

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Caldwell offered the following:

2  
3 **Amendment (with title amendment)**

4 Between lines 287 and 288, insert:

5 Section 13. Part VIII of chapter 373, Florida Statutes,  
6 consisting of sections 373.801, 373.802, 373.803, 373.805,  
7 373.807, 373.811, and 373.813, Florida Statutes, is created and  
8 entitled the "Florida Springs and Aquifer Protection Act."

9 Section 14. Section 373.801, Florida Statutes, is created  
10 to read:

11 373.801 Legislative findings and intent.-

12 (1) The Legislature finds that springs are a unique part  
13 of this state's scenic beauty. Springs provide critical habitat  
14 for plants and animals, including many endangered or threatened

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15 species. Springs also provide immeasurable natural,  
16 recreational, economic, and inherent value. Springs are of great  
17 scientific importance in understanding the diverse functions of  
18 aquatic ecosystems. Water quality of springs is an indicator of  
19 local conditions of the Floridan Aquifer, which is a source of  
20 drinking water for many residents of this state. Water flows in  
21 springs may reflect regional aquifer conditions. In addition,  
22 springs provide recreational opportunities for swimming,  
23 canoeing, wildlife watching, fishing, cave diving, and many  
24 other activities in this state. These recreational opportunities  
25 and the accompanying tourism they provide are a benefit to local  
26 economies and the economy of the state as a whole.

27 (2) The Legislature finds that the water quantity and  
28 water quality in springs may be related. For regulatory  
29 purposes, the department has primary responsibility for water  
30 quality; the water management districts have primary  
31 responsibility for water quantity; and the Department of  
32 Agriculture and Consumer Services has primary responsibility for  
33 the development and implementation of agricultural best  
34 management practices. Local governments have primary  
35 responsibility for providing domestic wastewater collection and  
36 treatment services and stormwater management. The foregoing  
37 responsible entities must coordinate to restore and maintain the  
38 water quantity and water quality of the Outstanding Florida  
39 Springs.

40 (3) The Legislature recognizes that:

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41 (a) A spring is only as healthy as its local aquifer  
42 system. The groundwater that supplies springs is derived from  
43 water that recharges the aquifer system in the form of seepage  
44 from the land surface and through direct conduits, such as  
45 sinkholes. Springs may be adversely affected by polluted runoff  
46 from urban and agricultural lands; discharges resulting from  
47 inadequate wastewater and stormwater management practices;  
48 stormwater runoff; and reduced water levels of the Floridan  
49 Aquifer. As a result, the hydrologic and environmental  
50 conditions of a spring or spring run are directly influenced by  
51 activities and land uses within a springshed and by water  
52 withdrawals from the Floridan Aquifer.

53 (b) Springs, whether found in urban or rural settings, or  
54 on public or private lands, may be threatened by actual or  
55 potential flow reductions and declining water quality. Many of  
56 this state's springs are demonstrating signs of significant  
57 ecological imbalance, increased nutrient loading, and declining  
58 flow. Without effective remedial action, further declines in  
59 water quality and water quantity may occur.

60 (c) Springshed boundaries and areas of high vulnerability  
61 within a springshed need to be identified and delineated using  
62 the best available data.

63 (d) Springsheds typically cross water management district  
64 boundaries and local government jurisdictional boundaries, so a  
65 coordinated statewide springs protection plan is needed.

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66 (e) The aquifers and springs of this state are complex  
67 systems affected by many variables and influences.

68 (4) The Legislature recognizes that action is urgently  
69 needed and, as additional data is acquired, action must be  
70 modified.

71 Section 15. Section 373.802, Florida Statutes, is created  
72 to read:

73 373.802 Definitions.—As used in this part, the term:

74 (1) "Department" means the Department of Environmental  
75 Protection, which includes the Florida Geological Survey or its  
76 successor agencies.

77 (2) "Local government" means a county or municipal  
78 government the jurisdictional boundaries of which include an  
79 Outstanding Florida Spring or any part of a springshed or  
80 delineated priority focus area of an Outstanding Florida Spring.

81 (3) "Onsite sewage treatment and disposal system" means a  
82 system that contains a standard subsurface, filled, or mound  
83 drainfield system; an aerobic treatment unit; a graywater system  
84 tank; a laundry wastewater system tank; a septic tank; a grease  
85 interceptor; a pump tank; a solids or effluent pump; a  
86 waterless, incinerating, or organic waste-composting toilet; or  
87 a sanitary pit privy that is installed or proposed to be  
88 installed beyond the building sewer on land of the owner or on  
89 other land on which the owner has the legal right to install  
90 such system. The term includes any item placed within, or  
91 intended to be used as a part of or in conjunction with, the

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92 system. The term does not include package sewage treatment  
93 facilities and other treatment works regulated under chapter  
94 403.

95 (4) "Outstanding Florida Spring" includes all historic  
96 first magnitude springs, including their associated spring runs,  
97 as determined by the department using the most recent Florida  
98 Geological Survey springs bulletin, and the following additional  
99 springs, including their associated spring runs:

- 100 (a) De Leon Springs;  
101 (b) Peacock Springs;  
102 (c) Poe Springs;  
103 (d) Rock Springs;  
104 (e) Wekiwa Springs; and  
105 (f) Gemini Springs.

106  
107 The term does not include submarine springs or river rises.

108 (5) "Priority focus area" means the area or areas of a  
109 basin where the Floridan Aquifer is generally most vulnerable to  
110 pollutant inputs where there is a known connectivity between  
111 groundwater pathways and an Outstanding Florida Spring, as  
112 determined by the department in consultation with the  
113 appropriate water management districts, and delineated in a  
114 basin management action plan.

115 (6) "Springshed" means the areas within the groundwater  
116 and surface water basins which contribute, based upon all  
117 relevant facts, circumstances, and data, to the discharge of a

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118 spring as defined by potentiometric surface maps and surface  
119 watershed boundaries.

120 (7) "Spring run" means a body of flowing water that  
121 originates from a spring or whose primary source of water is a  
122 spring or springs under average rainfall conditions.

123 (8) "Spring vent" means a location where groundwater flows  
124 out of a natural, discernible opening in the ground onto the  
125 land surface or into a predominantly fresh surface water body.

126 Section 16. Section 373.803, Florida Statutes, is created  
127 to read:

128 373.803 Delineation of priority focus areas for  
129 Outstanding Florida Springs.—Using the best data available from  
130 the water management districts and other credible sources, the  
131 department, in coordination with the water management districts,  
132 shall delineate priority focus areas for each Outstanding  
133 Florida Spring or group of springs that contains one or more  
134 Outstanding Florida Springs and is identified as impaired in  
135 accordance with s. 373.807. In delineating priority focus areas,  
136 the department shall consider groundwater travel time to the  
137 spring, hydrogeology, nutrient load, and any other factors that  
138 may lead to degradation of an Outstanding Florida Spring. The  
139 delineation of priority focus areas must be completed by July 1,  
140 2018, shall use understood and identifiable boundaries such as  
141 roads or political jurisdictions for ease of implementation, and  
142 is effective upon incorporation in a basin management action  
143 plan.

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144 Section 17. Section 373.805, Florida Statutes, is created  
145 to read:

146 373.805 Minimum flows and minimum water levels for  
147 Outstanding Florida Springs.-

148 (1) At the time a minimum flow or minimum water level is  
149 adopted pursuant to s. 373.042 for an Outstanding Florida  
150 Spring, if the spring is below or is projected within 20 years  
151 to fall below the minimum flow or minimum water level, a water  
152 management district or the department shall concurrently adopt a  
153 recovery or prevention strategy.

154 (2) When a minimum flow or minimum water level for an  
155 Outstanding Florida Spring is revised pursuant to s.  
156 373.0421(3), if the spring is below or is projected within 20  
157 years to fall below the minimum flow or minimum water level, a  
158 water management district or the department shall concurrently  
159 adopt a recovery or prevention strategy or modify an existing  
160 recovery or prevention strategy. A district or the department  
161 may adopt the revised minimum flow or minimum water level before  
162 the adoption of a recovery or prevention strategy if the revised  
163 minimum flow or minimum water level is less constraining on  
164 existing or projected future consumptive uses.

165 (3) For an Outstanding Florida Spring without an adopted  
166 recovery or prevention strategy, if a district or the department  
167 determines the spring has fallen below, or is projected within  
168 20 years to fall below, the adopted minimum flow or minimum

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169 water level, a water management district or the department shall  
170 expeditiously adopt a recovery or prevention strategy.

171 (4) The recovery or prevention strategy for each  
172 Outstanding Florida Spring must, at a minimum, include:

173 (a) A listing of all specific projects identified for  
174 implementation of the plan;

175 (b) A priority listing of each project;

176 (c) For each listed project, the estimated cost of and the  
177 estimated date of completion;

178 (d) The source and amount of financial assistance to be  
179 made available by the water management district for each listed  
180 project, which may not be less than 25 percent of the total  
181 project cost unless a specific funding source or sources are  
182 identified which will provide more than 75 percent of the total  
183 project cost. The Northwest Florida Water Management District  
184 and the Suwannee River Water Management District are not  
185 required to meet the minimum requirement to receive financial  
186 assistance pursuant to this paragraph;

187 (e) An estimate of each listed project's benefit to an  
188 Outstanding Florida Spring; and

189 (f) An implementation plan designed with a target to  
190 achieve the adopted minimum flow or minimum water level no more  
191 than 20 years after the adoption of a recovery or prevention  
192 strategy. The implementation plan must include a schedule of 5-  
193 year, 10-year, and 15-year measureable milestones intended to  
194 achieve the adopted minimum flow or minimum water level. The

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195 schedule is not a rule but is intended to provide guidance for  
196 planning and funding purposes and is exempt from s.  
197 120.54(1)(a).

198 (5) A local government may apply to the department for a  
199 single extension of up to 5 years for any project in an adopted  
200 recovery or prevention strategy. The department may grant the  
201 extension if the local government provides to the department  
202 sufficient evidence that an extension is in the best interest of  
203 the public. For a local government in a rural area of  
204 opportunity, as defined in s. 288.0656, the department may grant  
205 a single extension of up to 10 years.

206 Section 18. Section 373.807, Florida Statutes, is created  
207 to read:

208 373.807 Protection of water quality in Outstanding Florida  
209 Springs.—By July 1, 2015, the department shall initiate  
210 assessment, pursuant to s. 403.067(3), of Outstanding Florida  
211 Springs or spring systems for which an impairment determination  
212 has not been made under the numeric nutrient standards in effect  
213 for spring vents. Assessments must be completed by July 1, 2018.

214 (1)(a) Concurrent with the adoption of a nutrient total  
215 maximum daily load for an Outstanding Florida Spring, the  
216 department, or the department in conjunction with a water  
217 management district, shall initiate development of a basin  
218 management action plan, as specified in s. 403.067. For an  
219 Outstanding Florida Spring with a nutrient total maximum daily  
220 load adopted before July 1, 2015, the department, or the

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221 department in conjunction with a water management district,  
222 shall initiate development of a basin management action plan by  
223 July 1, 2015. During the development of a basin management  
224 action plan, if the department identifies onsite sewage  
225 treatment and disposal systems as contributors of at least 20  
226 percent of nonpoint source nitrogen pollution or if the  
227 department determines remediation is necessary to achieve the  
228 total maximum daily load, the basin management action plan shall  
229 include an onsite sewage treatment and disposal system  
230 remediation plan pursuant to subsection (3) for those systems  
231 identified as requiring remediation.

232 (b) A basin management action plan for an Outstanding  
233 Florida Spring shall be adopted within 2 years after its  
234 initiation and must include, at a minimum:

235 1. A list of all specific projects and programs identified  
236 to implement a nutrient total maximum daily load;

237 2. A list of all specific projects identified in any  
238 incorporated onsite sewage treatment and disposal system  
239 remediation plan, if applicable;

240 3. A priority rank for each listed project;

241 4. For each listed project, a planning level cost estimate  
242 and the estimated date of completion;

243 5. The source and amount of financial assistance to be  
244 made available by the department, a water management district,  
245 or other entity for each listed project;

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246 6. An estimate of each listed project's nutrient load  
247 reduction;

248 7. Identification of each point source or category of  
249 nonpoint sources, including, but not limited to, urban turf  
250 fertilizer, sports turf fertilizer, agricultural fertilizer,  
251 onsite sewage treatment and disposal systems, wastewater  
252 treatment facilities, animal wastes, and stormwater facilities.  
253 An estimated allocation of the pollutant load must be provided  
254 for each point source or category of nonpoint sources; and

255 8. An implementation plan designed with a target to  
256 achieve the adopted nutrient total maximum daily load no more  
257 than 20 years after the adoption of a basin management action  
258 plan. The plan must include a schedule of 5-year, 10-year, and  
259 15-year measureable milestones intended to achieve the adopted  
260 nutrient total maximum daily load. The schedule is not a rule  
261 but is intended to provide guidance for planning and funding  
262 purposes and is exempt from s. 120.54(1)(a).

263 (c) For a basin management action plan adopted before July  
264 1, 2015, which addresses an Outstanding Florida Spring, the  
265 department or the department in conjunction with a water  
266 management district must revise the plan if necessary to comply  
267 with this section by July 1, 2018.

268 (d) A local government may apply to the department for a  
269 single extension of up to 5 years for any project in an adopted  
270 basin management action plan. A local government in a rural area  
271 of opportunity, as defined in s. 288.0656, may apply for a

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272 single extension of up to 10 years for such a project. The  
273 department may grant the extension if the local government  
274 provides to the department sufficient evidence that an extension  
275 is in the best interest of the public.

276 (2) By July 1, 2016, each local government, as defined in  
277 s. 373.802(2), that has not adopted an ordinance pursuant to s.  
278 403.9337 shall develop, enact, and implement an ordinance  
279 pursuant to that section. It is the intent of the Legislature  
280 that ordinances required to be adopted under this subsection  
281 reflect the latest scientific information, advancements, and  
282 technological improvements in the industry.

283 (3) As part of a basin management action plan that  
284 includes an Outstanding Florida Spring, the department, the  
285 Department of Health, relevant local governments, and relevant  
286 local public and private wastewater utilities, shall develop an  
287 onsite sewage treatment and disposal system remediation plan for  
288 a spring if the department determines onsite sewage treatment  
289 and disposal systems within a priority focus area contribute at  
290 least 20 percent of nonpoint source nitrogen pollution or if the  
291 department determines remediation is necessary to achieve the  
292 total daily maximum load. The plan shall identify cost-effective  
293 and financially feasible projects necessary to reduce the  
294 nutrient impacts from onsite sewage treatment and disposal  
295 systems and shall be completed and adopted as part of the basin  
296 management action plan no later than the first 5-year milestone

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297 required by subparagraph (1)(b)8. In preparing the plan, the  
298 department shall:

299 (a) Collect and evaluate credible scientific information  
300 on the effect of nutrients, particularly forms of nitrogen, on  
301 springs and springs systems; and

302 (b) Develop a public education plan to provide area  
303 residents with reliable, understandable information about onsite  
304 sewage treatment and disposal systems and springs.

305  
306 In addition to the requirements of s. 403.067, the plan shall  
307 include options for repair, upgrade, replacement, drainfield  
308 modification, addition of effective nitrogen reducing features,  
309 connection to a central sewerage system, or other action for an  
310 onsite sewage treatment and disposal system or group of systems  
311 within a priority focus area that contribute at least 20 percent  
312 of nonpoint source nitrogen pollution or if the department  
313 determines remediation is necessary to achieve a total maximum  
314 daily load. For these systems, the department shall include in  
315 the plan a priority ranking for each system or group of systems  
316 that requires remediation and shall award funds to implement the  
317 remediation projects contingent on an appropriation in the  
318 General Appropriations Act, which may include all or part of the  
319 costs necessary for repair, upgrade, replacement, drainfield  
320 modification, addition of effective nitrogen reducing features,  
321 initial connection to a central sewerage system, or other  
322 action. In awarding funds, the department may consider expected

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323 nutrient reduction benefit per unit cost, size and scope of  
324 project, relative local financial contribution to the project,  
325 financial impact on property owners and the community. The  
326 department may waive matching funding requirements for proposed  
327 projects within an area designated as a rural area of  
328 opportunity under s. 288.0656.

329 (4) The department shall provide notice to a local  
330 government of all permit applicants under s. 403.814(12) in a  
331 priority focus area of an Outstanding Florida Spring over which  
332 the local government has full or partial jurisdiction.

333 Section 19. Section 373.811, Florida Statutes, is created  
334 to read:

335 373.811 Prohibited activities within a priority focus  
336 area.—The following activities are prohibited within a priority  
337 focus area in effect for an Outstanding Florida Spring:

338 (1) New domestic wastewater disposal facilities, including  
339 rapid infiltration basins, with permitted capacities of 100,000  
340 gallons per day or more, except for those facilities that meet  
341 an advanced wastewater treatment standard of no more than 3 mg/l  
342 total nitrogen, expressed as N, on an annual permitted basis, or  
343 a more stringent treatment standard if the department determines  
344 the more stringent standard is necessary to attain a total  
345 maximum daily load for the Outstanding Florida Spring.

346 (2) New onsite sewage treatment and disposal systems on  
347 lots of less than 1 acre, if the addition of the specific  
348 systems conflicts with an onsite treatment and disposal system

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349 remediation plan incorporated into a basin management action  
350 plan in accordance with s. 373.807(3).

351 (3) New facilities for the disposal of hazardous waste.

352 (4) The land application of Class A or Class B domestic  
353 wastewater biosolids not in accordance with a nutrient  
354 management plan approved by the department which establishes the  
355 rate at which all biosolids, soil amendments, and sources of  
356 nutrients at the land application site can be applied to the  
357 land for crop production while minimizing the amount of  
358 pollutants and nutrients discharged to groundwater or waters of  
359 the state.

360 (5) New agriculture operations that do not implement best  
361 management practices, measures necessary to achieve pollution  
362 reduction levels established by the department, or groundwater  
363 monitoring plans approved by a water management district or the  
364 department.

365 Section 20. Section 373.813, Florida Statutes, is created  
366 to read:

367 373.813 Rules.—

368 (1) The department shall adopt rules to improve water  
369 quantity and water quality to administer this part, as  
370 applicable.

371 (2) (a) The Department of Agriculture and Consumer Services  
372 is the lead agency coordinating the reduction of agricultural  
373 nonpoint sources of pollution for the protection of Outstanding  
374 Florida Springs. The Department of Agriculture and Consumer

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375 Services and the department, pursuant to s. 403.067(7)(c)4.,  
376 shall study new or revised agricultural best management  
377 practices for improving and protecting Outstanding Florida  
378 Springs and, if necessary, in cooperation with applicable local  
379 governments and stakeholders, initiate rulemaking to require the  
380 implementation of such practices within a reasonable period.

381 (b) The department, the Department of Agriculture and  
382 Consumer Services, and the University of Florida Institute of  
383 Food and Agricultural Sciences shall cooperate in conducting the  
384 necessary research and demonstration projects to develop  
385 improved or additional nutrient management tools, including the  
386 use of controlled release fertilizer that can be used by  
387 agricultural producers as part of an agricultural best  
388 management practices program. The development of such tools must  
389 reflect a balance between water quality improvement and  
390 agricultural productivity and, if applicable, must be  
391 incorporated into the revised agricultural best management  
392 practices adopted by rule by the Department of Agriculture and  
393 Consumer Services.

394 -----

395  
396 **T I T L E A M E N D M E N T**

397 Remove line 50 and insert:  
398 appropriation; creating part VIII of chapter 373,  
399 F.S., entitled the "Florida Springs and Aquifer  
400 Protection Act"; creating s. 373.801, F.S.; providing

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401 legislative findings and intent; creating s. 373.802,  
402 F.S.; providing definitions; creating s. 373.803,  
403 F.S.; requiring the department to delineate a priority  
404 focus area for each Outstanding Florida Spring;  
405 creating s. 373.805, F.S.; requiring a water  
406 management district or the department to adopt or  
407 revise various recovery or prevention strategies  
408 relating to minimum flows and minimum water levels for  
409 Outstanding Florida Springs under certain  
410 circumstances; providing minimum requirements for  
411 recovery or prevention strategies for Outstanding  
412 Florida Springs; authorizing local governments to  
413 apply for an extension for projects in an adopted  
414 recovery or prevention strategy; creating s. 373.807,  
415 F.S.; requiring the department to initiate assessments  
416 of Outstanding Florida Springs by a certain date;  
417 requiring the department to develop basin management  
418 action plans; authorizing local governments to apply  
419 for an extension for projects in an adopted basin  
420 management action plan; requiring certain local  
421 governments to develop, enact, and implement an urban  
422 fertilizer ordinance by a certain date; requiring the  
423 department, the Department of Health, and local  
424 governments to identify onsite sewage treatment and  
425 disposal systems within each priority focus area;  
426 requiring certain local governments to develop onsite

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427 sewage treatment and disposal system remediation  
428 plans; prohibiting property owners with identified  
429 onsite sewage treatment and disposal systems from  
430 being required to pay certain costs; creating s.  
431 373.811, F.S.; specifying prohibited activities within  
432 a priority focus area of an Outstanding Florida  
433 Spring; creating s. 373.813, F.S.; providing  
434 rulemaking authority; providing an effective date.

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