

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 for procedures for delineations
17 of springsheds and spring protection and management
18 zones; requiring the water management districts to
19 adopt minimum flows and levels for Outstanding Florida
20 Springs; providing procedures for improving water
21 quality in Outstanding Florida Springs; providing a
22 funding mechanism; specifying prohibited activities
23 affecting Outstanding Florida Springs; providing rule
24 making authority; amending s. 381.0065, F.S.;
25 providing a definition; requiring the Department of
26 Health to submit a study on responsible management
27 entities; authorizing creation of responsible
28 management entities; amending 403.067, F.S.;
29 specifying criteria for development of a basin

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

39
40 Be It Enacted by the Legislature of the State of Florida:

41
42 Section 1. Subsection (1) of section 201.15, Florida
43 Statutes, is amended to read

44 201.15 Distribution of taxes collected.--All taxes collected
45 under this chapter are subject to the service charge imposed in
46 s. 215.20(1). Prior to distribution under this section, the
47 Department of Revenue shall deduct amounts necessary to pay the
48 costs of the collection and enforcement of the tax levied by
49 this chapter. Such costs and the service charge may not be
50 levied against any portion of taxes pledged to debt service on
51 bonds to the extent that the costs and service charge are
52 required to pay any amounts relating to the bonds. After
53 distributions are made pursuant to subsection (1), all of the
54 costs of the collection and enforcement of the tax levied by
55 this chapter and the service charge shall be available and
56 transferred to the extent necessary to pay debt service and any
57 other amounts payable with respect to bonds authorized before
58 January 1, 2013, secured by revenues distributed pursuant to

59 subsection (1). All taxes remaining after deduction of costs and
60 the service charge shall be distributed as follows:

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

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

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

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

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

111 1. The State Transportation Trust Fund in the Department of
112 Transportation in the amount of the lesser of 38.2 percent of
113 the remainder or \$541.75 million in each fiscal year. Out of
114 such funds, the first \$50 million for the 2012-2013 fiscal year;
115 \$65 million for the 2013-2014 fiscal year; and \$75 million for
116 the 2014-2015 fiscal year and all subsequent years, shall be

117 transferred to the State Economic Enhancement and Development
118 Trust Fund within the Department of Economic Opportunity. The
119 remainder is to be used for the following specified purposes,
120 notwithstanding any other law to the contrary:

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

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

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

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

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

145 3. The Ecosystem Management and Restoration Trust Fund in

146 the amount of:

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

151 b. Thirty-six and nine tenths percent of the remainder in
152 each fiscal year to be used for restoration and protection of
153 Outstanding Florida Springs, as defined by s. 373.019.

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

158
159 Moneys distributed pursuant to this paragraph may not be pledged
160 for debt service unless such pledge is approved by referendum of
161 the voters.

162 (d) After the required payments under paragraphs (a), (b),
163 and (c), the remainder shall be paid into the State Treasury to
164 the credit of the General Revenue Fund to be used and expended
165 for the purposes for which the General Revenue Fund was created
166 and exists by law.

167 Section 2. Section 259.035, Florida Statutes, is amended to
168 read:

169 259.035 Acquisition and Restoration Council.—

170 (1) There is created the Acquisition and Restoration
171 Council.

172 (a) The council shall be composed of 11 ~~10~~ voting members,
173 4 of whom shall be appointed by the Governor. Of these four
174 appointees, three shall be from scientific disciplines related

175 to land, water, or environmental sciences and the fourth shall
176 have at least 5 years of experience in managing lands for both
177 active and passive types of recreation. They shall serve 4-year
178 terms, except that, initially, to provide for staggered terms,
179 two of the appointees shall serve 2-year terms. All subsequent
180 appointments shall be for 4-year terms. An appointee may not
181 serve more than 6 years. The Governor may at any time fill a
182 vacancy for the unexpired term of a member appointed under this
183 paragraph.

184 (b) ~~The Four remaining~~ additional appointees shall be
185 composed of the Secretary of Environmental Protection, the
186 director of the Florida Forest Service of the Department of
187 Agriculture and Consumer Services, the executive director of the
188 Fish and Wildlife Conservation Commission, and the director of
189 the Division of Historical Resources of the Department of State,
190 or their respective designees.

191 (c) Of the three remaining members, one member shall be
192 appointed by the Commissioner of Agriculture with a discipline
193 related to agriculture including silviculture, ~~and~~ one member shall
194 be appointed by the Fish and Wildlife Conservation Commission
195 with a discipline related to wildlife management or wildlife
196 ecology, and one member shall be appointed by the Secretary of
197 Environmental Protection with a discipline related to water
198 quality management, including dissolved oxygen levels and
199 nutrient pollution of groundwater and surface water.

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

202 (e) The council shall hold periodic meetings at the request
203 of the chair.

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

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

211 (2) The four members of the council appointed pursuant to
212 paragraph (a) and the three ~~two~~ members of the council appointed
213 pursuant to paragraph (c) shall receive reimbursement for
214 expenses and per diem for travel, to attend council meetings, as
215 allowed state officers and employees while in the performance of
216 their duties, pursuant to s. 112.061.

217 (3) The council shall provide assistance to the board of
218 trustees in reviewing the recommendations and plans for state-
219 owned lands required under ss. 253.034 and 259.032. The council
220 shall, in reviewing such recommendations and plans, consider the
221 optimization of multiple-use and conservation strategies to
222 accomplish the provisions funded pursuant to ss. 259.101(3)(a)
223 and 259.105(3)(b).

224 (4)(a) The council may use existing rules adopted by the
225 board of trustees, until it develops and recommends amendments
226 to those rules, to competitively evaluate, select, and rank
227 projects eligible for the Conservation and Recreation Lands list
228 pursuant to ss. 259.032(3) and 259.101(4), or projects eligible
229 for funding pursuant to s. 373.809.

230 (b) By December 1, 2009, the Acquisition and Restoration
231 Council shall develop rules defining specific criteria and
232 numeric performance measures needed for lands that are to be

233 acquired for public purpose under the Florida Forever program
234 pursuant to s. 259.105. Each recipient of Florida Forever funds
235 shall assist the council in the development of such rules. These
236 rules shall be reviewed and adopted by the board, then submitted
237 to the Legislature for consideration by February 1, 2010. The
238 Legislature may reject, modify, or take no action relative to
239 the proposed rules. If no action is taken, the rules shall be
240 implemented. Subsequent to their approval, each recipient of
241 Florida Forever funds shall annually report to the Division of
242 State Lands on each of the numeric performance measures
243 accomplished during the previous fiscal year.

244 (c) By December 31, 2014, the Acquisition and Restoration
245 Council must develop and recommend rules to competitively
246 evaluate, select, and rank projects eligible for partial or
247 complete funding pursuant to s. 373.809. In addition, the
248 council must also develop and recommend rules to fund pilot
249 projects that test the effectiveness of innovative or existing
250 nutrient reduction technologies to minimize nutrient pollution
251 in Florida's springs. At a minimum, the council must approve
252 funding for two pilot projects in each project selection cycle,
253 provided that the department makes a determination that the
254 pilot project will not be harmful to the ecological resources in
255 the study area. In developing these rules, the council must give
256 preference to projects estimated to result in the greatest
257 improvements to water quality and water quantity. At a minimum,
258 the council must consider the following criteria:

259 1. Whether the project is within a spring protection and
260 management zone of an Outstanding Florida Spring impaired by
261 nutrients.

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

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

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

269 5. The quantity of pollutants, particularly total nitrogen,
270 the project is estimated to remove from a spring protection and
271 management zone.

272 6. The anticipated impact of the project on restoring or
273 increasing water flows or levels.

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

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

279 9. The percentage of matching funds provided by the
280 applicant that exceeds the statutory minimum allowed under s.
281 373.807, s. 373.809, or s. 373.811.

282 10. For multiple-year projects, the project has funding
283 sources that are identified and assured through the expected
284 completion of the project.

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

287 12. Whether the applicant has expended its own funds since
288 July 1, 2009, on projects to improve water quality or conserve
289 water use within a springshed or spring protection and
290 management zone of an Outstanding Florida Spring, with

291 preference to those applicants who have funded such projects.

292 ~~(d)(e)~~ In developing or amending rules, the council shall
293 give weight to the criteria included in s. 259.105(10). The
294 board of trustees shall review the recommendations and shall
295 adopt rules necessary to administer this section.

296 (5) An affirmative vote of six ~~five~~ members of the council
297 is required in order to change a project boundary or to place a
298 proposed project on a list developed pursuant to subsection (4).
299 Any member of the council who by family or a business
300 relationship has a connection with all or a portion of any
301 proposed project shall declare the interest before voting on its
302 inclusion on a list.

303 (6) The proposal for a project pursuant to this section or
304 s. 259.105(3)(b), or s. 373.809 may be implemented only if
305 adopted by the council and approved by the board of trustees.
306 The council shall consider and evaluate in writing the merits
307 and demerits of each project that is proposed for Conservation
308 and Recreation Lands, Florida Preservation 2000, or Florida
309 Forever, or s. 373.809 funding and shall ensure that each
310 proposed project will meet a stated public purpose for the
311 restoration, conservation, or preservation of environmentally
312 sensitive lands and water areas or for providing outdoor
313 recreational opportunities. The council also shall determine
314 whether the project conforms, where applicable, with the
315 comprehensive plan developed pursuant to s. 259.04(1)(a), the
316 comprehensive multipurpose outdoor recreation plan developed
317 pursuant to s. 375.021, the state lands management plan adopted
318 pursuant to s. 253.03(7), the water resources work plans
319 developed pursuant to s. 373.199, and the provisions of s.

320 259.032, s. 259.101, or s. 259.105, or s. 373.809, whichever is
321 applicable.

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

324 373.042 Minimum flows and levels.—

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

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

332 (b) Minimum water level. The minimum water level is ~~shall~~
333 ~~be~~ the level of groundwater in an aquifer and the level of
334 surface water at which further withdrawals would be
335 significantly harmful to the water resources of the area.

336 (c) For Outstanding Florida Springs, as defined in s.
337 373.019, the minimum flow and level are the limit and level,
338 respectively, at which further withdrawals would be harmful to
339 the water resources or ecology of the area.

340
341 The minimum flow and minimum water level shall be calculated by
342 the department and the governing board using the best
343 information available. When appropriate, minimum flows and
344 levels may be calculated to reflect seasonal variations. The
345 department and the governing board shall also consider, and at
346 their discretion may provide for, the protection of
347 nonconsumptive uses in the establishment of minimum flows and
348 levels.

349 Section 4. Subsection (1) of section 373.0421, Florida
350 Statutes, is amended to read:
351 373.0421 Establishment and implementation of minimum flows
352 and levels.—
353 (1) ESTABLISHMENT.—
354 (a) *Considerations.*—When establishing minimum flows and
355 levels pursuant to s. 373.042, the department or governing board
356 shall consider changes and structural alterations to watersheds,
357 surface waters, and aquifers and the effects such changes or
358 alterations have had, and the constraints such changes or
359 alterations have placed, on the hydrology of an affected
360 watershed, surface water, or aquifer, provided that nothing in
361 this paragraph shall allow significant harm as provided by s.
362 373.042(1)(a) and (b), or harm as provided by s. 373.042(1)(c),
363 caused by withdrawals.
364 (b) *Exclusions.*—
365 1. The Legislature recognizes that certain water bodies no
366 longer serve their historical hydrologic functions. The
367 Legislature also recognizes that recovery of these water bodies
368 to historical hydrologic conditions may not be economically or
369 technically feasible, and that such recovery effort could cause
370 adverse environmental or hydrologic impacts. Accordingly, the
371 department or governing board may determine that setting a
372 minimum flow or level for such a water body based on its
373 historical condition is not appropriate.
374 2. The department or the governing board is not required to
375 establish minimum flows or levels pursuant to s. 373.042 for
376 surface water bodies less than 25 acres in area, unless the
377 water body or bodies, individually or cumulatively, have

378 significant economic, environmental, or hydrologic value.
379 3. The department or the governing board shall not set
380 minimum flows or levels pursuant to s. 373.042 for surface water
381 bodies constructed prior to the requirement for a permit, or
382 pursuant to an exemption, a permit, or a reclamation plan which
383 regulates the size, depth, or function of the surface water body
384 under the provisions of this chapter, chapter 378, or chapter
385 403, unless the constructed surface water body is of significant
386 hydrologic value or is an essential element of the water
387 resources of the area.
388

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

391 Section 5. Part VIII of chapter 373, Florida Statutes,
392 consisting of sections 373.801, 373.802, 373.803, 373.805,
393 373.807, 373.809, 373.811, and 373.813 is created to read:

394 373.801 Short title.—This part may be cited as the “Florida
395 Springs and Aquifer Protection Act.”

396 373.802 Legislative findings and intent.—

397 (1) Florida’s springs are a unique part of Florida’s scenic
398 beauty, deserving the highest level of protection under Article
399 II, Section 7, of the Constitution. Springs provide critical
400 habitat for plants and animals, including many endangered or
401 threatened species. They also provide immeasurable natural,
402 recreational, economic, and inherent value. Flow and water
403 quality at springs are indicators of local conditions in the
404 Floridan Aquifer that provides the drinking water for many
405 Floridians. They are of great scientific importance in
406 understanding the functioning of aquatic ecosystems. In

407 addition, Florida's springs provide recreational opportunities
408 for swimming, canoeing, wildlife watching, fishing, cave diving,
409 and many other activities. Because of the recreational
410 opportunities and accompanying tourism, many of the state's
411 springs greatly benefit state and local economies.

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

423 (3) The Legislature recognizes:

424 (a) Springs are only as healthy as their springsheds. The
425 groundwater that supplies springs is derived from rainfall that
426 recharges the aquifer system in the form of seepage from the
427 land surface and through direct conduits such as sinkholes.
428 Springs are adversely affected by polluted runoff from urban and
429 agricultural lands, discharges resulting from poor wastewater
430 and stormwater management practices, stormwater runoff, and
431 reduced levels of the Floridan aquifer. As a result, the
432 hydrologic and environmental condition of a spring or spring run
433 is directly influenced by activities and land uses within a
434 springshed and water withdrawals from the Floridan Aquifer.

435 (b) Florida's springs, whether found in urban or rural

436 settings, or on public or private lands, are threatened by
437 actual, or potential, flow reductions and declining water
438 quality. Many of Florida's springs show signs of significant
439 ecological imbalance, increased nutrient loading, and lowered
440 water flow. Without effective remedial action, further declines
441 in water quality and quantity can be expected.

442 (c) Florida's standards regulating both quality and
443 quantity of waters, including minimum criteria relating to
444 nutrient concentrations in groundwater, need to protect both
445 human health and the complex biological and ecological systems
446 that contribute to the integrity of Florida's springs.

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

450 (e) A coordinated statewide springs protection plan is
451 needed because springsheds cross local government jurisdictional
452 boundaries.

453 (f) Florida's aquifers and springs are a complex system,
454 with many variables and influences, and some scientific
455 uncertainty may often exist regarding their present states and
456 what actions are needed to ensure their recovery and health, and
457 the health and vitality of the springs ecosystems they
458 support. The Legislature intends that in implementing this act
459 the department and the water management districts must take a
460 precautionary approach to springs protection. Where there is the
461 possibility of significant or irreversible harm, lack of full
462 scientific certainty may not be used as a reason for postponing
463 common sense measures required to protect springs under this
464 act.

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

474 373.803 Definitions.—As used in this part, the term:

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

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

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

482 c. Is located along an exterior wall;

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

485 e. Has an emergency means of escape and rescue opening to
486 the outside in accordance with the Florida Building Code.

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

489 3. "Bedroom" does not include a hallway, bathroom, kitchen,
490 living room, family room, dining room, den, breakfast nook,
491 pantry, laundry room, sunroom, recreation room, media/video
492 room, or exercise room.

493 (2) "Department" means the Florida Department of

494 Environmental Protection, which includes the Florida Geological
495 Survey, or its successor agency or agencies.

496 (3) "Local government" means a county or municipal
497 government the jurisdictional boundaries of which include an
498 Outstanding Florida Spring, or any part of a delineated
499 springshed or spring protection and management zone for an
500 Outstanding Florida Spring as established under s. 373.807.

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

514 (5) "Outstanding Florida Spring" includes all historic
515 first magnitude springs, as determined by the department, using
516 the most recent version of the Florida Geological Survey's
517 springs bulletin, and the following springs:

- 518 (a) DeLeon Spring,
- 519 (b) Peacock Spring,
- 520 (c) Rock Spring,
- 521 (d) Wekiwa Spring, and
- 522 (e) Gemini Spring.

523 The term also includes the associated spring run of each
524 Outstanding Florida Spring.

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

530 (7) "Spring protection and management zone" means the areas
531 of a springshed where the Floridan aquifer is vulnerable to
532 surface sources of contamination or reduced levels as determined
533 by the department, in consultation with the water management
534 districts.

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

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

542 373.805 Delineation of spring protection and management
543 zones for Outstanding Florida Springs.-

544 (1) By July 1, 2015, the department, in consultation with
545 the water management districts, the Florida Geological Survey,
546 and any other authority the department deems appropriate, must
547 delineate and spring protection and management zones for each
548 Outstanding Florida Spring within its jurisdiction, using the
549 best data available from the water management district, the
550 Florida Geological Survey, and other credible sources.

551 (2) The delineation of spring protection and management

Commented [U1]: I spoke with Drew Bartlett about this. He agreed DEP should be responsible for delineation with input from the WMDs. He pointed out these zones may also be used for quantity as well.

Commented [U2]: Made this consistent with (7) above.

552 zones must be completed by July 1, 2015, unless a water
553 management district provides sufficient and appropriate evidence
554 to the department that it is in the best interest of the public
555 to justify extending the deadline for up to one year.

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

560 373.807 Minimum Flows and Levels for Outstanding Florida
561 Springs.-

562 (1) Each water management district must adopt minimum flows
563 and levels for Outstanding Florida Springs in accordance with
564 ss. 373.042 and 373.0421 by July 1, 2015, unless a water
565 management district provides sufficient and appropriate evidence
566 to the department that extending such deadline for up to one
567 year is in the best interest of the public. If an extension is
568 granted, the water management district may not issue new
569 consumptive use permits that would reduce the current rate of
570 flow of an Outstanding Florida Spring until the minimum flow and
571 level is established. For the purposes of this subsection, a
572 water management district must consider an application for
573 modification to increase an existing consumptive use permit as a
574 new permit, but renewals of existing consumptive use permits are
575 not considered new permits.

576 (2) If a minimum flow and level has not been set by July 1,
577 2015, for an Outstanding Florida Spring, a water management
578 district may only approve a consumptive use permit application
579 if it determines the withdrawal will not cause harm to the
580 Outstanding Florida Spring.

581 (3) When sufficient water is not available to meet an
582 adopted minimum flow and level, the water management district
583 must implement a recovery or prevention strategy for the
584 Outstanding Florida Spring, pursuant to s. 373.0421(2), by July
585 1, 2017. The recovery or prevention strategy for each
586 Outstanding Florida Spring must include, at a minimum:

- 587 (a) A listing of all specific projects identified for
588 implementation to achieve the recovery or prevention strategy;
589 (b) A priority listing of each project;
590 (c) The estimated cost for each listed project; and
591 (d) The source and amount of financial assistance from the
592 water management district for each project, which may not be
593 less than 25 percent of the total project cost.

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

596 373.809 Protection of Water Quality in Outstanding Florida
597 Springs.-

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

602 (2) Each local government located partially or fully within
603 a spring protection and management zone of an Outstanding
604 Florida Spring impaired by nutrients, must meet the minimum
605 requirements of the department's Model Ordinance for Florida-
606 Friendly Fertilizer Use on Urban Landscapes. In addition, the
607 local government's ordinance must provide that within a spring
608 protection and management zone of an Outstanding Florida Spring,
609 the nitrogen content of any fertilizer applied to turf or

610 landscape plants must contain at least 50 percent slow release
611 nitrogen per guaranteed analysis label and that annual
612 application rates of total nitrogen do not exceed the lowest
613 (basic maintenance) rate recommended by the Institute of Food
614 and Agricultural Sciences as of August 2013. The department must
615 promulgate rules to implement this subsection, set reasonable
616 minimum standards that county and municipal governments may
617 impose, and take advantage of advancements or improvements
618 regarding best management practices.

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

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

634 (5) Within 2 years of adoption of a basin management action
635 plan for an Outstanding Florida Spring impaired by nutrients,
636 agricultural producers located partially or fully within a
637 spring protection and management zone of an Outstanding Florida
638 Spring impaired by nutrients must either implement the

Commented [U3]: I am working with Drew to help me craft language that will give DEP the authority to adopt BMAs without first having the water body become impaired. He doesn't believe DEP has that authority now. It's a work in progress and I wanted to get this out to you because I won't have a solution before Monday.

639 appropriate best management practices or implement other
640 measures necessary to achieve pollution reduction levels
641 established by the department pursuant to s. 403.067(7)(c), or
642 conduct water quality monitoring prescribed by the department or
643 a water management district. The department and the Department
644 of Agricultural and Consumer Services must cooperate in
645 developing rules issued by the department to implement the
646 provisions of this subsection.

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

652 (b) By July 1, 2015, each local government partially or
653 fully within a spring protection and management zone of an
654 Outstanding Florida Spring impaired by nutrients must create or
655 revise its stormwater management plan to address nutrient
656 pollution from point sources and nonpoint sources of stormwater
657 in accordance with s. 403.0891. Notwithstanding s.
658 403.0891(3)(b), a local government must consult with a water
659 management district, the Department of Transportation, and the
660 department before adopting or updating its local government
661 comprehensive plan or public facilities report as required by
662 s. 189.415, whichever is applicable.

663 (c) Any local government or utility subject to the
664 requirements of this subsection must file with the department
665 for approval a plan for achieving the goals required by this
666 subsection by July 1, 2015. Upon a showing to the department of
667 inordinate expense, or that a delay is in the best interest of

668 the public, a local government or utility may obtain an
669 extension by the department of up to 2 years to fully comply
670 with the provisions of this subsection.

671 (7) As part of the basin management action plan, all
672 properties with onsite sewage treatment and disposal systems
673 located within a spring protection and management zone of an
674 Outstanding Florida Spring impaired by nutrients, on lots with a
675 ratio of greater than one bedroom per acre, must connect to a
676 central sewerage system, where one is available for connection,
677 by July 1, 2016, or within 365 days after written notification
678 by the owner of the publicly owned or investor-owned sewerage
679 system that the system is available for connection, pursuant to
680 s. 381.00655. None of the costs of connection, or any related
681 capital costs, shall be borne by the property owner. If there is
682 no central sewerage system available, the department, applicable
683 water management district, and local governments must describe
684 those properties that, in their opinion, must be remedied and
685 the onsite sewage treatment and disposal systems for these lots
686 must be upgraded to achieve 3 mg/L total nitrogen at the
687 property boundary by July 1, 2019. None of the costs to upgrade
688 the onsite sewage treatment and disposal system shall be borne
689 by the property owner. The Department of Health may not grant
690 extensions or waivers to connect to a central sewerage system or
691 to upgrade an onsite sewage treatment and disposal system to
692 meet the requirements of this section unless the Department of
693 Health finds that such delay or waiver is in the best interest
694 of the public. The department, in consultation with the
695 Department of Health, must promulgate rules to further reduce
696 the nutrient limits provided for in this subsection if it

697 determines that advancements (such as technological
698 developments) justify additional reductions.

699 (8)(a) In order to effectuate, implement, and satisfy the
700 requirements of subsections (5), (6) and (7), state agencies,
701 the water management districts, local governments, special
702 districts, utilities, regional management entities, ~~property~~
703 owners, and agricultural producers must submit a project
704 proposal to the Acquisition and Restoration Council, pursuant to
705 s. 259.035, in order to receive funding for up to 75 percent of
706 the total project cost, except for projects to upgrade or
707 connect onsite sewage treatment and disposal systems, which are
708 eligible for funding for up to 100 percent of the total project
709 cost.

710 (b) It is the intent of the Legislature that state
711 agencies, the water management districts, local governments,
712 special districts, utilities, and regional management entities,
713 where applicable, ~~should~~ must cooperate with property owners and
714 agricultural producers to submit ~~multiple smaller projects~~
715 comprehensive and consolidated project proposals to the
716 Acquisition and Restoration Council in order to facilitate the
717 council's assessment of each proposal's total nutrient reduction
718 potential.

719 (9)(a) The funding for approved projects by the Acquisition
720 and Restoration Council is made from documentary stamp tax
721 revenues deposited into the Ecosystem Management and Restoration
722 Trust Fund, not to exceed the total appropriated each year by
723 the Legislature, which must be, at a minimum, thirty-six and
724 nine tenths percent of the remainder available for distribution
725 of documentary stamp tax revenues collected each fiscal year.

726 The Legislature may use other sources of revenues to fund
727 projects submitted to the Acquisition and Restoration Council
728 pursuant to this part.

729 (b) The department is authorized to distribute moneys
730 deposited into the Ecosystem Management and Restoration Trust
731 Fund pursuant to paragraph (a) to every entity that submits a
732 project proposal application to the Acquisition and Restoration
733 Council for which funding is approved. The department must also
734 may distribute moneys to state agencies and the water management
735 districts for all reasonable administrative costs related to
736 implementing the provisions of this part.

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

743 (10) Notwithstanding the provisions of this section,
744 nutrient pollution reduction strategies included in an adopted
745 basin management action plan by the department must be complied
746 with regardless of whether there is sufficient funding provided
747 for projects submitted to the Acquisition and Restoration
748 Council under this part.

749 373.811 Prohibited activities within a spring protection
750 and management zone of an Outstanding Florida Spring.—

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

753 (a) New municipal or industrial wastewater disposal
754 systems, including rapid infiltration basins, except those

Commented [U4]: I reworked this paragraph because DEP also needed the authority to distribute project funds to entities for approved applications.

755 systems that meet an advanced wastewater treatment standard of
756 no more than 3 mg/L Total Nitrogen, expressed as N, on an annual
757 permitted basis, or a higher treatment standard if the
758 department determines the higher standard is necessary to
759 prevent impairment or aid in the recovery of an Outstanding
760 Florida Spring;

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

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

768 (2) Each local government must ensure its comprehensive
769 plan reflects these prohibitions and is implemented through
770 passage of a local ordinance.

771 373.813 Rules.—

772 (1) The department, the Department of Health, the
773 Department of Agriculture and Consumer Services, the water
774 management districts, the Acquisition and Restoration Council,
775 and responsible management entities may adopt rules pursuant to
776 ss. 120.536(1) and 120.54 to administer the provisions of this
777 part, as applicable.

778 (2)(a) The Department of Agriculture and Consumer Services
779 is the lead agency coordinating the reduction of agricultural
780 nonpoint sources of pollution for Outstanding Florida Springs
781 protection. The Department of Agriculture and Consumer Services
782 and the department, pursuant to s. 403.067(7)(c)4., must study,
783 and if necessary, in cooperation with applicable county and

784 municipal governments, and stakeholders, initiate rulemaking to
785 implement new or revised best management practices for improving
786 and protecting Outstanding Florida Springs. As needed to
787 implement the new or revised practices, the Department of
788 Agriculture and Consumer Services must revise its best
789 management practices rules to require implementation of the
790 modified practice within a reasonable time period as specified
791 in the rule.

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

804 Section 6. Paragraph (r) of subsection (2) and subsection
805 (7) of section 381.0065, Florida Statutes, are added to said
806 section to read:

807 381.0065 Onsite sewage treatment and disposal systems;
808 regulation.—

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

811 (r) "Responsible management entity" means a legal entity
812 established to be responsible for providing localized management

813 services with the requisite managerial, financial, and technical
814 capacity to ensure long term management of onsite sewage
815 treatment and disposal systems within its jurisdiction.

816 (7) RESPONSIBLE MANAGEMENT ENTITIES.--

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

832 (b) Notwithstanding paragraph (a), effective July 1, 2014,
833 each municipality, county, or appointed regional entity may
834 establish a responsible management entity for prevention,
835 reduction, and control of nutrient pollution caused by
836 discharges from onsite sewage treatment and disposal systems.
837 Responsible management entities may implement regulations,
838 maintenance, and planning in coordination with the department
839 and coordinated planning for nutrient reductions with other
840 local wastewater service providers. This authority may include,
841 but is not limited to, permitting; development of system

842 performance standards; development of standards for
843 construction, operation, and inspections; maintenance programs
844 of onsite sewage treatment and disposal systems; coordinated
845 planning for nutrient reductions with other local wastewater
846 service providers; and consolidation of multiple individual
847 projects into one larger project proposal for submittal to the
848 Acquisition and Restoration Council pursuant to s. 373.809.

849 (c) The establishment of responsible management entities
850 must be approved by the department. The department must ensure
851 responsible management entities adopt rules and policies that
852 are at least as restrictive as state law.

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

855 403.067 Establishment and implementation of total maximum
856 daily loads.—

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

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

860 1. In developing and implementing the total maximum daily
861 load for a water body, the department, or the department in
862 conjunction with a water management district, if not otherwise
863 required to do so under applicable law, may develop a basin
864 management action plan that addresses some or all of the
865 watersheds and basins tributary to the water body. Such plan
866 must integrate the appropriate management strategies available
867 to the state through existing water quality protection programs
868 to achieve the total maximum daily loads and may provide for
869 phased implementation of these management strategies to promote
870 timely, cost-effective actions as provided for in s. 403.151.

871 The plan must establish a schedule implementing the management
872 strategies, establish a basis for evaluating the plan's
873 effectiveness, and identify feasible funding strategies for
874 implementing the plan's management strategies. The management
875 strategies may include regional treatment systems or other
876 public works, where appropriate, and voluntary trading of water
877 quality credits to achieve the needed pollutant load reductions.

878 2. A basin management action plan must equitably allocate,
879 pursuant to paragraph (6)(b), pollutant reductions to individual
880 basins, as a whole to all basins, or to each identified point
881 source or category of nonpoint sources, as appropriate. Where
882 the water body is an Outstanding Florida Spring, the plan must
883 allocate pollutant reductions including loads to groundwater, to
884 each identified point source or category of nonpoint sources
885 within a spring protection and management zone delineated
886 pursuant to s. 373.805. For nonpoint sources for which best
887 management practices have been adopted, the initial requirement
888 specified by the plan must be those practices developed pursuant
889 to paragraph (c). Where appropriate, the plan may take into
890 account the benefits of pollutant load reduction achieved by
891 point or nonpoint sources that have implemented management
892 strategies to reduce pollutant loads, including best management
893 practices, before the development of the basin management action
894 plan. The plan must also identify the mechanisms that will
895 prevent ~~address~~ potential future increases in pollutant loading.

896 3. The basin management action planning process is intended
897 to involve the broadest possible range of interested parties,
898 with the objective of encouraging the greatest amount of
899 cooperation and consensus possible. In developing a basin

900 management action plan, the department shall assure that key
901 stakeholders, including, but not limited to, applicable local
902 governments, water management districts, the Department of
903 Agriculture and Consumer Services, other appropriate state
904 agencies, local soil and water conservation districts,
905 environmental groups, regulated interests, and affected
906 pollution sources, are invited to participate in the process.
907 The department shall hold at least one public meeting in the
908 vicinity of the watershed or basin to discuss and receive
909 comments during the planning process and shall otherwise
910 encourage public participation to the greatest practicable
911 extent. Notice of the public meeting must be published in a
912 newspaper of general circulation in each county in which the
913 watershed or basin lies not less than 5 days nor more than 15
914 days before the public meeting. A basin management action plan
915 does not supplant or otherwise alter any assessment made under
916 subsection (3) or subsection (4) or any calculation or initial
917 allocation.

918 4. The department shall adopt all or any part of a basin
919 management action plan and any amendment to such plan by
920 secretarial order pursuant to chapter 120 to implement the
921 provisions of this section.

922 5. The basin management action plan must include milestones
923 for implementation and water quality improvement, and an
924 associated water quality monitoring component sufficient to
925 evaluate whether reasonable progress in pollutant load
926 reductions is being achieved over time. An assessment of
927 progress toward these milestones shall be conducted every 5
928 years, and revisions to the plan shall be made as appropriate.

929 Revisions to the basin management action plan shall be made by
930 the department in cooperation with basin stakeholders. Revisions
931 to the management strategies required for nonpoint sources must
932 follow the procedures set forth in subparagraph (c)4. Revised
933 basin management action plans must be adopted pursuant to
934 subparagraph 4.

935 6. In accordance with procedures adopted by rule under
936 paragraph (9)(c), basin management action plans, and other
937 pollution control programs under local, state, or federal
938 authority as provided in subsection (4), may allow point or
939 nonpoint sources that will achieve greater pollutant reductions
940 than required by an adopted total maximum load or wasteload
941 allocation to generate, register, and trade water quality
942 credits for the excess reductions to enable other sources to
943 achieve their allocation; however, the generation of water
944 quality credits does not remove the obligation of a source or
945 activity to meet applicable technology requirements or adopted
946 best management practices. Such plans must allow trading between
947 NPDES permittees, and trading that may or may not involve NPDES
948 permittees, where the generation or use of the credits involve
949 an entity or activity not subject to department water discharge
950 permits whose owner voluntarily elects to obtain department
951 authorization for the generation and sale of credits.

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

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

958 1. The department shall be the lead agency in coordinating
959 the implementation of the total maximum daily loads through
960 existing water quality protection programs. Application of a
961 total maximum daily load by a water management district must be
962 consistent with this section and does not require the issuance
963 of an order or a separate action pursuant to s. 120.536(1) or s.
964 120.54 for the adoption of the calculation and allocation
965 previously established by the department. Such programs may
966 include, but are not limited to:

- 967 a. Permitting and other existing regulatory programs,
968 including water-quality-based effluent limitations;
- 969 b. Nonregulatory and incentive-based programs, including
970 best management practices, cost sharing, waste minimization,
971 pollution prevention, agreements established pursuant to s.
972 403.061(21), and public education;
- 973 c. Other water quality management and restoration
974 activities, for example surface water improvement and management
975 plans approved by water management districts or basin management
976 action plans developed pursuant to this subsection;
- 977 d. Trading of water quality credits or other equitable
978 economically based agreements;
- 979 e. Public works including capital facilities; or
- 980 f. Land acquisition.

981 2. For a basin management action plan adopted pursuant to
982 paragraph (a), any management strategies and pollutant reduction
983 requirements associated with a pollutant of concern for which a
984 total maximum daily load has been developed, including effluent
985 limits set forth for a discharger subject to NPDES permitting,
986 if any, must be included in a timely manner in subsequent NPDES

987 permits or permit modifications for that discharger. The
988 department may not impose limits or conditions implementing an
989 adopted total maximum daily load in an NPDES permit until the
990 permit expires, the discharge is modified, or the permit is
991 reopened pursuant to an adopted basin management action plan.

992 a. Absent a detailed allocation, total maximum daily loads
993 must be implemented through NPDES permit conditions that provide
994 for a compliance schedule. In such instances, a facility's NPDES
995 permit must allow time for the issuance of an order adopting the
996 basin management action plan. The time allowed for the issuance
997 of an order adopting the plan may not exceed 5 years. Upon
998 issuance of an order adopting the plan, the permit must be
999 reopened or renewed, as necessary, and permit conditions
1000 consistent with the plan must be established. Notwithstanding
1001 the other provisions of this subparagraph, upon request by an
1002 NPDES permittee, the department as part of a permit issuance,
1003 renewal, or modification may establish individual allocations
1004 before the adoption of a basin management action plan.

1005 b. For holders of NPDES municipal separate storm sewer
1006 system permits and other stormwater sources, implementation of a
1007 total maximum daily load or basin management action plan must be
1008 achieved, to the maximum extent practicable, through the use of
1009 best management practices or other management measures.

1010 c. The basin management action plan does not relieve the
1011 discharger from any requirement to obtain, renew, or modify an
1012 NPDES permit or to abide by other requirements of the permit.

1013 d. Management strategies set forth in a basin management
1014 action plan to be implemented by a discharger subject to
1015 permitting by the department must be completed pursuant to the

1016 schedule set forth in the basin management action plan. This
1017 implementation schedule may extend beyond the 5-year term of an
1018 NPDES permit.

1019 e. Management strategies and pollution reduction
1020 requirements set forth in a basin management action plan for a
1021 specific pollutant of concern are not subject to challenge under
1022 chapter 120 at the time they are incorporated, in an identical
1023 form, into a subsequent NPDES permit or permit modification.

1024 f. For nonagricultural pollutant sources not subject to
1025 NPDES permitting but permitted pursuant to other state,
1026 regional, or local water quality programs, the pollutant
1027 reduction actions adopted in a basin management action plan must
1028 be implemented to the maximum extent practicable as part of
1029 those permitting programs.

1030 g. A nonpoint source discharger included in a basin
1031 management action plan must demonstrate compliance with the
1032 pollutant reductions established under subsection (6) by
1033 implementing the appropriate best management practices
1034 established pursuant to paragraph (c) or conducting water
1035 quality monitoring prescribed by the department or a water
1036 management district. A nonpoint source discharger may, in
1037 accordance with department rules, supplement the implementation
1038 of best management practices with water quality credit trades in
1039 order to demonstrate compliance with the pollutant reductions
1040 established under subsection (6).

1041 h. A nonpoint source discharger included in a basin
1042 management action plan may be subject to enforcement action by
1043 the department or a water management district based upon a
1044 failure to implement the responsibilities set forth in sub-

1045 subparagraph g.

1046 i. A landowner, discharger, or other responsible person who
1047 is implementing applicable management strategies specified in an
1048 adopted basin management action plan may not be required by
1049 permit, enforcement action, or otherwise to implement additional
1050 management strategies, including water quality credit trading,
1051 to reduce pollutant loads to attain the pollutant reductions
1052 established pursuant to subsection (6) and shall be deemed to be
1053 in compliance with this section. This subparagraph does not
1054 limit the authority of the department to amend a basin
1055 management action plan as specified in subparagraph (a)5.

1056 (c) *Best management practices.*—

1057 1. The department, in cooperation with the water management
1058 districts and other interested parties, as appropriate, may
1059 develop suitable interim measures, best management practices, or
1060 other measures necessary to achieve the level of pollution
1061 reduction established by the department for nonagricultural
1062 nonpoint pollutant sources in allocations developed pursuant to
1063 subsection (6) and this subsection. These practices and measures
1064 may be adopted by rule by the department and the water
1065 management districts and, where adopted by rule, shall be
1066 implemented by those parties responsible for nonagricultural
1067 nonpoint source pollution.

1068 2. The Department of Agriculture and Consumer Services may
1069 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54
1070 suitable interim measures, best management practices, or other
1071 measures necessary to achieve the level of pollution reduction
1072 established by the department for agricultural pollutant sources
1073 in allocations developed pursuant to subsection (6) and this

1074 subsection or for programs implemented pursuant to paragraph
1075 (12)~~(13)~~(b). These practices and measures may be implemented by
1076 those parties responsible for agricultural pollutant sources and
1077 the department, the water management districts, and the
1078 Department of Agriculture and Consumer Services shall assist
1079 with implementation. In the process of developing and adopting
1080 rules for interim measures, best management practices, or other
1081 measures, the Department of Agriculture and Consumer Services
1082 shall consult with the department, the Department of Health, the
1083 water management districts, representatives from affected
1084 farming groups, and environmental group representatives. Such
1085 rules must also incorporate provisions for a notice of intent to
1086 implement the practices and a system to assure the
1087 implementation of the practices, including recordkeeping
1088 requirements.

1089 3. Where interim measures, best management practices, or
1090 other measures are adopted by rule, the effectiveness of such
1091 practices in achieving the levels of pollution reduction
1092 established in allocations developed by the department pursuant
1093 to subsection (6) and this subsection or in programs implemented
1094 pursuant to paragraph (12)~~(13)~~ (b) must be verified at
1095 representative sites by the department. The department shall use
1096 best professional judgment in making the initial verification
1097 that the best management practices are reasonably expected to be
1098 effective and, where applicable, must notify the appropriate
1099 water management district or the Department of Agriculture and
1100 Consumer Services of its initial verification before the
1101 adoption of a rule proposed pursuant to this paragraph.
1102 Implementation, in accordance with rules adopted under this

1103 paragraph, of practices that have been initially verified to be
1104 effective, or verified to be effective by monitoring at
1105 representative sites, by the department, shall provide a
1106 presumption of compliance with state water quality standards and
1107 release from the provisions of s. 376.307(5) for those
1108 pollutants addressed by the practices, and the department is not
1109 authorized to institute proceedings against the owner of the
1110 source of pollution to recover costs or damages associated with
1111 the contamination of surface water or groundwater caused by
1112 those pollutants. Research projects funded by the department, a
1113 water management district, or the Department of Agriculture and
1114 Consumer Services to develop or demonstrate interim measures or
1115 best management practices shall be granted a presumption of
1116 compliance with state water quality standards and a release from
1117 the provisions of s. 376.307(5). The presumption of compliance
1118 and release is limited to the research site and only for those
1119 pollutants addressed by the interim measures or best management
1120 practices. Eligibility for the presumption of compliance and
1121 release is limited to research projects on sites where the owner
1122 or operator of the research site and the department, a water
1123 management district, or the Department of Agriculture and
1124 Consumer Services have entered into a contract or other
1125 agreement that, at a minimum, specifies the research objectives,
1126 the cost-share responsibilities of the parties, and a schedule
1127 that details the beginning and ending dates of the project.

1128 4. Where water quality problems are demonstrated, despite
1129 the appropriate implementation, operation, and maintenance of
1130 best management practices and other measures required by rules
1131 adopted under this paragraph, the department, a water management

1132 district, or the Department of Agriculture and Consumer
1133 Services, in consultation with the department, shall institute a
1134 reevaluation of the best management practice or other measure.
1135 Should the reevaluation determine that the best management
1136 practice or other measure requires modification, the department,
1137 a water management district, or the Department of Agriculture
1138 and Consumer Services, as appropriate, shall revise the rule to
1139 require implementation of the modified practice within a
1140 reasonable time period as specified in the rule.

1141 5. Agricultural records relating to processes or methods of
1142 production, costs of production, profits, or other financial
1143 information held by the Department of Agriculture and Consumer
1144 Services pursuant to subparagraphs 3. and 4. or pursuant to any
1145 rule adopted pursuant to subparagraph 2. are confidential and
1146 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
1147 Constitution. Upon request, records made confidential and exempt
1148 pursuant to this subparagraph shall be released to the
1149 department or any water management district provided that the
1150 confidentiality specified by this subparagraph for such records
1151 is maintained.

1152 6. The provisions of subparagraphs 1. and 2. do not
1153 preclude the department or water management district from
1154 requiring compliance with water quality standards or with
1155 current best management practice requirements set forth in any
1156 applicable regulatory program authorized by law for the purpose
1157 of protecting water quality. Additionally, subparagraphs 1. and
1158 2. are applicable only to the extent that they do not conflict
1159 with any rules adopted by the department that are necessary to
1160 maintain a federally delegated or approved program.

1161 Section 8. Section 381.00651, Florida Statutes, is
1162 repealed.

1163 Section 9. (1) The Department of Agriculture and Consumer
1164 Services and the Department of Environmental Protection in
1165 cooperation with the five water management districts must
1166 conduct a comprehensive study on the expansion of the beneficial
1167 use of reclaimed water, stormwater, excess surface water in the
1168 State of Florida, and nutrient reduction improvements for row
1169 crops. The final report of the study must:

1170 (a) Describe factors that currently prohibit or otherwise
1171 complicate the expansion of the beneficial use of reclaimed
1172 water, and include suggestions for how to mitigate or eliminate
1173 those factors.

1174 (b) Identify environmental, public health, public
1175 perception, engineering, ~~and~~ fiscal constraints, and user fees
1176 (including utility rate structures for potable and reclaimed
1177 water).

1178 (c) Identify areas in the state where making reclaimed
1179 water available for irrigation or other uses is needed because
1180 the use of traditional water supply sources is constrained by
1181 limitations on availability.

1182 (d) Evaluate the costs associated for users of reclaimed
1183 water as compared with traditional water sources, including an
1184 examination of the nutrient concentrations in reclaimed water
1185 and the necessity for additional fertilizer supplementation.

1186 (e) Evaluate permitting incentives like further extending
1187 current authorization for long-term consumptive permits to all
1188 entities substituting reclaimed water for traditional sources of
1189 groundwater and surface water withdrawals and including in such

1190 permits a provision authorizing conversion back to traditional
1191 sources if reclaimed water becomes unavailable or otherwise cost
1192 prohibitive.

1193 (f) Describe the basic feasibility, benefit, and cost
1194 estimates for the infrastructure needed to construct regional
1195 storage features, on public or private lands, for reclaimed
1196 water, storm water, and excess surface water including the
1197 collection and delivery mechanisms for beneficial uses such as
1198 agricultural irrigation, power generation, public water supply,
1199 wetland restoration, groundwater recharge and waterbody base
1200 flow augmentation rather than discharge to tide.

1201 (g) Describe any other alternative processes, systems, or
1202 technology that may be comparable to, or better than, a regional
1203 storage system or that might effectively complement or be a
1204 substitute for a regional storage system.

1205 (h) Evaluate the impact of implementation of a
1206 comprehensive reclaimed water plan on traditional water sources
1207 and aquifer levels.

1208 (i) Evaluate strategies to reduce nutrient loading from row
1209 crops in areas sensitive to nutrient pollution, including the
1210 application of organic fertilizers and providing incentives to
1211 agricultural producers to plant crops that require less
1212 fertilization.

1213 (2) The Department of Agriculture and Consumer Services and
1214 the Department of Environmental Protection shall co-host a
1215 public meeting to gather input on the study design and also
1216 provide an opportunity for public comment prior to publishing
1217 the final report.

1218 (3) The final report shall be submitted to the Governor,

1219 the Speaker of the House of Representatives, and the President
1220 of the Senate by December 1, 2015.
1221 Section 9. This act shall take effect July 1, 2014.