

1 A bill to be entitled
2 An act relating to springs protection; amending s.
3 201.15, F.S.; specifying distributions to the
4 Ecosystem Management and Restoration Trust Fund;
5 amending s. 259.035, F.S.; specifying membership of
6 the Acquisition and Restoration Council; expanding
7 duties to include ranking of spring protection
8 projects; providing ranking criteria; specifying the
9 number of votes required for an affirmative action of
10 the council; providing rule making authority; amending
11 s. 373.042, F.S.; specifying minimum flows and levels
12 for Outstanding Florida Springs; amending s. 373.0421,
13 F.S.; conforming a cross-reference; creating part VIII
14 of ch. 373, F.S.; providing a short title; providing
15 legislative findings and intent; providing
16 definitions; providing procedures for delineations of
17 spring protection and management zones; requiring the
18 water management districts to adopt minimum flows and
19 levels for Outstanding Florida Springs; providing
20 procedures for improving water quality in Outstanding
21 Florida Springs; providing a funding mechanism;
22 specifying prohibited activities affecting Outstanding
23 Florida Springs; providing rule making authority;
24 amending s. 381.0065, F.S.; providing a definition;
25 requiring the Department of Health to submit a study
26 on responsible management entities; authorizing
27 creation of responsible management entities; amending
28 403.067, F.S.; authorizing the Department of
29 Environmental Protection to develop basin management

30 action plans for unimpaired water bodies; specifying
31 criteria for development of a basin management action
32 plan for an Outstanding Florida Spring; repealing s.
33 381.00651, F.S.; relating to periodic evaluation and
34 assessment of onsite sewage treatment and disposal
35 systems; requiring the Department of Agriculture and
36 Consumer Services, the Department of Environmental
37 Protection and the water management districts to
38 submit a study related to beneficial uses of reclaimed
39 water, stormwater, excess surface water, and nutrient
40 loading from row crops; providing an effective date.

41

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

43

44 Section 1. Subsection (1) of section 201.15, Florida
45 Statutes, is amended to read

46 201.15 Distribution of taxes collected.—All taxes collected
47 under this chapter are subject to the service charge imposed in
48 s. 215.20(1). Prior to distribution under this section, the
49 Department of Revenue shall deduct amounts necessary to pay the
50 costs of the collection and enforcement of the tax levied by
51 this chapter. Such costs and the service charge may not be
52 levied against any portion of taxes pledged to debt service on
53 bonds to the extent that the costs and service charge are
54 required to pay any amounts relating to the bonds. After
55 distributions are made pursuant to subsection (1), all of the
56 costs of the collection and enforcement of the tax levied by
57 this chapter and the service charge shall be available and
58 transferred to the extent necessary to pay debt service and any

59 other amounts payable with respect to bonds authorized before
60 January 1, 2013, secured by revenues distributed pursuant to
61 subsection (1). All taxes remaining after deduction of costs and
62 the service charge shall be distributed as follows:

63 (1) Sixty-three and thirty-one hundredths percent of the
64 remaining taxes shall be used for the following purposes:

65 (a) Amounts necessary to pay the debt service on, or fund
66 debt service reserve funds, rebate obligations, or other amounts
67 payable with respect to Preservation 2000 bonds issued pursuant
68 to s. 375.051 and Florida Forever bonds issued pursuant to s.
69 215.618, shall be paid into the State Treasury to the credit of
70 the Land Acquisition Trust Fund to be used for such purposes.
71 The amount transferred to the Land Acquisition Trust Fund may
72 not exceed \$300 million in fiscal year 1999-2000 and thereafter
73 for Preservation 2000 bonds and bonds issued to refund
74 Preservation 2000 bonds, and \$300 million in fiscal year 2000-
75 2001 and thereafter for Florida Forever bonds. The annual amount
76 transferred to the Land Acquisition Trust Fund for Florida
77 Forever bonds may not exceed \$30 million in the first fiscal
78 year in which bonds are issued. The limitation on the amount
79 transferred shall be increased by an additional \$30 million in
80 each subsequent fiscal year, but may not exceed a total of \$300
81 million in any fiscal year for all bonds issued. It is the
82 intent of the Legislature that all bonds issued to fund the
83 Florida Forever Act be retired by December 31, 2040. Except for
84 bonds issued to refund previously issued bonds, no series of
85 bonds may be issued pursuant to this paragraph unless such bonds
86 are approved and the debt service for the remainder of the
87 fiscal year in which the bonds are issued is specifically

88 appropriated in the General Appropriations Act. For purposes of
89 refunding Preservation 2000 bonds, amounts designated within
90 this section for Preservation 2000 and Florida Forever bonds may
91 be transferred between the two programs to the extent provided
92 for in the documents authorizing the issuance of the bonds. The
93 Preservation 2000 bonds and Florida Forever bonds are equally
94 and ratably secured by moneys distributable to the Land
95 Acquisition Trust Fund pursuant to this section, except as
96 specifically provided otherwise by the documents authorizing the
97 issuance of the bonds. Moneys transferred to the Land
98 Acquisition Trust Fund pursuant to this paragraph, or earnings
99 thereon, may not be used or made available to pay debt service
100 on the Save Our Coast revenue bonds.

101 (b) Moneys shall be paid into the State Treasury to the
102 credit of the Save Our Everglades Trust Fund in amounts
103 necessary to pay debt service, provide reserves, and pay rebate
104 obligations and other amounts due with respect to bonds issued
105 under s. 215.619. Taxes distributed under paragraph (a) and this
106 paragraph must be collectively distributed on a pro rata basis
107 when the available moneys under this subsection are not
108 sufficient to cover the amounts required under paragraph (a) and
109 this paragraph.

110 (c) After the required payments under paragraphs (a) and
111 (b), the remainder shall be paid into the State Treasury to the
112 credit of:

113 1. The State Transportation Trust Fund in the Department of
114 Transportation in the amount of the lesser of 38.2 percent of
115 the remainder or \$541.75 million in each fiscal year. Out of
116 such funds, the first \$50 million for the 2012-2013 fiscal year;

117 \$65 million for the 2013-2014 fiscal year; and \$75 million for
118 the 2014-2015 fiscal year and all subsequent years, shall be
119 transferred to the State Economic Enhancement and Development
120 Trust Fund within the Department of Economic Opportunity. The
121 remainder is to be used for the following specified purposes,
122 notwithstanding any other law to the contrary:

123 a. For the purposes of capital funding for the New Starts
124 Transit Program, authorized by Title 49, U.S.C. s. 5309 and
125 specified in s. 341.051, 10 percent of these funds;

126 b. For the purposes of the Small County Outreach Program
127 specified in s. 339.2818, 5 percent of these funds. Effective
128 July 1, 2014, the percentage allocated under this sub-
129 subparagraph shall be increased to 10 percent;

130 c. For the purposes of the Strategic Intermodal System
131 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent
132 of these funds after allocating for the New Starts Transit
133 Program described in sub-subparagraph a. and the Small County
134 Outreach Program described in sub-subparagraph b.; and

135 d. For the purposes of the Transportation Regional
136 Incentive Program specified in s. 339.2819, 25 percent of these
137 funds after allocating for the New Starts Transit Program
138 described in sub-subparagraph a. and the Small County Outreach
139 Program described in sub-subparagraph b. Effective July 1, 2014,
140 the first \$60 million of the funds allocated pursuant to this
141 sub-subparagraph shall be allocated annually to the Florida Rail
142 Enterprise for the purposes established in s. 341.303(5).

143 2. The Grants and Donations Trust Fund in the Department of
144 Economic Opportunity in the amount of the lesser of .23 percent
145 of the remainder or \$3.25 million in each fiscal year to fund

146 technical assistance to local governments.

147 3. The Ecosystem Management and Restoration Trust Fund in
148 the amount of:

149 a. The lesser of 2.12 percent of the remainder or \$30
150 million in each fiscal year, to be used for the preservation and
151 repair of the state's beaches as provided in ss. 161.091-
152 161.212, and

153 b. Thirty-six and nine tenths percent of the remainder in
154 each fiscal year to be used for restoration and protection of
155 Outstanding Florida Springs, as defined by s. 373.803, and for
156 the acquisition of lands identified in the most current Board of
157 Trustees Florida Forever Priority List per s. 259.105(4)(d)3.
158 that accomplish protection of the essential parcels of the named
159 spring projects that improve water quality or conserve water use
160 and are located partially or fully within a spring protection
161 and management zone of an Outstanding Florida Spring.

162 4. General Inspection Trust Fund in the amount of the
163 lesser of .02 percent of the remainder or \$300,000 in each
164 fiscal year to be used to fund oyster management and restoration
165 programs as provided in s. 379.362(3).

166
167 Moneys distributed pursuant to this paragraph may not be pledged
168 for debt service unless such pledge is approved by referendum of
169 the voters.

170 (d) After the required payments under paragraphs (a), (b),
171 and (c), the remainder shall be paid into the State Treasury to
172 the credit of the General Revenue Fund to be used and expended
173 for the purposes for which the General Revenue Fund was created
174 and exists by law.

175 Section 2. Section 259.035, Florida Statutes, is amended to
176 read:

177 259.035 Acquisition and Restoration Council.—

178 (1) There is created the Acquisition and Restoration
179 Council.

180 (a) The council shall be composed of 11 ~~10~~ voting members,
181 4 of whom shall be appointed by the Governor. Of these four
182 appointees, three shall be from scientific disciplines related
183 to land, water, or environmental sciences and the fourth shall
184 have at least 5 years of experience in managing lands for both
185 active and passive types of recreation. They shall serve 4-year
186 terms, except that, initially, to provide for staggered terms,
187 two of the appointees shall serve 2-year terms. All subsequent
188 appointments shall be for 4-year terms. An appointee may not
189 serve more than 6 years. The Governor may at any time fill a
190 vacancy for the unexpired term of a member appointed under this
191 paragraph.

192 (b) ~~The Four remaining~~ additional appointees shall be
193 composed of the Secretary of Environmental Protection, the
194 director of the Florida Forest Service of the Department of
195 Agriculture and Consumer Services, the executive director of the
196 Fish and Wildlife Conservation Commission, and the director of
197 the Division of Historical Resources of the Department of State,
198 or their respective designees.

199 (c) Of the three remaining members, one member shall be
200 appointed by the Commissioner of Agriculture with a discipline
201 related to agriculture including silviculture, ~~—~~ one member shall
202 be appointed by the Fish and Wildlife Conservation Commission
203 with a discipline related to wildlife management or wildlife

204 ecology, and one member shall be appointed by the Secretary of
205 Environmental Protection with a discipline related to water
206 quality management, including dissolved oxygen levels and
207 nutrient pollution of groundwater and surface water.

208 (d) The Governor shall appoint the chair of the council,
209 and a vice chair shall be elected from among the members.

210 (e) The council shall hold periodic meetings at the request
211 of the chair.

212 (f) The Department of Environmental Protection shall
213 provide primary staff support to the council and shall ensure
214 that council meetings are electronically recorded. Such
215 recording shall be preserved pursuant to chapters 119 and 257.

216 (g) The board of trustees has authority to adopt rules
217 pursuant to ss. 120.536(1) and 120.54 to implement the
218 provisions of this section.

219 (2) The four members of the council appointed pursuant to
220 paragraph (a) and the three ~~two~~ members of the council appointed
221 pursuant to paragraph (c) shall receive reimbursement for
222 expenses and per diem for travel, to attend council meetings, as
223 allowed state officers and employees while in the performance of
224 their duties, pursuant to s. 112.061.

225 (3) The council shall provide assistance to the board of
226 trustees in reviewing the recommendations and plans for state-
227 owned lands required under ss. 253.034 and 259.032. The council
228 shall, in reviewing such recommendations and plans, consider the
229 optimization of multiple-use and conservation strategies to
230 accomplish the provisions funded pursuant to ss. 259.101(3) (a)
231 and 259.105(3) (b) .

232 (4) (a) The council may use existing rules adopted by the

233 board of trustees, until it develops and recommends amendments
234 to those rules, to competitively evaluate, select, and rank
235 projects eligible for the Conservation and Recreation Lands list
236 pursuant to ss. 259.032(3) and 259.101(4), or projects eligible
237 for funding pursuant to s. 373.809.

238 (b) By December 1, 2009, the Acquisition and Restoration
239 Council shall develop rules defining specific criteria and
240 numeric performance measures needed for lands that are to be
241 acquired for public purpose under the Florida Forever program
242 pursuant to s. 259.105. Each recipient of Florida Forever funds
243 shall assist the council in the development of such rules. These
244 rules shall be reviewed and adopted by the board, then submitted
245 to the Legislature for consideration by February 1, 2010. The
246 Legislature may reject, modify, or take no action relative to
247 the proposed rules. If no action is taken, the rules shall be
248 implemented. Subsequent to their approval, each recipient of
249 Florida Forever funds shall annually report to the Division of
250 State Lands on each of the numeric performance measures
251 accomplished during the previous fiscal year.

252 (c) By December 31, 2014, the Acquisition and Restoration
253 Council must develop and recommend rules to competitively
254 evaluate, select, and rank projects eligible for partial or
255 complete funding pursuant to s. 373.809. In addition, the
256 council must also develop and recommend rules to fund pilot
257 projects that test the effectiveness of innovative or existing
258 nutrient reduction technologies to minimize nutrient pollution
259 in Florida's springs. At a minimum, the council must approve
260 funding for two pilot projects in each project selection cycle,
261 if the department makes a determination that each pilot project

262 will not be harmful to the ecological resources in the study
263 area. In developing these rules, the council must give
264 preference to projects estimated to result in the greatest
265 improvements to water quality and water quantity. At a minimum,
266 the council must consider the following criteria:

267 1. Whether the project is within a spring protection and
268 management zone of an Outstanding Florida Spring impaired by
269 nutrients.

270 2. Whether the project is within a spring protection and
271 management zone of an Outstanding Florida Spring that is not
272 meeting its adopted minimum flow or level.

273 3. The level of nutrient impairment of the Outstanding
274 Florida Spring in which the project is located.

275 4. The flow necessary to restore the Outstanding Florida
276 Spring to its adopted minimum flow or level.

277 5. The quantity of pollutants, particularly total nitrogen,
278 the project is estimated to remove from a spring protection and
279 management zone.

280 6. The anticipated impact of the project on restoring or
281 increasing water flows or levels.

282 7. Whether the project facilitates or enhances an existing
283 basin management action plan adopted by the Department of
284 Environmental Protection to address pollutant loadings.

285 8. Whether the project is identified and prioritized in an
286 adopted regional water supply plan.

287 9. The percentage of matching funds provided by the
288 applicant that exceeds the statutory minimum allowed under s.
289 373.807, s. 373.809, or s. 373.811.

290 10. For multiple-year projects, the project has funding

291 sources that are identified and assured through the expected
292 completion of the project.

293 11. The cost of the project and length of time it will take
294 to complete compared to its expected benefits.

295 12. Whether the applicant has expended its own funds since
296 July 1, 2009, on projects to improve water quality or conserve
297 water use within a springshed or spring protection and
298 management zone of an Outstanding Florida Spring, with
299 preference to those applicants who have funded such
300 projects. (d) ~~(e)~~ In developing or amending rules, the council
301 shall give weight to the criteria included in s. 259.105(10).
302 The board of trustees shall review the recommendations and shall
303 adopt rules necessary to administer this section.

304 (5) An affirmative vote of six ~~five~~ members of the council
305 is required in order to change a project boundary or to place a
306 proposed project on a list developed pursuant to subsection (4).
307 Any member of the council who by family or a business
308 relationship has a connection with all or a portion of any
309 proposed project shall declare the interest before voting on its
310 inclusion on a list.

311 (6) The proposal for a project pursuant to this section or
312 s. 259.105(3) (b), or s. 373.809 may be implemented only if
313 adopted by the council and approved by the board of trustees.
314 The council shall consider and evaluate in writing the merits
315 and demerits of each project that is proposed for Conservation
316 and Recreation Lands, Florida Preservation 2000, or Florida
317 Forever, or s. 373.809 funding and shall ensure that each
318 proposed project will meet a stated public purpose for the
319 restoration, conservation, or preservation of environmentally

320 sensitive lands and water areas or for providing outdoor
321 recreational opportunities. The council also shall determine
322 whether the project conforms, where applicable, with the
323 comprehensive plan developed pursuant to s. 259.04(1)(a), the
324 comprehensive multipurpose outdoor recreation plan developed
325 pursuant to s. 375.021, the state lands management plan adopted
326 pursuant to s. 253.03(7), the water resources work plans
327 developed pursuant to s. 373.199, and the provisions of s.
328 259.032, s. 259.101, or s. 259.105, or s. 373.809, whichever is
329 applicable.

330 Section 3. Subsection (1) of section 373.042, Florida
331 Statutes, is amended to read:

332 373.042 Minimum flows and levels.—

333 (1) Within each section, or the water management district
334 as a whole, the department or the governing board must ~~shall~~
335 establish the following:

336 (a) Minimum flow for all surface watercourses in the area.
337 The minimum flow for a given watercourse is ~~shall be~~ the limit
338 at which further withdrawals would be significantly harmful to
339 the water resources or ecology of the area.

340 (b) Minimum water level. The minimum water level is ~~shall~~
341 ~~be~~ the level of groundwater in an aquifer and the level of
342 surface water at which further withdrawals would be
343 significantly harmful to the water resources of the area.

344 (c) For Outstanding Florida Springs, as defined in s.
345 373.019, the minimum flow and level are the limit and level,
346 respectively, at which further withdrawals would be harmful to
347 the water resources or ecology of the area.

348

349 The minimum flow and minimum water level shall be calculated by
350 the department and the governing board using the best
351 information available. When appropriate, minimum flows and
352 levels may be calculated to reflect seasonal variations. The
353 department and the governing board shall also consider, and at
354 their discretion may provide for, the protection of
355 nonconsumptive uses in the establishment of minimum flows and
356 levels.

357 Section 4. Subsection (1) of section 373.0421, Florida
358 Statutes, is amended to read:

359 373.0421 Establishment and implementation of minimum flows
360 and levels.—

361 (1) ESTABLISHMENT.—

362 (a) *Considerations.*—When establishing minimum flows and
363 levels pursuant to s. 373.042, the department or governing board
364 shall consider changes and structural alterations to watersheds,
365 surface waters, and aquifers and the effects such changes or
366 alterations have had, and the constraints such changes or
367 alterations have placed, on the hydrology of an affected
368 watershed, surface water, or aquifer, provided that nothing in
369 this paragraph shall allow significant harm as provided by s.
370 373.042(1)(a) and (b), or harm as provided by s. 373.042(1)(c),
371 caused by withdrawals.

372 (b) *Exclusions.*—

373 1. The Legislature recognizes that certain water bodies no
374 longer serve their historical hydrologic functions. The
375 Legislature also recognizes that recovery of these water bodies
376 to historical hydrologic conditions may not be economically or
377 technically feasible, and that such recovery effort could cause

378 adverse environmental or hydrologic impacts. Accordingly, the
379 department or governing board may determine that setting a
380 minimum flow or level for such a water body based on its
381 historical condition is not appropriate.

382 2. The department or the governing board is not required to
383 establish minimum flows or levels pursuant to s. 373.042 for
384 surface water bodies less than 25 acres in area, unless the
385 water body or bodies, individually or cumulatively, have
386 significant economic, environmental, or hydrologic value.

387 3. The department or the governing board shall not set
388 minimum flows or levels pursuant to s. 373.042 for surface water
389 bodies constructed prior to the requirement for a permit, or
390 pursuant to an exemption, a permit, or a reclamation plan which
391 regulates the size, depth, or function of the surface water body
392 under the provisions of this chapter, chapter 378, or chapter
393 403, unless the constructed surface water body is of significant
394 hydrologic value or is an essential element of the water
395 resources of the area.

396
397 The exclusions of this paragraph shall not apply to the
398 Everglades Protection Area, as defined in s. 373.4592(2)(i).

399 Section 5. Part VIII of chapter 373, Florida Statutes,
400 consisting of sections 373.801, 373.802, 373.803, 373.805,
401 373.807, 373.809, 373.811, and 373.813 is created to read:

402 373.801 Short title.—This part may be cited as the “Florida
403 Springs and Aquifer Protection Act.”

404 373.802 Legislative findings and intent.—

405 (1) Florida’s springs are a unique part of Florida’s scenic
406 beauty, deserving the highest level of protection under Article

407 II, Section 7, of the Constitution. Springs provide critical
408 habitat for plants and animals, including many endangered or
409 threatened species. They also provide immeasurable natural,
410 recreational, economic, and inherent value. Flow and water
411 quality at springs are indicators of local conditions in the
412 Floridan Aquifer that provides the drinking water for many
413 Floridians. They are of great scientific importance in
414 understanding the functioning of aquatic ecosystems. In
415 addition, Florida's springs provide recreational opportunities
416 for swimming, canoeing, wildlife watching, fishing, cave diving,
417 and many other activities. Because of the recreational
418 opportunities and accompanying tourism, many of the state's
419 springs greatly benefit state and local economies.

420 (2) The water quantity and water quality in our springs are
421 directly related. For regulatory purpose the department has
422 primary responsibility for water quality, the water management
423 districts have primary responsibility for setting minimum flows and
424 levels, the Department of Agriculture and Consumer Services has
425 primary responsibility for the development and implementation of
426 best management practices, and the local governments have
427 primary responsibility for providing wastewater and stormwater
428 management. All of the foregoing responsible entities must work
429 together in a coordinated manner to restore the water quantity
430 and water quality for Outstanding Florida Springs.

431 (3) The Legislature recognizes:

432 (a) Springs are only as healthy as their springsheds. The
433 groundwater that supplies springs is derived from rainfall that
434 recharges the aquifer system in the form of seepage from the
435 land surface and through direct conduits such as sinkholes.

436 Springs are adversely affected by polluted runoff from urban and
437 agricultural lands, discharges resulting from poor wastewater
438 and stormwater management practices, stormwater runoff, and
439 reduced levels of the Floridan aquifer. As a result, the
440 hydrologic and environmental condition of a spring or spring run
441 is directly influenced by activities and land uses within a
442 springshed and water withdrawals from the Floridan Aquifer.

443 (b) Florida's springs, whether found in urban or rural
444 settings, or on public or private lands, are threatened by
445 actual, or potential, flow reductions and declining water
446 quality. Many of Florida's springs show signs of significant
447 ecological imbalance, increased nutrient loading, and lowered
448 water flow. Without effective remedial action, further declines
449 in water quality and quantity can be expected.

450 (c) Florida's standards regulating both quality and
451 quantity of waters, including minimum criteria relating to
452 nutrient concentrations in groundwater, need to protect both
453 human health and the complex biological and ecological systems
454 that contribute to the integrity of Florida's springs.

455 (d) Springshed boundaries and areas of high vulnerability
456 within a springshed need to be identified, delineated, and
457 characterized using the best available data.

458 (e) A coordinated statewide springs protection plan is
459 needed because springsheds cross local government jurisdictional
460 boundaries.

461 (f) Florida's aquifers and springs are a complex system,
462 with many variables and influences, and some scientific
463 uncertainty may often exist regarding their present states and
464 what actions are needed to ensure their recovery and health, and

465 the health and vitality of the springs ecosystems they
466 support. The Legislature intends that in implementing this act
467 the department and the water management districts must take a
468 precautionary approach to springs protection. Where there is the
469 possibility of significant or irreversible harm, lack of full
470 scientific certainty may not be used as a reason for postponing
471 common sense measures required to protect springs under this
472 act.

473 (4) It is the intent of the Legislature that state agencies
474 and water management districts work together with local
475 governments to provide the data necessary to delineate
476 springsheds and spring protection and management zones, and to
477 develop comprehensive plans and land development regulations
478 that protect Florida's springs for future generations. The
479 Legislature recognizes that sufficient information presently
480 exists to act, urgent action is needed, and action can be
481 continually modified as additional data is acquired.

482 373.803 Definitions.—As used in this part, the term:

483 (1) "Bedroom" means a room that can be used for sleeping
484 and that:

485 a. For site-built dwellings, has a minimum of 70 square
486 feet of conditioned space;

487 b. For manufactured homes, is constructed according to the
488 standards of the United States Department of Housing and Urban
489 Development and has a minimum of 50 square feet of floor area;

490 c. Is located along an exterior wall;

491 d. Has a closet and a door or an entrance where a door
492 could be reasonably installed; and

493 e. Has an emergency means of escape and rescue opening to

494 the outside in accordance with the Florida Building Code.

495 2. A room may not be considered a bedroom if it is used to
496 access another room except a bathroom or closet.

497 3. "Bedroom" does not include a hallway, bathroom, kitchen,
498 living room, family room, dining room, den, breakfast nook,
499 pantry, laundry room, sunroom, recreation room, media/video
500 room, or exercise room.

501 (2) "Department" means the Florida Department of
502 Environmental Protection, which includes the Florida Geological
503 Survey, or its successor agency or agencies.

504 (3) "Local government" means a county or municipal
505 government the jurisdictional boundaries of which include an
506 Outstanding Florida Spring, or any part of a delineated
507 springshed or spring protection and management zone for an
508 Outstanding Florida Spring as established under s. 373.807.

509 (4) "Onsite sewage treatment and disposal system" means a
510 system that contains a standard subsurface, filled, or mound
511 drainfield system; an aerobic treatment unit; a graywater system
512 tank; a laundry wastewater system tank; a septic tank; a grease
513 interceptor; a pump tank; a solids or effluent pump; a
514 waterless, incinerating, or organic waste-composting toilet; or
515 a sanitary pit privy that is installed or proposed to be
516 installed beyond the building sewer on land of the owner or on
517 other land to which the owner has the legal right to install a
518 system. The term includes any item placed within, or intended to
519 be used as a part of or in conjunction with, the system. This
520 term does not include package sewage treatment facilities and
521 other treatment works regulated under chapter 403.

522 (5) "Outstanding Florida Spring" includes all historic

523 first magnitude springs, as determined by the department, using
524 the most recent version of the Florida Geological Survey's
525 springs bulletin, and the following springs:

- 526 (a) DeLeon Spring,
- 527 (b) Peacock Spring,
- 528 (c) Rock Spring,
- 529 (d) Wekiwa Spring, and
- 530 (e) Gemini Spring.

531 The term also includes the associated spring run of each
532 Outstanding Florida Spring.

533 (6) "Responsible management entity" means a legal entity
534 established to be responsible for providing localized management
535 services with the requisite managerial, financial, and technical
536 capacity to ensure long term management of onsite sewage
537 treatment and disposal systems within its jurisdiction.

538 (7) "Spring protection and management zone" means the areas
539 of a springshed where the Floridan aquifer is vulnerable to
540 surface sources of contamination or reduced levels as determined
541 by the department, in consultation with the water management
542 districts.

543 (8) "Spring run" means a body of flowing water that
544 originates from a spring or whose primary source of water is
545 from a spring or springs under average rainfall conditions.

546 (9) "Springshed" means those areas within the groundwater
547 and surface water basins which have historically contributed to
548 the discharge of a spring as defined by potentiometric surface
549 maps and surface watershed boundaries.

550 373.805 Delineation of spring protection and management
551 zones for Outstanding Florida Springs.-

552 (1) By July 1, 2015, the department, in consultation with
553 the water management districts, the Florida Geological Survey,
554 and any other authority the department deems appropriate, must
555 delineate and spring protection and management zones for each
556 Outstanding Florida Spring within its jurisdiction, using the
557 best data available from the water management district, the
558 Florida Geological Survey, and other credible sources.

559 (2) The delineation of spring protection and management
560 zones must be completed by July 1, 2015, unless a water
561 management district provides sufficient and appropriate evidence
562 to the department that it is in the best interest of the public
563 to justify extending the deadline for up to one year.

564 (3) Each water management district must adopt by rule,
565 pursuant to ss. 120.536(1) and 120.54, maps that delineate
566 spring protection and management zones for Outstanding Florida
567 Springs within its jurisdiction.

568 373.807 Minimum Flows and Levels for Outstanding Florida
569 Springs.-

570 (1) Each water management district must establish minimum
571 flows and levels for Outstanding Florida Springs in accordance
572 with ss. 373.042 and 373.0421 by July 1, 2015, unless a water
573 management district provides sufficient and appropriate evidence
574 to the department that extending such deadline for up to one
575 year is in the best interest of the public. If an extension is
576 granted, the water management district may not issue new
577 consumptive use permits that would reduce the current rate of
578 flow of an Outstanding Florida Spring until the minimum flow and
579 level is established. For the purposes of this subsection, a
580 water management district must consider an application for

581 modification to increase an existing consumptive use permit as a
582 new permit, but renewals of existing consumptive use permits are
583 not considered new permits.

584 (2) If a minimum flow and level has not been set by July 1,
585 2015, for an Outstanding Florida Spring, a water management
586 district may only approve a consumptive use permit application
587 if it determines the withdrawal will not cause harm to the
588 Outstanding Florida Spring.

589 (3) When sufficient water is not available to meet an
590 adopted minimum flow and level, the water management district
591 must implement a recovery or prevention strategy for the
592 Outstanding Florida Spring, pursuant to s. 373.0421(2), by July
593 1, 2017. The recovery or prevention strategy for each
594 Outstanding Florida Spring must include, at a minimum:

595 (a) A listing of all specific projects identified for
596 implementation to achieve the recovery or prevention strategy;

597 (b) A priority listing of each project;

598 (c) The estimated cost for each listed project; and

599 (d) The source and amount of financial assistance from the
600 water management district for each project, which may not be
601 less than 25 percent of the total project cost.

602 (4) The water management districts may promulgate rules to
603 meet the objectives of this subsection.

604 373.809 Protection of Water Quality in Outstanding Florida
605 Springs.-

606 (1) By July 1, 2015, the department must assess all
607 Outstanding Florida Springs for which an impairment
608 determination has not been made under the numeric nutrient
609 standards in effect for springs vents.

610 (2) Each local government located partially or fully within
611 a spring protection and management zone of an Outstanding
612 Florida Spring impaired by nutrients, must meet the minimum
613 requirements of the department's Model Ordinance for Florida-
614 Friendly Fertilizer Use on Urban Landscapes. In addition, the
615 local government's ordinance must provide that within a spring
616 protection and management zone of an Outstanding Florida Spring,
617 the nitrogen content of any fertilizer applied to turf or
618 landscape plants must contain at least 50 percent slow release
619 nitrogen per guaranteed analysis label and that annual
620 application rates of total nitrogen do not exceed the lowest
621 (basic maintenance) rate recommended by the Institute of Food
622 and Agricultural Sciences as of August 2013. The department must
623 promulgate rules to implement this subsection, set reasonable
624 minimum standards that county and municipal governments may
625 impose, and take advantage of advancements or improvements
626 regarding best management practices.

627 (3) In establishing and implementing total maximum daily
628 loads for an Outstanding Florida Spring impaired by nutrients,
629 the department must develop a basin management action plan, as
630 specified in s. 403.067(7), for each Outstanding Florida Spring
631 impaired by nutrients by July 1, 2017, that includes detailed
632 allocation of the pollutant load to each identified point source
633 or category of nonpoint sources, including but not limited to
634 agricultural fertilizer, onsite treatment and disposal systems,
635 animal wastes, wastewater treatment facilities, stormwater, and
636 residential lawn fertilizer. The basin management action plan
637 must consider spring protection and management zone delineations
638 established pursuant to s. 373.805.

639 (4) Basin management action plans completed prior to the
640 effective date must be revised to be consistent with the
641 requirements of this section by July 1, 2017.

642 (5) Within 2 years of adoption of a basin management action
643 plan for an Outstanding Florida Spring impaired by nutrients,
644 agricultural producers located partially or fully within a
645 spring protection and management zone of an Outstanding Florida
646 Spring impaired by nutrients must either implement the
647 appropriate best management practices or implement other
648 measures necessary to achieve pollution reduction levels
649 established by the department pursuant to s. 403.067(7)(c), or
650 conduct water quality monitoring prescribed by the department or
651 a water management district. The department and the Department
652 of Agricultural and Consumer Services must cooperate in
653 developing rules issued by the department to implement the
654 provisions of this subsection.

655 (6) (a) As part of a basin management action plan, all
656 wastewater treatment facilities within a spring protection and
657 management zone of an Outstanding Florida Spring impaired by
658 nutrients must meet a standard of no more than 3 mg/L Total
659 Nitrogen, expressed as N, on an annual basis, by July 1, 2019.

660 (b) By July 1, 2015, each local government partially or
661 fully within a spring protection and management zone of an
662 Outstanding Florida Spring impaired by nutrients must create or
663 revise its stormwater management plan to address nutrient
664 pollution from point sources and nonpoint sources of stormwater
665 in accordance with s. 403.0891. Notwithstanding s.
666 403.0891(3)(b), a local government must consult with a water
667 management district, the Department of Transportation, and the

668 department before adopting or updating its local government
669 comprehensive plan or public facilities report as required by
670 s. 189.415, whichever is applicable.

671 (c) Any local government or utility subject to the
672 requirements of this subsection must file with the department
673 for approval a plan for achieving the goals required by this
674 subsection by July 1, 2015. Upon a showing to the department of
675 inordinate expense, or that a delay is in the best interest of
676 the public, a local government or utility may obtain an
677 extension by the department of up to 2 years to fully comply
678 with the provisions of this subsection.

679 (7) As part of the basin management action plan, all
680 properties with onsite sewage treatment and disposal systems
681 located within a spring protection and management zone of an
682 Outstanding Florida Spring impaired by nutrients, on lots with a
683 ratio of greater than one bedroom per acre, must connect to a
684 central sewerage system, where one is available for connection,
685 by July 1, 2016, or within 365 days after written notification
686 by the owner of the publicly owned or investor-owned sewerage
687 system that the system is available for connection, pursuant to
688 s. 381.00655. None of the costs of connection, or any related
689 capital costs, shall be borne by the property owner. If there is
690 no central sewerage system available, the department, applicable
691 water management district, and local governments must describe
692 those properties that must be remedied and the onsite sewage
693 treatment and disposal systems for these lots must be upgraded
694 to achieve 3 mg/L total nitrogen at the property boundary by
695 July 1, 2019. None of the costs to upgrade the onsite sewage
696 treatment and disposal system shall be borne by the property

697 owner. The Department of Health may not grant extensions or
698 waivers to connect to a central sewerage system or to upgrade an
699 onsite sewage treatment and disposal system to meet the
700 requirements of this section unless the Department of Health
701 finds that such delay or waiver is in the best interest of the
702 public. The department, in consultation with the Department of
703 Health, must promulgate rules to further reduce the nutrient
704 limits provided for in this subsection if it determines that
705 advancements (such as technological developments) justify
706 additional reductions.

707 (8) (a) In order to effectuate, implement, and satisfy the
708 requirements of subsections (5), (6) and (7), state agencies,
709 the water management districts, local governments, special
710 districts, utilities, regional management entities, and
711 agricultural producers must submit a project proposal to the
712 Acquisition and Restoration Council, pursuant to s. 259.035, in
713 order to receive funding for up to 75 percent of the total
714 project cost, except for projects to upgrade or connect onsite
715 sewage treatment and disposal systems and projects submitted by
716 a fiscally constrained county, as described in s. 218.67(1), or
717 a municipality located therein, which are eligible for funding
718 for up to 100 percent of the total project cost.

719 (b) It is the intent of the Legislature that state
720 agencies, the water management districts, local governments,
721 special districts, utilities, and regional management entities,
722 where applicable, must cooperate with property owners and
723 agricultural producers to submit comprehensive and consolidated
724 project proposals to the Acquisition and Restoration Council in
725 order to facilitate the council's assessment of each proposal's

726 total nutrient reduction potential.

727 (9) (a) The funding for approved projects by the Acquisition
728 and Restoration Council is made from documentary stamp tax
729 revenues deposited into the Ecosystem Management and Restoration
730 Trust Fund, not to exceed the total appropriated each year by
731 the Legislature, which must be, at a minimum, thirty-six and
732 nine tenths percent of the remainder available for distribution
733 of documentary stamp tax revenues collected each fiscal year.
734 The Legislature may use other sources of revenues to fund
735 projects submitted to the Acquisition and Restoration Council
736 pursuant to this part.

737 (b) The department is authorized to distribute moneys
738 deposited into the Ecosystem Management and Restoration Trust
739 Fund pursuant to paragraph (a) to every entity that submits a
740 project proposal application to the Acquisition and Restoration
741 Council for which funding is approved. The department must also
742 distribute moneys to state agencies and the water management
743 districts for all reasonable administrative costs related to
744 implementing the provisions of this part.

745 (c) Moneys in the fund not needed to meet obligations
746 incurred under this section shall be deposited with the Chief
747 Financial Officer to the credit of the fund and may be invested
748 in the manner provided by law. Interest received on such
749 investments shall be credited to the Ecosystem Management and
750 Restoration Trust Fund for springs protection and restoration.

751 (10) Notwithstanding the provisions of this section,
752 nutrient pollution reduction strategies included in an adopted
753 basin management action plan by the department must be complied
754 with regardless of whether there is sufficient funding provided

755 for projects submitted to the Acquisition and Restoration
756 Council under this part.

757 373.811 Prohibited activities within a spring protection
758 and management zone of an Outstanding Florida Spring.—

759 (1) The following activities are prohibited within a spring
760 protection and management zone of an Outstanding Florida Spring:

761 (a) New municipal or industrial wastewater disposal
762 systems, including rapid infiltration basins, except those
763 systems that meet an advanced wastewater treatment standard of
764 no more than 3 mg/L Total Nitrogen, expressed as N, on an annual
765 permitted basis, or a higher treatment standard if the
766 department determines the higher standard is necessary to
767 prevent impairment or aid in the recovery of an Outstanding
768 Florida Spring;

769 (b) New onsite sewage treatment and disposal systems,
770 except those on lots with a ratio of one bedroom per acre or
771 greater, or an active or passive performance-based onsite sewage
772 disposal and treatment system that can achieve 3 mg/L or less
773 total nitrogen at the property boundary.

774 (c) New facilities for the transfer, storage, or disposal
775 of hazardous waste.

776 (2) Each local government must ensure its comprehensive
777 plan reflects these prohibitions and is implemented through
778 passage of a local ordinance.

779 373.813 Rules.—

780 (1) The department, the Department of Health, the
781 Department of Agriculture and Consumer Services, the water
782 management districts, the Acquisition and Restoration Council,
783 and responsible management entities may adopt rules pursuant to

784 ss. 120.536(1) and 120.54 to administer the provisions of this
785 part, as applicable.

786 (2) (a) The Department of Agriculture and Consumer Services
787 is the lead agency coordinating the reduction of agricultural
788 nonpoint sources of pollution for Outstanding Florida Springs
789 protection. The Department of Agriculture and Consumer Services
790 and the department, pursuant to s. 403.067(7)(c)4., must study,
791 and if necessary, in cooperation with applicable county and
792 municipal governments, and stakeholders, initiate rulemaking to
793 implement new or revised best management practices for improving
794 and protecting Outstanding Florida Springs. As needed to
795 implement the new or revised practices, the Department of
796 Agriculture and Consumer Services must revise its best
797 management practices rules to require implementation of the
798 modified practice within a reasonable time period as specified
799 in the rule.

800 (b) The Department of Agriculture and Consumer Services,
801 the department, and the University of Florida's Institute of
802 Food and Agricultural Sciences must cooperate in the conduct of
803 necessary research and demonstration projects to develop
804 improved or additional nutrient management tools, including the
805 use of controlled release fertilizer, which can be used by
806 agricultural producers as part of an agricultural best
807 management practices program. The development of such tools must
808 reflect a balance between water quality improvements and
809 agricultural productivity and, where applicable, must be
810 incorporated into revised best management practices adopted by
811 rule of the Department of Agriculture and Consumer Services.

812 Section 6. Paragraph (r) of subsection (2) and subsection

813 (7) of section 381.0065, Florida Statutes, are added to said
814 section to read:

815 381.0065 Onsite sewage treatment and disposal systems;
816 regulation.—

817 (2) DEFINITIONS.—As used in ss. 381.0065-381.0067, the
818 term:

819 (r) "Responsible management entity" means a legal entity
820 established to be responsible for providing localized management
821 services with the requisite managerial, financial, and technical
822 capacity to ensure long term management of onsite sewage
823 treatment and disposal systems within its jurisdiction.

824 (7) RESPONSIBLE MANAGEMENT ENTITIES.--

825 (a) By March 1, 2015, the department and the Department of
826 the Environmental Protection must submit a report to the
827 Governor, the President of the Senate, and the Speaker of the
828 House of Representatives on how to create and operate
829 responsible management entities within spring protection and
830 management zones of Outstanding Florida Springs, as defined in
831 s. 373.803, that are impaired by nutrients. The report must
832 focus on the feasibility of different management models to
833 prevent, reduce, and control nutrient pollution from onsite
834 sewage treatment and disposal systems and the costs associated
835 with each model. In addition, the report must compare the
836 results of the differing management models to a mandatory onsite
837 sewage treatment and disposal system evaluation and assessment
838 program or any other options that would achieve similar nutrient
839 pollution reductions in the short and long term.

840 (b) Notwithstanding paragraph (a), effective July 1, 2014,
841 each municipality, county, or appointed regional entity may

842 establish a responsible management entity for prevention,
843 reduction, and control of nutrient pollution caused by
844 discharges from onsite sewage treatment and disposal systems.
845 Responsible management entities may implement regulations,
846 maintenance programs, and planning in coordination with the
847 department and coordinated planning for nutrient reductions with
848 other local wastewater service providers. This authority may
849 include, but is not limited to, permitting; development of
850 system performance standards; development of standards for
851 construction, operation, and inspections; maintenance programs
852 of onsite sewage treatment and disposal systems; coordinated
853 planning for nutrient reductions with other local wastewater
854 service providers; and consolidation of multiple individual
855 projects into one larger project proposal for submittal to the
856 Acquisition and Restoration Council pursuant to s. 373.809.

857 (c) The establishment of responsible management entities
858 must be approved by the department. The department must ensure
859 responsible management entities adopt rules and policies that
860 are at least as restrictive as state law.

861 Section 7. Subsection (7) of section 403.067, Florida
862 Statutes, is amended to read:

863 403.067 Establishment and implementation of total maximum
864 daily loads.—

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

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

868 1. ~~In developing and implementing the total maximum daily~~
869 ~~load for a water body,~~ The department, or the department in
870 conjunction with a water management district, if not otherwise

871 required to do so under applicable law, may develop a basin
 872 management action plan that addresses some or all of the
 873 watersheds and basins tributary to the water body. Such plan
 874 must integrate the appropriate management strategies available
 875 to the state through existing water quality protection programs
 876 to achieve or to prevent noncompliance with ~~the total maximum~~
 877 ~~daily loads~~ water quality standards and may provide for phased
 878 implementation of these management strategies to promote timely,
 879 cost-effective actions as provided for in s. 403.151. The plan
 880 must establish a schedule implementing the management
 881 strategies, establish a basis for evaluating the plan's
 882 effectiveness, and identify feasible funding strategies for
 883 implementing the plan's management strategies. The management
 884 strategies may include regional treatment systems or other
 885 public works, where appropriate, and voluntary trading of water
 886 quality credits to achieve the needed pollutant load reductions.

887 2. A basin management action plan must equitably allocate,
 888 pursuant to paragraph (6) (b), pollutant reductions to individual
 889 basins, as a whole to all basins, or to each identified point
 890 source or category of nonpoint sources, as appropriate. Where
 891 the water body is an Outstanding Florida Spring, the plan must
 892 allocate pollutant reductions including loads to groundwater, to
 893 each identified point source or category of nonpoint sources
 894 within a spring protection and management zone delineated
 895 pursuant to s. 373.805. For nonpoint sources for which best
 896 management practices have been adopted, the initial requirement
 897 specified by the plan must be those practices developed pursuant
 898 to paragraph (c). Where appropriate, the plan may take into
 899 account the benefits of pollutant load reduction achieved by

900 point or nonpoint sources that have implemented management
901 strategies to reduce pollutant loads, including best management
902 practices, before the development of the basin management action
903 plan. The plan must also identify the mechanisms that will
904 prevent ~~address~~ potential future increases in pollutant loading.

905 3. The basin management action planning process is intended
906 to involve the broadest possible range of interested parties,
907 with the objective of encouraging the greatest amount of
908 cooperation and consensus possible. In developing a basin
909 management action plan, the department shall assure that key
910 stakeholders, including, but not limited to, applicable local
911 governments, water management districts, the Department of
912 Agriculture and Consumer Services, other appropriate state
913 agencies, local soil and water conservation districts,
914 environmental groups, regulated interests, and affected
915 pollution sources, are invited to participate in the process.
916 The department shall hold at least one public meeting in the
917 vicinity of the watershed or basin to discuss and receive
918 comments during the planning process and shall otherwise
919 encourage public participation to the greatest practicable
920 extent. Notice of the public meeting must be published in a
921 newspaper of general circulation in each county in which the
922 watershed or basin lies not less than 5 days nor more than 15
923 days before the public meeting. A basin management action plan
924 does not supplant or otherwise alter any assessment made under
925 subsection (3) or subsection (4) or any calculation or initial
926 allocation.

927 4. The department shall adopt all or any part of a basin
928 management action plan and any amendment to such plan by

929 secretarial order pursuant to chapter 120 to implement the
930 provisions of this section.

931 5. The basin management action plan must include milestones
932 for implementation and water quality improvement, and an
933 associated water quality monitoring component sufficient to
934 evaluate whether reasonable progress in pollutant load
935 reductions is being achieved over time. An assessment of
936 progress toward these milestones shall be conducted every 5
937 years, and revisions to the plan shall be made as appropriate.
938 Revisions to the basin management action plan shall be made by
939 the department in cooperation with basin stakeholders. Revisions
940 to the management strategies required for nonpoint sources must
941 follow the procedures set forth in subparagraph (c)4. Revised
942 basin management action plans must be adopted pursuant to
943 subparagraph 4.

944 6. In accordance with procedures adopted by rule under
945 paragraph (9)(c), basin management action plans, and other
946 pollution control programs under local, state, or federal
947 authority as provided in subsection (4), may allow point or
948 nonpoint sources that will achieve greater pollutant reductions
949 than required by an adopted total maximum load or wasteload
950 allocation to generate, register, and trade water quality
951 credits for the excess reductions to enable other sources to
952 achieve their allocation; however, the generation of water
953 quality credits does not remove the obligation of a source or
954 activity to meet applicable technology requirements or adopted
955 best management practices. Such plans must allow trading between
956 NPDES permittees, and trading that may or may not involve NPDES
957 permittees, where the generation or use of the credits involve

958 an entity or activity not subject to department water discharge
959 permits whose owner voluntarily elects to obtain department
960 authorization for the generation and sale of credits.

961 7. The provisions of the department's rule relating to the
962 equitable abatement of pollutants into surface waters do not
963 apply to water bodies or water body segments for which a basin
964 management plan that takes into account future new or expanded
965 activities or discharges has been adopted under this section.

966 (b) *Total maximum daily load implementation.*—

967 1. The department shall be the lead agency in coordinating
968 the implementation of the total maximum daily loads through
969 existing water quality protection programs. Application of a
970 total maximum daily load by a water management district must be
971 consistent with this section and does not require the issuance
972 of an order or a separate action pursuant to s. 120.536(1) or s.
973 120.54 for the adoption of the calculation and allocation
974 previously established by the department. Such programs may
975 include, but are not limited to:

976 a. Permitting and other existing regulatory programs,
977 including water-quality-based effluent limitations;

978 b. Nonregulatory and incentive-based programs, including
979 best management practices, cost sharing, waste minimization,
980 pollution prevention, agreements established pursuant to s.
981 403.061(21), and public education;

982 c. Other water quality management and restoration
983 activities, for example surface water improvement and management
984 plans approved by water management districts or basin management
985 action plans developed pursuant to this subsection;

986 d. Trading of water quality credits or other equitable

987 economically based agreements;

988 e. Public works including capital facilities; or

989 f. Land acquisition.

990 2. For a basin management action plan adopted pursuant to
991 paragraph (a), any management strategies and pollutant reduction
992 requirements associated with a pollutant of concern for which a
993 total maximum daily load has been developed, including effluent
994 limits set forth for a discharger subject to NPDES permitting,
995 if any, must be included in a timely manner in subsequent NPDES
996 permits or permit modifications for that discharger. The
997 department may not impose limits or conditions implementing an
998 adopted total maximum daily load in an NPDES permit until the
999 permit expires, the discharge is modified, or the permit is
1000 reopened pursuant to an adopted basin management action plan.

1001 a. Absent a detailed allocation, total maximum daily loads
1002 must be implemented through NPDES permit conditions that provide
1003 for a compliance schedule. In such instances, a facility's NPDES
1004 permit must allow time for the issuance of an order adopting the
1005 basin management action plan. The time allowed for the issuance
1006 of an order adopting the plan may not exceed 5 years. Upon
1007 issuance of an order adopting the plan, the permit must be
1008 reopened or renewed, as necessary, and permit conditions
1009 consistent with the plan must be established. Notwithstanding
1010 the other provisions of this subparagraph, upon request by an
1011 NPDES permittee, the department as part of a permit issuance,
1012 renewal, or modification may establish individual allocations
1013 before the adoption of a basin management action plan.

1014 b. For holders of NPDES municipal separate storm sewer
1015 system permits and other stormwater sources, implementation of a

1016 total maximum daily load or basin management action plan must be
1017 achieved, to the maximum extent practicable, through the use of
1018 best management practices or other management measures.

1019 c. The basin management action plan does not relieve the
1020 discharger from any requirement to obtain, renew, or modify an
1021 NPDES permit or to abide by other requirements of the permit.

1022 d. Management strategies set forth in a basin management
1023 action plan to be implemented by a discharger subject to
1024 permitting by the department must be completed pursuant to the
1025 schedule set forth in the basin management action plan. This
1026 implementation schedule may extend beyond the 5-year term of an
1027 NPDES permit.

1028 e. Management strategies and pollution reduction
1029 requirements set forth in a basin management action plan for a
1030 specific pollutant of concern are not subject to challenge under
1031 chapter 120 at the time they are incorporated, in an identical
1032 form, into a subsequent NPDES permit or permit modification.

1033 f. For nonagricultural pollutant sources not subject to
1034 NPDES permitting but permitted pursuant to other state,
1035 regional, or local water quality programs, the pollutant
1036 reduction actions adopted in a basin management action plan must
1037 be implemented to the maximum extent practicable as part of
1038 those permitting programs.

1039 g. A nonpoint source discharger included in a basin
1040 management action plan must demonstrate compliance with the
1041 pollutant reductions established under subsection (6) by
1042 implementing the appropriate best management practices
1043 established pursuant to paragraph (c) or conducting water
1044 quality monitoring prescribed by the department or a water

1045 management district. A nonpoint source discharger may, in
1046 accordance with department rules, supplement the implementation
1047 of best management practices with water quality credit trades in
1048 order to demonstrate compliance with the pollutant reductions
1049 established under subsection (6).

1050 h. A nonpoint source discharger included in a basin
1051 management action plan may be subject to enforcement action by
1052 the department or a water management district based upon a
1053 failure to implement the responsibilities set forth in sub-
1054 subparagraph g.

1055 i. A landowner, discharger, or other responsible person who
1056 is implementing applicable management strategies specified in an
1057 adopted basin management action plan may not be required by
1058 permit, enforcement action, or otherwise to implement additional
1059 management strategies, including water quality credit trading,
1060 to reduce pollutant loads to attain the pollutant reductions
1061 established pursuant to subsection (6) and shall be deemed to be
1062 in compliance with this section. This subparagraph does not
1063 limit the authority of the department to amend a basin
1064 management action plan as specified in subparagraph (a)5.

1065 (c) *Best management practices.*—

1066 1. The department, in cooperation with the water management
1067 districts and other interested parties, as appropriate, may
1068 develop suitable interim measures, best management practices, or
1069 other measures necessary to achieve the level of pollution
1070 reduction established by the department for nonagricultural
1071 nonpoint pollutant sources in allocations developed pursuant to
1072 subsection (6) and this subsection. These practices and measures
1073 may be adopted by rule by the department and the water

1074 management districts and, where adopted by rule, shall be
1075 implemented by those parties responsible for nonagricultural
1076 nonpoint source pollution.

1077 2. The Department of Agriculture and Consumer Services may
1078 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54
1079 suitable interim measures, best management practices, or other
1080 measures necessary to achieve the level of pollution reduction
1081 established by the department for agricultural pollutant sources
1082 in allocations developed pursuant to subsection (6) and this
1083 subsection or for programs implemented pursuant to paragraph
1084 (12)~~(13)~~(b). These practices and measures may be implemented by
1085 those parties responsible for agricultural pollutant sources and
1086 the department, the water management districts, and the
1087 Department of Agriculture and Consumer Services shall assist
1088 with implementation. In the process of developing and adopting
1089 rules for interim measures, best management practices, or other
1090 measures, the Department of Agriculture and Consumer Services
1091 shall consult with the department, the Department of Health, the
1092 water management districts, representatives from affected
1093 farming groups, and environmental group representatives. Such
1094 rules must also incorporate provisions for a notice of intent to
1095 implement the practices and a system to assure the
1096 implementation of the practices, including recordkeeping
1097 requirements.

1098 3. Where interim measures, best management practices, or
1099 other measures are adopted by rule, the effectiveness of such
1100 practices in achieving the levels of pollution reduction
1101 established in allocations developed by the department pursuant
1102 to subsection (6) and this subsection or in programs implemented

1103 pursuant to paragraph (12)~~(13)~~ (b) must be verified at
1104 representative sites by the department. The department shall use
1105 best professional judgment in making the initial verification
1106 that the best management practices are reasonably expected to be
1107 effective and, where applicable, must notify the appropriate
1108 water management district or the Department of Agriculture and
1109 Consumer Services of its initial verification before the
1110 adoption of a rule proposed pursuant to this paragraph.
1111 Implementation, in accordance with rules adopted under this
1112 paragraph, of practices that have been initially verified to be
1113 effective, or verified to be effective by monitoring at
1114 representative sites, by the department, shall provide a
1115 presumption of compliance with state water quality standards and
1116 release from the provisions of s. 376.307(5) for those
1117 pollutants addressed by the practices, and the department is not
1118 authorized to institute proceedings against the owner of the
1119 source of pollution to recover costs or damages associated with
1120 the contamination of surface water or groundwater caused by
1121 those pollutants. Research projects funded by the department, a
1122 water management district, or the Department of Agriculture and
1123 Consumer Services to develop or demonstrate interim measures or
1124 best management practices shall be granted a presumption of
1125 compliance with state water quality standards and a release from
1126 the provisions of s. 376.307(5). The presumption of compliance
1127 and release is limited to the research site and only for those
1128 pollutants addressed by the interim measures or best management
1129 practices. Eligibility for the presumption of compliance and
1130 release is limited to research projects on sites where the owner
1131 or operator of the research site and the department, a water

1132 management district, or the Department of Agriculture and
1133 Consumer Services have entered into a contract or other
1134 agreement that, at a minimum, specifies the research objectives,
1135 the cost-share responsibilities of the parties, and a schedule
1136 that details the beginning and ending dates of the project.

1137 4. Where water quality problems are demonstrated, despite
1138 the appropriate implementation, operation, and maintenance of
1139 best management practices and other measures required by rules
1140 adopted under this paragraph, the department, a water management
1141 district, or the Department of Agriculture and Consumer
1142 Services, in consultation with the department, shall institute a
1143 reevaluation of the best management practice or other measure.
1144 Should the reevaluation determine that the best management
1145 practice or other measure requires modification, the department,
1146 a water management district, or the Department of Agriculture
1147 and Consumer Services, as appropriate, shall revise the rule to
1148 require implementation of the modified practice within a
1149 reasonable time period as specified in the rule.

1150 5. Agricultural records relating to processes or methods of
1151 production, costs of production, profits, or other financial
1152 information held by the Department of Agriculture and Consumer
1153 Services pursuant to subparagraphs 3. and 4. or pursuant to any
1154 rule adopted pursuant to subparagraph 2. are confidential and
1155 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
1156 Constitution. Upon request, records made confidential and exempt
1157 pursuant to this subparagraph shall be released to the
1158 department or any water management district provided that the
1159 confidentiality specified by this subparagraph for such records
1160 is maintained.

1161 6. The provisions of subparagraphs 1. and 2. do not
1162 preclude the department or water management district from
1163 requiring compliance with water quality standards or with
1164 current best management practice requirements set forth in any
1165 applicable regulatory program authorized by law for the purpose
1166 of protecting water quality. Additionally, subparagraphs 1. and
1167 2. are applicable only to the extent that they do not conflict
1168 with any rules adopted by the department that are necessary to
1169 maintain a federally delegated or approved program.

1170 Section 8. Section 381.00651, Florida Statutes, is
1171 repealed.

1172 Section 9. (1) The Department of Agriculture and Consumer
1173 Services and the Department of Environmental Protection in
1174 cooperation with the five water management districts must
1175 conduct a comprehensive study on the expansion of the beneficial
1176 use of reclaimed water, stormwater, excess surface water in the
1177 State of Florida, and nutrient reduction improvements for row
1178 crops. The final report of the study must:

1179 (a) Describe factors that currently prohibit or otherwise
1180 complicate the expansion of the beneficial use of reclaimed
1181 water, and include suggestions for how to mitigate or eliminate
1182 those factors.

1183 (b) Identify environmental, public health, public
1184 perception, engineering, fiscal constraints, and user fees,
1185 including utility rate structures for potable and reclaimed
1186 water.

1187 (c) Identify areas in the state where making reclaimed
1188 water available for irrigation or other uses is needed because
1189 the use of traditional water supply sources is constrained by

1190 limitations on availability.

1191 (d) Evaluate the costs associated for users of reclaimed
1192 water compared to traditional water sources, including an
1193 examination of the nutrient concentrations in reclaimed water
1194 and the necessity for additional fertilizer supplementation.

1195 (e) Evaluate permitting incentives like further extending
1196 current authorization for long-term consumptive permits to all
1197 entities substituting reclaimed water for traditional sources of
1198 groundwater and surface water withdrawals and including in such
1199 permits a provision authorizing conversion back to traditional
1200 sources if reclaimed water becomes unavailable or otherwise cost
1201 prohibitive.

1202 (f) Describe the basic feasibility, benefit, and cost
1203 estimates for the infrastructure needed to construct regional
1204 storage features, on public or private lands, for reclaimed
1205 water, storm water, and excess surface water including the
1206 collection and delivery mechanisms for beneficial uses such as
1207 agricultural irrigation, power generation, public water supply,
1208 wetland restoration, groundwater recharge, and waterbody base
1209 flow augmentation rather than discharge to tide.

1210 (g) Describe any other alternative processes, systems, or
1211 technology that may be comparable to, or better than, a regional
1212 storage system or that might effectively complement or be a
1213 substitute for a regional storage system.

1214 (h) Evaluate the impact of implementation of a
1215 comprehensive reclaimed water plan on traditional water sources
1216 and aquifer levels.

1217 (i) Evaluate strategies to reduce nutrient loading from row
1218 crops in areas sensitive to nutrient pollution, including the

1219 application of organic fertilizers and providing incentives for
1220 agricultural producers to plant crops that require less
1221 fertilization.

1222 (2) The Department of Agriculture and Consumer Services and
1223 the Department of Environmental Protection shall jointly hold a
1224 public meeting to gather input on the study design and also
1225 provide an opportunity for public comment prior to publishing
1226 the final report.

1227 (3) The final report shall be submitted to the Governor,
1228 the Speaker of the House of Representatives, and the President
1229 of the Senate by December 1, 2015.

1230 Section 10. This act shall take effect July 1, 2014.