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 a type two transfer of the onsite
sewage program of the Department of Health to the
Department of Environmental Protection; providing
requirements for the report; amending s. 373.4131,
F.S.; clarifying the duty of the Department of
Environmental Protection to adopt, in coordination
with the water management districts, specified
statewide environmental resource permitting rules;
directing the water management districts, with
department oversight, to adopt rules for specified
design and performance standards relating to new
development and redevelopment projects; directing the
department to incorporate such rules by reference for
use within the geographic jurisdiction of each water
management district and to amend such rules into the
Environmental Resource Permit Applicant’s Handbook;
providing a rebuttable presumption that certain
stormwater management systems do not cause or
contribute to violations of applicable state water
quality standards; 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 for
civil and criminal penalties; requiring certain
agricultural operations that fail to adopt a basin
management action plan or an 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; creating s. 403.0616, F.S.; requiring
the department, subject to legislative 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; 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;
requiring local stakeholders to consider certain
elements as part of its alternative restoration plan;
providing for civil and criminal penalties; creating
s. 403.0673, F.S.; establishing a wastewater grant
program within the Department of Environmental

CODING: Words **stricken** are deletions; words **underlined** are additions.
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 facility to notify customers within a specified timeframe of unlawful discharges of raw or partially treated sewage into any waterway or aquifer; prohibiting a local government that owns such a plant from participating in the wastewater grant program until specified actions have taken place; providing for civil and criminal 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. 403.121, F.S.; increasing the maximum administrative penalty for certain violations; providing that such maximum amounts do not apply to violations of a basin management action plan or certain wastewater discharges; amending s. 403.814, F.S.; revising requirements for a general permit for the construction, alteration, and maintenance of a stormwater management system; amending s. 403.9337, F.S.; providing for civil and criminal 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 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, 2021, 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 suggested revisions to state law, including both of the following:

(1) Budgetary changes that would need to be addressed to complete the type two transfer.
(2) Recommended language to address the nutrient pollution caused by onsite sewage treatment systems.

Section 3. Subsections (1) and (3) of section 373.4131, Florida Statutes, are amended to read:

373.4131 Statewide environmental resource permitting
rules.—

(1) The department shall initiate rulemaking to adopt, in coordination with the water management districts, statewide environmental resource permitting rules governing the construction, alteration, operation, maintenance, repair, abandonment, and removal of any stormwater management system, dam, impoundment, reservoir, appurtenant work, works, or any combination thereof, under this part.

(a) The rules must provide for statewide, consistent regulation of activities under this part and must include, at a minimum:

1. Criteria and thresholds for requiring permits.

2. Types of permits.

3. Procedures governing the review of applications and notices, duration and modification of permits, operational requirements, transfers of permits, provisions for emergencies, and provisions for abandonment and removal of systems.

4. Exemptions and general permits that do not allow significant adverse impacts to occur individually or cumulatively.

5. Conditions for issuance.

6. General permit conditions, including monitoring, inspection, and reporting requirements.

7. Standardized fee categories for activities under this part to promote consistency. The department and water management districts may amend fee rules to reflect the standardized fee categories but are not required to adopt identical fees for those categories.

8. Application, notice, and reporting forms. To the maximum
extent practicable, the department and water management
districts shall provide for electronic submittal of forms and
notices.

9. An applicant’s handbook that, at a minimum, contains
general program information, application and review procedures,
a specific discussion of how environmental criteria are
evaluated, and discussion of stormwater quality and quantity
criteria.

(b) The rules must provide for a conceptual permit for a
municipality or county that creates a stormwater management
master plan for urban infill and redevelopment areas or
community redevelopment areas created under chapter 163. Upon
approval by the department or water management district, the
master plan shall become part of the conceptual permit issued by
the department or water management district. The rules must
additionally provide for an associated general permit for the
construction and operation of urban redevelopment projects that
meet the criteria established in the conceptual permit. The
following requirements must also be met:

1. The conceptual permit and associated general permit must
not conflict with the requirements of a federally approved
program pursuant to s. 403.0885 or with the implementation of s.
403.067(7) regarding total maximum daily loads and basin
management action plans.

2. Before a conceptual permit is approved granted, the
municipality or county must assert that stormwater discharges
from the urban redevelopment area do not cause or contribute to
violations of water quality standards by demonstrating a net
improvement in the quality of the discharged water existing on
the date the conceptual permit is approved.

3. The conceptual permit may not expire for at least 20 years unless a shorter duration is requested and must include an option to renew.

4. The conceptual permit must describe the rate and volume of stormwater discharges from the urban redevelopment area, including the maximum rate and volume of stormwater discharges as of the date the conceptual permit is approved.

5. The conceptual permit must contain provisions regarding the use of stormwater best management practices and must ensure that stormwater management systems constructed within the urban redevelopment area are operated and maintained in compliance with s. 373.416.

(c) The rules must rely primarily on the rules of the department and water management districts in effect immediately prior to the effective date of this section, except that the department may:

1. Reconcile differences and conflicts to achieve a consistent statewide approach.

2. Account for different physical or natural characteristics, including special basin considerations, of individual water management districts.

3. Implement additional permit streamlining measures.

(d) The application of the rules must continue to be governed by the first sentence of s. 70.001(12).

(3)(a) The water management districts, with department oversight, may continue to adopt rules governing design and performance standards for stormwater quality and quantity, including design and performance standards that increase the
removal of nutrients from stormwater discharges from all new
development and redevelopment projects. The department shall
may incorporate the design and performance standards by
reference for use within the geographic jurisdiction of each
district to ensure that new pollutant loadings are not
discharged into impaired water bodies. By December 1, 2020, the
department and water management districts shall amend the
Environmental Resource Permit Applicant’s Handbook to include
revised best management practices design criteria and low-impact
design best management practices and design criteria that
increase the removal of nutrients from stormwater discharges
emanating from all new development and redevelopment projects,
and measures for consistent application of the net improvement
performance standard to ensure that new pollutant loadings are
not discharged into impaired water bodies.

(b) If a stormwater management system is designed in
accordance with the stormwater treatment requirements and best
management practices design and operation criteria adopted by
the department or a water management district under this part,
there is a rebuttable presumption that the stormwater management
system does the system design is presumed not to cause or
contribute to violations of applicable state water quality
standards.

(c) If a stormwater management system is constructed,
operated, and maintained for stormwater treatment in accordance
with a valid permit or exemption under this part, there is a
rebuttable presumption that the stormwater management discharged
from the system does is presumed not to cause or contribute to
violations of applicable state water quality standards.
Section 4. 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)(d) 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 any onsite sewage treatment and disposal system remediation plan as specified in s. 403.067(7)(d). 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, 2021, 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 subsection is subject to a penalty as provided in ss. 403.121, 403.141, and
403.161 daily 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 5. Subsection (2) of section 373.811, Florida Statutes, is amended to read:

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)(d) e. 373.807(3).

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 paragraph (e) 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 must 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 must 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) **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, 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 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.

b. 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. 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 or surface water 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.

c. 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 department shall hold one or more
publicly noticed meetings to receive input on the plan from the
general public. 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. The department is the
lead agency in coordinating the preparation and adoption of the
plan. The department shall:

I. Collect and evaluate credible scientific information on
the effect of nutrients, particularly forms of nitrogen, on
springs and springs systems; and

II. Develop a public education plan to provide area
residents with reliable, understandable information about onsite
sewage treatment and disposal systems and springs.

d. In addition to any other restrictions required to
achieve the total maximum daily load, the department may impose
any of the restrictions in s. 373.811 within any onsite sewage
treatment disposal priority focus area.

e. If a local government fails to meet the timelines or comply with the requirements of the onsite sewage treatment and disposal system remediation plan, 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.

(e) 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 the appropriation of funds by the Legislature, 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 to upgrade them to nutrient-reducing onsite sewage treatment and disposal systems.

(b) Projects to construct, upgrade, or expand facilities to provide advanced waste treatment, as defined in s. 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 to projects that subsidize the connection of onsite sewage treatment and disposal systems to a wastewater treatment plant. In determining priorities, the department shall consider the estimated reduction in nutrient load per project; project readiness; cost-effectiveness of the project; overall...
environmental benefit of a project; the location of a project
within the plan area; the availability of local matching funds;
and projected water savings or quantity improvements associated
with a project.

(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, 2021, 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. 697
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 penalty pursuant to ss. 403.121, 403.141, and 403.161 daily 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, 2025, 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. Paragraphs (b) and (g) of subsection (2) and subsections (3), (8), and (9) of section 403.121, Florida Statutes, are amended, and subsection (13) is added to that section, to read:

403.121 Enforcement; procedure; remedies.—The department shall have the following judicial and administrative remedies available to it for violations of this chapter, as specified in s. 403.161(1).

(2) Administrative remedies:

(b) If the department has reason to believe a violation has occurred, it may institute an administrative proceeding to order the prevention, abatement, or control of the conditions creating the violation or other appropriate corrective action. Except for violations involving hazardous wastes, asbestos, or underground injection, the department shall proceed administratively in all cases in which the department seeks administrative penalties that do not exceed $20,000 per assessment as calculated in accordance with subsections (3), (4), (5), (6), and (7). Pursuant to 42 U.S.C. s. 300g-2, the administrative penalty.
assessed pursuant to subsection (3), subsection (4), or subsection (5) against a public water system serving a population of more than 10,000 shall be not less than $1,000 per day per violation. The department shall not impose administrative penalties in excess of $20,000 in a notice of violation. The department shall not have more than one notice of violation seeking administrative penalties pending against the same party at the same time unless the violations occurred at a different site or the violations were discovered by the department subsequent to the filing of a previous notice of violation.

(g) Nothing herein shall be construed as preventing any other legal or administrative action in accordance with law. Nothing in this subsection shall limit the department’s authority provided in ss. 403.131, 403.141, and this section to judicially pursue injunctive relief. When the department exercises its authority to judicially pursue injunctive relief, penalties in any amount up to the statutory maximum sought by the department must be pursued as part of the state court action and not by initiating a separate administrative proceeding. The department retains the authority to judicially pursue penalties in excess of $20,000 for violations not specifically included in the administrative penalty schedule, or for multiple or multiday violations alleged to exceed a total of $20,000. The department also retains the authority provided in ss. 403.131, 403.141, and this section to judicially pursue injunctive relief and damages, if a notice of violation seeking the imposition of administrative penalties has not been issued. The department has the authority to enter into a settlement,
either before or after initiating a notice of violation, and the settlement may include a penalty amount different from the administrative penalty schedule. Any case filed in state court because it is alleged to exceed a total of $20,000 $10,000 in penalties may be settled in the court action for less than $20,000 $10,000.

(3) Except for violations involving hazardous wastes, asbestos, or underground injection, or unpermitted wastewater discharges that result in a water quality violation, administrative penalties must be calculated according to the following schedule:

(a) For a drinking water contamination violation, the department shall assess a penalty of $2,000 for a Maximum Containment Level (MCL) violation; plus $1,000 if the violation is for a primary inorganic, organic, or radiological Maximum Contaminant Level or it is a fecal coliform bacteria violation; plus $1,000 if the violation occurs at a community water system; and plus $1,000 if any Maximum Contaminant Level is exceeded by more than 100 percent. For failure to obtain a clearance letter prior to placing a drinking water system into service when the system would not have been eligible for clearance, the department shall assess a penalty of $3,000.

(b) For failure to obtain a required wastewater permit, other than a permit required for surface water discharge, the department shall assess a penalty of $1,000. For a domestic or industrial wastewater violation not involving a surface water or groundwater quality violation, the department shall assess a penalty of $2,000 for an unpermitted or unauthorized discharge or effluent-limitation exceedance. For an unpermitted or
unauthorized discharge or effluent-limitation exceedance that resulted in a surface water or groundwater quality violation, the department shall assess a penalty of $5,000.

(c) For a dredge and fill or stormwater violation, the department shall assess a penalty of $1,000 for unpermitted or unauthorized dredging or filling or unauthorized construction of a stormwater management system against the person or persons responsible for the illegal dredging or filling, or unauthorized construction of a stormwater management system plus $2,000 if the dredging or filling occurs in an aquatic preserve, Outstanding Florida Water, conservation easement, or Class I or Class II surface water, plus $1,000 if the area dredged or filled is greater than one-quarter acre but less than or equal to one-half acre, and plus $1,000 if the area dredged or filled is greater than one-half acre but less than or equal to one acre. The administrative penalty schedule shall not apply to a dredge and fill violation if the area dredged or filled exceeds one acre. The department retains the authority to seek the judicial imposition of civil penalties for all dredge and fill violations involving more than one acre. The department shall assess a penalty of $3,000 for the failure to complete required mitigation, failure to record a required conservation easement, or for a water quality violation resulting from dredging or filling activities, stormwater construction activities or failure of a stormwater treatment facility. For stormwater management systems serving less than 5 acres, the department shall assess a penalty of $2,000 for the failure to properly or timely construct a stormwater management system. In addition to the penalties authorized in this subsection, the department
shall assess a penalty of $5,000 per violation against the contractor or agent of the owner or tenant that conducts unpermitted or unauthorized dredging or filling. For purposes of this paragraph, the preparation or signing of a permit application by a person currently licensed under chapter 471 to practice as a professional engineer shall not make that person an agent of the owner or tenant.

(d) For mangrove trimming or alteration violations, the department shall assess a penalty of $5,000 per violation against the contractor or agent of the owner or tenant that conducts mangrove trimming or alteration without a permit as required by s. 403.9328. For purposes of this paragraph, the preparation or signing of a permit application by a person currently licensed under chapter 471 to practice as a professional engineer shall not make that person an agent of the owner or tenant.

(e) For solid waste violations, the department shall assess a penalty of $2,000 for the unpermitted or unauthorized disposal or storage of solid waste; plus $1,000 if the solid waste is Class I or Class III (excluding yard trash) or if the solid waste is construction and demolition debris in excess of 20 cubic yards, plus $1,000 if the waste is disposed of or stored in any natural or artificial body of water or within 500 feet of a potable water well, plus $1,000 if the waste contains PCB at a concentration of 50 parts per million or greater; untreated biomedical waste; friable asbestos greater than 1 cubic meter which is not wetted, bagged, and covered; used oil greater than 25 gallons; or 10 or more lead acid batteries. The department shall assess a penalty of $3,000 for failure to properly
maintain leachate control; unauthorized burning; failure to have a trained spotter on duty at the working face when accepting waste; failure to provide access control for three consecutive inspections. The department shall assess a penalty of $2,000 for failure to construct or maintain a required stormwater management system.

(f) For an air emission violation, the department shall assess a penalty of $1,000 for an unpermitted or unauthorized air emission or an air-emission-permit exceedance, plus $1,000 if the emission results in an air quality violation, plus $3,000 if the emission was from a major source and the source was major for the pollutant in violation; plus $1,000 if the emission was more than 150 percent of the allowable level.

(g) For storage tank system and petroleum contamination violations, the department shall assess a penalty of $5,000 for failure to empty a damaged storage system as necessary to ensure that a release does not occur until repairs to the storage system are completed; when a release has occurred from that storage tank system; for failure to timely recover free product; or for failure to conduct remediation or monitoring activities until a no-further-action or site-rehabilitation completion order has been issued. The department shall assess a penalty of $3,000 for failure to timely upgrade a storage tank system. The department shall assess a penalty of $2,000 for failure to conduct or maintain required release detection; failure to timely investigate a suspected release from a storage system; depositing motor fuel into an unregistered storage tank system; failure to timely assess or remediate petroleum contamination; or failure to properly install a storage tank system. The
department shall assess a penalty of $1,000 for failure to
properly operate, maintain, or close a storage tank system.

(8) The direct economic benefit gained by the violator from
the violation, where consideration of economic benefit is
provided by Florida law or required by federal law as part of a
federally delegated or approved program, shall be added to the
scheduled administrative penalty. The total administrative
penalty, including any economic benefit added to the scheduled
administrative penalty, shall not exceed $20,000.

(9) The administrative penalties assessed for any
particular violation shall not exceed $10,000 against any
one violator, unless the violator has a history of
noncompliance, the economic benefit of the violation as
described in subsection (8) exceeds $10,000, or there are
multiday violations. The total administrative penalties shall
not exceed $20,000 per assessment for all violations
attributable to a specific person in the notice of violation.

(13) The restrictions imposed under this section on the
amount of administrative penalties the department may assess do
not apply to violations of a basin management action plan or any
unauthorized or unpermitted wastewater discharge or effluent-
limitation exceedance that resulted in a surface or groundwater
quality violation.

Section 12. Subsection (12) of section 403.814, Florida
Statutes, is amended to read:

403.814 General permits; delegation.—

(12) A general permit is granted for the construction,
alteration, and maintenance of a stormwater management system
serving a total project area of up to 10 acres meeting the
criteria of this subsection. Such stormwater management systems must be designed, operated, and maintained in accordance with applicable rules adopted pursuant to part IV of chapter 373. There is a rebuttable presumption that the discharge from such systems complies with state water quality standards. The construction of such a system may proceed without any further agency action by the department or water management district if, before construction begins, an electronic self-certification is submitted to the department or water management district which certifies that the proposed system was designed by a Florida registered professional and that the registered professional has certified that the proposed system will meet the following additional requirements:

(a) The total project area involves less than 10 acres and less than 2 acres of impervious surface;

(b) Activities will not impact wetlands or other surface waters;

(c) Activities are not conducted in, on, or over wetlands or other surface waters;

(d) Drainage facilities will not include pipes having diameters greater than 24 inches, or the hydraulic equivalent, and will not use pumps in any manner;

(e) The project is not part of a larger common plan, development, or sale; and

(f) The project does not:

1. Cause adverse water quantity or flooding impacts to receiving water and adjacent lands;

2. Cause adverse impacts to existing surface water storage and conveyance capabilities;
3. Cause a violation of state water quality standards; or
4. Cause an adverse impact to the maintenance of surface or ground water levels or surface water flows established pursuant to s. 373.042 or a work of the district established pursuant to s. 373.086; and

(g) The project is not within a basin management action plan or an alternative restoration plan.

Section 13. 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, 2021, is subject to a penalty as provided in ss. 403.121, 403.141, and 403.161 daily 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 14. (1) The Department of Environmental Protection shall revise all basin management action plans that were adopted pursuant to s. 403.067(7), Florida Statutes, and that were approved by the Secretary of Environmental Protection or prepared by the department before July 1, 2020, 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, 2022. 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 15. The Legislature determines and declares that this act fulfills an important state interest.

Section 16. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2020.