A bill to be entitled
An act relating to water quality improvements;
providing a short title; requiring the Department of
Environmental Protection, in coordination with the
Department of Health, to develop a report to be
submitted to the Legislature by a specified date on
the impacts of transferring the onsite sewage program
of the Department of Health to the Department of
Environmental Protection by a type two transfer;
providing an exception; amending s. 373.807, F.S.;
revising the requirements for a basin management
action plan for an Outstanding Florida Spring;
prohibiting a local government from participating in
the wastewater grant program under certain
circumstances; providing penalties; requiring certain
agricultural operations that fail to adopt a basin
management action plan or alternative restoration plan
within a specified timeframe to sign a notice of
intent to implement certain practices, measures, or
monitoring; amending s. 373.811, F.S.; conforming a
cross-reference; amending s. 403.031, F.S.; defining
terms; creating s. 403.0616, F.S.; requiring the
department, subject to appropriation, to establish a
real-time water quality monitoring program;
encouraging the formation of public-private
partnerships; amending s. 403.067, F.S.; requiring
certain agricultural operations that fail to adopt a
basin management action plan or alternative
restoration plan within a specified timeframe to sign
a notice of intent to implement certain practices, measures, or monitoring; revising requirements for a basin management action plan; requiring each local government to develop a wastewater treatment plan that meets certain requirements; prohibiting a local government that does not meet certain requirements relating to wastewater treatment plant project plans or onsite sewage treatment and disposal system remediation plans from participating in the wastewater grant program within a specified timeframe; providing penalties; defining the term “onsite sewage treatment and disposal system”; requiring a local government, in cooperation with specified entities, to develop an onsite sewage treatment and disposal system remediation plan as part of the basin management action plan under certain circumstances; providing requirements for such plan; providing requirements for a restoration plan for certain water bodies; creating s. 403.0673, F.S.; establishing a wastewater grant program within the Department of Environmental Protection; authorizing the department to distribute appropriated funds for certain projects; providing requirements for the distribution; requiring the department to coordinate with each water management district to identify grant recipients; requiring an annual report to the Governor and the Legislature by a specified date; creating s. 403.0771, F.S.; requiring a wastewater treatment plant to notify customers of unlawful discharges of raw or partially treated sewage
into any waterway or aquifer within a specified
timeframe; prohibiting a local government that owns
such a plant from participating in the wastewater
grant program within a specified timeframe; providing
penalties; requiring the department to maintain a
publicly accessible website that contains certain
information relating to wastewater treatment
facilities; amending s. 403.086, F.S.; prohibiting
facilities for sanitary sewage disposal from disposing
of any waste in the Indian River Lagoon without first
providing advanced waste treatment; amending s.
403.9337, F.S.; providing penalties for a local
government that fails to adopt, enact, and implement a
specified ordinance by a specified date; requiring the
Department of Environmental Protection to revise the
basin management action plan for the Indian River
Lagoon and other specified basin management action
plans by a specified date; authorizing the department
to grant an extension to a local government upon a
showing of good cause; providing a declaration of
important state interest; providing effective dates.

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

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

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

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

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

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

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

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

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

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

4. For each listed project, a planning level cost estimate, and the estimated date of completion, and a plan submitted by each local government within the plan area and approved by the department for each wastewater treatment plant project as specified in s. 403.067(7)(d) and onsite sewage treatment and disposal system remediation plan as specified in s. 403.067(7)(e). Each plan must include deadlines and is subject to penalties required under s. 403.067;
5. The source and amount of financial assistance to be made available by the department, a water management district, or other entity for each listed project;

6. An estimate of each listed project’s nutrient load reduction;

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

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

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

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

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

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

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

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

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

(b) Develop a public education plan to provide area residents with reliable, understandable information about onsite sewage treatment and disposal systems and springs.
In addition to the requirements in s. 403.067, the plan shall include options for repair, upgrade, replacement, drainfield modification, addition of effective nitrogen reducing features, connection to a central sewerage system, or other action for an onsite sewage treatment and disposal system or group of systems within a priority focus area that contribute at least 20 percent of nonpoint source nitrogen pollution or if the department determines remediation is necessary to achieve a total maximum daily load. For these systems, the department shall include in the plan a priority ranking for each system or group of systems that requires remediation and shall award funds to implement the remediation projects contingent on an appropriation in the General Appropriations Act, which may include all or part of the costs necessary for repair, upgrade, replacement, drainfield modification, addition of effective nitrogen reducing features, initial connection to a central sewerage system, or other action. In awarding funds, the department may consider expected nutrient reduction benefit per unit cost, size and scope of project, relative local financial contribution to the project, and the financial impact on property owners and the community. The department may waive matching funding requirements for proposed projects within an area designated as a rural area of opportunity under s. 288.0656.

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

Section 4. Subsection (2) of section 373.811, Florida
373.811 Prohibited activities within a priority focus area.—The following activities are prohibited within a priority focus area in effect for an Outstanding Florida Spring:
(2) New onsite sewage treatment and disposal systems on lots of less than 1 acre, if the addition of the specific systems conflicts with an onsite treatment and disposal system remediation plan incorporated into a basin management action plan in accordance with s. 403.067(7)(e) s. 373.807(3).

Section 5. Subsections (22) and (23) are added to section 403.031, Florida Statutes, to read:
403.031 Definitions.—In construing this chapter, or rules and regulations adopted pursuant hereto, the following words, phrases, or terms, unless the context otherwise indicates, have the following meanings:
(22) “Wastewater facilities” or “wastewater treatment facilities” means any of the following: the collection and transmission system, the wastewater treatment plant, and the reuse or disposal system.
(23) “Wastewater plant” or “wastewater treatment plant” means any plant or other works used for the purpose of treating, stabilizing, or holding wastewater.

Section 6. Section 403.0616, Florida Statutes, is created to read:
403.0616 Real-time water quality monitoring program.—
(1) Subject to appropriation, the department shall establish a real-time water quality monitoring program to assist in the restoration, preservation, and enhancement of impaired waterbodies and coastal resources.
(2) In order to expedite the creation and implementation of the program, the department is encouraged to form public-private partnerships with established scientific entities with existing, proven real-time water quality monitoring equipment and experience in deploying such equipment.

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

403.067 Establishment and implementation of total maximum daily loads.—

(3) ASSESSMENT.—

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

(7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—
(a) Basin management action plans.—

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

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

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

4. Each new or revised basin management action plan shall
include:
a. The appropriate management strategies available through existing water quality protection programs to achieve total maximum daily loads, which may provide for phased implementation to promote timely, cost-effective actions as provided for in s. 403.151;

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

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

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

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

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

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

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

8. The provisions of the department’s rule relating to the equitable abatement of pollutants into surface waters do not apply to water bodies or water body segments for which a basin management plan that takes into account future new or expanded activities or discharges has been adopted under this section.
(d) Wastewater treatment plan.—

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

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

a. The permitted capacity of the plant, in gallons per day;

b. The average nutrient concentration; and

c. The estimated average nutrient load.

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

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

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

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

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

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

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

(e) Onsite sewage treatment and disposal systems.—

1. For purposes of this paragraph, the term “onsite sewage treatment and disposal system” has the same meaning as in s. 381.0065.

2.a. As part of a basin management action plan, each local government, in cooperation with the department, the Department of Health, the relevant water management district, and relevant local public and private wastewater utilities, shall develop an onsite sewage treatment and disposal system remediation plan if the department identifies onsite sewage treatment and disposal systems as contributors of at least 20 percent of nonpoint source nutrient pollution or if the department determines that remediation is necessary to achieve a total maximum daily load. In order to promote cost-effective remediation, the department
may identify one or more onsite sewage treatment and disposal system priority focus areas. The department shall identify these areas by considering soil conditions; groundwater or surface water travel time; proximity to surface waters, including predominantly marine waters as defined by department rule; hydrogeology; onsite system density; nutrient load; and other factors that may lead to water quality degradation. The remediation plan must identify cost-effective and financially feasible projects necessary to reduce the nutrient impacts from onsite sewage treatment and disposal systems. The plan shall be completed and adopted as part of the basin management action plan no later than the first 5-year milestone assessment identified in subparagraph (a)6., for basin management action plans generally, or as required in s. 373.807(1)(b)8., for Outstanding Florida Springs. Before adopting the plan, the local government shall hold one or more publicly noticed meetings to receive input on the plan from the general public. The department is responsible for timely approval and adoption of the plan. For basin management action plans not governed by part VIII of chapter 373, an onsite sewage treatment and disposal system priority focus area means the area or areas of a basin where the groundwater is generally most vulnerable to pollutant inputs where there is a known connectivity between groundwater pathways and an impaired water body, as determined by the department in consultation with the appropriate water management districts and delineated in a basin management action plan.

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

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

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

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

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

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

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

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

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

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

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

(g) Alternative restoration plan.—

1. As part of its alternative restoration plan for a water
body, the local stakeholders proposing the plan must consider:
   a. The implementation of agricultural best management
      practices or monitoring for nonpoint sources of pollution in
      accordance with paragraph (c);
   b. The implementation of an onsite sewage treatment and
      disposal system remediation plan where such remediation is
      necessary to restore the water body in accordance with paragraph
      (e); and
   c. The adoption of advanced waste treatment levels or
      higher water quality effluent standards for wastewater treatment
      plants.

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

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

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

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

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

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

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

(2) In allocating such funds, priority must be given for projects that subsidize the connection of onsite sewage treatment and disposal systems to a wastewater treatment plant or that subsidize inspections and assessments of onsite sewage treatment and disposal systems. In determining priorities, the department shall consider the estimated reduction in nutrient
(3) Each grant for a project described in subsection (1) must require a minimum of a 50 percent local match of funds. However, the department may, at its discretion, waive, in whole or in part, this consideration of the local contribution for proposed projects within an area designated as a rural area of opportunity under s. 288.0656.

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

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

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

403.0771 Sewage spill notification; moratorium.—

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

(2) If a wastewater treatment facility owned by a local government unlawfully discharges raw or partially treated sewage...
into any waterway or aquifer, the local government may not participate in the wastewater grant program established under s. 403.0673 until any required maintenance, repair, or improvement has been implemented to reduce or eliminate sanitary sewage overflows, as determined by the department. In addition, the department shall assess a daily penalty pursuant to ss. 403.121, 403.141, and 403.161 against a public or private wastewater facility that unlawfully discharges raw or partially treated sewage into any waterway or aquifer until the required maintenance, repair, or improvement has been implemented. The department may reduce a penalty based on the wastewater treatment facility’s investment in assessment and maintenance activities to identify and address conditions that may cause sanitary sewage overflows.

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

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

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

(1)

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

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

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

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

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

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

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

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