By Senator Diaz de la Portilla

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

Section 1. Paragraphs (b) through (e) of subsection (9) of section 403.086, Florida Statutes, are amended to read:

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

(9) The Legislature finds that the discharge of domestic wastewater through ocean outfalls wastes valuable water supplies that should be reclaimed for beneficial purposes to meet public and natural systems demands. The Legislature also finds that discharge of domestic wastewater through ocean outfalls compromises the coastal environment, quality of life, and local economies that depend on those resources. The Legislature declares that more stringent treatment and management requirements for such domestic wastewater and the subsequent, timely elimination of ocean outfalls as a primary means of domestic wastewater discharge are in the public interest.

(b) With the exception of cumulative peak flows that do not exceed 10 percent of total annual flows, the discharge of domestic wastewater through ocean outfalls shall meet advanced wastewater treatment and management requirements by
December 31, 2023 no later than December 31, 2018. For purposes
of this subsection, the term “advanced wastewater treatment and
management requirements” means the advanced waste treatment
requirements set forth in subsection (4), a reduction in outfall
baseline loadings of total nitrogen and total phosphorus which
is equivalent to that which would be achieved by the advanced
waste treatment requirements in subsection (4), or a reduction
in cumulative outfall loadings of total nitrogen and total
phosphorus occurring between December 31, 2008, and December 31,
2030 2025, which is equivalent to that which would be achieved
if the advanced waste treatment requirements in subsection (4)
were fully implemented beginning December 31, 2023 2018, and
continued through December 31, 2030 2025. The department shall
establish the average baseline loadings of total nitrogen and
total phosphorus for each outfall using monitoring data
available for calendar years 2003 through 2007 and shall
establish required loading reductions based on this baseline.
The baseline loadings and required loading reductions of total
nitrogen and total phosphorus shall be expressed as an average
annual daily loading value. The advanced wastewater treatment
and management requirements of this paragraph shall be deemed to
be met for any domestic wastewater facility discharging through
an ocean outfall on July 1, 2008, which, by December 31, 2023,
has installed 44 no later than December 31, 2018, a fully
operational reuse system comprising 100 percent of the
facility’s annual average daily flow for reuse activities
authorized by the department.

(c) Each domestic wastewater facility that discharges
through an ocean outfall on July 1, 2008, must shall install a
functioning reuse system by December 31, 2030 no later than December 31, 2025. For purposes of this subsection, a “functioning reuse system” means an environmentally, economically, and technically feasible system that provides a minimum treatment capacity of 60 percent of the facility’s actual flow on an annual basis for irrigation of public access areas, residential properties, or agricultural crops; aquifer recharge; groundwater recharge; industrial cooling; or other acceptable reuse purposes authorized by the department. For purposes of this subsection, the term “facility’s actual flow on an annual basis” means the annual average flow of domestic wastewater discharging through the facility’s ocean outfall, as determined by the department, using monitoring data available for calendar years 2003 through 2007. Flows diverted from facilities to other facilities that provide 100 percent reuse of the diverted flows before prior to December 31, 2030 2025, shall be considered to contribute to meeting the 60 percent reuse requirement. For utilities operating more than one outfall, the reuse requirement can be met if the combined actual reuse flows from facilities served by the outfalls is at least 60 percent of the sum of the total actual flows from the facilities, including flows diverted to other facilities for 100 percent reuse before prior to December 31, 2030 2025. If, in the event treatment in addition to the advanced wastewater treatment and management requirements described in paragraph (b), treatment is needed in order to support a functioning reuse system, such treatment shall be fully operational by December 31, 2030 no later than December 31, 2025. Utilities may also satisfy the reuse requirement by demonstrating that they have a functioning reuse system by December 31, 2030 no later than December 31, 2025.
system equivalent to 60 percent of the total average daily wastewater flows of their entire wastewater system by December 31, 2030.

(d) With the exception of cumulative peak flows that do not exceed 10 percent of total annual flows, the discharge of domestic wastewater through ocean outfalls is prohibited after December 31, 2030, except as a backup discharge that is part of a functioning reuse system authorized by the department as provided for in paragraph (c). A backup discharge may occur only during periods of reduced demand for reclaimed water in the reuse system, such as periods of wet weather, and must comply with the advanced wastewater treatment and management requirements of paragraph (b).

(e) The holder of a department permit authorizing the discharge of domestic wastewater through an ocean outfall as of July 1, 2008, shall submit the following to the secretary of the department:

1. A detailed plan to meet the requirements of this subsection, including the identification of all land acquisition and facilities necessary to provide for reuse of the domestic wastewater; an analysis of the costs to meet the requirements; and a financing plan for meeting the requirements, including identifying any actions necessary to implement the financing plan, such as bond issuance or other borrowing, assessments, rate increases, fees, other charges, or other financing mechanisms. The plan shall include a detailed schedule for the completion of all necessary actions and shall be accompanied by supporting data and other documentation. The plan shall be submitted by July 1, 2018 no later than July
1. By July 1, 2013.

2. By July 1, 2021 No later than July 1, 2016, an update of the plan required in subparagraph 1. documenting any refinements or changes in the costs, actions, or financing necessary to eliminate the ocean outfall discharge in accordance with this subsection or a written statement that the plan is current and accurate.

Section 2. This act shall take effect July 1, 2011.