

Committee on Environment and Natural Resources

CS/CS/HB 1379 — Environmental Protection

by Infrastructure Strategies Committee; Water Quality, Supply, and Treatment Subcommittee; and Reps. Steele, Overdorf, and others (CS/CS/SB 1632 by Fiscal Policy Committee; Environment and Natural Resources Committee; and Senators Brodeur and Avila)

The bill is related to environmental protection. The major topics in the bill include wastewater treatment, onsite sewage treatment and disposal systems (OSTDSs), sanitary sewer services, basin management action plans (BMAPs), the wastewater grant program, the Indian River Lagoon (IRL), and the acquisition of state lands. The bill provides the following:

Acquisition of state lands

- Appropriates \$100 million annually to the Department of Environmental Protection (DEP) for the acquisition of land under the Florida Forever Act.
- Raises the property value threshold for when two appraisals of a parcel are required from \$1 million to \$5 million.
- Reduces the types of land purchases that must be approved by the Board of Trustees of the Internal Improvement Trust Fund.
- Allows DEP to acquire parcels for the full value of that parcel as determined pursuant to the highest approved appraisal.
- Requires DEP and the Department of Agriculture and Consumer Services (DACS) to disclose otherwise confidential appraisal reports to private landowners or their representatives during negotiations for the acquisition of state lands or conservation easements.

Advanced waste treatment

- Requires sewage disposal facilities to provide advanced waste treatment before discharging into certain impaired waters by January 1, 2033.
- Requires that, for waters that become impaired after July 1, 2023, sewage disposal facilities must provide advanced waste treatment within 10 years of the designation.

OSTDSs

- Prohibits new OSTDSs within a BMAP, reasonable assurance plan, or pollution reduction plan where sewer is available. On lots one acre or less where sewer is not available, new OSTDSs must be an enhanced system or other treatment system that achieves at least 65 percent nitrogen reduction.
- Encourages local government agencies that receive grants or loans from DEP for connecting OSTDSs to sewer systems to notify owners of OSTDSs that such funding is available and provide this information online.
- For BMAPs that include an Outstanding Florida Spring, the bill expands the area for which an OSTDS remediation plan is required from a “priority focus area” to the entire BMAP.

Sanitary sewer services

- Requires local governments to consider the feasibility of providing sanitary sewer services for developments of more than 50 residential lots that have more than one OSTDS per acre within a 10-year planning horizon (not required for rural areas of opportunity).
- Requires local governments to update their comprehensive plans to include the sanitary sewer planning element by July 1, 2024.
- Requires local governments that are subject to a BMAP (or located within the basin of waters not meeting applicable nutrient-related water quality standards) to provide DEP with an annual update on the status of the construction of sanitary sewers to serve such areas.

Wastewater grant program

- Expands the areas/types of waterbodies that are eligible to receive funding.
- Expands the types of projects that are eligible for grants to include additional wastewater projects, stormwater projects, and regional agricultural projects (retitling the grant program to the “water quality improvement grant program”).
- Removes the requirement that each grant have a minimum 50 percent local match of funds, but allows DEP to consider percent cost-share identified by an applicant (except for rural areas of opportunity) when prioritizing projects.
- Requires DEP to coordinate with local governments, stakeholders, and DACS to identify and prioritize the most effective and beneficial water quality improvement projects.

IRL

- Establishes the IRL Protection Program, consisting of the Banana River Lagoon BMAP, the Central Indian River Lagoon BMAP, the North Indian River Lagoon BMAP, and the Mosquito Lagoon Reasonable Assurance Plan.
- Sets forth requirements for the program, including evaluation of the BMAP, identification and prioritization of projects, and water quality monitoring.
- Prohibits new OSTDSs (unless previously permitted) within the IRL Protection Program area beginning January 1, 2024, where a central sewerage system is available. For new developments where sewer is not available, only enhanced nutrient-reducing OSTDSs will be authorized.
- Requires any commercial or residential property with an existing OSTDS located within the IRL Protection Program area to connect to central sewer or upgrade to an enhanced nutrient-reducing OSTDS or other wastewater treatment system that achieves at least 65 percent nitrogen reduction by July 1, 2030.

BMAPs

- Requires BMAPs to include five-year milestones for implementation and water quality improvement.
- Requires entities that have a specific pollutant load reduction requirement to submit to DEP a list of projects that will be undertaken to meet the five-year milestones.

- Requires DEP to coordinate with DACS and owners of agricultural operations in a BMAP to identify a list projects that will reduce pollutant loads for agricultural nonpoint sources.
- Requires local governments to include in their comprehensive plans a list of projects necessary to achieve pollutant load reductions attributable to the local government as part of a BMAP.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023, unless otherwise provided.

Vote: Senate 40-0; House 116-0