

By Senator Gruters

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1 A bill to be entitled
 2 An act relating to water quality improvements;
 3 amending s. 375.041, F.S.; providing an appropriation
 4 for certain projects related to the Indian River
 5 Lagoon Comprehensive Conservation and Management Plan;
 6 authorizing the Department of Environmental
 7 Protection, with other specified entities, to provide
 8 grants for such projects; directing the department to
 9 submit an annual report to the Governor and
 10 Legislature; removing an obsolete provision; creating
 11 s. 403.0771, F.S.; requiring each wastewater facility
 12 that unlawfully discharges sewage into a waterway or
 13 aquifer to notify its customers within a specified
 14 period; amending s. 403.141, F.S.; providing penalties
 15 for wastewater treatment facilities that unlawfully
 16 discharge sewage into designated areas; providing an
 17 effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Paragraph (b) of subsection (3) of section
 22 375.041, Florida Statutes, is amended to read:

23 375.041 Land Acquisition Trust Fund.—

24 (3) Funds distributed into the Land Acquisition Trust Fund
 25 pursuant to s. 201.15 shall be applied:

26 (b) Of the funds remaining after the payments required
 27 under paragraph (a), but before funds may be appropriated,
 28 pledged, or dedicated for other uses:

29 1. A minimum of the lesser of 25 percent or \$200 million

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30 shall be appropriated annually for Everglades projects that
31 implement the Comprehensive Everglades Restoration Plan as set
32 forth in s. 373.470, including the Central Everglades Planning
33 Project subject to Congressional authorization; the Long-Term
34 Plan as defined in s. 373.4592(2); and the Northern Everglades
35 and Estuaries Protection Program as set forth in s. 373.4595.
36 From these funds, \$32 million shall be distributed each fiscal
37 year through the 2023-2024 fiscal year to the South Florida
38 Water Management District for the Long-Term Plan as defined in
39 s. 373.4592(2). After deducting the \$32 million distributed
40 under this subparagraph, from the funds remaining, a minimum of
41 the lesser of 76.5 percent or \$100 million shall be appropriated
42 each fiscal year through the 2025-2026 fiscal year for the
43 planning, design, engineering, and construction of the
44 Comprehensive Everglades Restoration Plan as set forth in s.
45 373.470, including the Central Everglades Planning Project, the
46 Everglades Agricultural Area Storage Reservoir Project, the Lake
47 Okeechobee Watershed Project, the C-43 West Basin Storage
48 Reservoir Project, the Indian River Lagoon-South Project, the
49 Western Everglades Restoration Project, and the Picayune Strand
50 Restoration Project. The Department of Environmental Protection
51 and the South Florida Water Management District shall give
52 preference to those Everglades restoration projects that reduce
53 harmful discharges of water from Lake Okeechobee to the St.
54 Lucie or Caloosahatchee estuaries in a timely manner. For the
55 purpose of performing the calculation provided in this
56 subparagraph, the amount of debt service paid pursuant to
57 paragraph (a) for bonds issued after July 1, 2016, for the
58 purposes set forth under paragraph (b) shall be added to the

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59 amount remaining after the payments required under paragraph
60 (a). The amount of the distribution calculated shall then be
61 reduced by an amount equal to the debt service paid pursuant to
62 paragraph (a) on bonds issued after July 1, 2016, for the
63 purposes set forth under this subparagraph.

64 2. A minimum of the lesser of 7.6 percent or \$50 million
65 shall be appropriated annually for spring restoration,
66 protection, and management projects. For the purpose of
67 performing the calculation provided in this subparagraph, the
68 amount of debt service paid pursuant to paragraph (a) for bonds
69 issued after July 1, 2016, for the purposes set forth under
70 paragraph (b) shall be added to the amount remaining after the
71 payments required under paragraph (a). The amount of the
72 distribution calculated shall then be reduced by an amount equal
73 to the debt service paid pursuant to paragraph (a) on bonds
74 issued after July 1, 2016, for the purposes set forth under this
75 subparagraph.

76 3. The sum of \$5 million shall be appropriated annually
77 each fiscal year through the 2025-2026 fiscal year to the St.
78 Johns River Water Management District for projects dedicated to
79 the restoration of Lake Apopka. This distribution shall be
80 reduced by an amount equal to the debt service paid pursuant to
81 paragraph (a) on bonds issued after July 1, 2016, for the
82 purposes set forth in this subparagraph.

83 4. The sum of \$64 million is appropriated and shall be
84 transferred to the Everglades Trust Fund for the 2018-2019
85 fiscal year, and each fiscal year thereafter, for the EAA
86 reservoir project pursuant to s. 373.4598. Any funds remaining
87 in any fiscal year shall be made available only for Phase II of

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88 the C-51 reservoir project or projects identified in
89 subparagraph 1. and must be used in accordance with laws
90 relating to such projects. Any funds made available for such
91 purposes in a fiscal year are in addition to the amount
92 appropriated under subparagraph 1. This distribution shall be
93 reduced by an amount equal to the debt service paid pursuant to
94 paragraph (a) on bonds issued after July 1, 2017, for the
95 purposes set forth in this subparagraph.

96 5. A minimum of the lesser of 7.6 percent or \$50 million
97 shall be appropriated annually each fiscal year for projects
98 dedicated to the conservation and management of the Indian River
99 Lagoon. This distribution must be reduced by an amount equal to
100 the debt service paid pursuant to paragraph (a) on bonds issued
101 after July 1, 2019, for the purposes set forth in this
102 subparagraph. The Department of Environmental Protection shall
103 use the funds to provide grants for the following categories of
104 projects that implement the updated Indian River Lagoon
105 Comprehensive Conservation and Management Plan, including
106 multiyear grants for construction of such projects:

107 a. The construction of facilities or the upgrade of
108 existing facilities that provide advanced waste treatment, as
109 defined in s. 403.086(4).

110 b. The expansion of existing wastewater treatment
111 facilities to bring services to homes and businesses that are
112 not connected to an existing wastewater treatment facility.

113 c. The connection of onsite sewage treatment and disposal
114 systems to central sewer systems.

115
116 Each grant must require a minimum 50 percent local match. The

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117 department shall coordinate with the South Florida Water
118 Management District, the St. Johns River Water Management
119 District, and other water management districts, as necessary, to
120 identify grant recipients. Beginning January 1, 2020, and each
121 January 1 thereafter, the department shall submit a report
122 regarding the projects funded pursuant to this subparagraph to
123 the Governor, the President of the Senate, and the Speaker of
124 the House of Representatives ~~Notwithstanding subparagraph 3.,~~
125 ~~for the 2018-2019 fiscal year, funds shall be appropriated as~~
126 ~~provided in the General Appropriations Act. This subparagraph~~
127 ~~expires July 1, 2019.~~

128 Section 2. Section 403.0771, Florida Statutes, is created
129 to read:

130 403.0771 Sewage spill notification.—In addition to the
131 public notification requirements of s. 403.077, a wastewater
132 treatment facility that unlawfully discharges raw or partially
133 treated sewage into any waterway or aquifer must, within 24
134 hours after discovering the discharge, notify its customers that
135 the discharge has occurred.

136 Section 3. Present subsection (4) of section 403.141,
137 Florida Statutes, is renumbered as subsection (5), and a new
138 subsection (4) is added to that section, to read:

139 403.141 Civil liability; joint and several liability.—

140 (4) Notwithstanding the civil penalty limitation set forth
141 in subsection (1), a wastewater treatment facility that
142 unlawfully discharges raw or partially treated sewage into any
143 waterway or aquifer shall:

144 (a) Remit to the department an amount equal to \$1 for each
145 gallon of sewage discharged; or

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146 (b) Calculate the number of gallons of sewage discharged,
147 and, with the department's approval, spend \$2 for each gallon to
148 upgrade or remediate the problems that gave rise to the unlawful
149 discharge.

150 Section 4. This act shall take effect July 1, 2019.