategies to promote
252 timely, cost-effective actions as provided for in s. 403.151.
253 The plan must establish a schedule implementing the management
254 strategies, provide detailed information for improvement
255 projects including descriptions and timelines for completion,
256 establish a basis for evaluating the plan's effectiveness, and
257 identify feasible funding strategies for implementing the plan's
258 management strategies. The management strategies may include
259 regional treatment systems or other public works, where
260 appropriate, and voluntary trading of water quality credits to
261 achieve the needed pollutant load reductions.

262 2. A basin management action plan must equitably allocate,
263 pursuant to paragraph (6) (b), pollutant reductions to individual
264 basins, as a whole to all basins, or to each identified point
265 source or category of nonpoint sources, as appropriate. For
266 nonpoint sources for which best management practices have been
267 adopted, the initial requirement specified by the plan must be
268 those practices developed pursuant to paragraph (c). Where
269 appropriate, the plan may take into account the benefits of
270 pollutant load reduction achieved by point or nonpoint sources
271 that have implemented management strategies to reduce pollutant



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272 loads, including best management practices, before the
273 development of the basin management action plan. The plan must
274 also identify the mechanisms that will address potential future
275 increases in pollutant loading.

276 3. The basin management action planning process is intended
277 to involve the broadest possible range of interested parties,
278 with the objective of encouraging the greatest amount of
279 cooperation and consensus possible. In developing a basin
280 management action plan, the department shall assure that key
281 stakeholders, including, but not limited to, applicable local
282 governments, water management districts, the Department of
283 Agriculture and Consumer Services, other appropriate state
284 agencies, local soil and water conservation districts,
285 environmental groups, regulated interests, and affected
286 pollution sources, are invited to participate in the process.
287 The department shall hold at least one public meeting in the
288 vicinity of the watershed or basin to discuss and receive
289 comments during the planning process and shall otherwise
290 encourage public participation to the greatest practicable
291 extent. Notice of the public meeting must be published in a
292 newspaper of general circulation in each county in which the
293 watershed or basin lies not less than 5 days nor more than 15
294 days before the public meeting. A basin management action plan
295 does not supplant or otherwise alter any assessment made under
296 subsection (3) or subsection (4) or any calculation or initial
297 allocation.

298 4. Each new or revised basin management action plan shall
299 include:

300 a. The appropriate management strategies available through



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301 existing water quality protection programs to achieve total
302 maximum daily loads, which may provide for phased implementation
303 to promote timely, cost-effective actions as provided for in s.
304 403.151;

305 b. A description of best management practices adopted by
306 rule;

307 c. A list of projects in priority ranking with a planning-
308 level cost estimate and estimated date of completion for each
309 listed project. The priority ranking shall be based on the
310 estimated reduction in nutrient load per project, project
311 readiness, cost effectiveness, overall environmental benefit,
312 location within the plan area, local matching funds, and water
313 savings or quantity improvements;

314 d. The source and amount of financial assistance to be made
315 available by the department, a water management district, or
316 other entity for each listed project, if applicable; and

317 e. A planning-level estimate of each listed project's
318 expected load reduction, if applicable.

319 5. The department shall adopt all or any part of a basin
320 management action plan and any amendment to such plan by
321 secretarial order pursuant to chapter 120 to implement the
322 provisions of this section.

323 6. The basin management action plan must include milestones
324 for implementation and water quality improvement, and an
325 associated water quality monitoring component sufficient to
326 evaluate whether reasonable progress in pollutant load
327 reductions is being achieved over time. An assessment of
328 progress toward these milestones shall be conducted every 5
329 years, and revisions to the plan shall be made as appropriate.



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330 Revisions to the basin management action plan shall be made by
331 the department in cooperation with basin stakeholders. Revisions
332 to the management strategies required for nonpoint sources must
333 follow the procedures set forth in subparagraph (c)4. Revised
334 basin management action plans must be adopted pursuant to
335 subparagraph 5.

336 7. In accordance with procedures adopted by rule under
337 paragraph (9)(c), basin management action plans, and other
338 pollution control programs under local, state, or federal
339 authority as provided in subsection (4), may allow point or
340 nonpoint sources that will achieve greater pollutant reductions
341 than required by an adopted total maximum daily load or
342 wasteload allocation to generate, register, and trade water
343 quality credits for the excess reductions to enable other
344 sources to achieve their allocation; however, the generation of
345 water quality credits does not remove the obligation of a source
346 or activity to meet applicable technology requirements or
347 adopted best management practices. Such plans must allow trading
348 between NPDES permittees, and trading that may or may not
349 involve NPDES permittees, where the generation or use of the
350 credits involve an entity or activity not subject to department
351 water discharge permits whose owner voluntarily elects to obtain
352 department authorization for the generation and sale of credits.

353 8. The provisions of the department's rule relating to the
354 equitable abatement of pollutants into surface waters do not
355 apply to water bodies or water body segments for which a basin
356 management plan that takes into account future new or expanded
357 activities or discharges has been adopted under this section.

358 (d) Wastewater treatment plan.-



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359 1. As part of a basin management action plan, each local
360 government, in cooperation with the department, the relevant
361 water management district, and the relevant local public and
362 private wastewater utilities, shall develop a plan to implement
363 improvements that provide, at a minimum, advanced waste
364 treatment, as defined in s. 403.086(4). The plan must provide
365 for construction, expansion, or upgrades necessary to achieve a
366 total maximum daily load, consistent with an onsite sewage
367 treatment and disposal system remediation plan under paragraph
368 (e). A local government that does not have a wastewater
369 treatment plant in its jurisdiction is not required to develop a
370 wastewater treatment plan unless the department determines that
371 the creation of such a plant within the jurisdiction is
372 necessary to meet the total maximum daily load. If advanced
373 waste treatment standards are met or exceeded as part of a
374 broader waste treatment program implemented by the local public
375 or private wastewater treatment utility, such a program may be
376 deemed to comply with the requirements of this paragraph with
377 the approval of the department. Wastewater treatment plants that
378 are directly addressed in a basin management action plan and do
379 not meet or exceed advanced waste treatment standards but that
380 have been determined to meet the requirements for the total
381 maximum daily load before July 1, 2019, are grandfathered unless
382 and until the department determines that higher levels of
383 treatment are required to meet the total maximum daily load.

384 2. Each owner or operator of an existing wastewater
385 treatment plant shall provide certain information for each plant
386 that has a plan to implement upgrades that meet or exceed
387 advanced waste treatment, as defined in s. 403.086(4). This



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388 information must include the following as it relates to existing
389 conditions and estimated conditions after upgrades are
390 implemented:

- 391 a. The permitted capacity of the plant, in gallons per day;
392 b. The average nutrient concentration; and
393 c. The estimated average nutrient load.

394 3.a. The local government shall submit to the department
395 for approval a detailed plan that includes:

396 (I) A timeline that specifies the dates by which the
397 construction of any improvements must commence, each stage of
398 construction must be completed, and operations must commence;

399 (II) A detailed planning and design report setting forth
400 the plan for construction of improvements and operations; and

401 (III) A certification that the local government, in
402 agreement with the owner or operator, has approved the method of
403 implementing upgrades and method of financing or funding
404 construction and operation.

405 b. The department may amend the plan and shall approve a
406 final plan. The department shall provide technical support upon
407 request by a local government. An existing wastewater treatment
408 plant must also incorporate the plan into its next NPDES or
409 wastewater operating permit renewal.

410 c. Each new wastewater treatment plant located within the
411 plan area shall comply with the requirements and approved dates
412 in the basin management action plan. Each existing wastewater
413 treatment plant located within the plan area must be in
414 compliance with the timeline set out in the basin management
415 action plan to receive a renewal of its NPDES or wastewater
416 operating permit. Upon a showing of good cause, the department



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417 may grant an extension of time to the local government to comply
418 with the timeline.

419 d. If the deadlines for the initiation of construction of
420 improvements, completion of construction, and commencement of
421 operations which were approved pursuant to this subparagraph are
422 not satisfied, each local government with a wastewater treatment
423 plant that does not meet the requirements in this subparagraph
424 may not approve any building permits for new construction within
425 its jurisdiction, and the Department of Health may not approve
426 any new onsite sewage treatment and disposal systems within the
427 local government jurisdiction where the wastewater treatment
428 plant is located until such time as the plant is brought into
429 compliance. In addition, the department shall, unless good cause
430 is shown, assess penalties pursuant to ss. 403.121, 403.141, and
431 403.161 until such time as the plant is brought into compliance.
432 The department may reduce penalties based on expenditures for
433 improvements and upgrades to the wastewater treatment facility.

434 (e) Onsite sewage treatment and disposal systems.-

435 1. For purposes of this paragraph, the term "onsite sewage
436 treatment and disposal system" has the same meaning as in s.
437 381.0065.

438 2.a. As part of a basin management action plan, each local
439 government, in cooperation with the department, the Department
440 of Health, the relevant water management district, and relevant
441 local public and private wastewater utilities, shall develop an
442 onsite sewage treatment and disposal system remediation plan if
443 the department identifies onsite sewage treatment and disposal
444 systems as contributors of at least 20 percent of nonpoint
445 source nutrient pollution or if the department determines that



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446 remediation is necessary to achieve a total maximum daily load.
447 In order to promote cost-effective remediation, the department
448 may identify one or more onsite sewage treatment and disposal
449 system priority focus areas. The department shall identify these
450 areas by considering soil conditions; groundwater or surface
451 water travel time; proximity to surface waters, including
452 predominantly marine waters as defined by department rule;
453 hydrogeology; onsite system density; nutrient load; and other
454 factors that may lead to water quality degradation. The
455 remediation plan must identify cost-effective and financially
456 feasible projects necessary to reduce the nutrient impacts from
457 onsite sewage treatment and disposal systems. The plan shall be
458 completed and adopted as part of the basin management action plan
459 no later than the first 5-year milestone assessment identified in
460 subparagraph (a)6., for basin management action plans generally,
461 or as required in s. 373.807(1)(b)8., for Outstanding Florida
462 Springs. Before adopting the plan, the local government shall
463 hold one or more publicly noticed meetings to receive input on
464 the plan from the general public. The department is responsible
465 for timely approval and adoption of the plan. For basin
466 management action plans not governed by part VIII of chapter
467 373, an onsite sewage treatment and disposal system priority
468 focus area means the area or areas of a basin where the
469 groundwater is generally most vulnerable to pollutant inputs
470 where there is a known connectivity between groundwater pathways
471 and an impaired water body, as determined by the department in
472 consultation with the appropriate water management districts and
473 delineated in a basin management action plan.

474 b.(I) Each local government within the plan area, or the



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475 local government's designee, shall prepare a plan, by the first
476 5-year milestone assessment required under subparagraph (a)6.,
477 for basin management action plans generally, or as required in
478 s. 373.807(1)(b)8. for Outstanding Florida Springs. Within its
479 jurisdiction, the local government plan must provide for either
480 connecting each onsite sewage treatment and disposal system to a
481 central wastewater treatment plant or replacing the current
482 system with a new system within the onsite sewage treatment and
483 disposal system priority focus area so that a nutrient load from
484 onsite sewage treatment and disposal systems meets or exceeds
485 applicable water quality standards. The plan must include water
486 quality monitoring provisions to ensure that waterbodies within
487 the plan area do not continue to be further degraded by onsite
488 sewage treatment and disposal systems. The local government
489 shall submit to the department for approval, a detailed plan,
490 which includes:

491 (A) A timeline that specifies the dates by which the
492 construction of any improvements must commence, each stage of
493 construction must be completed, and mandatory upgrades of onsite
494 sewage treatment disposal systems within the plan area must be
495 implemented or any ordinances that must be adopted to implement
496 the plan;

497 (B) A detailed planning and design report setting forth the
498 plan for construction of improvements to and implementation of
499 onsite sewage treatment and disposal system upgrades;

500 (C) A certification that the local government, in agreement
501 with the owner or operator, has approved the method of
502 remediation and method of financing or funding construction and
503 operation.



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504 (II) The department may amend the plan and shall approve a
505 final plan. The department shall provide technical support upon
506 request by a local government. Upon a showing of good cause, the
507 department may grant an extension of time to reach compliance
508 with the schedule.

509 (III) If the deadlines in sub-sub-sub-subparagraph (I) (A)
510 are not satisfied, the local government may not approve any
511 building permits for new construction within the plan area, and
512 the Department of Health may not approve any new onsite sewage
513 treatment and disposal system within the plan area until the
514 actions in the remediation plan have been completed. In
515 addition, the department shall, unless good cause is shown,
516 assess penalties pursuant to ss. 403.121, 403.141, and 403.161
517 until the actions in the remediation plan have been completed.
518 The department may reduce penalties based on expenditures
519 designed to achieve compliance with the remediation plan.

520 c. In developing and adopting the plan, the department
521 shall:

522 (I) Collect and evaluate credible scientific information on
523 the effect of nutrients on surface waters and groundwater;

524 (II) Work with local stakeholders to develop a public
525 education plan to provide area residents with reliable,
526 understandable information about onsite sewage treatment and
527 disposal systems and surface and groundwater pollution;

528 (III) In addition to sub-subparagraph 2.b., the department
529 may include in the plan, if appropriate, options for system
530 repair, upgrade, or replacement; drainfield modification; the
531 addition of effective nutrient-reducing features; or other
532 actions addressing onsite sewage treatment and disposal system



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533 issues. The department shall include in the plan a priority
534 ranking for each onsite system, or group of systems, that
535 requires remediation. The priority ranking shall be used to
536 ensure the most effective, efficient use of the funding provided
537 for onsite system remediation. In awarding any such funds, the
538 department may consider expected nutrient reduction benefit per
539 unit cost, the size and scope of the project, local financial
540 contribution to the project relative to the overall cost, and the
541 financial impact on property owners and the community. For the
542 purpose of awarding funds, the department may, at its discretion,
543 totally or partially waive this consideration of the local
544 contribution for proposed projects within an area designated as a
545 rural area of opportunity under s. 288.0656; and

546 (IV) The installation, repair, modification, or upgrade of
547 onsite sewage treatment and disposal systems within the
548 boundaries of a basin management action plan with an onsite
549 sewage treatment and disposal system remediation plan must
550 conform to the requirements of the remediation plan.

551 (g) *Alternative restoration plan.*—

552 1. As part of its alternative restoration plan for a water
553 body, the local stakeholders proposing the plan must consider:

554 a. The implementation of agricultural best management
555 practices or monitoring for nonpoint sources of pollution in
556 accordance with paragraph (c);

557 b. The implementation of an onsite sewage treatment and
558 disposal system remediation plan where such remediation is
559 necessary to restore the water body in accordance with paragraph
560 (e); and

561 c. The adoption of advanced waste treatment levels or



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562 higher water quality effluent standards for wastewater treatment
563 plants.

564 2. In addition, the restoration plan must include any other
565 pollution control mechanisms that are being implemented to
566 demonstrate a reasonable assurance that existing or proposed
567 pollution control mechanisms or programs will effectively
568 address the impairment. Upon adoption of such a restoration
569 plan, the requirement that best management practices or
570 monitoring be conducted within the watershed impacting the water
571 body is enforceable pursuant to this section and ss. 403.121,
572 403.141, and 403.161.

573 Section 8. Section 403.0673, Florida Statutes, is created
574 to read:

575 403.0673 Wastewater grant program.—A wastewater grant
576 program is established within the Department of Environmental
577 Protection.

578 (1) Subject to appropriation, the department may provide
579 grants for projects that will individually or collectively
580 reduce excess nutrient pollution for projects within a basin
581 management action plan or an alternative restoration plan
582 adopted by final order for all of the following:

583 (a) Projects to retrofit onsite sewage treatment and
584 disposal systems.

585 (b) Projects to construct, upgrade, or expand facilities to
586 provide advanced waste treatment, as defined in ss. 403.086(4).

587 (c) Projects to connect onsite sewage treatment and
588 disposal systems to central sewer facilities.

589 (2) In allocating such funds, priority must be given for
590 projects that subsidize the connection of onsite sewage



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591 treatment and disposal systems to a wastewater treatment plant
592 or that subsidize inspections and assessments of onsite sewage
593 treatment and disposal systems. In determining priorities, the
594 department shall consider the estimated reduction in nutrient
595 load per project; project readiness; cost effectiveness of the
596 project; overall environmental benefit of a project; the
597 location of a project within the plan area; the availability of
598 local matching funds; and projected water savings or quantity
599 improvements associated with a project.

600 (3) Each grant for a project described in subsection (1)
601 must require a minimum of a 50 percent local match of funds.
602 However, the department may, at its discretion, waive, in whole
603 or in part, this consideration of the local contribution for
604 proposed projects within an area designated as a rural area of
605 opportunity under s. 288.0656.

606 (4) The department shall coordinate with each water
607 management district, as necessary, to identify grant recipients
608 in each district.

609 (5) Beginning January 1, 2020, and each January 1
610 thereafter, the department shall submit a report regarding the
611 projects funded pursuant to this section to the Governor, the
612 President of the Senate, and the Speaker of the House of
613 Representatives.

614 Section 9. Section 403.0771, Florida Statutes, is created
615 to read:

616 403.0771 Sewage spill notification; moratorium.—

617 (1) In addition to the public notification requirements of
618 s. 403.077, a wastewater treatment facility that unlawfully
619 discharges raw or partially treated sewage into any waterway or



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620 aquifer must, within 24 hours after discovering the discharge,
621 notify its customers that the discharge has occurred.

622 (2) If a wastewater treatment facility owned by a local
623 government unlawfully discharges raw or partially treated sewage
624 into any waterway or aquifer, the local government may not
625 approve any building permits for new construction and the
626 Department of Health may not approve any new onsite sewage
627 treatment and disposal system in the local government's
628 jurisdiction until any required maintenance, repair, or
629 improvement has been implemented to reduce or eliminate sanitary
630 sewage overflows, as determined by the department. In addition,
631 the department shall assess a daily penalty pursuant to ss.
632 403.121, 403.141, and 403.161 against a public or private
633 wastewater facility that unlawfully discharges raw or partially
634 treated sewage into any waterway or aquifer until the required
635 maintenance, repair, or improvement has been implemented. The
636 department may reduce a penalty based on the wastewater
637 treatment facility's investment in assessment and maintenance
638 activities to identify and address conditions that may cause
639 sanitary sewage overflows.

640 (3) The department shall maintain a publicly accessible
641 website that includes any current consent orders applicable to a
642 wastewater treatment facility entered into as a result of
643 sanitary sewer overflows, as well as any reports filed by the
644 facility in accordance with open consent orders.

645 Section 10. Effective July 1, 2024, paragraph (c) of
646 subsection (1) of section 403.086, Florida Statutes, is amended
647 to read:

648 403.086 Sewage disposal facilities; advanced and secondary



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649 waste treatment.-

650 (1)

651 (c) Notwithstanding any other provisions of this chapter or
652 chapter 373, facilities for sanitary sewage disposal may not
653 dispose of any wastes into Old Tampa Bay, Tampa Bay,
654 Hillsborough Bay, Boca Ciega Bay, St. Joseph Sound, Clearwater
655 Bay, Sarasota Bay, Little Sarasota Bay, Roberts Bay, Lemon Bay,
656 or Charlotte Harbor Bay, Indian River Lagoon, or into any river,
657 stream, channel, canal, bay, bayou, sound, or other water
658 tributary thereto, without providing advanced waste treatment,
659 as defined in subsection (4), approved by the department. This
660 paragraph shall not apply to facilities which were permitted by
661 February 1, 1987, and which discharge secondary treated
662 effluent, followed by water hyacinth treatment, to tributaries
663 of tributaries of the named waters; or to facilities permitted
664 to discharge to the nontidally influenced portions of the Peace
665 River.

666 Section 11. Present subsection (4) of section 403.9337,
667 Florida Statutes, is redesignated as subsection (5), and a new
668 subsection (4) is added to that section, to read:

669 403.9337 Model Ordinance for Florida-Friendly Fertilizer
670 Use on Urban Landscapes.-

671 (4) A local government that fails to adopt, enact, and
672 implement an ordinance required by subsection (2) by January 1,
673 2020, is subject to a daily fine as provided in ss. 403.121,
674 403.141, and 403.161 and may not approve any building permits
675 for new construction until the ordinance has been adopted,
676 enacted, and implemented. In implementing the ordinance, a local
677 government shall conduct educational campaigns, enforcement



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678 programs, and mandatory notification of property owners subject
679 to the ordinance, and shall submit a report on its efforts to
680 the department for publication on the department's website.

681 Section 12. (1) The Department of Environmental Protection
682 shall revise the basin management action plans for the Indian
683 River Lagoon, basin management action plans for waterbodies with
684 a direct hydrological connection to the Indian River Lagoon, and
685 the basin management action plans that were adopted pursuant to
686 s. 373.807, Florida Statutes, and approved by the Secretary of
687 Environmental Protection or prepared by the department before
688 July 1, 2019, to conform existing plans to changes made by this
689 act. Revisions to such basin management action plans made
690 pursuant to this act must be completed by July 1, 2021. The
691 department may grant a 6-month extension, upon a showing of good
692 cause, to a local government on the deadlines for its wastewater
693 treatment project plan or onsite sewage treatment and disposal
694 system remediation plans submitted as part of a basin management
695 action plan.

696 (2) The department shall revise all basin management action
697 plans not included under subsection (1), but adopted pursuant to
698 s. 403.067(7), Florida Statutes, and approved by the Secretary
699 of Environmental Protection or prepared by the department before
700 July 1, 2019, to conform existing plans to changes made by this
701 act. Revisions to such basin management action plans made
702 pursuant to this act must be completed by the next required 5-
703 year milestone assessment for those revisions scheduled for on
704 or after July 1, 2021. The department may grant a 6-month
705 extension, upon a showing of good cause, to a local government
706 on the deadlines for its wastewater treatment project plan or



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707 onsite sewage treatment and disposal system remediation plans
708 submitted as part of a basin management action plan.

709 Section 13. The Legislature determines and declares that
710 this act fulfills an important state interest.

711 Section 14. Except as otherwise expressly provided in this
712 act, this act shall take effect July 1, 2019.

713

714 ===== T I T L E A M E N D M E N T =====

715 And the title is amended as follows:

716 Delete everything before the enacting clause
717 and insert:

718 A bill to be entitled
719 An act relating to water quality improvements;
720 providing a short title; requiring the Department of
721 Environmental Protection, in coordination with the
722 Department of Health, to develop a report to be
723 submitted to the Legislature by a specified date on
724 the impacts of transferring the onsite sewage program
725 of the Department of Health to the Department of
726 Environmental Protection by a type two transfer;
727 providing an exception; amending s. 373.807, F.S.;
728 revising the requirements for a basin management
729 action plan for an Outstanding Florida Spring;
730 prohibiting a local government from approving building
731 permits within the plan area under certain
732 circumstances; providing penalties; requiring certain
733 agricultural operations that fail to adopt a basin
734 management action plan or alternative restoration plan
735 within a specified timeframe to sign a notice of



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736 intent to implement certain practices, measures, or
737 monitoring; amending s. 373.811, F.S.; conforming a
738 cross-reference; amending s. 403.031, F.S.; defining
739 terms; creating s. 403.0616, F.S.; requiring the
740 department, subject to appropriation, to establish a
741 real-time water quality monitoring program;
742 encouraging the formation of public-private
743 partnerships; amending s. 403.067, F.S.; requiring
744 certain agricultural operations that fail to adopt a
745 basin management action plan or alternative
746 restoration plan within a specified timeframe to sign
747 a notice of intent to implement certain practices,
748 measures, or monitoring; revising requirements for a
749 basin management action plan; requiring estimated
750 nutrient load reductions in such plans to exceed a
751 specified amount; requiring each local government to
752 develop a wastewater treatment plan that meets certain
753 requirements; prohibiting a local government that does
754 not meet certain requirements relating to wastewater
755 treatment plant project plans or onsite sewage
756 treatment and disposal system remediation plans from
757 approving any building permits within a specified
758 timeframe; prohibiting the Department of Health from
759 approving any new onsite sewage treatment and disposal
760 system within such an area for a specified timeframe;
761 providing penalties; defining the term "onsite sewage
762 treatment and disposal system"; requiring a local
763 government, in cooperation with specified entities, to
764 develop an onsite sewage treatment and disposal system



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765 remediation plan as part of the basin management
766 action plan under certain circumstances; providing
767 requirements for such plan; providing requirements for
768 a restoration plan for certain water bodies; creating
769 s. 403.0673, F.S.; establishing a wastewater grant
770 program within the Department of Environmental
771 Protection; authorizing the department to distribute
772 appropriated funds for certain projects; providing
773 requirements for the distribution; requiring the
774 department to coordinate with each water management
775 district to identify grant recipients; requiring an
776 annual report to the Governor and the Legislature by a
777 specified date; creating s. 403.0771, F.S.; requiring
778 a wastewater treatment plant to notify customers of
779 unlawful discharges of raw or partially treated sewage
780 into any waterway or aquifer within a specified
781 timeframe; prohibiting a local government that owns
782 such a plant from approving any building permits
783 within a specified timeframe; prohibiting the
784 Department of Health from approving any new onsite
785 sewage treatment and disposal system within such an
786 area for a specified timeframe; providing penalties;
787 requiring the department to maintain a publicly
788 accessible website that contains certain information
789 relating to wastewater treatment facilities; amending
790 s. 403.086, F.S.; prohibiting facilities for sanitary
791 sewage disposal from disposing of any waste in the
792 Indian River Lagoon without first providing advanced
793 waste treatment; amending s. 403.9337, F.S.; providing



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794 penalties for a local government that fails to adopt,
795 enact, and implement a specified ordinance by a
796 specified date; requiring the Department of
797 Environmental Protection to revise the basin
798 management action plan for the Indian River Lagoon and
799 other specified basin management action plans by a
800 specified date; authorizing the department to grant an
801 extension to a local government upon a showing of good
802 cause; providing a declaration of important state
803 interest; providing effective dates.