

Governor's Budget Recommendation Conforming Bill
Indian River Lagoon Protection Program

1 A bill to be entitled
2 An act relating to the Indian River Lagoon Protection
3 Program; creating s. 373.47, F.S.; amending s. 375.041
4 (3), F.S.; modifying the distribution of funds from the
5 Land Acquisition Trust Fund; providing an effective date.
6

7 Be It Enacted by the Legislature of the State of Florida:
8

9 Section 1. Section 373.47, Florida Statutes, is created to
10 read:

11 373.47 Indian River Lagoon Protection Program.—

12 (1) FINDINGS AND INTENT.—

13 (a) The Legislature finds that the Indian River Lagoon is a
14 critical water resource of the state, providing many economic,
15 natural habitat, and biodiversity functions benefiting the
16 public interest, including fishing, navigation, recreation, and
17 habitat to endangered and threatened species and other flora and
18 fauna.

19 (b) The Legislature finds that, among other things, changes
20 in land uses, septic tanks, aging infrastructure, stormwater
21 runoff, agriculture, and residential fertilizer have resulted in
22 excess nutrients entering the lagoon and adversely impacting the
23 lagoon's water quality.

24 (c) The Legislature finds that improvement to the
25 hydrology, water quality, and associated aquatic habitats within
26 the Indian River Lagoon is essential to the protection of the
27 resource.

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28 (d) The Legislature also finds that it is imperative for
29 the state, local governments, and agricultural and environmental
30 communities to commit to restoring and protecting the surface
31 water resources of the Indian River Lagoon, and that a holistic
32 approach to address these issues must be developed and
33 implemented immediately.

34 (e) The Legislature finds that the expeditious
35 implementation of the Banana River Lagoon Basin Management
36 Action Plan, Central Indian River Lagoon Basin Management Action
37 Plan, North Indian River Lagoon Basin Management Action Plan and
38 Mosquito Lagoon Reasonable Assurance Plan is needed to improve
39 the quality of water in the Indian River Lagoon ecosystem and
40 provide a reasonable means of achieving the total maximum daily
41 load requirements and achieving and maintaining compliance with
42 state water quality standards.

43 (f) The Legislature finds that the implementation of the
44 programs contained in this section is for the benefit of the
45 public health, safety, and welfare and is in the public
46 interest.

47 (g) The Legislature finds that a continuing source of
48 funding is needed to effectively implement the programs and
49 plans developed and approved under this section and s. 403.067.

50 (h) It is the intent of the Legislature to protect and
51 restore surface water resources and achieve and maintain
52 compliance with water quality standards in the Indian River
53 Lagoon through the phased, comprehensive, and innovative
54 protection program set forth in this section which includes
55 long-term solutions based upon the total maximum daily loads

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56 established in accordance with s. 403.067. This program shall be
57 watershed-based, shall provide for consideration of all water
58 quality issues needed to meet the total maximum daily load, and
59 shall include research and monitoring, development and
60 implementation of best management practices, refinement of
61 existing regulations, and structural and nonstructural projects,
62 including public works.

63 (2) DEFINITIONS.—As used in this section, the term:

64 (a) "Best management practice" means a practice or
65 combination of practices determined by the coordinating
66 agencies, based on research, field-testing, and expert review,
67 to be the most effective and practicable on-location means,
68 including economic and technological considerations, for
69 improving water quality in agricultural and urban discharges.
70 Best management practices for agricultural discharges shall
71 reflect a balance between water quality improvements and
72 agricultural productivity.

73 (b) "Total maximum daily load" means the sum of the
74 individual wasteload allocations for point sources and the load
75 allocations for nonpoint sources and natural background adopted
76 pursuant to s. 403.067. Before determining individual wasteload
77 allocations and load allocations, the maximum amount of a
78 pollutant that a water body or water segment can assimilate from
79 all sources without exceeding water quality standards must first
80 be calculated.

81 (3) THE INDIAN RIVER LAGOON PROTECTION PROGRAM.—The Indian
82 River Lagoon Protection Program shall consist of the Banana
83 River Lagoon Basin Management Action Plan, Central Indian River

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84 Lagoon Basin Management Action Plan, North Indian River Lagoon
85 Basin Management Action Plan and Mosquito Lagoon Reasonable
86 Assurance Plan and shall be the component of the Indian River
87 Lagoon Protection Program that achieves phosphorous and nitrogen
88 load reductions for the Indian River Lagoon.

89 (a) Evaluation.— Every 5 years the department shall conduct
90 an evaluation and update the Banana River Lagoon Basin
91 Management Action Plan, Central Indian River Lagoon Basin
92 Management Action Plan, North Indian River Lagoon Basin
93 Management Action Plan and Mosquito Lagoon Reasonable Assurance
94 Plan and identify any further load reductions necessary to
95 achieve compliance with the relevant total maximum daily loads
96 established pursuant to s. 403.067. As provided in
97 403.067(7)(a)6., the Banana River Lagoon Basin Management Action
98 Plan, Central Indian River Lagoon Basin Management Action Plan,
99 North Indian River Lagoon Basin Management Action Plan and
100 Mosquito Lagoon Reasonable Assurance Plan must include 5-year
101 milestones for implementation and water quality improvement, and
102 a water quality monitoring component sufficient to evaluate
103 whether reasonable progress in pollutant load reductions is
104 being achieved over time.

105 (b) The department, in coordination with the St. Johns
106 River Water Management District, South Florida Water Management
107 District, local governments, and other stakeholders, shall
108 identify projects necessary to achieve water quality standards
109 within the Indian River Lagoon watershed and meet the total
110 maximum daily loads. Projects identified from this evaluation
111 shall be incorporated into the Banana River Lagoon Basin

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112 Management Action Plan, Central Indian River Lagoon Basin
113 Management Action Plan, North Indian River Lagoon Basin
114 Management Action Plan and Mosquito Lagoon Reasonable Assurance
115 Plan, as appropriate.

116 (c) Indian River Lagoon Watershed Research and Water
117 Quality Monitoring Program.—The department, in coordination with
118 the St. Johns River Water Management District, South Florida
119 Water Management District, and the Indian River Lagoon National
120 Estuary Program, shall implement an Indian River Lagoon
121 Watershed Research and Water Quality Monitoring Program to
122 establish a comprehensive water quality monitoring network
123 throughout the Indian River Lagoon and fund research pertaining
124 to water quality, ecosystem restoration, and seagrass impacts
125 and restoration. Results from the program shall be used by the
126 department to make modifications to the Banana River Lagoon
127 Basin Management Action Plan, Central Indian River Lagoon Basin
128 Management Action Plan, North Indian River Lagoon Basin
129 Management Action Plan and Mosquito Lagoon Reasonable Assurance
130 Plan, as appropriate.

131 (d) Onsite sewage treatment and disposal systems. —
132 Beginning on January 1, 2024, new onsite sewage treatment and
133 disposal systems are prohibited within the Banana River Lagoon
134 Basin Management Action Plan, Central Indian River Lagoon Basin
135 Management Action Plan, North Indian River Lagoon Basin
136 Management Action Plan and Mosquito Lagoon Reasonable Assurance
137 Plan areas where central sewer is available in accordance with
138 s. 381.00655. For any new development where central sewer is not
139 available, only advanced nutrient reducing onsite sewage

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140 treatment and disposal systems or distributed wastewater
141 treatment systems shall be authorized. By July 1, 2030, any
142 commercial or residential property with an existing onsite
143 sewage treatment and disposal system located within the Banana
144 River Lagoon Basin Management Action Plan, Central Indian River
145 Lagoon Basin Management Action Plan, North Indian River Lagoon
146 Basin Management Action Plan and Mosquito Lagoon Reasonable
147 Assurance Plan areas, shall connect to central sewer if
148 available or upgrade to an advanced nutrient reducing onsite
149 sewage treatment and disposal system or distributed wastewater
150 treatment system.

151 (4) RELATIONSHIP TO STATE WATER QUALITY STANDARDS.—Nothing
152 in this section shall be construed to modify any existing state
153 water quality standard or to modify the provisions of
154 s. 403.067(6) and (7) (a).

155 (5) RULES.—The department and governing boards of the St.
156 Johns River Water Management District and South Florida Water
157 Management District are authorized to adopt rules pursuant to
158 ss. 120.536(1) and 120.54 to implement the provisions of this
159 section.

160 (6) PRESERVATION OF AUTHORITY.—Nothing in this section
161 shall be construed to restrict the authority otherwise granted
162 to agencies pursuant to this chapter and chapter 403, and
163 provisions of this section shall be deemed supplemental to the
164 authority granted to agencies pursuant to this chapter and
165 chapter 403.

166 Section 2. Subsection (3) of section 375.041, Florida
167 Statutes, is amended to read:

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168 (3) Funds distributed into the Land Acquisition Trust Fund
169 pursuant to s. 201.15 shall be applied:

170 (a) First, to pay debt service or to fund debt service
171 reserve funds, rebate obligations, or other amounts payable with
172 respect to Florida Forever bonds issued under s. 215.618; and
173 pay debt service, provide reserves, and pay rebate obligations
174 and other amounts due with respect to Everglades restoration
175 bonds issued under s. 215.619; and

176 (b) Of the funds remaining after the payments required
177 under paragraph (a), but before funds may be appropriated,
178 pledged, or dedicated for other uses:

179 7. \$100 million shall be appropriated annually to fund
180 water quality protection projects that reduce nutrients entering
181 the Indian River Lagoon and to meet the requirements established
182 in the Indian River Lagoon Protection Program as specified in
183 s. 373.47.

184 Section 3. This act shall take effect upon becoming law.