

By the Committee on Environment and Natural Resources; and
Senator Stewart

592-03544-21

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1 A bill to be entitled
2 An act relating to implementation of the
3 recommendations of the Blue-Green Algae Task Force;
4 providing a short title; amending s. 381.0065, F.S.;
5 requiring owners of onsite sewage treatment and
6 disposal systems to have the system periodically
7 inspected, beginning on a specified date; requiring
8 the department to administer the inspection program;
9 requiring the department to implement program
10 standards, procedures, and requirements; providing for
11 rulemaking; amending s. 403.067, F.S.; requiring new
12 or revised basin management action plans to include an
13 identification and prioritization of certain spatially
14 focused projects; requiring the department to assess
15 certain projects; providing an effective date.

16
17 WHEREAS, Governor Ron DeSantis created the Blue-Green Algae
18 Task Force in 2019 to "improve water quality for the benefit of
19 all Floridians," and the task force's consensus report was
20 issued in October 2019, with multiple recommendations for basin
21 management action plans (BMAP), agriculture, human waste,
22 stormwater, technology, public health, and science, and

23 WHEREAS, the Legislature recognizes that in June 2020,
24 Governor DeSantis signed Senate Bill 712, the Clean Waterways
25 Act, which implemented many of the recommendations of the task
26 force, and

27 WHEREAS, full implementation of the task force's
28 recommendations will require enactment of additional substantive
29 legislation, NOW, THEREFORE,

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

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33 Section 1. This act may be cited as the "Implementation of
34 Governor DeSantis' Blue-Green Algae Task Force Recommendations
35 Act."

36 Section 2. Present subsections (5), (6), and (7) of section
37 381.0065, Florida Statutes, are redesignated as subsections (6),
38 (7), and (8), respectively, and a new subsection (5) is added to
39 that section, to read:

40 381.0065 Onsite sewage treatment and disposal systems;
41 regulation.—

42 (5) PERIODIC INSPECTIONS.—

43 (a) Effective July 1, 2024, the owner of an onsite sewage
44 treatment and disposal system, excluding a system required to
45 have an operating permit, must have the system inspected at
46 least once every 5 years to assess the fundamental operational
47 condition of the system, prolong the life of the system, and
48 identify any failure within the system. The department shall
49 administer an onsite sewage treatment and disposal system
50 inspection program for such periodic inspections. The department
51 shall implement the program standards, procedures, and
52 requirements, and adopt rules that must include, at a minimum,
53 all of the following:

54 1. A schedule for a 5-year inspection cycle.

55 2. A county-by-county implementation plan phased in over a
56 10-year period with first priority given to those areas within a
57 springshed protection area identified by the department.

58 3. Minimum standards for a functioning system.

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59 4. Requirements for the pumpout or repair of a failing
60 system.

61 5. Enforcement procedures for failure of a system owner to
62 obtain an inspection of the system and failure of a contractor
63 to timely report inspection results to the department and the
64 system owner.

65 Section 3. Paragraph (a) of subsection (7) of section
66 403.067, Florida Statutes, is amended to read:

67 403.067 Establishment and implementation of total maximum
68 daily loads.—

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

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

72 1. In developing and implementing the total maximum daily
73 load for a water body, the department, or the department in
74 conjunction with a water management district, may develop a
75 basin management action plan that addresses some or all of the
76 watersheds and basins tributary to the water body. Such plan
77 must integrate the appropriate management strategies available
78 to the state through existing water quality protection programs
79 to achieve the total maximum daily loads and may provide for
80 phased implementation of these management strategies to promote
81 timely, cost-effective actions as provided for in s. 403.151.
82 The plan must establish a schedule implementing the management
83 strategies, establish a basis for evaluating the plan's
84 effectiveness, and identify feasible funding strategies for
85 implementing the plan's management strategies. The management
86 strategies may include regional treatment systems or other
87 public works, when appropriate, and voluntary trading of water

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88 quality credits to achieve the needed pollutant load reductions.

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

103 3. The basin management action planning process is intended
104 to involve the broadest possible range of interested parties,
105 with the objective of encouraging the greatest amount of
106 cooperation and consensus possible. In developing a basin
107 management action plan, the department shall assure that key
108 stakeholders, including, but not limited to, applicable local
109 governments, water management districts, the Department of
110 Agriculture and Consumer Services, other appropriate state
111 agencies, local soil and water conservation districts,
112 environmental groups, regulated interests, and affected
113 pollution sources, are invited to participate in the process.
114 The department shall hold at least one public meeting in the
115 vicinity of the watershed or basin to discuss and receive
116 comments during the planning process and shall otherwise

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117 encourage public participation to the greatest practicable
118 extent. Notice of the public meeting must be published in a
119 newspaper of general circulation in each county in which the
120 watershed or basin lies at least 5 days, but not more than 15
121 days, before the public meeting. A basin management action plan
122 does not supplant or otherwise alter any assessment made under
123 subsection (3) or subsection (4) or any calculation or initial
124 allocation.

125 4.a. Each new or revised basin management action plan shall
126 include:

127 (I)~~a.~~ The appropriate management strategies available
128 through existing water quality protection programs to achieve
129 total maximum daily loads, which may provide for phased
130 implementation to promote timely, cost-effective actions as
131 provided for in s. 403.151;

132 (II)~~b.~~ A description of best management practices adopted
133 by rule;

134 (III)~~c.~~ A list of projects in priority ranking with a
135 planning-level cost estimate and estimated date of completion
136 for each listed project;

137 (IV) Identification and prioritization of spatially focused
138 suites of projects in areas likely to yield maximum pollutant
139 reductions;

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

143 (VI)~~e.~~ A planning-level estimate of each listed project's
144 expected load reduction, if applicable.

145 b. For each project listed pursuant to this subparagraph

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146 which has a total cost that exceeds \$1 million, the department
147 shall assess through integrated and comprehensive monitoring
148 whether the project is working to reduce nutrient pollution or
149 water use, or both, as intended. These assessments must be
150 completed expeditiously and must be included in each basin
151 management action plan update.

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

156 6. The basin management action plan must include milestones
157 for implementation and water quality improvement, and an
158 associated water quality monitoring component sufficient to
159 evaluate whether reasonable progress in pollutant load
160 reductions is being achieved over time. An assessment of
161 progress toward these milestones shall be conducted every 5
162 years, and revisions to the plan shall be made as appropriate.
163 Revisions to the basin management action plan shall be made by
164 the department in cooperation with basin stakeholders. Revisions
165 to the management strategies required for nonpoint sources must
166 follow the procedures in subparagraph (c)4. Revised basin
167 management action plans must be adopted pursuant to subparagraph
168 5.

169 7. In accordance with procedures adopted by rule under
170 paragraph (9)(c), basin management action plans, and other
171 pollution control programs under local, state, or federal
172 authority as provided in subsection (4), may allow point or
173 nonpoint sources that will achieve greater pollutant reductions
174 than required by an adopted total maximum daily load or

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175 wasteload allocation to generate, register, and trade water
176 quality credits for the excess reductions to enable other
177 sources to achieve their allocation; however, the generation of
178 water quality credits does not remove the obligation of a source
179 or activity to meet applicable technology requirements or
180 adopted best management practices. Such plans must allow trading
181 between NPDES permittees, and trading that may or may not
182 involve NPDES permittees, where the generation or use of the
183 credits involve an entity or activity not subject to department
184 water discharge permits whose owner voluntarily elects to obtain
185 department authorization for the generation and sale of credits.

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

191 9. In order to promote resilient wastewater utilities, if
192 the department identifies domestic wastewater treatment
193 facilities or onsite sewage treatment and disposal systems as
194 contributors of at least 20 percent of point source or nonpoint
195 source nutrient pollution or if the department determines
196 remediation is necessary to achieve the total maximum daily
197 load, a basin management action plan for a nutrient total
198 maximum daily load must include the following:

199 a. A wastewater treatment plan developed by each local
200 government, in cooperation with the department, the water
201 management district, and the public and private domestic
202 wastewater treatment facilities within the jurisdiction of the
203 local government, that addresses domestic wastewater. The

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204 wastewater treatment plan must:

205 (I) Provide for construction, expansion, or upgrades
206 necessary to achieve the total maximum daily load requirements
207 applicable to the domestic wastewater treatment facility.

208 (II) Include the permitted capacity in average annual
209 gallons per day for the domestic wastewater treatment facility;
210 the average nutrient concentration and the estimated average
211 nutrient load of the domestic wastewater; a projected timeline
212 of the dates by which the construction of any facility
213 improvements will begin and be completed and the date by which
214 operations of the improved facility will begin; the estimated
215 cost of the improvements; and the identity of responsible
216 parties.

217

218 The wastewater treatment plan must be adopted as part of the
219 basin management action plan no later than July 1, 2025. A local
220 government that does not have a domestic wastewater treatment
221 facility in its jurisdiction is not required to develop a
222 wastewater treatment plan unless there is a demonstrated need to
223 establish a domestic wastewater treatment facility within its
224 jurisdiction to improve water quality necessary to achieve a
225 total maximum daily load. A local government is not responsible
226 for a private domestic wastewater facility's compliance with a
227 basin management action plan unless such facility is operated
228 through a public-private partnership to which the local
229 government is a party.

230 b. An onsite sewage treatment and disposal system
231 remediation plan developed by each local government in
232 cooperation with the department, the Department of Health, water

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233 management districts, and public and private domestic wastewater
234 treatment facilities.

235 (I) The onsite sewage treatment and disposal system
236 remediation plan must identify cost-effective and financially
237 feasible projects necessary to achieve the nutrient load
238 reductions required for onsite sewage treatment and disposal
239 systems. To identify cost-effective and financially feasible
240 projects for remediation of onsite sewage treatment and disposal
241 systems, the local government shall:

242 (A) Include an inventory of onsite sewage treatment and
243 disposal systems based on the best information available;

244 (B) Identify onsite sewage treatment and disposal systems
245 that would be eliminated through connection to existing or
246 future central domestic wastewater infrastructure in the
247 jurisdiction or domestic wastewater service area of the local
248 government, that would be replaced with or upgraded to enhanced
249 nutrient-reducing onsite sewage treatment and disposal systems,
250 or that would remain on conventional onsite sewage treatment and
251 disposal systems;

252 (C) Estimate the costs of potential onsite sewage treatment
253 and disposal system connections, upgrades, or replacements; and

254 (D) Identify deadlines and interim milestones for the
255 planning, design, and construction of projects.

256 (II) The department shall adopt the onsite sewage treatment
257 and disposal system remediation plan as part of the basin
258 management action plan no later than July 1, 2025, or as
259 required for Outstanding Florida Springs under s. 373.807.

260 10. When identifying wastewater projects in a basin
261 management action plan, the department may not require the

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262 higher cost option if it achieves the same nutrient load
263 reduction as a lower cost option. A regulated entity may choose
264 a different cost option if it complies with the pollutant
265 reduction requirements of an adopted total maximum daily load
266 and meets or exceeds the pollution reduction requirement of the
267 original project.

268 Section 4. This act shall take effect July 1, 2021.