

1 A bill to be entitled
2 An act relating to pollutant load reduction; amending
3 s. 163.3177, F.S.; requiring the schedule for capital
4 improvements in local government comprehensive plans
5 to include a list of certain pollutant load reduction
6 projects; revising the general sanitary sewer, solid
7 waste, drainage, potable water, and natural
8 groundwater aquifer recharge element requirements for
9 such comprehensive plans; creating s. 373.47, F.S.;
10 establishing the Indian River Lagoon Protection
11 Program within the Department of Environmental
12 Protection; providing legislative findings and intent;
13 providing definitions; requiring evaluations of
14 specified basin management action plans and reasonable
15 assurance plans; providing evaluation requirements;
16 requiring the department, in coordination with the St.
17 Johns River Water Management District, South Florida
18 Water Management District, and Indian River Lagoon
19 National Estuary Program, to establish and implement a
20 program to fund research and monitor water quality
21 within the Indian River Lagoon watershed; requiring
22 the department to use results from the program for
23 specified purposes; prohibiting new onsite sewage
24 treatment and disposal systems within specified basin
25 management action plan and reasonable assurance plan

26 | areas; authorizing only specified sewage and
27 | wastewater treatment systems for new commercial or
28 | residential properties in such areas; requiring all
29 | commercial and residential properties to connect to
30 | central sewer systems or upgrade to specified sewage
31 | and wastewater treatment systems by a specified date;
32 | authorizing the department, the St. Johns River Water
33 | Management District, the South Florida Water
34 | Management District, local governments, and other
35 | stakeholders to adopt rules; providing construction;
36 | amending s. 373.501, F.S.; requiring the department to
37 | transfer specified funds to water management
38 | districts; requiring water management districts to
39 | annually report to the department on the use of such
40 | funds; amending s. 373.807, F.S.; revising conditions
41 | for including onsite sewage treatment and disposal
42 | system remediation plans in basin management action
43 | plans; amending s. 373.811, F.S.; revising the
44 | prohibition of the installation of new onsite sewage
45 | treatment and disposal systems within certain areas of
46 | an Outstanding Florida Spring; authorizing specified
47 | onsite sewage treatment and disposal systems to be
48 | installed within such areas; amending s. 403.067,
49 | F.S.; requiring new or revised basin management action
50 | plans to include a list of certain pollutant load

51 reduction projects; requiring development of the
 52 cooperative agricultural regional water quality
 53 improvement element of basin management action plans
 54 to include a list of certain pollutant load reduction
 55 projects; authorizing the Department of Agriculture
 56 and Consumer Services to submit legislative budget
 57 requests for such projects; amending s. 403.0673,
 58 F.S.; renaming the "wastewater grant program" as the
 59 "water quality improvement grant program"; providing
 60 the purpose of the grant program; revising the types
 61 of projects eligible for such grants; requiring the
 62 Department of Environmental Protection to consider the
 63 cost-share percentages of certain applicants and to
 64 give priority to certain projects; amending s.
 65 403.086, F.S.; revising the list of waters into which
 66 sewage disposal facilities are prohibited from
 67 disposing waste without providing specified advanced
 68 waste treatment; authorizing the department to impose
 69 more stringent waste treatment standards under
 70 specified conditions; amending ss. 201.15 and 403.890,
 71 F.S.; conforming provisions to changes made by the
 72 act; providing an effective date.

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

76 Section 1. Paragraph (a) of subsection (3) and paragraph
 77 (c) of subsection (6) of section 163.3177, Florida Statutes, are
 78 amended to read:

79 163.3177 Required and optional elements of comprehensive
 80 plan; studies and surveys.—

81 (3)(a) The comprehensive plan shall contain a capital
 82 improvements element designed to consider the need for and the
 83 location of public facilities in order to encourage the
 84 efficient use of such facilities and set forth:

85 1. A component that outlines principles for construction,
 86 extension, or increase in capacity of public facilities, as well
 87 as a component that outlines principles for correcting existing
 88 public facility deficiencies, which are necessary to implement
 89 the comprehensive plan. The components shall cover at least a 5-
 90 year period.

91 2. Estimated public facility costs, including a
 92 delineation of when facilities will be needed, the general
 93 location of the facilities, and projected revenue sources to
 94 fund the facilities.

95 3. Standards to ensure the availability of public
 96 facilities and the adequacy of those facilities to meet
 97 established acceptable levels of service.

98 4. A schedule of capital improvements which includes any
 99 publicly funded projects of federal, state, or local government,
 100 and which may include privately funded projects for which the

101 local government has no fiscal responsibility. Projects
 102 necessary to ensure that any adopted level-of-service standards
 103 are achieved and maintained for the 5-year period must be
 104 identified as either funded or unfunded and given a level of
 105 priority for funding.

106 5. The schedule must include transportation improvements
 107 included in the applicable metropolitan planning organization's
 108 transportation improvement program adopted pursuant to s.
 109 339.175(8) to the extent that such improvements are relied upon
 110 to ensure concurrency and financial feasibility. The schedule
 111 must be coordinated with the applicable metropolitan planning
 112 organization's long-range transportation plan adopted pursuant
 113 to s. 339.175(7).

114 6. If applicable, the schedule must include a list of
 115 projects necessary to achieve the pollutant load reductions
 116 attributable to the local government as established in a basin
 117 management action plan pursuant to s. 403.067(7).

118 (6) In addition to the requirements of subsections (1)-
 119 (5), the comprehensive plan shall include the following
 120 elements:

121 (c) A general sanitary sewer, solid waste, drainage,
 122 potable water, and natural groundwater aquifer recharge element
 123 correlated to principles and guidelines for future land use,
 124 indicating ways to provide for future potable water, drainage,
 125 sanitary sewer, solid waste, and aquifer recharge protection

126 requirements for the area. The element may be a detailed
 127 engineering plan including a topographic map depicting areas of
 128 prime groundwater recharge.

129 1. Each local government shall address in the data and
 130 analyses required by this section those facilities that provide
 131 service within the local government's jurisdiction. Local
 132 governments that provide facilities to serve areas within other
 133 local government jurisdictions shall also address those
 134 facilities in the data and analyses required by this section,
 135 using data from the comprehensive plan for those areas for the
 136 purpose of projecting facility needs as required in this
 137 subsection. For shared facilities, each local government shall
 138 indicate the proportional capacity of the systems allocated to
 139 serve its jurisdiction.

140 2. The element shall describe the problems and needs and
 141 the general facilities that will be required for solution of the
 142 problems and needs, including correcting existing facility
 143 deficiencies. The element shall address coordinating the
 144 extension of, ~~or~~ increase in the capacity of, or treatment
 145 upgrade of facilities to meet future needs, prioritizing
 146 advanced waste treatment, while maximizing the use of existing
 147 facilities and discouraging urban sprawl; conserving potable
 148 water resources; and protecting the functions of natural
 149 groundwater recharge areas and natural drainage features.

150 3.a. For any group of 50 or more built or unbuilt parcels

151 with a density of more than one onsite sewage and disposal
152 system per acre within the jurisdiction of a local government,
153 the element must include a plan to provide sanitary sewer
154 services within a 10-year planning horizon. An onsite sewage and
155 disposal system shall be presumed if sanitary sewer services are
156 not available at or adjacent to the parcel boundary.

157 b. The plan must identify the name of the intended
158 wastewater facility receiving sanitary sewer flows after
159 connection, the capacity of the facility and any associated
160 transmission facilities, the projected wastewater flow at the
161 facility for the next 20 years including septic-to-sewer
162 conversions and new construction, and a timeline for the
163 construction of sanitary sewer service.

164 c. For any group of 50 or more built or unbuilt parcels
165 with a density of more than one onsite sewage and disposal
166 system per acre within a basin management action plan or the
167 basin of an impaired water adopted pursuant to s. 403.067, the
168 plan must be submitted to the Department of Environmental
169 Protection for review no less than 180 days before approval of
170 the plan. The Department of Environmental Protection may provide
171 written comments directly to the local government within 90 days
172 after receipt of the plan if there does not appear to be
173 adequate provisions to ensure sanitary sewer services within a
174 10-year planning horizon. A local government that is within a
175 basin management action plan or the basin of an impaired water

176 shall provide an update on the status of sanitary sewer service
177 construction in such areas to, and in a manner prescribed by,
178 the Department of Environmental Protection.

179 ~~4.3.~~ Within 18 months after the governing board approves
180 an updated regional water supply plan, the element must
181 incorporate the alternative water supply project or projects
182 selected by the local government from those identified in the
183 regional water supply plan pursuant to s. 373.709(2)(a) or
184 proposed by the local government under s. 373.709(8)(b). If a
185 local government is located within two water management
186 districts, the local government shall adopt its comprehensive
187 plan amendment within 18 months after the later updated regional
188 water supply plan. The element must identify such alternative
189 water supply projects and traditional water supply projects and
190 conservation and reuse necessary to meet the water needs
191 identified in s. 373.709(2)(a) within the local government's
192 jurisdiction and include a work plan, covering at least a 10-
193 year planning period, for building public, private, and regional
194 water supply facilities, including development of alternative
195 water supplies, which are identified in the element as necessary
196 to serve existing and new development. The work plan shall be
197 updated, at a minimum, every 5 years within 18 months after the
198 governing board of a water management district approves an
199 updated regional water supply plan. Local governments, public
200 and private utilities, regional water supply authorities,

201 special districts, and water management districts are encouraged
 202 to cooperatively plan for the development of multijurisdictional
 203 water supply facilities that are sufficient to meet projected
 204 demands for established planning periods, including the
 205 development of alternative water sources to supplement
 206 traditional sources of groundwater and surface water supplies.

207 ~~5.4.~~ A local government that does not own, operate, or
 208 maintain its own water supply facilities, including, but not
 209 limited to, wells, treatment facilities, and distribution
 210 infrastructure, and is served by a public water utility with a
 211 permitted allocation of greater than 300 million gallons per day
 212 is not required to amend its comprehensive plan in response to
 213 an updated regional water supply plan or to maintain a work plan
 214 if any such local government's usage of water constitutes less
 215 than 1 percent of the public water utility's total permitted
 216 allocation. However, any such local government is required to
 217 cooperate with, and provide relevant data to, any local
 218 government or utility provider that provides service within its
 219 jurisdiction, and to keep its general sanitary sewer, solid
 220 waste, potable water, and natural groundwater aquifer recharge
 221 element updated in accordance with s. 163.3191.

222 Section 2. Section 373.47, Florida Statutes, is created to
 223 read:

224 373.47 Indian River Lagoon Protection Program.—The Indian
 225 River Lagoon Protection Program is established within the

226 department.

227 (1) FINDINGS AND INTENT.—

228 (a) The Legislature finds that:

229 1. The Indian River Lagoon is a critical water resource of
230 the state and provides many economic, natural habitat, and
231 biodiversity functions benefiting the public interest, including
232 fishing, navigation, recreation, and habitat to endangered and
233 threatened species and other flora and fauna.

234 2. Changes in land uses, septic tanks, aging
235 infrastructure, stormwater runoff, agriculture, and residential
236 fertilizer have resulted in excess nutrients entering the lagoon
237 and adversely impacting the water quality.

238 3. Improvement to the hydrology, water quality, and
239 associated aquatic habitats within the Indian River Lagoon is
240 essential to its protection.

241 4. It is imperative for the state, local governments, and
242 agricultural and environmental communities to commit to
243 restoring and protecting the surface water resources of the
244 Indian River Lagoon, and that a holistic approach to address
245 such restoration and protection must be developed and
246 implemented immediately.

247 5. Expeditious implementation of the Banana River Lagoon
248 Basin Management Action Plan, Central Indian River Lagoon Basin
249 Management Action Plan, North Indian River Lagoon Basin
250 Management Action Plan, and Mosquito Lagoon Reasonable Assurance

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251 Plan is needed to improve the quality of water in the Indian
252 River Lagoon ecosystem and provide a reasonable means of
253 achieving total maximum daily load requirements and achieving
254 and maintaining compliance with state water quality standards.

255 6. Implementation of the Indian River Lagoon Protection
256 Program pursuant to this section is for the benefit of the
257 public health, safety, and welfare and is in the public
258 interest.

259 7. A continuing source of funding is needed to effectively
260 implement the programs and plans developed and approved under
261 this section and s. 403.067.

262 (b) It is the intent of the Legislature to protect and
263 restore surface water resources and achieve and maintain
264 compliance with water quality standards in the Indian River
265 Lagoon through the phased, comprehensive, and innovative
266 protection program set forth in this section which includes
267 long-term solutions based upon the total maximum daily loads
268 established in accordance with s. 403.067. The program must be
269 watershed-based, shall provide for consideration of all water
270 quality issues needed to meet the total maximum daily load, and
271 must include research and monitoring, development and
272 implementation of best management practices, refinement of
273 existing regulations, and structural and nonstructural projects,
274 including public works.

275 (2) DEFINITIONS.—As used in this section, the term:

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276 (a) "Best management practice" means a practice or
277 combination of practices determined by the coordinating agencies
278 based on research, field testing, and expert review to be the
279 most effective and practicable means, including economic and
280 technological considerations, for improving water quality in
281 agricultural and urban discharges. Best management practices for
282 agricultural discharges must reflect a balance between water
283 quality improvements and agricultural productivity.

284 (b) "Total maximum daily load" means the sum of the
285 individual wasteload allocations for point sources and the load
286 allocations for nonpoint sources and natural background adopted
287 pursuant to s. 403.067. Before determining individual wasteload
288 allocations and load allocations, the maximum amount of a
289 pollutant that a water body or water segment can assimilate from
290 all sources without exceeding water quality standards must first
291 be calculated.

292 (3) THE INDIAN RIVER LAGOON PROTECTION PROGRAM.—The
293 program shall consist of the Banana River Lagoon Basin
294 Management Action Plan, Central Indian River Lagoon Basin
295 Management Action Plan, North Indian River Lagoon Basin
296 Management Action Plan, and Mosquito Lagoon Reasonable Assurance
297 Plan and shall be the components for achieving phosphorous and
298 nitrogen load reductions for the Indian River Lagoon.

299 (a) Plan evaluation.—

300 1. Every 5 years, the department shall conduct an

301 evaluation and update the Banana River Lagoon Basin Management
302 Action Plan, Central Indian River Lagoon Basin Management Action
303 Plan, North Indian River Lagoon Basin Management Action Plan,
304 and Mosquito Lagoon Reasonable Assurance Plan and identify any
305 further load reductions necessary to achieve compliance with the
306 relevant total maximum daily loads established pursuant to s.
307 403.067. The Banana River Lagoon Basin Management Action Plan,
308 Central Indian River Lagoon Basin Management Action Plan, North
309 Indian River Lagoon Basin Management Action Plan, and Mosquito
310 Lagoon Reasonable Assurance Plan must include 5-year milestones
311 for implementation and water quality improvement and a water
312 quality monitoring component sufficient to evaluate whether
313 reasonable progress in pollutant load reductions is being
314 achieved over time pursuant to s. 403.067(7)(a)6.

315 2. The department, in coordination with the St. Johns
316 River Water Management District, the South Florida Water
317 Management District, the Indian River Lagoon National Estuary
318 Program, local governments, and other stakeholders, shall
319 identify and prioritize strategies and projects necessary to
320 achieve water quality standards within the Indian River Lagoon
321 watershed and meet the total maximum daily loads. Projects
322 identified from the evaluation must be incorporated into the
323 Banana River Lagoon Basin Management Action Plan, Central Indian
324 River Lagoon Basin Management Action Plan, North Indian River
325 Lagoon Basin Management Action Plan, and Mosquito Lagoon

326 Reasonable Assurance Plan, as appropriate.

327 (b) Indian River Lagoon watershed research and water

328 quality monitoring.—The department, in coordination with the St.

329 Johns River Water Management District, South Florida Water

330 Management District, and Indian River Lagoon National Estuary

331 Program, shall establish and implement a program to provide a

332 comprehensive water quality monitoring network and fund research

333 pertaining to water quality, ecosystem restoration, and seagrass

334 impacts and restoration within the Indian River Lagoon

335 watershed. The department shall use the results from the program

336 to prioritize projects and modify the Banana River Lagoon Basin

337 Management Action Plan, Central Indian River Lagoon Basin

338 Management Action Plan, North Indian River Lagoon Basin

339 Management Action Plan, and Mosquito Lagoon Reasonable Assurance

340 Plan, as appropriate.

341 (c) Onsite sewage treatment and disposal systems.—

342 1. Beginning January 1, 2024, the installation of new

343 onsite sewage treatment and disposal systems are prohibited for

344 areas located within the Banana River Lagoon Basin Management

345 Action Plan, Central Indian River Lagoon Basin Management Action

346 Plan, North Indian River Lagoon Basin Management Action Plan,

347 and Mosquito Lagoon Reasonable Assurance Plan where a central

348 sewer system is available pursuant to s. 381.00655.

349 2. Only advanced nutrient-reducing onsite sewage treatment

350 and disposal systems or distributed wastewater treatment systems

351 are authorized for new commercial or residential properties
352 located within the Banana River Lagoon Basin Management Action
353 Plan, Central Indian River Lagoon Basin Management Action Plan,
354 North Indian River Lagoon Basin Management Action Plan, and
355 Mosquito Lagoon Reasonable Assurance Plan where a central sewer
356 system is not available. By July 1, 2030, any commercial or
357 residential property located within the Banana River Lagoon
358 Basin Management Action Plan, Central Indian River Lagoon Basin
359 Management Action Plan, North Indian River Lagoon Basin
360 Management Action Plan, and Mosquito Lagoon Reasonable Assurance
361 Plan with an existing onsite sewage treatment and disposal
362 system must connect to a central sewer system if available or
363 upgrade to an advanced nutrient reducing onsite sewage treatment
364 and disposal system or distributed wastewater treatment system.

365 (4) RULES.—The department, St. Johns River Water
366 Management District, and South Florida Water Management District
367 may adopt rules to implement this section.

368 (5) RELATIONSHIP TO STATE WATER QUALITY STANDARDS.—This
369 section does not modify any existing state water quality
370 standard or s. 403.067 (6) and (7) (a).

371 (6) PRESERVATION OF AUTHORITY.—This section is
372 supplemental to and does not restrict the authority otherwise
373 granted to agencies under this chapter and chapter 403.

374 Section 3. Subsection (1) of section 373.501, Florida
375 Statutes, is amended to read:

376 373.501 Appropriation of funds to water management
377 districts.—

378 (1) The department shall transfer ~~may allocate~~ to the
379 water management districts, ~~from~~ funds appropriated to the
380 districts through the department, ~~such sums~~ as may be deemed
381 necessary to defray the costs of the administrative, regulatory,
382 and other activities of the districts. The governing boards
383 shall submit annual budget requests for such purposes to the
384 department, and the department shall consider such budgets in
385 preparing its budget request for the Legislature. The water
386 management districts shall annually report to the department on
387 the use of the funds.

388 Section 4. Section 373.807, Florida Statutes, is amended
389 to read:

390 373.807 Protection of water quality in Outstanding Florida
391 Springs. ~~By July 1, 2016, the department shall initiate~~
392 ~~assessment, pursuant to s. 403.067(3), of Outstanding Florida~~
393 ~~Springs or spring systems for which an impairment determination~~
394 ~~has not been made under the numeric nutrient standards in effect~~
395 ~~for spring vents. Assessments must be completed by July 1, 2018.~~

396 (1)(a) Concurrent with the adoption of a nutrient total
397 maximum daily load for an Outstanding Florida Spring, the
398 department, or the department in conjunction with a water
399 management district, shall initiate development of a basin
400 management action plan, as specified in s. 403.067. For an

401 Outstanding Florida Spring with a nutrient total maximum daily
402 load adopted before July 1, 2016, the department, or the
403 department in conjunction with a water management district,
404 shall initiate development of a basin management action plan by
405 July 1, 2016. During the development of a basin management
406 action plan, if the department identifies onsite sewage
407 treatment and disposal systems as contributors of ~~at least 20~~
408 ~~percent of~~ nonpoint source nitrogen pollution and ~~or if the~~
409 ~~department~~ determines remediation is necessary to achieve the
410 total maximum daily load, the basin management action plan must
411 ~~shall~~ include an onsite sewage treatment and disposal system
412 remediation plan pursuant to subsection (3) for those systems
413 identified as requiring remediation.

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

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

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

422 3. A priority rank for each listed project;

423 4. For each listed project, a planning level cost estimate
424 and the estimated date of completion;

425 5. The source and amount of financial assistance to be

426 made available by the department, a water management district,
427 or other entity for each listed project;

428 6. An estimate of each listed project's nutrient load
429 reduction;

430 7. Identification of each point source or category of
431 nonpoint sources, including, but not limited to, urban turf
432 fertilizer, sports turf fertilizer, agricultural fertilizer,
433 onsite sewage treatment and disposal systems, wastewater
434 treatment facilities, animal wastes, and stormwater facilities.
435 An estimated allocation of the pollutant load must be provided
436 for each point source or category of nonpoint sources; and

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

440
441 The department shall develop a schedule establishing 5-year, 10-
442 year, and 15-year targets for achieving the nutrient total
443 maximum daily load. The schedule shall be used to provide
444 guidance for planning and funding purposes and is exempt from
445 chapter 120.

446 (c) For a basin management action plan adopted before July
447 1, 2016, which addresses an Outstanding Florida Spring, the
448 department or the department in conjunction with a water
449 management district must revise the plan if necessary to comply
450 with this section by July 1, 2018.

451 (d) A local government may apply to the department for a
452 single extension of up to 5 years for any project in an adopted
453 basin management action plan. A local government in a rural area
454 of opportunity, as defined in s. 288.0656, may apply for a
455 single extension of up to 10 years for such a project. The
456 department may grant the extension if the local government
457 provides to the department sufficient evidence that an extension
458 is in the best interest of the public.

459 (2) By July 1, 2017, each local government, as defined in
460 s. 373.802(2), that has not adopted an ordinance pursuant to s.
461 403.9337, shall develop, enact, and implement an ordinance
462 pursuant to that section. It is the intent of the Legislature
463 that ordinances required to be adopted under this subsection
464 reflect the latest scientific information, advancements, and
465 technological improvements in the industry.

466 (3) As part of a basin management action plan that
467 includes an Outstanding Florida Spring, the department, relevant
468 local governments, and relevant local public and private
469 wastewater utilities shall develop an onsite sewage treatment
470 and disposal system remediation plan for a spring if the
471 department determines onsite sewage treatment and disposal
472 systems within a priority focus area contribute at least 20
473 percent of nonpoint source nitrogen pollution or if the
474 department determines remediation is necessary to achieve the
475 total maximum daily load. The plan shall identify cost-effective

476 and financially feasible projects necessary to reduce the
 477 nutrient impacts from onsite sewage treatment and disposal
 478 systems and shall be completed and adopted as part of the basin
 479 management action plan no later than the first 5-year milestone
 480 required by subparagraph (1)(b)8. The department is the lead
 481 agency in coordinating the preparation of and the adoption of
 482 the plan. The department shall:

483 (a) Collect and evaluate credible scientific information
 484 on the effect of nutrients, particularly forms of nitrogen, on
 485 springs and springs systems; and

486 (b) Develop a public education plan to provide area
 487 residents with reliable, understandable information about onsite
 488 sewage treatment and disposal systems and springs.

489
 490 In addition to the requirements in s. 403.067, the plan shall
 491 include options for repair, upgrade, replacement, drainfield
 492 modification, addition of effective nitrogen reducing features,
 493 connection to a central sewerage system, or other action for an
 494 onsite sewage treatment and disposal system or group of systems
 495 within a priority focus area that contribute at least 20 percent
 496 of nonpoint source nitrogen pollution or if the department
 497 determines remediation is necessary to achieve a total maximum
 498 daily load. For these systems, the department shall include in
 499 the plan a priority ranking for each system or group of systems
 500 that requires remediation and shall award funds to implement the

501 remediation projects contingent on an appropriation in the
 502 General Appropriations Act, which may include all or part of the
 503 costs necessary for repair, upgrade, replacement, drainfield
 504 modification, addition of effective nitrogen reducing features,
 505 initial connection to a central sewerage system, or other
 506 action. In awarding funds, the department may consider expected
 507 nutrient reduction benefit per unit cost, size and scope of
 508 project, relative local financial contribution to the project,
 509 and the financial impact on property owners and the community.
 510 The department may waive matching funding requirements for
 511 proposed projects within an area designated as a rural area of
 512 opportunity under s. 288.0656.

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

517 Section 5. Subsection (2) of section 373.811, Florida
 518 Statutes, is amended to read:

519 373.811 Prohibited activities within a priority focus
 520 area.—The following activities are prohibited within a priority
 521 focus area in effect for an Outstanding Florida Spring:

522 (2) The installation of new onsite sewage treatment and
 523 disposal systems where connection to a central sewer system is
 524 available pursuant to s. 381.00655, and on lots of less than 1
 525 acre where a central sewer system is not available, unless the

526 new onsite sewage treatment and disposal system is an enhanced
 527 nutrient-reducing onsite sewage treatment and disposal system or
 528 a distributed wastewater treatment system with additional
 529 nutrient reduction on lots of less than 1 acre, if the addition
 530 of the specific systems conflicts with an onsite treatment and
 531 disposal system remediation plan incorporated into a basin
 532 management action plan in accordance with s. 373.807(3).

533 Section 6. Paragraphs (a) and (e) of subsection (7) of
 534 section 403.067, Florida Statutes, are amended to read:

535 403.067 Establishment and implementation of total maximum
 536 daily loads.—

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

539 (a) Basin management action plans.—

540 1. In developing and implementing the total maximum daily
 541 load for a water body, the department, or the department in
 542 conjunction with a water management district, may develop a
 543 basin management action plan that addresses some or all of the
 544 watersheds and basins tributary to the water body. Such plan
 545 must integrate the appropriate management strategies available
 546 to the state through existing water quality protection programs
 547 to achieve the total maximum daily loads and may provide for
 548 phased implementation of these management strategies to promote
 549 timely, cost-effective actions as provided for in s. 403.151.
 550 The plan must establish a schedule implementing the management

551 strategies, establish a basis for evaluating the plan's
552 effectiveness, and identify feasible funding strategies for
553 implementing the plan's management strategies. The management
554 strategies may include regional treatment systems or other
555 public works, when appropriate, and voluntary trading of water
556 quality credits to achieve the needed pollutant load reductions.

557 2. A basin management action plan must equitably allocate,
558 pursuant to paragraph (6) (b), pollutant reductions to individual
559 basins, as a whole to all basins, or to each identified point
560 source or category of nonpoint sources, as appropriate. For
561 nonpoint sources for which best management practices have been
562 adopted, the initial requirement specified by the plan must be
563 those practices developed pursuant to paragraph (c). When
564 appropriate, the plan may take into account the benefits of
565 pollutant load reduction achieved by point or nonpoint sources
566 that have implemented management strategies to reduce pollutant
567 loads, including best management practices, before the
568 development of the basin management action plan. The plan must
569 also identify the mechanisms that will address potential future
570 increases in pollutant loading.

571 3. The basin management action planning process is
572 intended to involve the broadest possible range of interested
573 parties, with the objective of encouraging the greatest amount
574 of cooperation and consensus possible. In developing a basin
575 management action plan, the department shall assure that key

576 stakeholders, including, but not limited to, applicable local
577 governments, water management districts, the Department of
578 Agriculture and Consumer Services, other appropriate state
579 agencies, local soil and water conservation districts,
580 environmental groups, regulated interests, and affected
581 pollution sources, are invited to participate in the process.
582 The department shall hold at least one public meeting in the
583 vicinity of the watershed or basin to discuss and receive
584 comments during the planning process and shall otherwise
585 encourage public participation to the greatest practicable
586 extent. Notice of the public meeting must be published in a
587 newspaper of general circulation in each county in which the
588 watershed or basin lies at least 5 days, but not more than 15
589 days, before the public meeting. A basin management action plan
590 does not supplant or otherwise alter any assessment made under
591 subsection (3) or subsection (4) or any calculation or initial
592 allocation.

593 4. Each new or revised basin management action plan must
594 ~~shall~~ include:

595 a. The appropriate management strategies available through
596 existing water quality protection programs to achieve total
597 maximum daily loads, which may provide for phased implementation
598 to promote timely, cost-effective actions as provided for in s.
599 403.151;

600 b. A description of best management practices adopted by

601 rule;

602 c. For the applicable 5-year implementation milestone, a
 603 list of projects that achieve the pollutant load reductions
 604 necessary to meet the total maximum daily load or the wasteload
 605 allocations established pursuant to subsection (6). Priority
 606 must be given to projects that are most likely to achieve the
 607 maximum pollutant reductions ~~A list of projects in priority~~
 608 ~~ranking with a planning-level cost estimate and estimated date~~
 609 ~~of completion for each listed project;~~

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

613 e. A planning-level estimate of each listed project's
 614 expected load reduction, if applicable; and

615 f. A list of projects developed pursuant to paragraph (e),
 616 if applicable.

617 5. The department shall adopt all or any part of a basin
 618 management action plan and any amendment to such plan by
 619 secretarial order pursuant to chapter 120 to implement this
 620 section.

621 6. The basin management action plan must include
 622 milestones for implementation and water quality improvement, and
 623 an associated water quality monitoring component sufficient to
 624 evaluate whether reasonable progress in pollutant load
 625 reductions is being achieved over time. An assessment of

626 progress toward these milestones shall be conducted every 5
627 years, and revisions to the plan shall be made as appropriate.
628 Revisions to the basin management action plan shall be made by
629 the department in cooperation with basin stakeholders. Revisions
630 to the management strategies required for nonpoint sources must
631 follow the procedures in subparagraph (c)4. Revised basin
632 management action plans must be adopted pursuant to subparagraph
633 5.

634 7. In accordance with procedures adopted by rule under
635 paragraph (9)(c), basin management action plans, and other
636 pollution control programs under local, state, or federal
637 authority as provided in subsection (4), may allow point or
638 nonpoint sources that will achieve greater pollutant reductions
639 than required by an adopted total maximum daily load or
640 wasteload allocation to generate, register, and trade water
641 quality credits for the excess reductions to enable other
642 sources to achieve their allocation; however, the generation of
643 water quality credits does not remove the obligation of a source
644 or activity to meet applicable technology requirements or
645 adopted best management practices. Such plans must allow trading
646 between NPDES permittees, and trading that may or may not
647 involve NPDES permittees, where the generation or use of the
648 credits involve an entity or activity not subject to department
649 water discharge permits whose owner voluntarily elects to obtain
650 department authorization for the generation and sale of credits.

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

656 9. In order to promote resilient wastewater utilities, if
 657 the department identifies domestic wastewater treatment
 658 facilities or onsite sewage treatment and disposal systems as
 659 contributors of ~~at least 20 percent of~~ point source or nonpoint
 660 source nutrient pollution and ~~or if the department~~ determines
 661 remediation is necessary to achieve the total maximum daily
 662 load, a basin management action plan for a nutrient total
 663 maximum daily load must include the following:

664 a. A wastewater treatment plan developed by each local
 665 government, in cooperation with the department, the water
 666 management district, and the public and private domestic
 667 wastewater treatment facilities within the jurisdiction of the
 668 local government, that addresses domestic wastewater. The
 669 wastewater treatment plan must:

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

673 (II) Include the permitted capacity in average annual
 674 gallons per day for the domestic wastewater treatment facility;
 675 the average nutrient concentration and the estimated average

676 nutrient load of the domestic wastewater; a projected timeline
677 of the dates by which the construction of any facility
678 improvements will begin and be completed and the date by which
679 operations of the improved facility will begin; the estimated
680 cost of the improvements; and the identity of responsible
681 parties.

682
683 The wastewater treatment plan must be adopted as part of the
684 basin management action plan no later than July 1, 2025. A local
685 government that does not have a domestic wastewater treatment
686 facility in its jurisdiction is not required to develop a
687 wastewater treatment plan unless there is a demonstrated need to
688 establish a domestic wastewater treatment facility within its
689 jurisdiction to improve water quality necessary to achieve a
690 total maximum daily load. A local government is not responsible
691 for a private domestic wastewater facility's compliance with a
692 basin management action plan unless such facility is operated
693 through a public-private partnership to which the local
694 government is a party.

695 b. An onsite sewage treatment and disposal system
696 remediation plan developed by each local government in
697 cooperation with the department, the Department of Health, water
698 management districts, and public and private domestic wastewater
699 treatment facilities.

700 (I) The onsite sewage treatment and disposal system

701 remediation plan must identify cost-effective and financially
702 feasible projects necessary to achieve the nutrient load
703 reductions required for onsite sewage treatment and disposal
704 systems. To identify cost-effective and financially feasible
705 projects for remediation of onsite sewage treatment and disposal
706 systems, the local government shall:

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

709 (B) Identify onsite sewage treatment and disposal systems
710 that would be eliminated through connection to existing or
711 future central domestic wastewater infrastructure in the
712 jurisdiction or domestic wastewater service area of the local
713 government, that would be replaced with or upgraded to enhanced
714 nutrient-reducing onsite sewage treatment and disposal systems,
715 or that would remain on conventional onsite sewage treatment and
716 disposal systems;

717 (C) Estimate the costs of potential onsite sewage
718 treatment and disposal system connections, upgrades, or
719 replacements; and

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

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

726 10. When identifying wastewater projects in a basin
 727 management action plan, the department may not require the
 728 higher cost option if it achieves the same nutrient load
 729 reduction as a lower cost option. A regulated entity may choose
 730 a different cost option if it complies with the pollutant
 731 reduction requirements of an adopted total maximum daily load
 732 and meets or exceeds the pollution reduction requirement of the
 733 original project.

734 (e) Cooperative agricultural regional water quality
 735 improvement element.—

736 1. The department, in coordination with the Department of
 737 Agriculture and Consumer Services, and owners of agricultural
 738 operations in the basin, shall develop a cooperative
 739 agricultural regional water quality improvement element as part
 740 of a basin management action plan ~~only if:~~

741 ~~a. Agricultural measures have been adopted by the~~
 742 ~~Department of Agriculture and Consumer Services pursuant to~~
 743 ~~subparagraph (c)2. and have been implemented and the water body~~
 744 ~~remains impaired;~~

745 ~~b. Agricultural nonpoint sources contribute to at least 20~~
 746 ~~percent of nonpoint source nutrient discharges; and~~

747 ~~e.~~ the department determines that best management
 748 practices alone will not achieve the necessary agricultural
 749 nonpoint source load reductions established in a basin
 750 management action plan and that additional measures, in

751 combination with state-sponsored regional projects and other
752 management strategies included in the basin management action
753 plan, are necessary to achieve the total maximum daily load.

754 ~~2. The element will be implemented through the use of~~
755 ~~cost-sharing projects.~~ The element must include a list of
756 regional nutrient reduction projects submitted to the department
757 by the Department of Agriculture and Consumer Services that will
758 achieve the necessary pollutant load reductions established for
759 agricultural nonpoint sources when the department determines
760 that best management practices alone will not achieve such load
761 reductions ~~cost-effective and technically and financially~~
762 ~~practical cooperative regional agricultural nutrient reduction~~
763 ~~projects that can be implemented on private properties on a~~
764 ~~site-specific, cooperative basis.~~ Such ~~cooperative~~ regional
765 agricultural nutrient reduction projects may include land
766 acquisition in fee or conservation easements on the lands of
767 willing sellers and site-specific water quality improvement or
768 dispersed water management projects. The list of regional
769 nutrient reduction projects included in the cooperative
770 agricultural regional water quality improvement element must
771 include a cost estimate of each project along with the estimated
772 amount of nutrient reduction the project will achieve ~~on the~~
773 ~~lands of project participants.~~

774 ~~3. To qualify for participation in the cooperative~~
775 ~~agricultural regional water quality improvement element, the~~

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776 ~~participant must have already implemented and be in compliance~~
777 ~~with best management practices or other measures adopted by the~~
778 ~~Department of Agriculture and Consumer Services pursuant to~~
779 ~~subparagraph (c)2. The element may be included in the basin~~
780 ~~management action plan as a part of the next 5-year assessment~~
781 ~~under subparagraph (a)6.~~

782 3.4. The department or the Department of Agriculture and
783 Consumer Services may submit a legislative budget request to
784 fund projects developed pursuant to this paragraph. ~~In~~
785 ~~allocating funds for projects funded pursuant to this paragraph,~~
786 ~~the department shall provide at least 20 percent of its annual~~
787 ~~appropriation for projects in subbasins with the highest~~
788 ~~nutrient concentrations within a basin management action plan.~~

789 Section 7. Section 403.0673, Florida Statutes, is amended
790 to read:

791 403.0673 Water quality improvement ~~Wastewater~~ grant
792 program.—A ~~wastewater~~
793 grant program is established within the Department of
794 Environmental Protection to address wastewater, stormwater, and
795 agricultural sources of nutrient loading to surface water or
796 groundwater.

797 (1) The purpose of the grant program is to fund projects
798 that will improve the quality of those waters located within a
799 basin management action plan, a reasonable assurance plan or
800 other alternative restoration plan adopted by final order, an

801 area with an established total maximum daily load, or an area
802 with a waterbody listed by the department as impaired.

803 ~~(2)(1) Subject to the appropriation of funds by the~~
804 ~~Legislature,~~ The department may provide grants for the following
805 projects ~~within a basin management action plan, an alternative~~
806 ~~restoration plan adopted by final order, or a rural area of~~
807 ~~opportunity under s. 288.0656 which will individually or~~
808 ~~collectively reduce excess nutrient pollution:~~

809 (a) Projects to retrofit onsite sewage treatment and
810 disposal systems to upgrade such systems to enhanced nutrient-
811 reducing onsite sewage treatment and disposal systems where
812 central sewer systems are not available.

813 (b) Projects to construct, upgrade, repair, or expand
814 wastewater treatment facilities to provide advanced or higher-
815 level waste treatment, ~~as defined in s. 403.086(4).~~

816 (c) Projects to convert ~~connect~~ onsite sewage treatment
817 and disposal systems to central sewer systems ~~facilities.~~

818 (d) Projects to construct, upgrade, repair, or expand
819 stormwater treatment facilities that result in improvements to
820 surface water or groundwater water quality.

821 (e) Projects to construct, upgrade, repair, or expand
822 domestic wastewater treatment facilities that result in
823 improvement to surface water or groundwater quality, including
824 domestic wastewater reuse and collection systems.

825 (f) Projects identified pursuant to s. 403.067(7)(a) or

826 (e).

827 (g) Projects identified in a wastewater treatment plan or
828 onsite sewage treatment and disposal system remediation plan
829 developed pursuant to s. 403.067(7)(a)9.a. and b.

830 (h) Projects listed in a city or county capital
831 improvements element pursuant to s. 163.3177(3).

832 ~~(2) In allocating such funds, priority must be given to~~
833 ~~projects that subsidize the connection of onsite sewage~~
834 ~~treatment and disposal systems to wastewater treatment~~
835 ~~facilities. First priority must be given to subsidize the~~
836 ~~connection of onsite sewage treatment and disposal systems to~~
837 ~~existing infrastructure. Second priority must be given to any~~
838 ~~expansion of a collection or transmission system that promotes~~
839 ~~efficiency by planning the installation of wastewater~~
840 ~~transmission facilities to be constructed concurrently with~~
841 ~~other construction projects occurring within or along a~~
842 ~~transportation facility right-of-way. Third priority must be~~
843 ~~given to all other connections of onsite sewage treatment and~~
844 ~~disposal systems to wastewater treatment facilities. The~~
845 department shall consider the estimated reduction in nutrient
846 load per project; project readiness; the cost-effectiveness of
847 the project, including cost-share percentage identified by the
848 applicant, except for rural areas of opportunity; the overall
849 environmental benefit of a project; the location of a project;
850 the availability of local matching funds; and projected water

851 savings or quantity improvements associated with a project.
 852 Projects most likely to achieve the maximum pollutant reduction
 853 must be given funding priority.

854 ~~(3) Each grant for a project described in subsection (1)~~
 855 ~~must require a minimum of a 50-percent local match of funds.~~
 856 ~~However, the department may, at its discretion, waive, in whole~~
 857 ~~or in part, this consideration of the local contribution for~~
 858 ~~proposed projects within an area designated as a rural area of~~
 859 ~~opportunity under s. 288.0656.~~

860 (3)(4) The department shall coordinate with each water
 861 management district annually, as necessary, to identify projects
 862 ~~grant recipients~~ in each district.

863 (4) The department shall conduct strategic engagement with
 864 local governments and stakeholders to identify the most
 865 effective and beneficial water quality improvement projects.

866 ~~(5) Beginning January 1, 2021, and each January 1~~
 867 ~~thereafter, the department shall submit a report regarding the~~
 868 ~~projects funded pursuant to this section to the Governor, the~~
 869 ~~President of the Senate, and the Speaker of the House of~~
 870 ~~Representatives.~~

871 Section 8. Paragraph (c) of subsection (1) of section
 872 403.086, Florida Statutes, is amended to read:

873 403.086 Sewage disposal facilities; advanced and secondary
 874 waste treatment.—

875 (1)

876 (c)1. Notwithstanding this chapter or chapter 373, sewage
 877 disposal facilities may not dispose of any wastes in the
 878 following waters ~~into Old Tampa Bay, Tampa Bay, Hillsborough~~
 879 ~~Bay, Boca Ciega Bay, St. Joseph Sound, Clearwater Bay, Sarasota~~
 880 ~~Bay, Little Sarasota Bay, Roberts Bay, Lemon Bay, Charlotte~~
 881 ~~Harbor Bay, Biscayne Bay, or, beginning July 1, 2025, Indian~~
 882 ~~River Lagoon, or into any river, stream, channel, canal, bay,~~
 883 ~~bayou, sound, or other water tributary thereto,~~ without
 884 providing advanced waste treatment, as defined in subsection
 885 (4), approved by the department or a more stringent treatment
 886 standard if the department determines the more stringent
 887 treatment standard is necessary to achieve the total maximum
 888 daily load or applicable water quality criteria:

889 a. Biscayne Bay, Boca Ciega Bay, Charlotte Harbor Bay,
 890 Clearwater Bay, Hillsborough Bay, Lemon Bay, Little Sarasota
 891 Bay, Old Tampa Bay, Roberts Bay, Sarasota Bay, St. Joseph Sound,
 892 Tampa Bay, or any river, stream, channel, canal, bay, bayou,
 893 sound, or other water tributary thereto.

894 b. Beginning July 1, 2025, Indian River Lagoon or any
 895 river, stream, channel, canal, bay, bayou, sound, or other water
 896 tributary thereto.

897 c. Beginning January 1, 2033, waters that are currently
 898 not attaining nutrient or nutrient-related standards or that are
 899 subject to a nutrient or nutrient-related basin management
 900 action plan or reasonable assurance plan adopted pursuant to s.

901 403.067.

902 2. Notwithstanding this chapter or chapter 373, sewage
 903 disposal facilities may not dispose of any wastes in the
 904 following waters without providing advanced waste treatment, as
 905 defined in subsection (4), approved by the department within 10
 906 years after determination or adoption:

907 a. A waterbody that does not attain nutrient or nutrient-
 908 related standards after July 1, 2023.

909 b. A waterbody that is subject to a nutrient or nutrient-
 910 related basin management action plan adopted pursuant to s.
 911 403.067 after July 1, 2023.

912 c. A waterbody that is subject to an adopted reasonable
 913 assurance plan after July 1, 2023 ~~This paragraph does not apply~~
 914 ~~to facilities which were permitted by February 1, 1987, and~~
 915 ~~which discharge secondary treated effluent, followed by water~~
 916 ~~hyacinth treatment, to tributaries of tributaries of the named~~
 917 ~~waters; or to facilities permitted to discharge to the~~
 918 ~~nontidally influenced portions of the Peace River.~~

919 Section 9. Paragraph (h) of subsection (4) of section
 920 201.15, Florida Statutes, is amended to read:

921 201.15 Distribution of taxes collected.—All taxes
 922 collected under this chapter are hereby pledged and shall be
 923 first made available to make payments when due on bonds issued
 924 pursuant to s. 215.618 or s. 215.619, or any other bonds
 925 authorized to be issued on a parity basis with such bonds. Such

926 | pledge and availability for the payment of these bonds shall
927 | have priority over any requirement for the payment of service
928 | charges or costs of collection and enforcement under this
929 | section. All taxes collected under this chapter, except taxes
930 | distributed to the Land Acquisition Trust Fund pursuant to
931 | subsections (1) and (2), are subject to the service charge
932 | imposed in s. 215.20(1). Before distribution pursuant to this
933 | section, the Department of Revenue shall deduct amounts
934 | necessary to pay the costs of the collection and enforcement of
935 | the tax levied by this chapter. The costs and service charge may
936 | not be levied against any portion of taxes pledged to debt
937 | service on bonds to the extent that the costs and service charge
938 | are required to pay any amounts relating to the bonds. All of
939 | the costs of the collection and enforcement of the tax levied by
940 | this chapter and the service charge shall be available and
941 | transferred to the extent necessary to pay debt service and any
942 | other amounts payable with respect to bonds authorized before
943 | January 1, 2017, secured by revenues distributed pursuant to
944 | this section. All taxes remaining after deduction of costs shall
945 | be distributed as follows:

946 | (4) After the required distributions to the Land
947 | Acquisition Trust Fund pursuant to subsections (1) and (2) and
948 | deduction of the service charge imposed pursuant to s.
949 | 215.20(1), the remainder shall be distributed as follows:

950 | (h) An amount equaling 5.4175 percent of the remainder

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951 shall be paid into the Water Protection and Sustainability
952 Program Trust Fund to be used to fund water quality improvement
953 ~~wastewater~~ grants as specified in s. 403.0673.

954 Section 10. Paragraph (c) of subsection (1) of section
955 403.890, Florida Statutes, is amended to read:

956 403.890 Water Protection and Sustainability Program.—

957 (1) Revenues deposited into or appropriated to the Water
958 Protection and Sustainability Program Trust Fund shall be
959 distributed by the Department of Environmental Protection for
960 the following purposes:

961 (c) The water quality improvement ~~wastewater~~ grant program
962 as provided in s. 403.0673.

963 Section 11. This act shall take effect July 1, 2023.