

By Senator Mayfield

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1 A bill to be entitled
2 An act relating to water quality improvements;
3 providing a short title; requiring the Department of
4 Environmental Protection, in coordination with the
5 Department of Health, to develop a report to be
6 submitted to the Legislature by a specified date on
7 the impacts of a type two transfer of the onsite
8 sewage program of the Department of Health to the
9 Department of Environmental Protection; providing
10 requirements for the report; amending s. 373.4131,
11 F.S.; clarifying the duty of the Department of
12 Environmental Protection to adopt, in coordination
13 with the water management districts, specified
14 statewide environmental resource permitting rules;
15 directing the water management districts, with
16 department oversight, to adopt rules for specified
17 design and performance standards relating to new
18 development and redevelopment projects; directing the
19 department to incorporate such rules by reference for
20 use within the geographic jurisdiction of each water
21 management district and to amend such rules into the
22 Environmental Resource Permit Applicant's Handbook;
23 providing a rebuttable presumption that certain
24 stormwater management systems do not cause or
25 contribute to violations of applicable state water
26 quality standards; amending s. 373.807, F.S.; revising
27 the requirements for a basin management action plan
28 for an Outstanding Florida Spring; prohibiting a local
29 government from participating in the wastewater grant

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30 program under certain circumstances; providing for
31 civil and criminal penalties; requiring certain
32 agricultural operations that fail to adopt a basin
33 management action plan or an alternative restoration
34 plan within a specified timeframe to sign a notice of
35 intent to implement certain practices, measures, or
36 monitoring; amending s. 373.811, F.S.; conforming a
37 cross-reference; creating s. 403.0616, F.S.; requiring
38 the department, subject to legislative appropriation,
39 to establish a real-time water quality monitoring
40 program; encouraging the formation of public-private
41 partnerships; amending s. 403.067, F.S.; requiring
42 certain agricultural operations that fail to adopt a
43 basin management action plan or alternative
44 restoration plan within a specified timeframe to sign
45 a notice of intent to implement certain practices,
46 measures, or monitoring; revising requirements for a
47 basin management action plan; defining the term
48 "onsite sewage treatment and disposal system";
49 requiring a local government, in cooperation with
50 specified entities, to develop an onsite sewage
51 treatment and disposal system remediation plan as part
52 of the basin management action plan under certain
53 circumstances; providing requirements for such plan;
54 requiring local stakeholders to consider certain
55 elements as part of its alternative restoration plan;
56 providing for civil and criminal penalties; creating
57 s. 403.0673, F.S.; establishing a wastewater grant
58 program within the Department of Environmental

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59 Protection; authorizing the department to distribute
60 appropriated funds for certain projects; providing
61 requirements for the distribution; requiring the
62 department to coordinate with each water management
63 district to identify grant recipients; requiring an
64 annual report to the Governor and the Legislature by a
65 specified date; creating s. 403.0771, F.S.; requiring
66 a wastewater treatment facility to notify customers
67 within a specified timeframe of unlawful discharges of
68 raw or partially treated sewage into any waterway or
69 aquifer; prohibiting a local government that owns such
70 a plant from participating in the wastewater grant
71 program until specified actions have taken place;
72 providing for civil and criminal penalties; requiring
73 the department to maintain a publicly accessible
74 website that contains certain information relating to
75 wastewater treatment facilities; amending s. 403.086,
76 F.S.; prohibiting facilities for sanitary sewage
77 disposal from disposing of any waste in the Indian
78 River Lagoon without first providing advanced waste
79 treatment; amending s. 403.121, F.S.; increasing the
80 maximum administrative penalty for certain violations;
81 providing that such maximum amounts do not apply to
82 violations of a basin management action plan or
83 certain wastewater discharges; amending s. 403.814,
84 F.S.; revising requirements for a general permit for
85 the construction, alteration, and maintenance of a
86 stormwater management system; amending s. 403.9337,
87 F.S.; providing for civil and criminal penalties for a

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88 local government that fails to adopt, enact, and
89 implement a specified ordinance by a specified date;
90 requiring the Department of Environmental Protection
91 to revise basin management action plans by a specified
92 date; authorizing the department to grant an extension
93 to a local government upon a showing of good cause;
94 providing a declaration of important state interest;
95 providing effective dates.

96

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

98

99 Section 1. This act may be cited as the "Clean Waterways
100 Act."

101 Section 2. The Department of Environmental Protection, in
102 coordination with the Department of Health, shall develop a
103 report for presentation to the Legislature by July 1, 2021,
104 which addresses the impacts of a type two transfer of the
105 Department of Health's onsite sewage program to the Department
106 of Environmental Protection for the regulation of onsite sewage
107 treatment and disposal systems. The report must include
108 suggested revisions to state law, including both of the
109 following:

110 (1) Budgetary changes that would need to be addressed to
111 complete the type two transfer.

112 (2) Recommended language to address the nutrient pollution
113 caused by onsite sewage treatment systems.

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

116 373.4131 Statewide environmental resource permitting

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117 rules.-

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

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

128 1. Criteria and thresholds for requiring permits.

129 2. Types of permits.

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

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

137 5. Conditions for issuance.

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

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

145 8. Application, notice, and reporting forms. To the maximum

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146 extent practicable, the department and water management
147 districts shall provide for electronic submittal of forms and
148 notices.

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

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

165 1. The conceptual permit and associated general permit must
166 not conflict with the requirements of a federally approved
167 program pursuant to s. 403.0885 or with the implementation of s.
168 403.067(7) regarding total maximum daily loads and basin
169 management action plans.

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

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175 the date the conceptual permit is approved.

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

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

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

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

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

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

197 3. Implement additional permit streamlining measures.

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

200 (3) (a) The water management districts, with department
201 oversight, shall ~~may continue to~~ adopt rules governing design
202 and performance standards for stormwater quality and quantity,
203 including design and performance standards that increase the

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204 removal of nutrients from stormwater discharges from all new
205 development and redevelopment projects. ~~and~~ The department shall
206 may incorporate the design and performance standards by
207 reference for use within the geographic jurisdiction of each
208 district to ensure that new pollutant loadings are not
209 discharged into impaired water bodies. By December 1, 2020, the
210 department and water management districts shall amend the
211 Environmental Resource Permit Applicant's Handbook to include
212 revised best management practices design criteria and low-impact
213 design best management practices and design criteria that
214 increase the removal of nutrients from stormwater discharges
215 emanating from all new development and redevelopment projects,
216 and measures for consistent application of the net improvement
217 performance standard to ensure that new pollutant loadings are
218 not discharged into impaired water bodies.

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

227 (c) If a stormwater management system is constructed,
228 operated, and maintained for stormwater treatment in accordance
229 with a valid permit or exemption under this part, there is a
230 rebuttable presumption that the stormwater management ~~discharged~~
231 ~~from the system~~ does ~~is presumed~~ not to cause or contribute to
232 violations of applicable state water quality standards.

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233 Section 4. Section 373.807, Florida Statutes, is amended to
234 read:

235 373.807 Protection of water quality in Outstanding Florida
236 Springs.—By July 1, 2016, the department shall initiate
237 assessment, pursuant to s. 403.067(3), of Outstanding Florida
238 Springs or spring systems for which an impairment determination
239 has not been made under the numeric nutrient standards in effect
240 for spring vents. Assessments must be completed by July 1, 2018.

241 (1) (a) Concurrent with the adoption of a nutrient total
242 maximum daily load for an Outstanding Florida Spring, the
243 department, or the department in conjunction with a water
244 management district, shall initiate development of a basin
245 management action plan, as specified in s. 403.067. For an
246 Outstanding Florida Spring with a nutrient total maximum daily
247 load adopted before July 1, 2016, the department, or the
248 department in conjunction with a water management district,
249 shall initiate development of a basin management action plan by
250 July 1, 2016. During the development of a basin management
251 action plan, if the department identifies onsite sewage
252 treatment and disposal systems as contributors of at least 20
253 percent of nonpoint source nutrient ~~nitrogen~~ pollution or if the
254 department determines remediation is necessary to achieve the
255 total maximum daily load, the basin management action plan shall
256 include an onsite sewage treatment and disposal system
257 remediation plan pursuant to s. 403.067(7)(d) ~~subsection (3)~~ for
258 those systems identified as requiring remediation.

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

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- 262 1. A list of all specific projects and programs identified
263 to implement a nutrient total maximum daily load;
- 264 2. A list of all specific projects identified in any
265 incorporated onsite sewage treatment and disposal system
266 remediation plan, if applicable;
- 267 3. A priority rank for each listed project. The priority
268 ranking shall be based on the estimated reduction in nutrient
269 load per project, project readiness, cost effectiveness, overall
270 environmental benefit, location within the plan area, local
271 matching funds, and water savings or quantity improvements;
- 272 4. For each listed project, a planning level cost estimate,
273 ~~and~~ the estimated date of completion, and any onsite sewage
274 treatment and disposal system remediation plan as specified in
275 s. 403.067(7)(d). Each plan must include deadlines and is
276 subject to penalties required under s. 403.067;
- 277 5. The source and amount of financial assistance to be made
278 available by the department, a water management district, or
279 other entity for each listed project;
- 280 6. An estimate of each listed project's nutrient load
281 reduction;
- 282 7. Identification of each point source or category of
283 nonpoint sources, including, but not limited to, urban turf
284 fertilizer, sports turf fertilizer, agricultural fertilizer,
285 onsite sewage treatment and disposal systems, wastewater
286 treatment facilities, animal wastes, and stormwater facilities.
287 An estimated allocation of the pollutant load must be provided
288 for each point source or category of nonpoint sources; and
- 289 8. An implementation plan designed with a target to achieve
290 the nutrient total maximum daily load no more than 20 years

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291 after the adoption of a basin management action plan.

292

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

298 (c) For a basin management action plan adopted before July
299 1, 2016, which addresses an Outstanding Florida Spring, the
300 department or the department in conjunction with a water
301 management district must revise the plan if necessary to comply
302 with this section by July 1, 2018.

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

311 (2) By July 1, 2021 ~~2017~~, each local government, as defined
312 in s. 373.802(2), that has not adopted an ordinance pursuant to
313 s. 403.9337, shall develop, enact, and implement an ordinance
314 pursuant to that section. It is the intent of the Legislature
315 that ordinances required to be adopted under this subsection
316 reflect the latest scientific information, advancements, and
317 technological improvements in the industry. A local government
318 that fails to adopt, enact, and implement this subsection is
319 subject to a penalty as provided in ss. 403.121, 403.141, and

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320 403.161 daily and may not participate in the wastewater grant
321 program established under s. 403.0673 until such time as the
322 ordinance has been adopted, enacted, and implemented. In
323 implementing the ordinance, a local government shall conduct
324 educational campaigns, enforcement programs, and mandatory
325 notification of property owners subject to the ordinance, and
326 shall submit a report on its implementation efforts to the
327 department for publication on the department's website.

328 (3) If a basin management action plan or an alternative
329 restoration plan has not been adopted within 90 days after the
330 adoption of a nutrient total maximum daily load for an
331 Outstanding Florida Spring, agricultural operations located
332 within the associated Water Body Identification Number shall
333 sign a notice of intent to implement the applicable agricultural
334 best management practices or other measures adopted by the
335 Department of Agriculture and Consumer Services pursuant to s.
336 403.067(7)(c) or conduct water quality monitoring as prescribed
337 by the department or a water management district. Such
338 agricultural operations may be subject to enforcement action by
339 the department or a water management district based upon a
340 failure to comply with this subsection.

341 ~~(3) As part of a basin management action plan that includes~~
342 ~~an Outstanding Florida Spring, the department, the Department of~~
343 ~~Health, relevant local governments, and relevant local public~~
344 ~~and private wastewater utilities shall develop an onsite sewage~~
345 ~~treatment and disposal system remediation plan for a spring if~~
346 ~~the department determines onsite sewage treatment and disposal~~
347 ~~systems within a priority focus area contribute at least 20~~
348 ~~percent of nonpoint source nitrogen pollution or if the~~

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349 ~~department determines remediation is necessary to achieve the~~
350 ~~total maximum daily load. The plan shall identify cost-effective~~
351 ~~and financially feasible projects necessary to reduce the~~
352 ~~nutrient impacts from onsite sewage treatment and disposal~~
353 ~~systems and shall be completed and adopted as part of the basin~~
354 ~~management action plan no later than the first 5-year milestone~~
355 ~~required by subparagraph (1)(b)8. The department is the lead~~
356 ~~agency in coordinating the preparation of and the adoption of~~
357 ~~the plan. The department shall:~~

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

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

364
365 ~~In addition to the requirements in s. 403.067, the plan shall~~
366 ~~include options for repair, upgrade, replacement, drainfield~~
367 ~~modification, addition of effective nitrogen reducing features,~~
368 ~~connection to a central sewerage system, or other action for an~~
369 ~~onsite sewage treatment and disposal system or group of systems~~
370 ~~within a priority focus area that contribute at least 20 percent~~
371 ~~of nonpoint source nitrogen pollution or if the department~~
372 ~~determines remediation is necessary to achieve a total maximum~~
373 ~~daily load. For these systems, the department shall include in~~
374 ~~the plan a priority ranking for each system or group of systems~~
375 ~~that requires remediation and shall award funds to implement the~~
376 ~~remediation projects contingent on an appropriation in the~~
377 ~~General Appropriations Act, which may include all or part of the~~

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378 ~~costs necessary for repair, upgrade, replacement, drainfield~~
379 ~~modification, addition of effective nitrogen reducing features,~~
380 ~~initial connection to a central sewerage system, or other~~
381 ~~action. In awarding funds, the department may consider expected~~
382 ~~nutrient reduction benefit per unit cost, size and scope of~~
383 ~~project, relative local financial contribution to the project,~~
384 ~~and the financial impact on property owners and the community.~~
385 ~~The department may waive matching funding requirements for~~
386 ~~proposed projects within an area designated as a rural area of~~
387 ~~opportunity under s. 288.0656.~~

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

392 Section 5. Subsection (2) of section 373.811, Florida
393 Statutes, is amended to read:

394 373.811 Prohibited activities within a priority focus
395 area.—The following activities are prohibited within a priority
396 focus area in effect for an Outstanding Florida Spring:

397 (2) New onsite sewage treatment and disposal systems on
398 lots of less than 1 acre, if the addition of the specific
399 systems conflicts with an onsite treatment and disposal system
400 remediation plan incorporated into a basin management action
401 plan in accordance with s. 403.067(7)(d) ~~s. 373.807(3)~~.

402 Section 6. Section 403.0616, Florida Statutes, is created
403 to read:

404 403.0616 Real-time water quality monitoring program.—

405 (1) Subject to appropriation, the department shall
406 establish a real-time water quality monitoring program to assist

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407 in the restoration, preservation, and enhancement of impaired
408 waterbodies and coastal resources.

409 (2) In order to expedite the creation and implementation of
410 the program, the department is encouraged to form public-private
411 partnerships with established scientific entities with existing,
412 proven real-time water quality monitoring equipment and
413 experience in deploying such equipment.

414 Section 7. Present paragraph (d) of subsection (7) of
415 section 403.067, Florida Statutes, is redesignated as paragraph
416 (f), a new paragraph (d) and paragraph (e) are added to that
417 subsection, paragraph (a) of that subsection is amended, and
418 paragraph (d) is added to subsection (3) of that section, to
419 read:

420 403.067 Establishment and implementation of total maximum
421 daily loads.—

422 (3) ASSESSMENT.—

423 (d) If a basin management action plan or an alternative
424 restoration plan has not been adopted within 90 days after the
425 adoption of a total maximum daily load for a water body or water
426 body segment, agricultural operations located within the
427 associated Water Body Identification Number must sign a notice
428 of intent to implement the applicable agricultural best
429 management practices or other measures adopted by the Department
430 of Agriculture and Consumer Services pursuant to s.
431 403.067(7)(c) or conduct water quality monitoring as prescribed
432 by the department or a water management district. Such
433 agricultural operations may be subject to enforcement action by
434 the department or a water management district based upon a
435 failure to comply with this paragraph.

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

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

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

458 2. A basin management action plan must equitably allocate,
459 pursuant to paragraph (6) (b), pollutant reductions to individual
460 basins, as a whole to all basins, or to each identified point
461 source or category of nonpoint sources, as appropriate. For
462 nonpoint sources for which best management practices have been
463 adopted, the initial requirement specified by the plan must be
464 those practices developed pursuant to paragraph (c). Where

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465 appropriate, the plan may take into account the benefits of
466 pollutant load reduction achieved by point or nonpoint sources
467 that have implemented management strategies to reduce pollutant
468 loads, including best management practices, before the
469 development of the basin management action plan. The plan must
470 also identify the mechanisms that will address potential future
471 increases in pollutant loading.

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

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- 494 4. Each new or revised basin management action plan shall
495 include:
- 496 a. The appropriate management strategies available through
497 existing water quality protection programs to achieve total
498 maximum daily loads, which may provide for phased implementation
499 to promote timely, cost-effective actions as provided for in s.
500 403.151;
- 501 b. A description of best management practices adopted by
502 rule;
- 503 c. A list of projects in priority ranking with a planning-
504 level cost estimate and estimated date of completion for each
505 listed project. The priority ranking must be based on the
506 estimated reduction in nutrient load per project, project
507 readiness, cost-effectiveness, overall environmental benefit,
508 location within the plan area, local matching funds, and water
509 savings or quantity improvements;
- 510 d. The source and amount of financial assistance to be made
511 available by the department, a water management district, or
512 other entity for each listed project, if applicable; and
- 513 e. A planning-level estimate of each listed project's
514 expected load reduction, if applicable.
- 515 5. The department shall adopt all or any part of a basin
516 management action plan and any amendment to such plan by
517 secretarial order pursuant to chapter 120 to implement the
518 provisions of this section.
- 519 6. The basin management action plan must include milestones
520 for implementation and water quality improvement, and an
521 associated water quality monitoring component sufficient to
522 evaluate whether reasonable progress in pollutant load

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523 reductions is being achieved over time. An assessment of
524 progress toward these milestones shall be conducted every 5
525 years, and revisions to the plan shall be made as appropriate.
526 Revisions to the basin management action plan shall be made by
527 the department in cooperation with basin stakeholders. Revisions
528 to the management strategies required for nonpoint sources must
529 follow the procedures set forth in subparagraph (c)4. Revised
530 basin management action plans must be adopted pursuant to
531 subparagraph 5.

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

549 8. The provisions of the department's rule relating to the
550 equitable abatement of pollutants into surface waters do not
551 apply to water bodies or water body segments for which a basin

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552 management plan that takes into account future new or expanded
553 activities or discharges has been adopted under this section.

554 (d) Onsite sewage treatment and disposal systems.—

555 1. For purposes of this paragraph, the term "onsite sewage
556 treatment and disposal system" has the same meaning as in s.
557 381.0065.

558 2.a. As part of a basin management action plan, the
559 department, the Department of Health, relevant local
560 governments, and relevant local public and private wastewater
561 utilities shall develop an onsite sewage treatment and disposal
562 system remediation plan if the department identifies onsite
563 sewage treatment and disposal systems as contributors of at
564 least 20 percent of nonpoint source nutrient pollution or if the
565 department determines that remediation is necessary to achieve a
566 total maximum daily load.

567 b. In order to promote cost-effective remediation, the
568 department may identify one or more onsite sewage treatment and
569 disposal system priority focus areas. The department shall
570 identify these areas by considering soil conditions; groundwater
571 or surface water travel time; proximity to surface waters,
572 including predominantly marine waters as defined by department
573 rule; hydrogeology; onsite system density; nutrient load; and
574 other factors that may lead to water quality degradation. For
575 basin management action plans not governed by part VIII of
576 chapter 373, an onsite sewage treatment and disposal system
577 priority focus area means the area or areas of a basin where the
578 groundwater or surface water is generally most vulnerable to
579 pollutant inputs where there is a known connectivity between
580 groundwater pathways and an impaired water body, as determined

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581 by the department in consultation with the appropriate water
582 management districts and delineated in a basin management action
583 plan.

584 c. The remediation plan must identify cost-effective and
585 financially feasible projects necessary to reduce the nutrient
586 impacts from onsite sewage treatment and disposal systems. The
587 plan shall be completed and adopted as part of the basin
588 management action plan no later than the first 5-year milestone
589 assessment identified in subparagraph (a)6., for basin
590 management action plans generally, or as required in s.
591 373.807(1)(b)8., for Outstanding Florida Springs. Before
592 adopting the plan, the department shall hold one or more
593 publicly noticed meetings to receive input on the plan from the
594 general public. The plan shall include options for repair,
595 upgrade, replacement, drainfield modification, addition of
596 effective nitrogen reducing features, connection to a central
597 sewerage system, or other action for an onsite sewage treatment
598 and disposal system or group of systems. The department is the
599 lead agency in coordinating the preparation and adoption of the
600 plan. The department shall:

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

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

607 d. In addition to any other restrictions required to
608 achieve the total maximum daily load, the department may impose
609 any of the restrictions in s. 373.811 within any onsite sewage

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610 treatment disposal priority focus area.

611 e. If a local government fails to meet the timelines or
612 comply with the requirements of the onsite sewage treatment and
613 disposal system remediation plan, the local government may not
614 participate in the wastewater grant program established under s.
615 403.0673 until the actions in the remediation plan have been
616 completed. In addition, the department shall, unless good cause
617 is shown, assess penalties pursuant to ss. 403.121, 403.141, and
618 403.161 until the actions in the remediation plan have been
619 completed. The department may reduce penalties based on
620 expenditures designed to achieve compliance with the remediation
621 plan.

622 (e) Alternative restoration plan.—

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

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

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

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

635 2. In addition, the restoration plan must include any other
636 pollution control mechanisms that are being implemented to
637 demonstrate a reasonable assurance that existing or proposed
638 pollution control mechanisms or programs will effectively

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639 address the impairment. Upon adoption of such a restoration
640 plan, the requirement that best management practices or
641 monitoring be conducted within the watershed impacting the water
642 body is enforceable pursuant to this section and ss. 403.121,
643 403.141, and 403.161.

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

646 403.0673 Wastewater grant program.—A wastewater grant
647 program is established within the Department of Environmental
648 Protection.

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

655 (a) Projects to retrofit onsite sewage treatment and
656 disposal systems to upgrade them to nutrient-reducing onsite
657 sewage treatment and disposal systems.

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

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

662 (2) In allocating such funds, priority must be given to
663 projects that subsidize the connection of onsite sewage
664 treatment and disposal systems to a wastewater treatment plant.
665 In determining priorities, the department shall consider the
666 estimated reduction in nutrient load per project; project
667 readiness; cost-effectiveness of the project; overall

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

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

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

681 (5) Beginning January 1, 2021, and each January 1
682 thereafter, the department shall submit a report regarding the
683 projects funded pursuant to this section to the Governor, the
684 President of the Senate, and the Speaker of the House of
685 Representatives.

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

688 403.0771 Sewage spill notification; moratorium.-

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

694 (2) If a wastewater treatment facility owned by a local
695 government unlawfully discharges raw or partially treated sewage
696 into any waterway or aquifer, the local government may not

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697 participate in the wastewater grant program established under s.
698 403.0673 until any required maintenance, repair, or improvement
699 has been implemented to reduce or eliminate sanitary sewage
700 overflows, as determined by the department. In addition, the
701 department shall assess a penalty pursuant to ss. 403.121,
702 403.141, and 403.161 daily against a public or private
703 wastewater facility that unlawfully discharges raw or partially
704 treated sewage into any waterway or aquifer until the required
705 maintenance, repair, or improvement has been implemented. The
706 department may reduce a penalty based on the wastewater
707 treatment facility's investment in assessment and maintenance
708 activities to identify and address conditions that may cause
709 sanitary sewage overflows.

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

715 Section 10. Effective July 1, 2025, paragraph (c) of
716 subsection (1) of section 403.086, Florida Statutes, is amended
717 to read:

718 403.086 Sewage disposal facilities; advanced and secondary
719 waste treatment.—

720 (1)

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

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

736 Section 11. Paragraphs (b) and (g) of subsection (2) and
737 subsections (3), (8), and (9) of section 403.121, Florida
738 Statutes, are amended, and subsection (13) is added to that
739 section, to read:

740 403.121 Enforcement; procedure; remedies.—The department
741 shall have the following judicial and administrative remedies
742 available to it for violations of this chapter, as specified in
743 s. 403.161(1).

744 (2) Administrative remedies:

745 (b) If the department has reason to believe a violation has
746 occurred, it may institute an administrative proceeding to order
747 the prevention, abatement, or control of the conditions creating
748 the violation or other appropriate corrective action. Except for
749 violations involving hazardous wastes, asbestos, or underground
750 injection, the department shall proceed administratively in all
751 cases in which the department seeks administrative penalties
752 that do not exceed \$20,000 ~~\$10,000~~ per assessment as calculated
753 in accordance with subsections (3), (4), (5), (6), and (7).
754 Pursuant to 42 U.S.C. s. 300g-2, the administrative penalty

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755 assessed pursuant to subsection (3), subsection (4), or
756 subsection (5) against a public water system serving a
757 population of more than 10,000 shall be not less than \$1,000 per
758 day per violation. The department shall not impose
759 administrative penalties in excess of \$20,000 ~~\$10,000~~ in a
760 notice of violation. The department shall not have more than one
761 notice of violation seeking administrative penalties pending
762 against the same party at the same time unless the violations
763 occurred at a different site or the violations were discovered
764 by the department subsequent to the filing of a previous notice
765 of violation.

766 (g) Nothing herein shall be construed as preventing any
767 other legal or administrative action in accordance with law.
768 Nothing in this subsection shall limit the department's
769 authority provided in ss. 403.131, 403.141, and this section to
770 judicially pursue injunctive relief. When the department
771 exercises its authority to judicially pursue injunctive relief,
772 penalties in any amount up to the statutory maximum sought by
773 the department must be pursued as part of the state court action
774 and not by initiating a separate administrative proceeding. The
775 department retains the authority to judicially pursue penalties
776 in excess of \$20,000 ~~\$10,000~~ for violations not specifically
777 included in the administrative penalty schedule, or for multiple
778 or multiday violations alleged to exceed a total of \$20,000
779 ~~\$10,000~~. The department also retains the authority provided in
780 ss. 403.131, 403.141, and this section to judicially pursue
781 injunctive relief and damages, if a notice of violation seeking
782 the imposition of administrative penalties has not been issued.
783 The department has the authority to enter into a settlement,

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784 either before or after initiating a notice of violation, and the
785 settlement may include a penalty amount different from the
786 administrative penalty schedule. Any case filed in state court
787 because it is alleged to exceed a total of \$20,000 ~~\$10,000~~ in
788 penalties may be settled in the court action for less than
789 \$20,000 ~~\$10,000~~.

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

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

806 (b) For failure to obtain a required wastewater permit,
807 other than a permit required for surface water discharge, the
808 department shall assess a penalty of \$1,000. For a domestic or
809 industrial wastewater violation not involving a surface water or
810 groundwater quality violation, the department shall assess a
811 penalty of \$2,000 for an unpermitted or unauthorized discharge
812 or effluent-limitation exceedance. ~~For an unpermitted or~~

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813 ~~unauthorized discharge or effluent limitation exceedance that~~
814 ~~resulted in a surface water or groundwater quality violation,~~
815 ~~the department shall assess a penalty of \$5,000.~~

816 (c) For a dredge and fill or stormwater violation, the
817 department shall assess a penalty of \$1,000 for unpermitted or
818 unauthorized dredging or filling or unauthorized construction of
819 a stormwater management system against the person or persons
820 responsible for the illegal dredging or filling, or unauthorized
821 construction of a stormwater management system plus \$2,000 if
822 the dredging or filling occurs in an aquatic preserve,
823 Outstanding Florida Water, conservation easement, or Class I or
824 Class II surface water, plus \$1,000 if the area dredged or
825 filled is greater than one-quarter acre but less than or equal
826 to one-half acre, and plus \$1,000 if the area dredged or filled
827 is greater than one-half acre but less than or equal to one
828 acre. The administrative penalty schedule shall not apply to a
829 dredge and fill violation if the area dredged or filled exceeds
830 one acre. The department retains the authority to seek the
831 judicial imposition of civil penalties for all dredge and fill
832 violations involving more than one acre. The department shall
833 assess a penalty of \$3,000 for the failure to complete required
834 mitigation, failure to record a required conservation easement,
835 or for a water quality violation resulting from dredging or
836 filling activities, stormwater construction activities or
837 failure of a stormwater treatment facility. For stormwater
838 management systems serving less than 5 acres, the department
839 shall assess a penalty of \$2,000 for the failure to properly or
840 timely construct a stormwater management system. In addition to
841 the penalties authorized in this subsection, the department

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842 shall assess a penalty of \$5,000 per violation against the
843 contractor or agent of the owner or tenant that conducts
844 unpermitted or unauthorized dredging or filling. For purposes of
845 this paragraph, the preparation or signing of a permit
846 application by a person currently licensed under chapter 471 to
847 practice as a professional engineer shall not make that person
848 an agent of the owner or tenant.

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

858 (e) For solid waste violations, the department shall assess
859 a penalty of \$2,000 for the unpermitted or unauthorized disposal
860 or storage of solid waste; plus \$1,000 if the solid waste is
861 Class I or Class III (excluding yard trash) or if the solid
862 waste is construction and demolition debris in excess of 20
863 cubic yards, plus \$1,000 if the waste is disposed of or stored
864 in any natural or artificial body of water or within 500 feet of
865 a potable water well, plus \$1,000 if the waste contains PCB at a
866 concentration of 50 parts per million or greater; untreated
867 biomedical waste; friable asbestos greater than 1 cubic meter
868 which is not wetted, bagged, and covered; used oil greater than
869 25 gallons; or 10 or more lead acid batteries. The department
870 shall assess a penalty of \$3,000 for failure to properly

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871 maintain leachate control; unauthorized burning; failure to have
872 a trained spotter on duty at the working face when accepting
873 waste; failure to provide access control for three consecutive
874 inspections. The department shall assess a penalty of \$2,000 for
875 failure to construct or maintain a required stormwater
876 management system.

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

884 (g) For storage tank system and petroleum contamination
885 violations, the department shall assess a penalty of \$5,000 for
886 failure to empty a damaged storage system as necessary to ensure
887 that a release does not occur until repairs to the storage
888 system are completed; when a release has occurred from that
889 storage tank system; for failure to timely recover free product;
890 or for failure to conduct remediation or monitoring activities
891 until a no-further-action or site-rehabilitation completion
892 order has been issued. The department shall assess a penalty of
893 \$3,000 for failure to timely upgrade a storage tank system. The
894 department shall assess a penalty of \$2,000 for failure to
895 conduct or maintain required release detection; failure to
896 timely investigate a suspected release from a storage system;
897 depositing motor fuel into an unregistered storage tank system;
898 failure to timely assess or remediate petroleum contamination;
899 or failure to properly install a storage tank system. The

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900 department shall assess a penalty of \$1,000 for failure to
901 properly operate, maintain, or close a storage tank system.

902 (8) The direct economic benefit gained by the violator from
903 the violation, where consideration of economic benefit is
904 provided by Florida law or required by federal law as part of a
905 federally delegated or approved program, shall be added to the
906 scheduled administrative penalty. The total administrative
907 penalty, including any economic benefit added to the scheduled
908 administrative penalty, shall not exceed \$20,000 ~~\$10,000~~.

909 (9) The administrative penalties assessed for any
910 particular violation shall not exceed \$10,000 ~~\$5,000~~ against any
911 one violator, unless the violator has a history of
912 noncompliance, the economic benefit of the violation as
913 described in subsection (8) exceeds \$10,000 ~~\$5,000~~, or there are
914 multiday violations. The total administrative penalties shall
915 not exceed \$20,000 ~~\$10,000~~ per assessment for all violations
916 attributable to a specific person in the notice of violation.

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

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

925 403.814 General permits; delegation.—

926 (12) A general permit is granted for the construction,
927 alteration, and maintenance of a stormwater management system
928 serving a total project area of up to 10 acres meeting the

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929 criteria of this subsection. Such stormwater management systems
930 must be designed, operated, and maintained in accordance with
931 applicable rules adopted pursuant to part IV of chapter 373.
932 There is a rebuttable presumption that the discharge from such
933 systems complies with state water quality standards. The
934 construction of such a system may proceed without any further
935 agency action by the department or water management district if,
936 before construction begins, an electronic self-certification is
937 submitted to the department or water management district which
938 certifies that the proposed system was designed by a Florida
939 registered professional and that the registered professional has
940 certified that the proposed system will meet the following
941 additional requirements:

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

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

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

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

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

953 (f) The project does not:

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

956 2. Cause adverse impacts to existing surface water storage
957 and conveyance capabilities;

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958 3. Cause a violation of state water quality standards; or
959 4. Cause an adverse impact to the maintenance of surface or
960 ground water levels or surface water flows established pursuant
961 to s. 373.042 or a work of the district established pursuant to
962 s. 373.086; and-

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

965 Section 13. Present subsection (4) of section 403.9337,
966 Florida Statutes, is redesignated as subsection (5), and a new
967 subsection (4) is added to that section, to read:

968 403.9337 Model Ordinance for Florida-Friendly Fertilizer
969 Use on Urban Landscapes.—

970 (4) A local government that fails to adopt, enact, and
971 implement an ordinance required by subsection (2) by January 1,
972 2021, is subject to a penalty as provided in ss. 403.121,
973 403.141, and 403.161 daily and may not participate in the
974 wastewater grant program established under s. 403.0673 until the
975 ordinance has been adopted, enacted, and implemented. In
976 implementing the ordinance, a local government shall conduct
977 educational campaigns, enforcement programs, and mandatory
978 notification of property owners subject to the ordinance, and
979 shall submit a report on its efforts to the department for
980 publication on the department's website.

981 Section 14. (1) The Department of Environmental Protection
982 shall revise all basin management action plans that were adopted
983 pursuant to s. 403.067(7), Florida Statutes, and that were
984 approved by the Secretary of Environmental Protection or
985 prepared by the department before July 1, 2020, to conform
986 existing plans to changes made by this act. Revisions to such

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987 basin management action plans made pursuant to this act must be
988 completed by the next required 5-year milestone assessment for
989 those revisions scheduled for on or after July 1, 2022. The
990 department may grant a 6-month extension, upon a showing of good
991 cause, to a local government on the deadlines for its wastewater
992 treatment project plan or onsite sewage treatment and disposal
993 system remediation plans submitted as part of a basin management
994 action plan.

995 Section 15. The Legislature determines and declares that
996 this act fulfills an important state interest.

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