

By the Committees on Community Affairs; and Environment and Natural Resources; and Senators Mayfield, Simmons, Harrell, Pizzo, Farmer, and Gruters

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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 participating in
14 the wastewater grant program 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 participating in the wastewater
39 grant program within a specified timeframe; providing
40 penalties; defining the term "onsite sewage treatment
41 and disposal system"; requiring a local government, in
42 cooperation with specified entities, to develop an
43 onsite sewage treatment and disposal system
44 remediation plan as part of the basin management
45 action plan under certain circumstances; providing
46 requirements for such plan; providing requirements for
47 a restoration plan for certain water bodies; creating
48 s. 403.0673, F.S.; establishing a wastewater grant
49 program within the Department of Environmental
50 Protection; authorizing the department to distribute
51 appropriated funds for certain projects; providing
52 requirements for the distribution; requiring the
53 department to coordinate with each water management
54 district to identify grant recipients; requiring an
55 annual report to the Governor and the Legislature by a
56 specified date; creating s. 403.0771, F.S.; requiring
57 a wastewater treatment plant to notify customers of
58 unlawful discharges of raw or partially treated sewage

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

80

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

82

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

85 Section 2. The Department of Environmental Protection, in
86 coordination with the Department of Health, shall develop a
87 report for presentation to the Legislature by July 1, 2020,

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88 which addresses the impacts of a type two transfer of the
89 Department of Health's onsite sewage program to the Department
90 of Environmental Protection for the regulation of onsite sewage
91 treatment and disposal systems. The report must include
92 revisions to state law, including budgetary changes, which would
93 need to be addressed to complete the type two transfer. If the
94 Department of Environmental Protection is authorized to develop
95 a memorandum of agreement with the Department of Health
96 describing how the type two transfer would be implemented if the
97 Legislature authorized such a transfer, this report is not
98 required.

99 Section 3. Section 373.807, Florida Statutes, is amended to
100 read:

101 373.807 Protection of water quality in Outstanding Florida
102 Springs.—By July 1, 2016, the department shall initiate
103 assessment, pursuant to s. 403.067(3), of Outstanding Florida
104 Springs or spring systems for which an impairment determination
105 has not been made under the numeric nutrient standards in effect
106 for spring vents. Assessments must be completed by July 1, 2018.

107 (1) (a) Concurrent with the adoption of a nutrient total
108 maximum daily load for an Outstanding Florida Spring, the
109 department, or the department in conjunction with a water
110 management district, shall initiate development of a basin
111 management action plan, as specified in s. 403.067. For an
112 Outstanding Florida Spring with a nutrient total maximum daily
113 load adopted before July 1, 2016, the department, or the
114 department in conjunction with a water management district,
115 shall initiate development of a basin management action plan by
116 July 1, 2016. During the development of a basin management

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117 action plan, if the department identifies onsite sewage
118 treatment and disposal systems as contributors of at least 20
119 percent of nonpoint source nutrient ~~nitrogen~~ pollution or if the
120 department determines remediation is necessary to achieve the
121 total maximum daily load, the basin management action plan shall
122 include an onsite sewage treatment and disposal system
123 remediation plan pursuant to s. 403.067(7)(e) ~~subsection (3)~~ for
124 those systems identified as requiring remediation.

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

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

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

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

138 4. For each listed project, a planning level cost estimate,
139 ~~and~~ the estimated date of completion, and a plan submitted by
140 each local government within the plan area and approved by the
141 department for each wastewater treatment plant project as
142 specified in s. 403.067(7)(d) and onsite sewage treatment and
143 disposal system remediation plan as specified in s.
144 403.067(7)(e). Each plan must include deadlines and is subject
145 to penalties required under s. 403.067;

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

149 6. An estimate of each listed project's nutrient load
150 reduction;

151 7. Identification of each point source or category of
152 nonpoint sources, including, but not limited to, urban turf
153 fertilizer, sports turf fertilizer, agricultural fertilizer,
154 onsite sewage treatment and disposal systems, wastewater
155 treatment facilities, animal wastes, and stormwater facilities.
156 An estimated allocation of the pollutant load must be provided
157 for each point source or category of nonpoint sources; and

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

161
162 The department shall develop a schedule establishing 5-year, 10-
163 year, and 15-year targets for achieving the nutrient total
164 maximum daily load. The schedule shall be used to provide
165 guidance for planning and funding purposes and is exempt from
166 chapter 120.

167 (c) For a basin management action plan adopted before July
168 1, 2016, which addresses an Outstanding Florida Spring, the
169 department or the department in conjunction with a water
170 management district must revise the plan if necessary to comply
171 with this section by July 1, 2018.

172 (d) A local government may apply to the department for a
173 single extension of up to 5 years for any project in an adopted
174 basin management action plan. A local government in a rural area

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175 of opportunity, as defined in s. 288.0656, may apply for a
176 single extension of up to 10 years for such a project. The
177 department may grant the extension if the local government
178 provides to the department sufficient evidence that an extension
179 is in the best interest of the public.

180 (2) By July 1, 2020 ~~2017~~, each local government, as defined in
181 s. 373.802(2), that has not adopted an ordinance pursuant to s.
182 403.9337, shall develop, enact, and implement an ordinance
183 pursuant to that section. It is the intent of the Legislature
184 that ordinances required to be adopted under this subsection
185 reflect the latest scientific information, advancements, and
186 technological improvements in the industry. A local government
187 that fails to adopt, enact, and implement this ordinance is
188 subject to a daily fine as provided in ss. 403.121, 403.141, and
189 403.161 and may not participate in the wastewater grant program
190 established under s. 403.0673 until such time as the ordinance
191 has been adopted, enacted, and implemented. In implementing the
192 ordinance, a local government shall conduct educational
193 campaigns, enforcement programs, and mandatory notification of
194 property owners subject to the ordinance, and shall submit a
195 report on its implementation efforts to the department for
196 publication on the department's website.

197 (3) If a basin management action plan or an alternative
198 restoration plan has not been adopted within 90 days after the
199 adoption of a nutrient total maximum daily load for an
200 Outstanding Florida Spring, agricultural operations located
201 within the associated Water Body Identification Number shall
202 sign a notice of intent to implement the applicable agricultural
203 best management practices or other measures adopted by the

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204 Department of Agriculture and Consumer Services pursuant to s.
205 403.067(7)(c) or conduct water quality monitoring as prescribed
206 by the department or a water management district. Such
207 agricultural operations may be subject to enforcement action by
208 the department or a water management district based upon a
209 failure to comply with this subsection.

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

227 ~~(a) Collect and evaluate credible scientific information on~~
228 ~~the effect of nutrients, particularly forms of nitrogen, on~~
229 ~~springs and springs systems; and~~

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

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234 ~~In addition to the requirements in s. 403.067, the plan shall~~
235 ~~include options for repair, upgrade, replacement, drainfield~~
236 ~~modification, addition of effective nitrogen reducing features,~~
237 ~~connection to a central sewerage system, or other action for an~~
238 ~~onsite sewage treatment and disposal system or group of systems~~
239 ~~within a priority focus area that contribute at least 20 percent~~
240 ~~of nonpoint source nitrogen pollution or if the department~~
241 ~~determines remediation is necessary to achieve a total maximum~~
242 ~~daily load. For these systems, the department shall include in~~
243 ~~the plan a priority ranking for each system or group of systems~~
244 ~~that requires remediation and shall award funds to implement the~~
245 ~~remediation projects contingent on an appropriation in the~~
246 ~~General Appropriations Act, which may include all or part of the~~
247 ~~costs necessary for repair, upgrade, replacement, drainfield~~
248 ~~modification, addition of effective nitrogen reducing features,~~
249 ~~initial connection to a central sewerage system, or other~~
250 ~~action. In awarding funds, the department may consider expected~~
251 ~~nutrient reduction benefit per unit cost, size and scope of~~
252 ~~project, relative local financial contribution to the project,~~
253 ~~and the financial impact on property owners and the community.~~
254 ~~The department may waive matching funding requirements for~~
255 ~~proposed projects within an area designated as a rural area of~~
256 ~~opportunity under s. 288.0656.~~

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

261 Section 4. Subsection (2) of section 373.811, Florida

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262 Statutes, is amended to read:

263 373.811 Prohibited activities within a priority focus
264 area.—The following activities are prohibited within a priority
265 focus area in effect for an Outstanding Florida Spring:

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

271 Section 5. Subsections (22) and (23) are added to section
272 403.031, Florida Statutes, to read:

273 403.031 Definitions.—In construing this chapter, or rules
274 and regulations adopted pursuant hereto, the following words,
275 phrases, or terms, unless the context otherwise indicates, have
276 the following meanings:

277 (22) "Wastewater facilities" or "wastewater treatment
278 facilities" means any of the following: the collection and
279 transmission system, the wastewater treatment plant, and the
280 reuse or disposal system.

281 (23) "Wastewater plant" or "wastewater treatment plant"
282 means any plant or other works used for the purpose of treating,
283 stabilizing, or holding wastewater.

284 Section 6. Section 403.0616, Florida Statutes, is created
285 to read:

286 403.0616 Real-time water quality monitoring program.—

287 (1) Subject to appropriation, the department shall
288 establish a real-time water quality monitoring program to assist
289 in the restoration, preservation, and enhancement of impaired
290 waterbodies and coastal resources.

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291 (2) In order to expedite the creation and implementation of
292 the program, the department is encouraged to form public-private
293 partnerships with established scientific entities with existing,
294 proven real-time water quality monitoring equipment and
295 experience in deploying such equipment.

296 Section 7. Present paragraph (d) of subsection (7) of
297 section 403.067, Florida Statutes, is redesignated as paragraph
298 (f), a new paragraph (d) and paragraphs (e) and (g) are added to
299 that subsection, paragraph (a) of that subsection is amended,
300 and paragraph (d) is added to subsection (3) of that section, to
301 read:

302 403.067 Establishment and implementation of total maximum
303 daily loads.—

304 (3) ASSESSMENT.—

305 (d) If a basin management action plan or an alternative
306 restoration plan has not been adopted within 90 days after the
307 adoption of a total maximum daily load for a water body or water
308 body segment, agricultural operations located within the
309 associated Water Body Identification Number shall sign a notice
310 of intent to implement the applicable agricultural best
311 management practices or other measures adopted by the Department
312 of Agriculture and Consumer Services pursuant to s.
313 403.067(7)(c) or conduct water quality monitoring as prescribed
314 by the department or a water management district. Such
315 agricultural operations may be subject to enforcement action by
316 the department or a water management district based upon a
317 failure to comply with this paragraph.

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

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

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

340 2. A basin management action plan must equitably allocate,
341 pursuant to paragraph (6) (b), pollutant reductions to individual
342 basins, as a whole to all basins, or to each identified point
343 source or category of nonpoint sources, as appropriate. For
344 nonpoint sources for which best management practices have been
345 adopted, the initial requirement specified by the plan must be
346 those practices developed pursuant to paragraph (c). Where
347 appropriate, the plan may take into account the benefits of
348 pollutant load reduction achieved by point or nonpoint sources

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349 that have implemented management strategies to reduce pollutant
350 loads, including best management practices, before the
351 development of the basin management action plan. The plan must
352 also identify the mechanisms that will address potential future
353 increases in pollutant loading.

354 3. The basin management action planning process is intended
355 to involve the broadest possible range of interested parties,
356 with the objective of encouraging the greatest amount of
357 cooperation and consensus possible. In developing a basin
358 management action plan, the department shall assure that key
359 stakeholders, including, but not limited to, applicable local
360 governments, water management districts, the Department of
361 Agriculture and Consumer Services, other appropriate state
362 agencies, local soil and water conservation districts,
363 environmental groups, regulated interests, and affected
364 pollution sources, are invited to participate in the process.
365 The department shall hold at least one public meeting in the
366 vicinity of the watershed or basin to discuss and receive
367 comments during the planning process and shall otherwise
368 encourage public participation to the greatest practicable
369 extent. Notice of the public meeting must be published in a
370 newspaper of general circulation in each county in which the
371 watershed or basin lies not less than 5 days nor more than 15
372 days before the public meeting. A basin management action plan
373 does not supplant or otherwise alter any assessment made under
374 subsection (3) or subsection (4) or any calculation or initial
375 allocation.

376 4. Each new or revised basin management action plan shall
377 include:

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378 a. The appropriate management strategies available through
379 existing water quality protection programs to achieve total
380 maximum daily loads, which may provide for phased implementation
381 to promote timely, cost-effective actions as provided for in s.
382 403.151;

383 b. A description of best management practices adopted by
384 rule;

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

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

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

397 5. The department shall adopt all or any part of a basin
398 management action plan and any amendment to such plan by
399 secretarial order pursuant to chapter 120 to implement the
400 provisions of this section.

401 6. The basin management action plan must include milestones
402 for implementation and water quality improvement, and an
403 associated water quality monitoring component sufficient to
404 evaluate whether reasonable progress in pollutant load
405 reductions is being achieved over time. An assessment of
406 progress toward these milestones shall be conducted every 5

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407 years, and revisions to the plan shall be made as appropriate.
408 Revisions to the basin management action plan shall be made by
409 the department in cooperation with basin stakeholders. Revisions
410 to the management strategies required for nonpoint sources must
411 follow the procedures set forth in subparagraph (c)4. Revised
412 basin management action plans must be adopted pursuant to
413 subparagraph 5.

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

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

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436 (d) Wastewater treatment plan.-

437 1. As part of a basin management action plan, each local
438 government, in cooperation with the department, the relevant
439 water management district, and the relevant local public and
440 private wastewater utilities, shall develop a plan to implement
441 improvements that provide, at a minimum, advanced waste
442 treatment, as defined in s. 403.086(4). The plan must provide
443 for construction, expansion, or upgrades necessary to achieve a
444 total maximum daily load, consistent with an onsite sewage
445 treatment and disposal system remediation plan under paragraph
446 (e). A local government that does not have a wastewater
447 treatment plant in its jurisdiction is not required to develop a
448 wastewater treatment plan unless the department determines that
449 the creation of such a plant within the jurisdiction is
450 necessary to meet the total maximum daily load. If advanced
451 waste treatment standards are met or exceeded as part of a
452 broader waste treatment program implemented by the local public
453 or private wastewater treatment utility, such a program may be
454 deemed to comply with the requirements of this paragraph with
455 the approval of the department. Wastewater treatment plants that
456 are directly addressed in a basin management action plan and do
457 not meet or exceed advanced waste treatment standards but that
458 have been determined to meet the requirements for the total
459 maximum daily load before July 1, 2019, are grandfathered unless
460 and until the department determines that higher levels of
461 treatment are required to meet the total maximum daily load.

462 2. Each owner or operator of an existing wastewater
463 treatment plant shall provide certain information for each plant
464 that has a plan to implement upgrades that meet or exceed

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465 advanced waste treatment, as defined in s. 403.086(4). This
466 information must include the following as it relates to existing
467 conditions and estimated conditions after upgrades are
468 implemented:

469 a. The permitted capacity of the plant, in gallons per day;
470 b. The average nutrient concentration; and
471 c. The estimated average nutrient load.

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

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

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

479 (III) A certification that the local government, in
480 agreement with the owner or operator, has approved the method of
481 implementing upgrades and method of financing or funding
482 construction and operation.

483 b. The department may amend the plan and shall approve a
484 final plan. The department shall provide technical support upon
485 request by a local government. An existing wastewater treatment
486 plant must also incorporate the plan into its next NPDES or
487 wastewater operating permit renewal.

488 c. Each new wastewater treatment plant located within the
489 plan area shall comply with the requirements and approved dates
490 in the basin management action plan. Each existing wastewater
491 treatment plant located within the plan area must be in
492 compliance with the timeline set out in the basin management
493 action plan to receive a renewal of its NPDES or wastewater

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494 operating permit. Upon a showing of good cause, the department
495 may grant an extension of time to the local government to comply
496 with the timeline.

497 d. If the deadlines for the initiation of construction of
498 improvements, completion of construction, and commencement of
499 operations which were approved pursuant to this subparagraph are
500 not satisfied, each local government with a wastewater treatment
501 plant that does not meet the requirements in this subparagraph
502 may not participate in the wastewater grant program established
503 under s. 403.0673 until such time as the plant is brought into
504 compliance. In addition, the department shall, unless good cause
505 is shown, assess penalties pursuant to ss. 403.121, 403.141, and
506 403.161 until such time as the plant is brought into compliance.
507 The department may reduce penalties based on expenditures for
508 improvements and upgrades to the wastewater treatment facility.

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

510 1. For purposes of this paragraph, the term "onsite sewage
511 treatment and disposal system" has the same meaning as in s.
512 381.0065.

513 2.a. As part of a basin management action plan, each local
514 government, in cooperation with the department, the Department
515 of Health, the relevant water management district, and relevant
516 local public and private wastewater utilities, shall develop an
517 onsite sewage treatment and disposal system remediation plan if
518 the department identifies onsite sewage treatment and disposal
519 systems as contributors of at least 20 percent of nonpoint
520 source nutrient pollution or if the department determines that
521 remediation is necessary to achieve a total maximum daily load.
522 In order to promote cost-effective remediation, the department

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523 may identify one or more onsite sewage treatment and disposal
524 system priority focus areas. The department shall identify these
525 areas by considering soil conditions; groundwater or surface
526 water travel time; proximity to surface waters, including
527 predominantly marine waters as defined by department rule;
528 hydrogeology; onsite system density; nutrient load; and other
529 factors that may lead to water quality degradation. The
530 remediation plan must identify cost-effective and financially
531 feasible projects necessary to reduce the nutrient impacts from
532 onsite sewage treatment and disposal systems. The plan shall be
533 completed and adopted as part of the basin management action plan
534 no later than the first 5-year milestone assessment identified in
535 subparagraph (a)6., for basin management action plans generally,
536 or as required in s. 373.807(1)(b)8., for Outstanding Florida
537 Springs. Before adopting the plan, the local government shall
538 hold one or more publicly noticed meetings to receive input on
539 the plan from the general public. The department is responsible
540 for timely approval and adoption of the plan. For basin
541 management action plans not governed by part VIII of chapter
542 373, an onsite sewage treatment and disposal system priority
543 focus area means the area or areas of a basin where the
544 groundwater is generally most vulnerable to pollutant inputs
545 where there is a known connectivity between groundwater pathways
546 and an impaired water body, as determined by the department in
547 consultation with the appropriate water management districts and
548 delineated in a basin management action plan.

549 b.(I) Each local government within the plan area, or the
550 local government's designee, shall prepare a plan, by the first
551 5-year milestone assessment required under subparagraph (a)6.,

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552 for basin management action plans generally, or as required in
553 s. 373.807(1)(b)8. for Outstanding Florida Springs. Within its
554 jurisdiction, the local government plan must provide for either
555 connecting each onsite sewage treatment and disposal system to a
556 central wastewater treatment plant or replacing the current
557 system with a new system within the onsite sewage treatment and
558 disposal system priority focus area so that a nutrient load from
559 onsite sewage treatment and disposal systems meets or exceeds
560 applicable water quality standards. The plan must include water
561 quality monitoring provisions to ensure that waterbodies within
562 the plan area do not continue to be further degraded by onsite
563 sewage treatment and disposal systems. The local government
564 shall submit to the department for approval, a detailed plan,
565 which includes:

566 (A) A timeline that specifies the dates by which the
567 construction of any improvements must commence, each stage of
568 construction must be completed, and mandatory upgrades of onsite
569 sewage treatment disposal systems within the plan area must be
570 implemented or any ordinances that must be adopted to implement
571 the plan;

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

575 (C) A certification that the local government, in agreement
576 with the owner or operator, has approved the method of
577 remediation and method of financing or funding construction and
578 operation.

579 (II) The department may amend the plan and shall approve a
580 final plan. The department shall provide technical support upon

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581 request by a local government. Upon a showing of good cause, the
582 department may grant an extension of time to reach compliance
583 with the schedule.

584 (III) If the deadlines in sub-sub-sub-subparagraph (I) (A)
585 are not satisfied, the local government may not participate in
586 the wastewater grant program established under s. 403.0673 until
587 the actions in the remediation plan have been completed. In
588 addition, the department shall, unless good cause is shown,
589 assess penalties pursuant to ss. 403.121, 403.141, and 403.161
590 until the actions in the remediation plan have been completed.
591 The department may reduce penalties based on expenditures
592 designed to achieve compliance with the remediation plan.

593 c. In developing and adopting the plan, the department
594 shall:

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

597 (II) Work with local stakeholders to develop a public
598 education plan to provide area residents with reliable,
599 understandable information about onsite sewage treatment and
600 disposal systems and surface and groundwater pollution;

601 (III) In addition to sub-subparagraph 2.b., the department
602 may include in the plan, if appropriate, options for system
603 repair, upgrade, or replacement; drainfield modification; the
604 addition of effective nutrient-reducing features; or other
605 actions addressing onsite sewage treatment and disposal system
606 issues. The department shall include in the plan a priority
607 ranking for each onsite system, or group of systems, that
608 requires remediation. The priority ranking shall be used to
609 ensure the most effective, efficient use of the funding provided

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610 for onsite system remediation. In awarding any such funds, the
611 department may consider expected nutrient reduction benefit per
612 unit cost, the size and scope of the project, local financial
613 contribution to the project relative to the overall cost, and the
614 financial impact on property owners and the community. For the
615 purpose of awarding funds, the department may, at its discretion,
616 totally or partially waive this consideration of the local
617 contribution for proposed projects within an area designated as a
618 rural area of opportunity under s. 288.0656; and

619 (IV) The installation, repair, modification, or upgrade of
620 onsite sewage treatment and disposal systems within the
621 boundaries of a basin management action plan with an onsite
622 sewage treatment and disposal system remediation plan must
623 conform to the requirements of the remediation plan.

624 (g) Alternative restoration plan.—

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

627 a. The implementation of agricultural best management
628 practices or monitoring for nonpoint sources of pollution in
629 accordance with paragraph (c);

630 b. The implementation of an onsite sewage treatment and
631 disposal system remediation plan where such remediation is
632 necessary to restore the water body in accordance with paragraph
633 (e); and

634 c. The adoption of advanced waste treatment levels or
635 higher water quality effluent standards for wastewater treatment
636 plants.

637 2. In addition, the restoration plan must include any other
638 pollution control mechanisms that are being implemented to

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639 demonstrate a reasonable assurance that existing or proposed
640 pollution control mechanisms or programs will effectively
641 address the impairment. Upon adoption of such a restoration
642 plan, the requirement that best management practices or
643 monitoring be conducted within the watershed impacting the water
644 body is enforceable pursuant to this section and ss. 403.121,
645 403.141, and 403.161.

646 Section 8. Section 403.0673, Florida Statutes, is created
647 to read:

648 403.0673 Wastewater grant program.—A wastewater grant
649 program is established within the Department of Environmental
650 Protection.

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

656 (a) Projects to retrofit onsite sewage treatment and
657 disposal systems.

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

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

662 (2) In allocating such funds, priority must be given for
663 projects that subsidize the connection of onsite sewage
664 treatment and disposal systems to a wastewater treatment plant
665 or that subsidize inspections and assessments of onsite sewage
666 treatment and disposal systems. In determining priorities, the
667 department shall consider the estimated reduction in nutrient

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668 load per project; project readiness; cost effectiveness of the
669 project; overall environmental benefit of a project; the
670 location of a project within the plan area; the availability of
671 local matching funds; and projected water savings or quantity
672 improvements associated with a project.

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

679 (4) The department shall coordinate with each water
680 management district, as necessary, to identify grant recipients
681 in each district.

682 (5) Beginning January 1, 2020, and each January 1
683 thereafter, the department shall submit a report regarding the
684 projects funded pursuant to this section to the Governor, the
685 President of the Senate, and the Speaker of the House of
686 Representatives.

687 Section 9. Section 403.0771, Florida Statutes, is created
688 to read:

689 403.0771 Sewage spill notification; moratorium.-

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

695 (2) If a wastewater treatment facility owned by a local
696 government unlawfully discharges raw or partially treated sewage

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697 into any waterway or aquifer, the local government may not
698 participate in the wastewater grant program established under s.
699 403.0673 until any required maintenance, repair, or improvement
700 has been implemented to reduce or eliminate sanitary sewage
701 overflows, as determined by the department. In addition, the
702 department shall assess a daily penalty pursuant to ss. 403.121,
703 403.141, and 403.161 against a public or private wastewater
704 facility that unlawfully discharges raw or partially treated
705 sewage into any waterway or aquifer until the required
706 maintenance, repair, or improvement has been implemented. The
707 department may reduce a penalty based on the wastewater
708 treatment facility's investment in assessment and maintenance
709 activities to identify and address conditions that may cause
710 sanitary sewage overflows.

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

716 Section 10. Effective July 1, 2024, paragraph (c) of
717 subsection (1) of section 403.086, Florida Statutes, is amended
718 to read:

719 403.086 Sewage disposal facilities; advanced and secondary
720 waste treatment.—

721 (1)

722 (c) Notwithstanding any other provisions of this chapter or
723 chapter 373, facilities for sanitary sewage disposal may not
724 dispose of any wastes into Old Tampa Bay, Tampa Bay,
725 Hillsborough Bay, Boca Ciega Bay, St. Joseph Sound, Clearwater

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726 Bay, Sarasota Bay, Little Sarasota Bay, Roberts Bay, Lemon Bay,
727 or Charlotte Harbor Bay, Indian River Lagoon, or into any river,
728 stream, channel, canal, bay, bayou, sound, or other water
729 tributary thereto, without providing advanced waste treatment,
730 as defined in subsection (4), approved by the department. This
731 paragraph shall not apply to facilities which were permitted by
732 February 1, 1987, and which discharge secondary treated
733 effluent, followed by water hyacinth treatment, to tributaries
734 of tributaries of the named waters; or to facilities permitted
735 to discharge to the nontidally influenced portions of the Peace
736 River.

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

740 403.9337 Model Ordinance for Florida-Friendly Fertilizer
741 Use on Urban Landscapes.—

742 (4) A local government that fails to adopt, enact, and
743 implement an ordinance required by subsection (2) by January 1,
744 2020, is subject to a daily fine as provided in ss. 403.121,
745 403.141, and 403.161 and may not participate in the wastewater
746 grant program established under s. 403.0673 until the ordinance
747 has been adopted, enacted, and implemented. In implementing the
748 ordinance, a local government shall conduct educational
749 campaigns, enforcement programs, and mandatory notification of
750 property owners subject to the ordinance, and shall submit a
751 report on its efforts to the department for publication on the
752 department's website.

753 Section 12. (1) The Department of Environmental Protection
754 shall revise the basin management action plans for the Indian

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755 River Lagoon, basin management action plans for waterbodies with
756 a direct hydrological connection to the Indian River Lagoon, and
757 the basin management action plans that were adopted pursuant to
758 s. 373.807, Florida Statutes, and approved by the Secretary of
759 Environmental Protection or prepared by the department before
760 July 1, 2019, to conform existing plans to changes made by this
761 act. Revisions to such basin management action plans made
762 pursuant to this act must be completed by July 1, 2021. The
763 department may grant a 6-month extension, upon a showing of good
764 cause, to a local government on the deadlines for its wastewater
765 treatment project plan or onsite sewage treatment and disposal
766 system remediation plans submitted as part of a basin management
767 action plan.

768 (2) The department shall revise all basin management action
769 plans not included under subsection (1), but adopted pursuant to
770 s. 403.067(7), Florida Statutes, and approved by the Secretary
771 of 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 the next required 5-
775 year milestone assessment for those revisions scheduled for on
776 or after July 1, 2021. The department may grant a 6-month
777 extension, upon a showing of good cause, to a local government
778 on the deadlines for its wastewater treatment project plan or
779 onsite sewage treatment and disposal system remediation plans
780 submitted as part of a basin management action plan.

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

783 Section 14. Except as otherwise expressly provided in this

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784 act, this act shall take effect July 1, 2019.