

By the Committee on Environment and Natural Resources; and
Senators Mayfield, Simmons, and Harrell

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1 A bill to be entitled
2 An act relating to water quality improvements;
3 providing a short title; requiring the Department of
4 Environmental Protection, in coordination with the
5 Department of Health, to develop a report to be
6 submitted to the Legislature by a specified date on
7 the impacts of transferring the onsite sewage program
8 of the Department of Health to the Department of
9 Environmental Protection by a type two transfer;
10 providing an exception; amending s. 373.807, F.S.;
11 revising the requirements for a basin management
12 action plan for an Outstanding Florida Spring;
13 prohibiting a local government from approving building
14 permits within the plan area under certain
15 circumstances; providing penalties; requiring certain
16 agricultural operations that fail to adopt a basin
17 management action plan or alternative restoration plan
18 within a specified timeframe to sign a notice of
19 intent to implement certain practices, measures, or
20 monitoring; amending s. 373.811, F.S.; conforming a
21 cross-reference; amending s. 403.031, F.S.; defining
22 terms; creating s. 403.0616, F.S.; requiring the
23 department, subject to appropriation, to establish a
24 real-time water quality monitoring program;
25 encouraging the formation of public-private
26 partnerships; amending s. 403.067, F.S.; requiring
27 certain agricultural operations that fail to adopt a
28 basin management action plan or alternative
29 restoration plan within a specified timeframe to sign

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30 a notice of intent to implement certain practices,
31 measures, or monitoring; revising requirements for a
32 basin management action plan; requiring each local
33 government to develop a wastewater treatment plan that
34 meets certain requirements; prohibiting a local
35 government that does not meet certain requirements
36 relating to wastewater treatment plant project plans
37 or onsite sewage treatment and disposal system
38 remediation plans from approving any building permits
39 within a specified timeframe; prohibiting the
40 Department of Health from approving any new onsite
41 sewage treatment and disposal system within such an
42 area for a specified timeframe; providing penalties;
43 defining the term "onsite sewage treatment and
44 disposal system"; requiring a local government, in
45 cooperation with specified entities, to develop an
46 onsite sewage treatment and disposal system
47 remediation plan as part of the basin management
48 action plan under certain circumstances; providing
49 requirements for such plan; providing requirements for
50 a restoration plan for certain water bodies; creating
51 s. 403.0673, F.S.; establishing a wastewater grant
52 program within the Department of Environmental
53 Protection; authorizing the department to distribute
54 appropriated funds for certain projects; providing
55 requirements for the distribution; requiring the
56 department to coordinate with each water management
57 district to identify grant recipients; requiring an
58 annual report to the Governor and the Legislature by a

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59 specified date; creating s. 403.0771, F.S.; requiring
60 a wastewater treatment plant to notify customers of
61 unlawful discharges of raw or partially treated sewage
62 into any waterway or aquifer within a specified
63 timeframe; prohibiting a local government that owns
64 such a plant from approving any building permits
65 within a specified timeframe; prohibiting the
66 Department of Health from approving any new onsite
67 sewage treatment and disposal system within such an
68 area for a specified timeframe; providing penalties;
69 requiring the department to maintain a publicly
70 accessible website that contains certain information
71 relating to wastewater treatment facilities; amending
72 s. 403.086, F.S.; prohibiting facilities for sanitary
73 sewage disposal from disposing of any waste in the
74 Indian River Lagoon without first providing advanced
75 waste treatment; amending s. 403.9337, F.S.; providing
76 penalties for a local government that fails to adopt,
77 enact, and implement a specified ordinance by a
78 specified date; requiring the Department of
79 Environmental Protection to revise the basin
80 management action plan for the Indian River Lagoon and
81 other specified basin management action plans by a
82 specified date; authorizing the department to grant an
83 extension to a local government upon a showing of good
84 cause; providing a declaration of important state
85 interest; providing effective dates.

86
87 Be It Enacted by the Legislature of the State of Florida:

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

91 Section 2. The Department of Environmental Protection, in
92 coordination with the Department of Health, shall develop a
93 report for presentation to the Legislature by July 1, 2020,
94 which addresses the impacts of a type two transfer of the
95 Department of Health's onsite sewage program to the Department
96 of Environmental Protection for the regulation of onsite sewage
97 treatment and disposal systems. The report must include
98 revisions to state law, including budgetary changes, which would
99 need to be addressed to complete the type two transfer. If the
100 Department of Environmental Protection is authorized to develop
101 a memorandum of agreement with the Department of Health
102 describing how the type two transfer would be implemented if the
103 Legislature authorized such a transfer, this report is not
104 required.

105 Section 3. Section 373.807, Florida Statutes, is amended to
106 read:

107 373.807 Protection of water quality in Outstanding Florida
108 Springs.—By July 1, 2016, the department shall initiate
109 assessment, pursuant to s. 403.067(3), of Outstanding Florida
110 Springs or spring systems for which an impairment determination
111 has not been made under the numeric nutrient standards in effect
112 for spring vents. Assessments must be completed by July 1, 2018.

113 (1)(a) Concurrent with the adoption of a nutrient total
114 maximum daily load for an Outstanding Florida Spring, the
115 department, or the department in conjunction with a water
116 management district, shall initiate development of a basin

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117 management action plan, as specified in s. 403.067. For an
118 Outstanding Florida Spring with a nutrient total maximum daily
119 load adopted before July 1, 2016, the department, or the
120 department in conjunction with a water management district,
121 shall initiate development of a basin management action plan by
122 July 1, 2016. During the development of a basin management
123 action plan, if the department identifies onsite sewage
124 treatment and disposal systems as contributors of at least 20
125 percent of nonpoint source nutrient ~~nitrogen~~ pollution or if the
126 department determines remediation is necessary to achieve the
127 total maximum daily load, the basin management action plan shall
128 include an onsite sewage treatment and disposal system
129 remediation plan pursuant to s. 403.067(7)(e) ~~subsection (3)~~ for
130 those systems identified as requiring remediation.

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

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

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

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

144 4. For each listed project, a planning level cost estimate,
145 ~~and~~ the estimated date of completion, and a plan submitted by

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146 each local government within the plan area and approved by the
147 department for each wastewater treatment plant project as
148 specified in s. 403.067(7)(d) and onsite sewage treatment and
149 disposal system remediation plan as specified in s.
150 403.067(7)(e). Each plan must include deadlines and is subject
151 to penalties required under s. 403.067;

152 5. The source and amount of financial assistance to be made
153 available by the department, a water management district, or
154 other entity for each listed project;

155 6. An estimate of each listed project's nutrient load
156 reduction;

157 7. Identification of each point source or category of
158 nonpoint sources, including, but not limited to, urban turf
159 fertilizer, sports turf fertilizer, agricultural fertilizer,
160 onsite sewage treatment and disposal systems, wastewater
161 treatment facilities, animal wastes, and stormwater facilities.
162 An estimated allocation of the pollutant load must be provided
163 for each point source or category of nonpoint sources; and

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

167
168 The department shall develop a schedule establishing 5-year, 10-
169 year, and 15-year targets for achieving the nutrient total
170 maximum daily load. The schedule shall be used to provide
171 guidance for planning and funding purposes and is exempt from
172 chapter 120.

173 (c) For a basin management action plan adopted before July
174 1, 2016, which addresses an Outstanding Florida Spring, the

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175 department or the department in conjunction with a water
176 management district must revise the plan if necessary to comply
177 with this section by July 1, 2018.

178 (d) A local government may apply to the department for a
179 single extension of up to 5 years for any project in an adopted
180 basin management action plan. A local government in a rural area
181 of opportunity, as defined in s. 288.0656, may apply for a
182 single extension of up to 10 years for such a project. The
183 department may grant the extension if the local government
184 provides to the department sufficient evidence that an extension
185 is in the best interest of the public.

186 (2) By July 1, 2020 ~~2017~~, each local government, as defined
187 in s. 373.802(2), that has not adopted an ordinance pursuant to
188 s. 403.9337, shall develop, enact, and implement an ordinance
189 pursuant to that section. It is the intent of the Legislature
190 that ordinances required to be adopted under this subsection
191 reflect the latest scientific information, advancements, and
192 technological improvements in the industry. A local government
193 that fails to adopt, enact, and implement this ordinance is
194 subject to a daily fine as provided in ss. 403.121, 403.141, and
195 403.161 and may not approve any building permit for new
196 construction within the plan area until such time as the
197 ordinance has been adopted, enacted, and implemented. In
198 implementing the ordinance, a local government shall conduct
199 educational campaigns, enforcement programs, and mandatory
200 notification of property owners subject to the ordinance, and
201 shall submit a report on its implementation efforts to the
202 department for publication on the department's website.

203 (3) If a basin management action plan or an alternative

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204 restoration plan has not been adopted within 90 days after the
205 adoption of a nutrient total maximum daily load for an
206 Outstanding Florida Spring, agricultural operations located
207 within the associated Water Body Identification Number shall
208 sign a notice of intent to implement the applicable agricultural
209 best management practices or other measures adopted by the
210 Department of Agriculture and Consumer Services pursuant to s.
211 403.067(7)(c) or conduct water quality monitoring as prescribed
212 by the department or a water management district. Such
213 agricultural operations may be subject to enforcement action by
214 the department or a water management district based upon a
215 failure to comply with this subsection.

216 ~~(3) As part of a basin management action plan that includes~~
217 ~~an Outstanding Florida Spring, the department, the Department of~~
218 ~~Health, relevant local governments, and relevant local public~~
219 ~~and private wastewater utilities shall develop an onsite sewage~~
220 ~~treatment and disposal system remediation plan for a spring if~~
221 ~~the department determines onsite sewage treatment and disposal~~
222 ~~systems within a priority focus area contribute at least 20~~
223 ~~percent of nonpoint source nitrogen pollution or if the~~
224 ~~department determines remediation is necessary to achieve the~~
225 ~~total maximum daily load. The plan shall identify cost-effective~~
226 ~~and financially feasible projects necessary to reduce the~~
227 ~~nutrient impacts from onsite sewage treatment and disposal~~
228 ~~systems and shall be completed and adopted as part of the basin~~
229 ~~management action plan no later than the first 5-year milestone~~
230 ~~required by subparagraph (1)(b)8. The department is the lead~~
231 ~~agency in coordinating the preparation of and the adoption of~~
232 ~~the plan. The department shall:~~

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233 ~~(a) Collect and evaluate credible scientific information on~~
234 ~~the effect of nutrients, particularly forms of nitrogen, on~~
235 ~~springs and springs systems; and~~

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

239
240 ~~In addition to the requirements in s. 403.067, the plan shall~~
241 ~~include options for repair, upgrade, replacement, drainfield~~
242 ~~modification, addition of effective nitrogen reducing features,~~
243 ~~connection to a central sewerage system, or other action for an~~
244 ~~onsite sewage treatment and disposal system or group of systems~~
245 ~~within a priority focus area that contribute at least 20 percent~~
246 ~~of nonpoint source nitrogen pollution or if the department~~
247 ~~determines remediation is necessary to achieve a total maximum~~
248 ~~daily load. For these systems, the department shall include in~~
249 ~~the plan a priority ranking for each system or group of systems~~
250 ~~that requires remediation and shall award funds to implement the~~
251 ~~remediation projects contingent on an appropriation in the~~
252 ~~General Appropriations Act, which may include all or part of the~~
253 ~~costs necessary for repair, upgrade, replacement, drainfield~~
254 ~~modification, addition of effective nitrogen reducing features,~~
255 ~~initial connection to a central sewerage system, or other~~
256 ~~action. In awarding funds, the department may consider expected~~
257 ~~nutrient reduction benefit per unit cost, size and scope of~~
258 ~~project, relative local financial contribution to the project,~~
259 ~~and the financial impact on property owners and the community.~~
260 ~~The department may waive matching funding requirements for~~
261 ~~proposed projects within an area designated as a rural area of~~

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262 ~~opportunity under s. 288.0656.~~

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

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

269 373.811 Prohibited activities within a priority focus
270 area.—The following activities are prohibited within a priority
271 focus area in effect for an Outstanding Florida Spring:

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

277 Section 5. Subsections (22) and (23) are added to section
278 403.031, Florida Statutes, to read:

279 403.031 Definitions.—In construing this chapter, or rules
280 and regulations adopted pursuant hereto, the following words,
281 phrases, or terms, unless the context otherwise indicates, have
282 the following meanings:

283 (22) "Wastewater facilities" or "wastewater treatment
284 facilities" means any of the following: the collection and
285 transmission system, the wastewater treatment plant, and the
286 reuse or disposal system.

287 (23) "Wastewater plant" or "wastewater treatment plant"
288 means any plant or other works used for the purpose of treating,
289 stabilizing, or holding wastewater.

290 Section 6. Section 403.0616, Florida Statutes, is created

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291 to read:

292 403.0616 Real-time water quality monitoring program.-

293 (1) Subject to appropriation, the department shall
294 establish a real-time water quality monitoring program to assist
295 in the restoration, preservation, and enhancement of impaired
296 waterbodies and coastal resources.

297 (2) In order to expedite the creation and implementation of
298 the program, the department is encouraged to form public-private
299 partnerships with established scientific entities with existing,
300 proven real-time water quality monitoring equipment and
301 experience in deploying such equipment.

302 Section 7. Present paragraph (d) of subsection (7) of
303 section 403.067, Florida Statutes, is redesignated as paragraph
304 (f), a new paragraph (d) and paragraphs (e) and (g) are added to
305 that subsection, paragraph (a) of that subsection is amended,
306 and paragraph (d) is added to subsection (3) of that section, to
307 read:

308 403.067 Establishment and implementation of total maximum
309 daily loads.-

310 (3) ASSESSMENT.-

311 (d) If a basin management action plan or an alternative
312 restoration plan has not been adopted within 90 days after the
313 adoption of a total maximum daily load for a water body or water
314 body segment, agricultural operations located within the
315 associated Water Body Identification Number shall sign a notice
316 of intent to implement the applicable agricultural best
317 management practices or other measures adopted by the Department
318 of Agriculture and Consumer Services pursuant to s.
319 403.067(7)(c) or conduct water quality monitoring as prescribed

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320 by the department or a water management district. Such
321 agricultural operations may be subject to enforcement action by
322 the department or a water management district based upon a
323 failure to comply with this paragraph.

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

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

327 1. In developing and implementing the total maximum daily
328 load for a water body, the department, or the department in
329 conjunction with a water management district, may develop a
330 basin management action plan that addresses some or all of the
331 watersheds and basins tributary to the water body. Such plan
332 must integrate the appropriate management strategies available
333 to the state through existing water quality protection programs
334 to achieve the total maximum daily loads and may provide for
335 phased implementation of these management strategies to promote
336 timely, cost-effective actions as provided for in s. 403.151.
337 The plan must establish a schedule implementing the management
338 strategies, provide detailed information for improvement
339 projects including descriptions and timelines for completion,
340 establish a basis for evaluating the plan's effectiveness, and
341 identify feasible funding strategies for implementing the plan's
342 management strategies. The management strategies may include
343 regional treatment systems or other public works, where
344 appropriate, and voluntary trading of water quality credits to
345 achieve the needed pollutant load reductions.

346 2. A basin management action plan must equitably allocate,
347 pursuant to paragraph (6) (b), pollutant reductions to individual
348 basins, as a whole to all basins, or to each identified point

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349 source or category of nonpoint sources, as appropriate. For
350 nonpoint sources for which best management practices have been
351 adopted, the initial requirement specified by the plan must be
352 those practices developed pursuant to paragraph (c). Where
353 appropriate, the plan may take into account the benefits of
354 pollutant load reduction achieved by point or nonpoint sources
355 that have implemented management strategies to reduce pollutant
356 loads, including best management practices, before the
357 development of the basin management action plan. The plan must
358 also identify the mechanisms that will address potential future
359 increases in pollutant loading.

360 3. The basin management action planning process is intended
361 to involve the broadest possible range of interested parties,
362 with the objective of encouraging the greatest amount of
363 cooperation and consensus possible. In developing a basin
364 management action plan, the department shall assure that key
365 stakeholders, including, but not limited to, applicable local
366 governments, water management districts, the Department of
367 Agriculture and Consumer Services, other appropriate state
368 agencies, local soil and water conservation districts,
369 environmental groups, regulated interests, and affected
370 pollution sources, are invited to participate in the process.
371 The department shall hold at least one public meeting in the
372 vicinity of the watershed or basin to discuss and receive
373 comments during the planning process and shall otherwise
374 encourage public participation to the greatest practicable
375 extent. Notice of the public meeting must be published in a
376 newspaper of general circulation in each county in which the
377 watershed or basin lies not less than 5 days nor more than 15

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378 days before the public meeting. A basin management action plan
379 does not supplant or otherwise alter any assessment made under
380 subsection (3) or subsection (4) or any calculation or initial
381 allocation.

382 4. Each new or revised basin management action plan shall
383 include:

384 a. The appropriate management strategies available through
385 existing water quality protection programs to achieve total
386 maximum daily loads, which may provide for phased implementation
387 to promote timely, cost-effective actions as provided for in s.
388 403.151;

389 b. A description of best management practices adopted by
390 rule;

391 c. A list of projects in priority ranking with a planning-
392 level cost estimate and estimated date of completion for each
393 listed project. The priority ranking shall be based on the
394 estimated reduction in nutrient load per project, project
395 readiness, cost effectiveness, overall environmental benefit,
396 location within the plan area, local matching funds, and water
397 savings or quantity improvements;

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

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

403 5. The department shall adopt all or any part of a basin
404 management action plan and any amendment to such plan by
405 secretarial order pursuant to chapter 120 to implement the
406 provisions of this section.

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407 6. The basin management action plan must include milestones
408 for implementation and water quality improvement, and an
409 associated water quality monitoring component sufficient to
410 evaluate whether reasonable progress in pollutant load
411 reductions is being achieved over time. An assessment of
412 progress toward these milestones shall be conducted every 5
413 years, and revisions to the plan shall be made as appropriate.
414 Revisions to the basin management action plan shall be made by
415 the department in cooperation with basin stakeholders. Revisions
416 to the management strategies required for nonpoint sources must
417 follow the procedures set forth in subparagraph (c)4. Revised
418 basin management action plans must be adopted pursuant to
419 subparagraph 5.

420 7. In accordance with procedures adopted by rule under
421 paragraph (9) (c), basin management action plans, and other
422 pollution control programs under local, state, or federal
423 authority as provided in subsection (4), may allow point or
424 nonpoint sources that will achieve greater pollutant reductions
425 than required by an adopted total maximum daily load or
426 wasteload allocation to generate, register, and trade water
427 quality credits for the excess reductions to enable other
428 sources to achieve their allocation; however, the generation of
429 water quality credits does not remove the obligation of a source
430 or activity to meet applicable technology requirements or
431 adopted best management practices. Such plans must allow trading
432 between NPDES permittees, and trading that may or may not
433 involve NPDES permittees, where the generation or use of the
434 credits involve an entity or activity not subject to department
435 water discharge permits whose owner voluntarily elects to obtain

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436 department authorization for the generation and sale of credits.

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

442 (d) Wastewater treatment plan.-

443 1. As part of a basin management action plan, each local
444 government, in cooperation with the department, the relevant
445 water management district, and the relevant local public and
446 private wastewater utilities, shall develop a plan to implement
447 improvements that provide, at a minimum, advanced waste
448 treatment, as defined in s. 403.086(4). The plan must provide
449 for construction, expansion, or upgrades necessary to achieve a
450 total maximum daily load, consistent with an onsite sewage
451 treatment and disposal system remediation plan under paragraph
452 (e). A local government that does not have a wastewater
453 treatment plant in its jurisdiction is not required to develop a
454 wastewater treatment plan unless the department determines that
455 the creation of such a plant within the jurisdiction is
456 necessary to meet the total maximum daily load. If advanced
457 waste treatment standards are met or exceeded as part of a
458 broader waste treatment program implemented by the local public
459 or private wastewater treatment utility, such a program may be
460 deemed to comply with the requirements of this paragraph with
461 the approval of the department. Wastewater treatment plants that
462 are directly addressed in a basin management action plan and do
463 not meet or exceed advanced waste treatment standards but that
464 have been determined to meet the requirements for the total

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465 maximum daily load before July 1, 2019, are grandfathered unless
466 and until the department determines that higher levels of
467 treatment are required to meet the total maximum daily load.

468 2. Each owner or operator of an existing wastewater
469 treatment plant shall provide certain information for each plant
470 that has a plan to implement upgrades that meet or exceed
471 advanced waste treatment, as defined in s. 403.086(4). This
472 information must include the following as it relates to existing
473 conditions and estimated conditions after upgrades are
474 implemented:

475 a. The permitted capacity of the plant, in gallons per day;
476 b. The average nutrient concentration; and
477 c. The estimated average nutrient load.

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

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

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

485 (III) A certification that the local government, in
486 agreement with the owner or operator, has approved the method of
487 implementing upgrades and method of financing or funding
488 construction and operation.

489 b. The department may amend the plan and shall approve a
490 final plan. The department shall provide technical support upon
491 request by a local government. An existing wastewater treatment
492 plant must also incorporate the plan into its next NPDES or
493 wastewater operating permit renewal.

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494 c. Each new wastewater treatment plant located within the
495 plan area shall comply with the requirements and approved dates
496 in the basin management action plan. Each existing wastewater
497 treatment plant located within the plan area must be in
498 compliance with the timeline set out in the basin management
499 action plan to receive a renewal of its NPDES or wastewater
500 operating permit. Upon a showing of good cause, the department
501 may grant an extension of time to the local government to comply
502 with the timeline.

503 d. If the deadlines for the initiation of construction of
504 improvements, completion of construction, and commencement of
505 operations which were approved pursuant to this subparagraph are
506 not satisfied, each local government with a wastewater treatment
507 plant that does not meet the requirements in this subparagraph
508 may not approve any building permits for new construction within
509 its jurisdiction, and the Department of Health may not approve
510 any new onsite sewage treatment and disposal systems within the
511 local government jurisdiction where the wastewater treatment
512 plant is located until such time as the plant is brought into
513 compliance. In addition, the department shall, unless good cause
514 is shown, assess penalties pursuant to ss. 403.121, 403.141, and
515 403.161 until such time as the plant is brought into compliance.
516 The department may reduce penalties based on expenditures for
517 improvements and upgrades to the wastewater treatment facility.

518 (e) Onsite sewage treatment and disposal systems.—

519 1. For purposes of this paragraph, the term "onsite sewage
520 treatment and disposal system" has the same meaning as in s.
521 381.0065.

522 2.a. As part of a basin management action plan, each local

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523 government, in cooperation with the department, the Department
524 of Health, the relevant water management district, and relevant
525 local public and private wastewater utilities, shall develop an
526 onsite sewage treatment and disposal system remediation plan if
527 the department identifies onsite sewage treatment and disposal
528 systems as contributors of at least 20 percent of nonpoint
529 source nutrient pollution or if the department determines that
530 remediation is necessary to achieve a total maximum daily load.
531 In order to promote cost-effective remediation, the department
532 may identify one or more onsite sewage treatment and disposal
533 system priority focus areas. The department shall identify these
534 areas by considering soil conditions; groundwater or surface
535 water travel time; proximity to surface waters, including
536 predominantly marine waters as defined by department rule;
537 hydrogeology; onsite system density; nutrient load; and other
538 factors that may lead to water quality degradation. The
539 remediation plan must identify cost-effective and financially
540 feasible projects necessary to reduce the nutrient impacts from
541 onsite sewage treatment and disposal systems. The plan shall be
542 completed and adopted as part of the basin management action plan
543 no later than the first 5-year milestone assessment identified in
544 subparagraph (a)6., for basin management action plans generally,
545 or as required in s. 373.807(1)(b)8., for Outstanding Florida
546 Springs. Before adopting the plan, the local government shall
547 hold one or more publicly noticed meetings to receive input on
548 the plan from the general public. The department is responsible
549 for timely approval and adoption of the plan. For basin
550 management action plans not governed by part VIII of chapter
551 373, an onsite sewage treatment and disposal system priority

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552 focus area means the area or areas of a basin where the
553 groundwater is generally most vulnerable to pollutant inputs
554 where there is a known connectivity between groundwater pathways
555 and an impaired water body, as determined by the department in
556 consultation with the appropriate water management districts and
557 delineated in a basin management action plan.

558 b.(I) Each local government within the plan area, or the
559 local government's designee, shall prepare a plan, by the first
560 5-year milestone assessment required under subparagraph (a)6.,
561 for basin management action plans generally, or as required in
562 s. 373.807(1)(b)8. for Outstanding Florida Springs. Within its
563 jurisdiction, the local government plan must provide for either
564 connecting each onsite sewage treatment and disposal system to a
565 central wastewater treatment plant or replacing the current
566 system with a new system within the onsite sewage treatment and
567 disposal system priority focus area so that a nutrient load from
568 onsite sewage treatment and disposal systems meets or exceeds
569 applicable water quality standards. The plan must include water
570 quality monitoring provisions to ensure that waterbodies within
571 the plan area do not continue to be further degraded by onsite
572 sewage treatment and disposal systems. The local government
573 shall submit to the department for approval, a detailed plan,
574 which includes:

575 (A) A timeline that specifies the dates by which the
576 construction of any improvements must commence, each stage of
577 construction must be completed, and mandatory upgrades of onsite
578 sewage treatment disposal systems within the plan area must be
579 implemented or any ordinances that must be adopted to implement
580 the plan;

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

584 (C) A certification that the local government, in agreement
585 with the owner or operator, has approved the method of
586 remediation and method of financing or funding construction and
587 operation.

588 (II) The department may amend the plan and shall approve a
589 final plan. The department shall provide technical support upon
590 request by a local government. Upon a showing of good cause, the
591 department may grant an extension of time to reach compliance
592 with the schedule.

593 (III) If the deadlines in sub-sub-sub-subparagraph (I) (A)
594 are not satisfied, the local government may not approve any
595 building permits for new construction within the plan area, and
596 the Department of Health may not approve any new onsite sewage
597 treatment and disposal system within the plan area until the
598 actions in the remediation plan have been completed. In
599 addition, the department shall, unless good cause is shown,
600 assess penalties pursuant to ss. 403.121, 403.141, and 403.161
601 until the actions in the remediation plan have been completed.
602 The department may reduce penalties based on expenditures
603 designed to achieve compliance with the remediation plan.

604 c. In developing and adopting the plan, the department
605 shall:

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

608 (II) Work with local stakeholders to develop a public
609 education plan to provide area residents with reliable,

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610 understandable information about onsite sewage treatment and
611 disposal systems and surface and groundwater pollution;

612 (III) In addition to sub-subparagraph 2.b., the department
613 may include in the plan, if appropriate, options for system
614 repair, upgrade, or replacement; drainfield modification; the
615 addition of effective nutrient-reducing features; or other
616 actions addressing onsite sewage treatment and disposal system
617 issues. The department shall include in the plan a priority
618 ranking for each onsite system, or group of systems, that
619 requires remediation. The priority ranking shall be used to
620 ensure the most effective, efficient use of the funding provided
621 for onsite system remediation. In awarding any such funds, the
622 department may consider expected nutrient reduction benefit per
623 unit cost, the size and scope of the project, local financial
624 contribution to the project relative to the overall cost, and the
625 financial impact on property owners and the community. For the
626 purpose of awarding funds, the department may, at its discretion,
627 totally or partially waive this consideration of the local
628 contribution for proposed projects within an area designated as a
629 rural area of opportunity under s. 288.0656; and

630 (IV) The installation, repair, modification, or upgrade of
631 onsite sewage treatment and disposal systems within the
632 boundaries of a basin management action plan with an onsite
633 sewage treatment and disposal system remediation plan must
634 conform to the requirements of the remediation plan.

635 (g) *Alternative restoration plan.*—

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

638 a. The implementation of agricultural best management

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639 practices or monitoring for nonpoint sources of pollution in
640 accordance with paragraph (c);

641 b. The implementation of an onsite sewage treatment and
642 disposal system remediation plan where such remediation is
643 necessary to restore the water body in accordance with paragraph
644 (e); and

645 c. The adoption of advanced waste treatment levels or
646 higher water quality effluent standards for wastewater treatment
647 plants.

648 2. In addition, the restoration plan must include any other
649 pollution control mechanisms that are being implemented to
650 demonstrate a reasonable assurance that existing or proposed
651 pollution control mechanisms or programs will effectively
652 address the impairment. Upon adoption of such a restoration
653 plan, the requirement that best management practices or
654 monitoring be conducted within the watershed impacting the water
655 body is enforceable pursuant to this section and ss. 403.121,
656 403.141, and 403.161.

657 Section 8. Section 403.0673, Florida Statutes, is created
658 to read:

659 403.0673 Wastewater grant program.—A wastewater grant
660 program is established within the Department of Environmental
661 Protection.

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

667 (a) Projects to retrofit onsite sewage treatment and

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668 disposal systems.

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

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

673 (2) In allocating such funds, priority must be given for
674 projects that subsidize the connection of onsite sewage
675 treatment and disposal systems to a wastewater treatment plant
676 or that subsidize inspections and assessments of onsite sewage
677 treatment and disposal systems. In determining priorities, the
678 department shall consider the estimated reduction in nutrient
679 load per project; project readiness; cost effectiveness of the
680 project; overall environmental benefit of a project; the
681 location of a project within the plan area; the availability of
682 local matching funds; and projected water savings or quantity
683 improvements associated with a project.

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

690 (4) The department shall coordinate with each water
691 management district, as necessary, to identify grant recipients
692 in each district.

693 (5) Beginning January 1, 2020, and each January 1
694 thereafter, the department shall submit a report regarding the
695 projects funded pursuant to this section to the Governor, the
696 President of the Senate, and the Speaker of the House of

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697 Representatives.

698 Section 9. Section 403.0771, Florida Statutes, is created
699 to read:

700 403.0771 Sewage spill notification; moratorium.-

701 (1) In addition to the public notification requirements of
702 s. 403.077, a wastewater treatment facility that unlawfully
703 discharges raw or partially treated sewage into any waterway or
704 aquifer must, within 24 hours after discovering the discharge,
705 notify its customers that the discharge has occurred.

706 (2) If a wastewater treatment facility owned by a local
707 government unlawfully discharges raw or partially treated sewage
708 into any waterway or aquifer, the local government may not
709 approve any building permits for new construction and the
710 Department of Health may not approve any new onsite sewage
711 treatment and disposal system in the local government's
712 jurisdiction until any required maintenance, repair, or
713 improvement has been implemented to reduce or eliminate sanitary
714 sewage overflows, as determined by the department. In addition,
715 the department shall assess a daily penalty pursuant to ss.
716 403.121, 403.141, and 403.161 against a public or private
717 wastewater facility that unlawfully discharges raw or partially
718 treated sewage into any waterway or aquifer until the required
719 maintenance, repair, or improvement has been implemented. The
720 department may reduce a penalty based on the wastewater
721 treatment facility's investment in assessment and maintenance
722 activities to identify and address conditions that may cause
723 sanitary sewage overflows.

724 (3) The department shall maintain a publicly accessible
725 website that includes any current consent orders applicable to a

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726 wastewater treatment facility entered into as a result of
727 sanitary sewer overflows, as well as any reports filed by the
728 facility in accordance with open consent orders.

729 Section 10. Effective July 1, 2024, paragraph (c) of
730 subsection (1) of section 403.086, Florida Statutes, is amended
731 to read:

732 403.086 Sewage disposal facilities; advanced and secondary
733 waste treatment.—

734 (1)

735 (c) Notwithstanding any other provisions of this chapter or
736 chapter 373, facilities for sanitary sewage disposal may not
737 dispose of any wastes into Old Tampa Bay, Tampa Bay,
738 Hillsborough Bay, Boca Ciega Bay, St. Joseph Sound, Clearwater
739 Bay, Sarasota Bay, Little Sarasota Bay, Roberts Bay, Lemon Bay,
740 or Charlotte Harbor Bay, Indian River Lagoon, or into any river,
741 stream, channel, canal, bay, bayou, sound, or other water
742 tributary thereto, without providing advanced waste treatment,
743 as defined in subsection (4), approved by the department. This
744 paragraph shall not apply to facilities which were permitted by
745 February 1, 1987, and which discharge secondary treated
746 effluent, followed by water hyacinth treatment, to tributaries
747 of tributaries of the named waters; or to facilities permitted
748 to discharge to the nontidally influenced portions of the Peace
749 River.

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

753 403.9337 Model Ordinance for Florida-Friendly Fertilizer
754 Use on Urban Landscapes.—

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755 (4) A local government that fails to adopt, enact, and
756 implement an ordinance required by subsection (2) by January 1,
757 2020, is subject to a daily fine as provided in ss. 403.121,
758 403.141, and 403.161 and may not approve any building permits
759 for new construction until the ordinance has been adopted,
760 enacted, and implemented. In implementing the ordinance, a local
761 government shall conduct educational campaigns, enforcement
762 programs, and mandatory notification of property owners subject
763 to the ordinance, and shall submit a report on its efforts to
764 the department for publication on the department's website.

765 Section 12. (1) The Department of Environmental Protection
766 shall revise the basin management action plans for the Indian
767 River Lagoon, basin management action plans for waterbodies with
768 a direct hydrological connection to the Indian River Lagoon, and
769 the basin management action plans that were adopted pursuant to
770 s. 373.807, Florida Statutes, and approved by the Secretary of
771 Environmental Protection or prepared by the department before
772 July 1, 2019, to conform existing plans to changes made by this
773 act. Revisions to such basin management action plans made
774 pursuant to this act must be completed by July 1, 2021. The
775 department may grant a 6-month extension, upon a showing of good
776 cause, to a local government on the deadlines for its wastewater
777 treatment project plan or onsite sewage treatment and disposal
778 system remediation plans submitted as part of a basin management
779 action plan.

780 (2) The department shall revise all basin management action
781 plans not included under subsection (1), but adopted pursuant to
782 s. 403.067(7), Florida Statutes, and approved by the Secretary
783 of Environmental Protection or prepared by the department before

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784 July 1, 2019, to conform existing plans to changes made by this
785 act. Revisions to such basin management action plans made
786 pursuant to this act must be completed by the next required 5-
787 year milestone assessment for those revisions scheduled for on
788 or after July 1, 2021. The department may grant a 6-month
789 extension, upon a showing of good cause, to a local government
790 on the deadlines for its wastewater treatment project plan or
791 onsite sewage treatment and disposal system remediation plans
792 submitted as part of a basin management action plan.

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

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