

**CS/SB 1044** by **CU, Simpson;** (Similar to H 7147) Energy Policies

733562 A S RCS AG, Galvano Delete L.135 - 167. 04/01 09:21 AM

**CS/SB 1184** by **CM, Brandes;** (Similar to CS/CS/CS/H 0185) Gasoline Stations

892822 A S RCS AG, Brandes btw L.48 - 49: 04/01 10:10 AM

413766 A S L FC AG, Bullard Delete L.45: 03/31 05:30 PM

**CS/SB 1576** by **EP, Dean (CO-INTRODUCERS) Montford, Soto, Simmons, Hays, Altman, Abruzzo;** (Similar to H 1313) Springs

130974 D S RCS AG, Galvano Delete everything after 04/01 09:22 AM

753618 AA S RCS AG, Galvano Delete L.315 - 440: 04/01 09:22 AM

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**AGRICULTURE**  
**Senator Montford, Chair**  
**Senator Bullard, Vice Chair**

**MEETING DATE:** Monday, March 31, 2014  
**TIME:** 4:00 —6:00 p.m.  
**PLACE:** 301 Senate Office Building

**MEMBERS:** Senator Montford, Chair; Senator Bullard, Vice Chair; Senators Brandes, Galvano, Garcia, Grimsley, and Sachs

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>CS/SB 1044</b> Communications, Energy, and Public Utilities / Simpson (Similar H 7147, Compare H 4007)	Energy Policies; Requiring the Department of Agriculture and Consumer Services to include in its annual report recommendations for energy efficiency; providing that the Solar Energy Center may, rather than must, develop standards for solar energy systems manufactured or sold in this state; authorizing the Commissioner of Agriculture to appoint a member to the Southern States Energy Board; authorizing the department to post on its website information relating to alternative fueling stations or electric vehicle charging stations, etc.  CU     03/11/2014 Fav/CS AG     03/31/2014 Fav/CS AP	Fav/CS Yeas 6 Nays 0
2	<b>CS/SB 1184</b> Commerce and Tourism / Brandes (Similar CS/CS/CS/H 185, Compare CS/S 1272)	Gasoline Stations; Requiring self-service gasoline pumps to display an additional decal containing specified information; requiring the Department of Agriculture and Consumer Services to confirm compliance by a specified date; providing for preemption of local laws and regulations pertaining to fueling assistance for certain motor vehicle operators, etc.  CM     03/17/2014 Fav/CS AG     03/31/2014 Fav/CS AP	Fav/CS Yeas 4 Nays 2
3	<b>CS/SB 1576</b> Environmental Preservation and Conservation / Dean (Similar H 1313)	Springs; Specifying distributions to the Ecosystem Management and Restoration Trust Fund; requiring the Department of Environmental Protection or the governing board of a water management district to establish the minimum flow and water level for an Outstanding Florida Spring; creating part VIII of chapter 373, F.S., entitled "Florida Springs and Aquifer Protection Act"; specifying prohibited activities within a spring protection and management zone of an Outstanding Florida Spring; repealing provisions relating to periodic evaluation and assessment of onsite sewage treatment and disposal systems, etc.  EP     03/13/2014 Temporarily Postponed EP     03/20/2014 Fav/CS AG     03/31/2014 Fav/CS AP	Fav/CS Yeas 5 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Agriculture

Monday, March 31, 2014, 4:00 —6:00 p.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
Other Related Meeting Documents			

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**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Agriculture

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BILL: CS/CS/SB 1044

INTRODUCER: Agriculture Committee; Communications, Energy, and Public Utilities Committee; and Senator Simpson

SUBJECT: Energy Policies

DATE: March 31, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Wiehle</u>	<u>Caldwell</u>	<u>CU</u>	<u>Fav/CS</u>
2.	<u>Weidenbenner</u>	<u>Becker</u>	<u>AG</u>	<u>Fav/CS</u>
3.	_____	_____	<u>AP</u>	_____

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 1044 revises the statutes providing for the energy-related duties, powers, and functions of the Department of Agriculture and Consumer Services (DACS or department) to:

- Authorize DACS to promote all forms of renewable energy, not just solar;
- Authorize the Florida Energy Systems Consortium to participate with DACS and other entities in aiding and promoting the commercialization of renewable energy;
- Authorize the Commissioner of Agriculture to appoint a member of the Southern States Energy Board;
- Repeal existing, un-used statutes creating the rebates for solar energy systems and energy efficient appliances, together with making conforming changes;
- Authorize DACS to post information on its website relating to alternative fueling stations and electric vehicle charging stations that are available to the public; and
- Add to the Florida Building Commission one member who is a representative of the department's Office of Energy, appointed by the Governor from a list of three nominees provided by the Commissioner of Agriculture.

## II. Present Situation:

### **Florida Energy Office/Department of Agriculture and Consumer Services -- Duties**

The Florida Office of Energy is the state entity primarily responsible for non-regulatory energy matters, including coordinating with federal entities on energy matters, administering federal energy programs delegated to the state, and administering state energy rebate programs. The Office has been located in the Executive Office of the Governor, the Department of Community Affairs, and the Department of Environmental Protection. It is now located within DACS.

Various duties associated with energy have been statutorily assigned to the department in which the Energy Office has been located. Section 377.6015, F.S., provides the department's primary powers and duties relating to energy resources, including:

- Administering the Florida Renewable Energy and Energy-Efficient Technologies Grants Program to assure a robust grant portfolio;
- Developing policy for requiring grantees to provide royalty-sharing or licensing agreements with state government for commercialized products developed under a state grant;
- Administering the Florida Green Government Grants Act and setting annual priorities for grants;
- Administering specified information gathering and reporting functions;
- Administering the provisions of the Florida Energy and Climate Protection Act;
- Advocating for energy and climate change issues and provide educational outreach and technical assistance in cooperation with the state's academic institutions;
- Being a party in the Public Service Commission's Florida Energy Efficiency and Conservation Act proceedings to adopt goals; and
- Adopting rules in order to implement these powers and duties.

Section 377.703, F.S., sets forth additional functions of DACS relating to energy. It includes the following duties:

- Submission of an annual report to the Governor and the Legislature reflecting its activities, which must include recommendations for energy conservation programs for the state;
- Promoting the development and use of renewable energy resources by:
  - Establishing goals and strategies for increasing the use of solar energy in this state;
  - Aiding and promoting the commercialization of solar energy technology, in cooperation with the Florida Solar Energy Center and other agencies;
  - Identifying barriers to greater use of solar energy systems in this state; and
  - In cooperation with specified entities, investigating opportunities for solar electric vehicles and other solar energy manufacturing, distribution, installation, and financing efforts which will enhance this state's position as the leader in solar energy research, development, and use; and
- Promoting energy conservation in all energy use sectors throughout the state.

### **Southern States Energy Compact**

Section 377.711, F.S., establishes Florida as a member of the Southern States Energy Compact. The compact is performed by the Southern States Energy Board (SSEB). The SSEB is a non-

profit interstate compact organization created by state law in 1960 and consented to by Congress<sup>1</sup> with a broad mandate to contribute to the economic and community well-being of the southern region.<sup>2</sup> Its mission is to enhance economic development and the quality of life in the South through innovations in energy and environmental policies, programs, and technologies. Its membership includes sixteen southern states and two territories: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, Puerto Rico, South Carolina, Tennessee, Texas, U.S. Virgin Islands, Virginia, and West Virginia. Each jurisdiction is represented by the Governor and a Legislator from the House and Senate. A Governor serves as the chair and legislators serve as vice-chair and treasurer. Ex-officio non-voting Board members include a federal representative appointed by the President of the United States, the Southern Legislative Conference Energy and Environment Committee Chair, and SSEB's executive director, who serves as secretary.

The SSEB pursues its mission through the creation of programs in the fields of energy and environmental policy research, development and implementation, science and technology exploration, and related areas of concern. SSEB serves its members directly by providing timely assistance designed to develop effective energy and environmental policies and programs and represents its members before governmental agencies at all levels. Its long-term goals are to:

- Perform essential services that provide direct scientific and technical assistance to state governments;
- Develop, promote, and recommend policies and programs on energy, environment, and economic development that encourage sustainable development;
- Provide technical assistance to executive and legislative policy-makers and the private sector in order to achieve synthesis of energy, environment, and economic issues that ensure energy security and supply;
- Facilitate the implementation of energy and environmental policies between federal, state, and local governments and the private sector;
- Sustain business development throughout the region by eliminating barriers to the use of efficient energy and environmental technologies; and
- Support improved energy efficient technologies that pollute less and contribute to a clean global environment while protecting indigenous natural resources for future generations.

Core funding for the Board comes from the appropriations of its eighteen member jurisdictions. Each member's share of support is determined by a formula written into the original Compact. The Board also is authorized to accept funds from any state, federal agency, interstate agency, institution, person, firm, or corporation provided those funds are used for the Board's purposes and functions. In addition, SSEB maintains an Associate Members program comprised of industry partners who provide an annual contribution to the Board.

Section 377.712, F.S., provides for Florida's participation on the SSEB, including requiring the Governor, the President of the Senate, and the Speaker of the House of Representatives to each appoint one member to the SSEB.<sup>3</sup> The section also authorizes departments, agencies, and

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<sup>1</sup> Public Laws 87-563 and 92-440.

<sup>2</sup> <http://www.sseb.org/about/> last accessed 2/20/2014.

<sup>3</sup> Currently the Florida members are Governor Rick Scott, Senator Anitere Flores, and Representative Jose Felix Diaz.

officers of the state and its subdivisions to cooperate with the SSEB if the activities have been approved by either the Governor or the Florida Department of Health.

### **Rebate Programs**

Section 377.802, F.S., provides the purpose of the Florida Energy and Climate Protection Act (sections 377.801-377.807, F.S.). Among these purposes is providing incentives for the purchase of energy-efficient appliances and rebates for solar energy equipment installations for residential and commercial buildings.

Section 377.806, F.S., creates the Solar Energy System Incentives Program. The program was created in 2006 and was administered by the Florida Energy Office within the Florida Energy and Climate Commission (FECC). The purpose of the program was to provide financial incentives (rebates on a portion of the purchase price) for the purchase and installation of solar energy systems that meet specified requirements. Rebates were available for both solar photovoltaic systems that produce electricity and solar thermal systems that produce heat. The amounts of the rebates was as follows:

- For a photovoltaic system, the rebate amount was \$4 per watt based on the total wattage rating of the system, with the maximum amount per system installation of:
  - \$20,000 for a residence and
  - \$100,000 for a place of business, a publicly owned or operated facility, or a facility owned or operated by a private, not-for-profit organization, including condominiums or apartment buildings.
- For a solar thermal system:
  - \$500 for a residence and
  - \$15 per 1,000 Btu up to a maximum of \$5,000 for a place of business, a publicly owned or operated facility, or a facility owned or operated by a private, not-for-profit organization, including condominiums or apartment buildings.
- For a solar thermal pool heater, \$100 per installation.

The rebate was available only for the purchase and installation, between July 1, 2006, and June 30, 2010, inclusive, of a new solar energy system of 2 kilowatts or larger for a solar photovoltaic system, a solar energy system that provides at least 50 percent of a building's hot water consumption for a solar thermal system, or a solar thermal pool heater. Application for a rebate had to be made within 120 days after the purchase of the solar energy equipment.

The FECC was to determine and publish on a regular basis the amount of rebate funds remaining in each fiscal year. The total dollar amount of all rebates issued was subject to the total amount of appropriations in any fiscal year for this program. If funds were insufficient during one fiscal year, any requests for rebates received during that fiscal year could be processed during the following fiscal year. Requests for rebates received in a fiscal year that are processed during the following fiscal year had to be given priority over requests for rebates received during the following fiscal year.

The Legislature provided annual funding for the program, as follows:

- FY 2006-07           \$2.5 million in General Revenue
- FY 2007-08           \$3.5 million in General Revenue

- FY 2008-09 \$5.0 million in General Revenue
- FY 2009-10 \$14.4 million in federal ARRA 2009 funds
- FY 2010-11 No funding was provided.

The program proved much more popular than anticipated. Additionally, the FECC did not announce that funds for the program had been depleted until several months after the fact. These factors contributed to a backlog of over 12,000 applications and approximately \$49 million being accumulated as of October 2010. The rebate applications dated as far back as June 2009.<sup>4</sup>

Section 377.807, F.S., authorized the FECC to develop and administer a consumer rebate program for residential energy-efficient appliances consistent with federal law.<sup>5</sup> The Office of Energy applied for federal funds for this rebate program and received a U.S. Department of Energy (USDOE) ARRA Stimulus Grant of \$17,585,000 to be used exclusively for ENERGY STAR appliance rebate programs.<sup>6</sup> The rebates were scheduled to be awarded on one day in the fall of 2009 and the bulk of these funds were awarded that day; only \$2.5 million remained. USDOE suggested that the Office of Energy/FECC use these funds for additional programs. They made the decision to add USDOE State Energy Program funds and hold another rebate program, this one for HVAC appliances which had not been included in the first rebate program. As a result, there was a second energy efficient appliance rebate awarded during the fall of 2010, using the initial \$2,531,143 of Stimulus Grant funds and \$3,933,857 of SEP funds.

These funds were appropriated by the Legislature in 2010 Special Session A. The bill appropriated a total of \$31,369,867, with \$2,467,244 appropriated exclusively to implement the HVAC rebates.<sup>7</sup> The remaining \$28,902,623 was to be used first to pay any HVAC rebates in excess of the exclusive appropriation of \$2,467,244, with the remainder of the money to be used to pay a percentage of each unpaid and approved rebate application pursuant to the Solar Energy System Incentives Program.<sup>8</sup> The percentage of each approved rebate to be paid was to be derived by dividing the amount appropriated by the total dollar value of the backlog of final approved solar rebates.<sup>9</sup> Subsequent to this appropriation, the Energy Office was transferred from the FECC (which was abolished) to DACS, where the solar rebate awards were completed. Each eligible solar rebate applicant received payment for approximately 52 percent of the requested rebate amount.<sup>10</sup>

### **Florida Building Commission**

Section 553.74, F.S., creates the Florida Building Commission, which develops the Florida Building Code, including the Energy Efficiency Code for Building Construction. The commission is composed of 26 members, appointed by the Governor subject to confirmation by the Senate. The membership must be composed of:

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<sup>4</sup> See [http://freshfromflorida.s3.amazonaws.com/Office\\_of\\_Energy\\_Annual\\_Report\\_2011.pdf](http://freshfromflorida.s3.amazonaws.com/Office_of_Energy_Annual_Report_2011.pdf). (last visited Mar. 27, 2014).

<sup>5</sup> Chapter 2009-36, Laws of Florida.

<sup>6</sup> [http://freshfromflorida.s3.amazonaws.com/Office\\_of\\_Energy\\_Annual\\_Report\\_2011.pdf](http://freshfromflorida.s3.amazonaws.com/Office_of_Energy_Annual_Report_2011.pdf), pages 19-20, last accessed 2/21/1014.

<sup>7</sup> HB 15-A, Chapter No. 2010-282, Laws of Florida.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> [http://freshfromflorida.s3.amazonaws.com/Office\\_of\\_Energy\\_Annual\\_Report\\_2011.pdf](http://freshfromflorida.s3.amazonaws.com/Office_of_Energy_Annual_Report_2011.pdf), page 25, last accessed 2/21/1014.



- One architect registered to practice in this state and actively engaged in the profession;
- One structural engineer registered to practice in this state and actively engaged in the profession;
- One air-conditioning or mechanical contractor certified to do business in this state and actively engaged in the profession;
- One electrical contractor certified to do business in this state and actively engaged in the profession;
- One member from fire protection engineering or technology who is actively engaged in the profession;
- One general contractor certified to do business in this state and actively engaged in the profession;
- One plumbing contractor licensed to do business in this state and actively engaged in the profession;
- One roofing or sheet metal contractor certified to do business in this state and actively engaged in the profession;
- One residential contractor licensed to do business in this state and actively engaged in the profession;
- Three members who are municipal or district codes enforcement officials, one of whom is also a fire official;
- One member who represents the Department of Financial Services;
- One member who is a county codes enforcement official;
- One member of a Florida-based organization of persons with disabilities or a nationally chartered organization of persons with disabilities with chapters in this state;
- One member of the manufactured buildings industry who is licensed to do business in this state and is actively engaged in the industry;
- One mechanical or electrical engineer registered to practice in this state and actively engaged in the profession;
- One member who is a representative of a municipality or a charter county;
- One member of the building products manufacturing industry who is authorized to do business in this state and is actively engaged in the industry;
- One member who is a representative of the building owners and managers industry who is actively engaged in commercial building ownership or management;
- One member who is a representative of the insurance industry;
- One member who is a representative of public education;
- One member who is a swimming pool contractor licensed to do business in this state and actively engaged in the profession;
- One member who is a representative of the green building industry and who is a third-party commission agent, a Florida board member of the United States Green Building Council or Green Building Initiative, a professional who is accredited under the International Green Construction Code (IGCC), or a professional who is accredited under Leadership in Energy and Environmental Design (LEED);
- One member who is a representative of a natural gas distribution system and who is actively engaged in the distribution of natural gas in this state; and
- One member who shall be the chair.

Section 553.77, F.S., provides the specific powers of the commission, including:

- Adopting and updating the Florida Building Code;
- Making a continual study of the operation of the Florida Building Code and other laws relating to the design, construction, erection, alteration, modification, repair, or demolition of public or private buildings, structures, and facilities, including manufactured buildings, and code enforcement, to ascertain their effect upon the cost of building construction and determine the effectiveness of their provisions;
- Updating the Florida Building Code every 3 years, reviewing existing provisions of law, and making recommendations to the Legislature for the next regular session of the Legislature regarding provisions of law that should be revised or repealed to ensure consistency with the Florida Building Code at the point the update goes into effect; and
- Determining the types of products which may be approved by the commission for statewide use and providing for the evaluation and approval of such products, materials, devices, and method of construction for statewide use.

### **Florida Energy Systems Consortium**

Section 1004.648, F.S., creates the Florida Energy Systems Consortium (consortium or FESC) to promote collaboration among experts in the State University System for the purposes of sharing energy-related expertise and assisting in the development and implementation of a comprehensive, long-term, environmentally compatible, sustainable, and efficient energy strategic plan for the state. The consortium is to focus on the research and development of innovative energy systems that will lead to alternative energy strategies, improved energy efficiencies, and expanded economic development for the state.

The consortium consists of all of the state universities. It is administered at the University of Florida by a director appointed by the President of the University of Florida. The director reports to the Department of Agriculture and Consumer Services. FESC has an oversight board consisting of the Vice President for Research or other appropriate representative appointed by the university president of each member of the consortium. The oversight board is responsible for the technical performance and financial management of the consortium.

The goal of the consortium is to become a world leader in energy research, education, technology, and energy systems analysis through collaborative research and development across the State University System and the industry. In so doing, the consortium is to:

- Coordinate and initiate increased collaborative interdisciplinary energy research among the universities and the energy industry;
- Assist in the creation and development of a Florida-based energy technology industry through efforts that would expedite commercialization of innovative energy technologies by taking advantage of the energy expertise within the State University System, high-technology incubators, industrial parks, and industry-driven research centers;
- Provide a state resource for objective energy systems analysis;
- Develop education and outreach programs to prepare a qualified energy workforce and informed public; and
- Solicit and leverage state, federal, and private funds for the purpose of conducting education, research, and development in the area of sustainable energy.

The statute creates a steering committee that is responsible for ensuring the success of the consortium's mission. The steering committee consists of the university representatives included in the Centers of Excellence proposals for the Florida Energy Systems Consortium and the Center of Excellence in Ocean Energy Technology-Phase II which were reviewed during the 2007-2008 fiscal year by the Florida Technology, Research, and Scholarship Board created in s. 1004.226(4), Florida Statutes 2006; a university representative appointed by the President of Florida International University; and a representative of the Department of Agriculture and Consumer Services.

FESC must, by November 1 of each year, submit an annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Department of Agriculture and Consumer Services regarding its activities, including, but not limited to, education and research related to, and the development and deployment of, alternative energy technologies.

### III. Effect of Proposed Changes:

**Section 1** amends s. 377.6015, F.S., by deleting language stating that the Department of Agriculture and Consumer Services (DACS) is to represent Florida in the Southern Energy Compact.

**Section 2** amends s. 377.703, F.S., regarding the additional duties of DACS relating to energy by:

- adding a requirement that DACS' annual report to the Governor and the Legislature contain recommendations on energy efficiency as well as the current recommendations on energy conservation;
- changing the requirements relating to DACS' duties to promote solar energy to the promotion of renewable energy; and
- adding the Florida Energy Systems Consortium to the list of entities DACS is to cooperate with in aiding and promoting the commercialization of renewable energy.

**Section 3** amends s. 377.712, F.S., to authorize the Commissioner of Agriculture to appoint a member of the Southern States Energy Board, increasing the Florida membership to a total of four.

**Section 4** amends s. 377.801, F.S., to change the designated sections of the statute that may be cited as the "Florida Energy and Climate Protection Act," conforming to the repeal of some sections previously included as part of that act.

**Section 5** amends s. 377.802, F.S., to repeal the existing statutes creating the rebates for solar energy systems and energy efficient appliances.

**Section 6** amends s. 377.803, F.S., to delete definitions contained in the Florida Energy and Climate Protection Act for the terms: "Solar energy system," "Solar photovoltaic system," and "Solar thermal system."

**Section 7** creates s. 377.815, F.S., to authorize DACS to post information on its website relating to alternative fueling stations and electric vehicle charging stations that are available to the public.

**Section 8** amends s. 553.74, F.S., to add one member to the Florida Building Commission who is a representative of DACS' Office of Energy who is to be appointed by the Governor from a list of three nominees provided by the Commissioner of Agriculture.

**Section 9** provides that this bill takes effect July 1, 2014.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DACS bill analysis states:

The annual membership fee for the Southern States Energy Board is \$47,212.00. Historically this fee was paid with Petroleum Violation Escrow (PVE) settlement agreement funds. However, those funds are now depleted. The Legislature would need to appropriate recurring General Revenue funds in this amount for the purpose of paying the annual membership fee. The department has a FY 14/15 LBR Issue to fund shift authority from the Federal Grants Trust Fund to General Revenue to address this.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 377.703, 377.712, 377.801, 377.802, 377.803, and 553.74.

This bill creates section 377.815 of the Florida Statutes.

This bill repeals the following sections of the Florida Statutes: 377.806 and 377.807.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS/CS by Agriculture Committee on March 31, 2014:**

A section of the CS made certain duties of the Florida Solar Energy Center permissive instead of mandatory and it removed the requirement that all solar systems manufactured or sold in Florida must be certified by the Florida Solar Energy Center. The CS/CS removes those provisions of the bill which will keep the present law “as is.”

**CS by Communications, Energy, and Public Utilities on March 11, 2014:**

Corrects technical deficiencies identified in the pre-meeting bill analysis on the original bill and makes other technical changes.

**B. Amendments:**

None.



733562

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2014	.	
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The Committee on Agriculture (Galvano) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 135 - 167.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 13 - 24

and insert:

renewable energy resources; amending s. 377.712, F.S.;  
authorizing

By the Committee on Communications, Energy, and Public  
Utilities; and Senator Simpson

579-02435-14

20141044c1

1 A bill to be entitled  
2 An act relating to energy policies; amending s.  
3 377.6015, F.S.; removing a provision relating to  
4 representation in the Southern States Energy Compact;  
5 amending s. 377.703, F.S.; requiring the Department of  
6 Agriculture and Consumer Services to include in its  
7 annual report recommendations for energy efficiency;  
8 expanding the promotion of the development and use of  
9 renewable energy resources from goals related to solar  
10 energy to renewable energy in general; requiring the  
11 department to cooperate with the Florida Energy  
12 Systems Consortium in the development and use of  
13 renewable energy resources; amending s. 377.705, F.S.;  
14 providing that the Solar Energy Center may, rather  
15 than must, develop standards for solar energy systems  
16 manufactured or sold in this state; providing that the  
17 center may, rather than must, establish criteria for  
18 testing the performance of solar energy systems;  
19 providing that the center may, rather than must,  
20 receive a fee for testing the performance of solar  
21 energy systems; removing the requirement that all  
22 solar energy systems manufactured or sold in this  
23 state must meet the standards established by the Solar  
24 Energy Center; amending s. 377.712, F.S.; authorizing  
25 the Commissioner of Agriculture to appoint a member to  
26 the Southern States Energy Board; authorizing the  
27 department to approve proposed activities relating to  
28 furtherance of the Southern States Energy Compact;  
29 amending s. 377.801, F.S.; conforming a cross-

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

579-02435-14

20141044c1

30 reference; amending s. 377.802, F.S.; amending the  
31 purpose of the Florida Energy and Climate Protection  
32 Act; amending s. 377.803, F.S.; conforming provisions  
33 to changes made by the act; creating s. 377.815, F.S.;  
34 authorizing the department to post on its website  
35 information relating to alternative fueling stations  
36 or electric vehicle charging stations; defining the  
37 term "alternative fuel"; authorizing the owner or  
38 operator of an alternative fueling station or an  
39 electric vehicle charging station to report certain  
40 information; amending s. 553.74, F.S.; adding a member  
41 to the Florida Building Commission as a representative  
42 of the Department of Agriculture and Consumer  
43 Services' Office of Energy; deleting obsolete  
44 provisions; repealing ss. 377.806 and 377.807, F.S.,  
45 relating to the Solar Energy System Incentives Program  
46 and the Energy-Efficient Appliance Rebate Program,  
47 respectively; providing an effective date.  
48  
49 Be It Enacted by the Legislature of the State of Florida:  
50  
51 Section 1. Paragraphs (f) through (i) of subsection (2) of  
52 section 377.6015, Florida Statutes, are redesignated as  
53 paragraphs (e) through (h), respectively, and present paragraph  
54 (e) of that section is amended to read:  
55 377.6015 Department of Agriculture and Consumer Services;  
56 powers and duties.-  
57 (2) The department shall:  
58 ~~(e) Represent Florida in the Southern States Energy Compact~~

Page 2 of 14

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

579-02435-14

20141044c1

59 ~~pursuant to ss. 377.71-377.712.~~

60 Section 2. Paragraphs (f), (h), and (i) of subsection (2)  
61 of section 377.703, Florida Statutes, are amended to read:

62 377.703 Additional functions of the Department of  
63 Agriculture and Consumer Services.—

64 (2) DUTIES.—The department shall perform the following  
65 functions, unless as otherwise provided, consistent with the  
66 development of a state energy policy:

67 (f) The department shall submit an annual report to the  
68 Governor and the Legislature reflecting its activities and  
69 making recommendations for ~~of~~ policies for improvement of the  
70 state's response to energy supply and demand and its effect on  
71 the health, safety, and welfare of the residents of this state  
72 ~~people of Florida~~. The report must ~~shall~~ include a report from  
73 the Florida Public Service Commission on electricity and natural  
74 gas and information on energy conservation programs conducted  
75 and underway in the past year and ~~shall~~ include recommendations  
76 for energy efficiency and conservation programs for the state,  
77 including, ~~but not limited to, the following factors:~~

78 1. Formulation of specific recommendations for improvement  
79 in the efficiency of energy utilization in governmental,  
80 residential, commercial, industrial, and transportation sectors.

81 2. Collection and dissemination of information relating to  
82 energy efficiency and conservation.

83 3. Development and conduct of educational and training  
84 programs relating to energy efficiency and conservation.

85 4. An analysis of the ways in which state agencies are  
86 seeking to implement s. 377.601(2), the state energy policy, and  
87 recommendations for better fulfilling this policy.

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88 (h) The department shall promote the development and use of  
89 renewable energy resources, in conformance with chapter 187 and  
90 s. 377.601, by:

91 1. Establishing goals and strategies for increasing the use  
92 of renewable ~~solar~~ energy in this state.

93 2. Aiding and promoting the commercialization of renewable  
94 energy resources ~~solar energy technology~~, in cooperation with  
95 the Florida Energy Systems Consortium, the Florida Solar Energy  
96 Center, Enterprise Florida, Inc., and any other federal, state,  
97 or local governmental agency that ~~which~~ may seek to promote  
98 research, development, and the demonstration of renewable ~~solar~~  
99 energy equipment and technology.

100 3. Identifying barriers to greater use of renewable energy  
101 resources ~~solar energy systems~~ in this state, and developing  
102 specific recommendations for overcoming identified barriers,  
103 with findings and recommendations to be submitted annually in  
104 the report to the Governor and Legislature required under  
105 paragraph (f).

106 4. In cooperation with the Department of Environmental  
107 Protection, the Department of Transportation, the Department of  
108 Economic Opportunity, Enterprise Florida, Inc., the Florida  
109 Energy Systems Consortium, the Florida Solar Energy Center, and  
110 the Florida Solar Energy Industries Association, investigating  
111 opportunities, pursuant to the national Energy Policy Act of  
112 1992, the Housing and Community Development Act of 1992, and any  
113 subsequent federal legislation, for renewable energy resources,  
114 ~~solar~~ electric vehicles, and other renewable ~~solar~~ energy  
115 manufacturing, distribution, installation, and financing efforts  
116 that ~~which will~~ enhance this state's position as the leader in



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117 ~~renewable solar~~ energy research, development, and use.

118 5. Undertaking other initiatives to advance the development  
119 and use of renewable energy resources in this state.

120  
121 In the exercise of its responsibilities under this paragraph,  
122 the department shall seek the assistance of the renewable solar  
123 energy industry in this state and other interested parties and  
124 ~~may is authorized to~~ enter into contracts, retain professional  
125 consulting services, and expend funds appropriated by the  
126 Legislature for such purposes.

127 (i) The department shall promote energy efficiency and  
128 conservation in all energy use sectors throughout the state and  
129 ~~be shall constitute~~ the state agency primarily responsible for  
130 this function. The Department of Management Services, in  
131 consultation with the department, shall coordinate the energy  
132 conservation programs of all state agencies and review and  
133 comment on the energy conservation programs of all state  
134 agencies.

135 Section 3. Subsection (4) of section 377.705, Florida  
136 Statutes, is amended to read:

137 377.705 Solar Energy Center; development of solar energy  
138 standards.-

139 (4) ~~AUTHORITY OF THE FLORIDA SOLAR ENERGY CENTER TO SET~~  
140 ~~STANDARDS, REQUIRE DISCLOSURE, SET TESTING FEES.-~~

141 (a) The center ~~may shall~~ develop and adopt promulgate  
142 standards for solar energy systems manufactured or sold in this  
143 state based on the best currently available information and may  
144 ~~shall~~ consult with scientists, engineers, or persons in research  
145 centers who are engaged in the construction of, experimentation

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146 with, and research of solar energy systems to properly identify  
147 the most reliable designs and types of solar energy systems.

148 (b) The center ~~may shall~~ establish criteria for testing the  
149 performance of solar energy systems and ~~may shall~~ maintain the  
150 necessary capability for testing or evaluating the performance  
151 of solar energy systems. The center may accept results of tests  
152 on solar energy systems made by other organizations, companies,  
153 or persons if when such tests are conducted according to the  
154 criteria established by the center and when the testing entity  
155 has no vested interest in the manufacture, distribution, or sale  
156 of solar energy systems.

157 (c) The center may establish and collect ~~shall be entitled~~  
158 ~~to receive~~ a testing fee sufficient to cover the costs of such  
159 testing. ~~All testing fees shall be transmitted by the center to~~  
160 ~~the Chief Financial Officer to be deposited in the Solar Energy~~  
161 ~~Center Testing Trust Fund, which is hereby created in the State~~  
162 ~~Treasury, and disbursed for the payment of expenses incurred in~~  
163 ~~testing solar energy systems.-~~

164 ~~(d) All solar energy systems manufactured or sold in the~~  
165 ~~state must meet the standards established by the center and~~  
166 ~~shall display accepted results of approved performance tests in~~  
167 ~~a manner prescribed by the center.-~~

168 Section 4. Section 377.712, Florida Statutes, is amended to  
169 read:

170 377.712 Florida participation.-

171 (1) (a) The Governor shall appoint one member of the  
172 Southern States Energy Board. The member or the Governor may  
173 designate another person as the deputy or assistant to such  
174 member.

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175 (b) The Commissioner of Agriculture may appoint one member  
 176 of the Southern States Energy Board. The member or the  
 177 commissioner may designate another person as the assistant or  
 178 deputy to such member.

179 ~~(c)(b)~~ The President of the Senate shall appoint one member  
 180 of the Southern States Energy Board. The member or the president  
 181 may designate another person as the assistant or deputy to such  
 182 member.

183 ~~(d)(e)~~ The Speaker of the House of Representatives shall  
 184 appoint one member of the Southern States Energy Board. The  
 185 member or the speaker may designate another person as the  
 186 assistant or deputy to such member.

187 (2) Any supplementary agreement entered into under s.  
 188 377.711(6) requiring the expenditure of funds may ~~shall~~ not  
 189 become effective as to Florida until the required funds are  
 190 appropriated by the Legislature.

191 (3) Departments, agencies, and officers of this state, and  
 192 its subdivisions are authorized to cooperate with the board in  
 193 the furtherance of ~~any of~~ its activities pursuant to the  
 194 compact, provided such proposed activities have been made known  
 195 to, and have the approval of, ~~either~~ the Governor or the  
 196 Department of Agriculture and Consumer Services ~~Department of~~  
 197 ~~Health.~~

198 Section 5. Section 377.801, Florida Statutes, is amended to  
 199 read:

200 377.801 Short title.—Sections 377.801-377.804 ~~377.801-~~  
 201 ~~377.807~~ may be cited as the "Florida Energy and Climate  
 202 Protection Act."

203 Section 6. Section 377.802, Florida Statutes, is amended to

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204 read:

205 377.802 Purpose.—This act is intended to provide incentives  
 206 for Florida's citizens, businesses, school districts, and local  
 207 governments to take action to diversify the state's energy  
 208 supplies, reduce dependence on foreign oil, and mitigate the  
 209 effects of climate change by providing funding for activities  
 210 designed to achieve these goals. The grant programs in this act  
 211 are intended to stimulate capital investment in and enhance the  
 212 market for renewable energy technologies and technologies  
 213 intended to diversify Florida's energy supplies, reduce  
 214 dependence on foreign oil, and combat or limit climate change  
 215 impacts. ~~This act is also intended to provide incentives for the~~  
 216 ~~purchase of energy efficient appliances and rebates for solar~~  
 217 ~~energy equipment installations for residential and commercial~~  
 218 ~~buildings.~~

219 Section 7. Section 377.803, Florida Statutes, is amended to  
 220 read:

221 377.803 Definitions.—As used in ss. 377.801-377.804 ~~ss.~~  
 222 ~~377.801-377.807~~, the term:

223 (1) "Act" means the Florida Energy and Climate Protection  
 224 Act.

225 (2) "Department" means the Department of Agriculture and  
 226 Consumer Services.

227 (3) "Person" means an individual, partnership, joint  
 228 venture, private or public corporation, association, firm,  
 229 public service company, or any other public or private entity.

230 (4) "Renewable energy" means electrical, mechanical, or  
 231 thermal energy produced from a method that uses one or more of  
 232 the following fuels or energy sources: hydrogen, biomass, as

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233 defined in s. 366.91, solar energy, geothermal energy, wind  
234 energy, ocean energy, waste heat, or hydroelectric power.

235 (5) "Renewable energy technology" means any technology that  
236 generates or utilizes a renewable energy resource.

237 ~~(6) "Solar energy system" means equipment that provides for~~  
238 ~~the collection and use of incident solar energy for water~~  
239 ~~heating, space heating or cooling, or other applications that~~  
240 ~~would normally require a conventional source of energy such as~~  
241 ~~petroleum products, natural gas, or electricity that performs~~  
242 ~~primarily with solar energy. In other systems in which solar~~  
243 ~~energy is used in a supplemental way, only those components that~~  
244 ~~collect and transfer solar energy shall be included in this~~  
245 ~~definition.~~

246 ~~(7) "Solar photovoltaic system" means a device that~~  
247 ~~converts incident sunlight into electrical current.~~

248 ~~(8) "Solar thermal system" means a device that traps heat~~  
249 ~~from incident sunlight in order to heat water.~~

250 Section 8. Section 377.815, Florida Statutes, is created to  
251 read:

252 377.815 Alternative fueling stations and electric vehicle  
253 charging stations.—The Department of Agriculture and Consumer  
254 Services may post information on its website relating to  
255 alternative fueling stations or electric vehicle charging  
256 stations that are available for public use in this state.

257 (1) As used in this section, the term "alternative fuel"  
258 means nontraditional transportation fuel, such as pure methanol,  
259 ethanol, and other alcohols; blends of 85 percent or more of  
260 alcohol with gasoline; natural gas and liquid fuels domestically  
261 produced from natural gas; liquefied petroleum gas; coal-derived

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262 liquid fuels; hydrogen; electricity; pure biodiesel; fuels,  
263 other than alcohol, derived from biological materials; and P-  
264 series fuels.

265 (2) An owner or operator of an alternative fueling station  
266 that is available in this state may report the following  
267 information to the department:

268 (a) The type of alternative fuel available;

269 (b) The station's name, address, or location; or

270 (c) The fees or costs associated with the alternative fuel  
271 that is available for purchase.

272 (3) The owner or operator of an electric vehicle charging  
273 station that is available in this state may report the following  
274 information to the department:

275 (a) The station's name, address, or location; or

276 (b) The fees or costs, if any, associated with the electric  
277 vehicle charging services provided by the station.

278 Section 9. Subsection (1) of section 553.74, Florida  
279 Statutes, is amended to read:

280 553.74 Florida Building Commission.—

281 (1) The Florida Building Commission is created and located  
282 within the Department of Business and Professional Regulation  
283 for administrative purposes. Members are appointed by the  
284 Governor subject to confirmation by the Senate. The commission  
285 is composed of ~~27~~ 26 members, consisting of the following:

286 (a) One architect registered to practice in this state and  
287 actively engaged in the profession. The American Institute of  
288 Architects, Florida Section, is encouraged to recommend a list  
289 of candidates for consideration.

290 (b) One structural engineer registered to practice in this

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291 state and actively engaged in the profession. The Florida  
 292 Engineering Society is encouraged to recommend a list of  
 293 candidates for consideration.

294 (c) One air-conditioning or mechanical contractor certified  
 295 to do business in this state and actively engaged in the  
 296 profession. The Florida Air Conditioning Contractors  
 297 Association, the Florida Refrigeration and Air Conditioning  
 298 Contractors Association, and the Mechanical Contractors  
 299 Association of Florida are encouraged to recommend a list of  
 300 candidates for consideration.

301 (d) One electrical contractor certified to do business in  
 302 this state and actively engaged in the profession. The Florida  
 303 Association of Electrical Contractors Association and the  
 304 National Electrical Contractors Association, Florida Chapter,  
 305 are encouraged to recommend a list of candidates for  
 306 consideration.

307 (e) One member from fire protection engineering or  
 308 technology who is actively engaged in the profession. The  
 309 Florida Chapter of the Society of Fire Protection Engineers and  
 310 the Florida Fire Marshals and Inspectors Association are  
 311 encouraged to recommend a list of candidates for consideration.

312 (f) One general contractor certified to do business in this  
 313 state and actively engaged in the profession. The Associated  
 314 Builders and Contractors of Florida, the Florida Associated  
 315 General Contractors Council, and the Union Contractors  
 316 Association are encouraged to recommend a list of candidates for  
 317 consideration.

318 (g) One plumbing contractor licensed to do business in this  
 319 state and actively engaged in the profession. The Florida

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320 Association of Plumbing, Heating, and Cooling Contractors is  
 321 encouraged to recommend a list of candidates for consideration.

322 (h) One roofing or sheet metal contractor certified to do  
 323 business in this state and actively engaged in the profession.  
 324 The Florida Roofing, Sheet Metal, and Air Conditioning  
 325 Contractors Association and the Sheet Metal and Air Conditioning  
 326 Contractors' Contractors National Association are encouraged to  
 327 recommend a list of candidates for consideration.

328 (i) One residential contractor licensed to do business in  
 329 this state and actively engaged in the profession. The Florida  
 330 Home Builders Association is encouraged to recommend a list of  
 331 candidates for consideration.

332 (j) Three members who are municipal or district codes  
 333 enforcement officials, one of whom is also a fire official. The  
 334 Building Officials Association of Florida and the Florida Fire  
 335 Marshals and Inspectors Association are encouraged to recommend  
 336 a list of candidates for consideration.

337 (k) One member who represents the Department of Financial  
 338 Services.

339 (l) One member who is a county codes enforcement official.  
 340 The Building Officials Association of Florida is encouraged to  
 341 recommend a list of candidates for consideration.

342 (m) One member of a Florida-based organization of persons  
 343 with disabilities or a nationally chartered organization of  
 344 persons with disabilities with chapters in this state.

345 (n) One member of the manufactured buildings industry who  
 346 is licensed to do business in this state and is actively engaged  
 347 in the industry. The Florida Manufactured Housing Association is  
 348 encouraged to recommend a list of candidates for consideration.

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349 (o) One mechanical or electrical engineer registered to  
 350 practice in this state and actively engaged in the profession.  
 351 The Florida Engineering Society is encouraged to recommend a  
 352 list of candidates for consideration.

353 (p) One member who is a representative of a municipality or  
 354 a charter county. The Florida League of Cities and the Florida  
 355 Association of Counties are encouraged to recommend a list of  
 356 candidates for consideration.

357 (q) One member of the building products manufacturing  
 358 industry who is authorized to do business in this state and is  
 359 actively engaged in the industry. The Florida Building Material  
 360 Association, the Florida Concrete and Product Products  
 361 Association, and the Fenestration Manufacturers Association are  
 362 encouraged to recommend a list of candidates for consideration.

363 (r) One member who is a representative of the building  
 364 owners and managers industry who is actively engaged in  
 365 commercial building ownership or management. The Building Owners  
 366 and Managers Association is encouraged to recommend a list of  
 367 candidates for consideration.

368 (s) One member who is a representative of the insurance  
 369 industry. The Florida Insurance Council is encouraged to  
 370 recommend a list of candidates for consideration.

371 (t) One member who is a representative of public education.

372 (u) One member who is a swimming pool contractor licensed  
 373 to do business in this state and actively engaged in the  
 374 profession. The Florida Swimming Pool Association and the United  
 375 Pool and Spa Association are encouraged to recommend a list of  
 376 candidates for consideration.

377 (v) One member who is a representative of the green

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378 building industry and who is a third-party commission agent, a  
 379 Florida board member of the United States Green Building Council  
 380 or Green Building Initiative, a professional who is accredited  
 381 under the International Green Construction Code (IGCC), or a  
 382 professional who is accredited under Leadership in Energy and  
 383 Environmental Design (LEED).

384 (w) One member who is a representative of a natural gas  
 385 distribution system and who is actively engaged in the  
 386 distribution of natural gas in this state. The Florida Natural  
 387 Gas Association is encouraged to recommend a list of candidates  
 388 for consideration.

389 (x) One member who is a representative of the Department of  
 390 Agriculture and Consumer Services' Office of Energy who is  
 391 appointed from a list of three nominees provided by the  
 392 Commissioner of Agriculture. If the Governor refuses to appoint  
 393 a nominee within 60 days after receipt of such list, the  
 394 Governor shall inform the commissioner and the commissioner  
 395 shall submit a new list of three nominees.

396 (y) ~~(\*\*)~~ One member who shall be the chair.

397  
 398 ~~Any person serving on the commission under paragraph (c) or~~  
 399 ~~paragraph (h) on October 1, 2003, and who has served less than~~  
 400 ~~two full terms is eligible for reappointment to the commission~~  
 401 ~~regardless of whether he or she meets the new qualification.~~

402 Section 10. Sections 377.806 and 377.807, Florida Statutes,  
 403 are repealed.

404 Section 11. This act shall take effect July 1, 2014.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**SENATOR WILTON SIMPSON**  
18th District

**COMMITTEES:**

Community Affairs, *Chair*  
Appropriations Subcommittee on General  
Government  
Appropriations Subcommittee on Transportation,  
Tourism, and Economic Development  
Commerce and Tourism  
Communications, Energy, and Public Utilities  
Environmental Preservation and Conservation

**JOINT COMMITTEE:**

Joint Legislative Auditing Committee

March 17, 2014

Senator Bill Montford, Chair  
Senate Committee on Agriculture  
335 Knott Building  
404 S. Monroe Street  
Tallahassee, FL 32399

Senator Montford,

Please place Senate Bill 1044 relating to energy policies, on the next Committee on Agriculture agenda.

Please contact my office with any questions.

A handwritten signature in black ink, appearing to read "Wilton Simpson".

Wilton Simpson  
Senator, 18<sup>th</sup> District

**REPLY TO:**

- 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018
- Post Office Box 938, Brooksville, Florida 34605
- Post Office Box 787, New Port Richey, Florida 34656-0787 (727) 816-1120 FAX: (888) 263-4821

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/31/14  
Meeting Date

Topic Energy Policies

Bill Number 1044  
(if applicable)

Name Nick Matthews

Amendment Barcode 733562  
by Galvano  
(if applicable)

Job Title Legislative Coordinator for

Address 115 S. Andrews Ave.  
Street  
Fort Lauderdale FL 3301  
City State Zip

Phone \_\_\_\_\_

E-mail NMatthews@Broward.org

Speaking:  For  Against  Information

Representing Broward County

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)



3/31/14  
Meeting Date

Topic ENERGY POLICY

Bill Number 1044  
*(if applicable)*

Name JEFF SHARKEY

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title CEO, PRESIDENT

Address 106 E COLLEGE AVE  
Street

Phone 858 224 1600

RH OR 3230  
City State Zip

E-mail JEFF@SHARKEYGROUP.COM

Speaking:  For  Against  Information

Representing TESLA MOTORS

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**



THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)



3/31/14  
Meeting Date

Topic Energy Policies

Bill Number SB 1044  
*(if applicable)*

Name Jonathan Rees

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Deputy Director of Legislative Affairs

Address 400 S. Monroe St.

Phone (850) 570-0043

Tallahassee FL 32319  
City State Zip

E-mail Jonathan.Rees@freshfromflorida.com

Speaking:  For  Against  Information

Representing Florida Department of Agriculture and Consumer Services

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Agriculture

---

BILL: CS/CS/SB 1184

INTRODUCER: Agriculture Committee, Commerce and Tourism Committee, and Senator Brandes

SUBJECT: Gasoline Stations

DATE: March 31, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Malcolm</u>	<u>Hrdlicka</u>	<u>CM</u>	<b>Fav/CS</b>
2.	<u>Weidenbenner</u>	<u>Becker</u>	<u>AG</u>	<b>Fav/CS</b>
3.	_____	_____	<u>AP</u>	_____

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/CS/SB 1184 requires self-service gas stations to display a blue, 15 square inch decal that displays the international symbol of accessibility, the gas station's telephone number, and the words "Call for Assistance." This requirement will be implemented and enforced by the Department of Agriculture and Consumer Services.

The bill also preempts local laws relating to fueling assistance for disabled individuals by self-service gas stations.

The bill prohibits a local government from requiring a retail outlet that sells motor fuel to provide air and vacuum supply without charge.

**II. Present Situation:**

According to the Department of Agriculture and Consumer Services (DACS), there are 8,000 retail gas stations in Florida.<sup>1</sup> People with disabilities may find it difficult or impossible to use the controls, hose, or nozzle of a self-service gas pump. As a result, at stations that offer both self and full-service, people with disabilities might have no choice but to purchase the more expensive gas from a full-service pump. At locations with only self-service pumps, people with

---

<sup>1</sup> DACS, *Agency Analysis: SB 1184* (Feb. 27, 2014) (on file with the Committee on Commerce and Tourism)..

disabilities might be unable to purchase gas at all.<sup>2</sup> State, federal, and local laws have attempted to address these problems.

### **Florida Fueling Assistance Requirements**

Approximately 350 gasoline stations in Florida provide full-service as well as self-service fuel at a lower price.<sup>3</sup> Under s. 526.141(5), F.S., these stations, known as “limited full-service” stations, are required to provide refueling assistance for the self-service portion of the station to any motorist displaying an exemption parking permit or a license plate bearing the international accessibility symbol when the operator of the vehicle is the person to whom such permit was issued. Limited full-service stations must prominently display a decal up to 8 square inches in size on the front of all self-service pumps clearly stating the assistance requirements and the penalties for any violations. This section is enforced by the DACS and compliance is monitored through routine gas station inspections.<sup>4</sup> A violation of this section is a second-degree misdemeanor.<sup>5</sup> There are currently no similar state-level requirements for self-service only gas stations.

### **Americans with Disabilities Act Assistance Requirements**

The Americans with Disabilities Act (ADA) requires self-service gas stations to provide equal access to their customers with disabilities. Gas stations with more than one employee must provide refueling assistance upon the request of an individual with a disability without any charge beyond the self-service price. Gas stations must let patrons know (e.g., through appropriate signs) that customers with disabilities can obtain refueling assistance by either honking or otherwise signaling an employee. However, a service station or convenience store is not required to provide such service at any time that it is operating on a remote control basis with a single employee, but is encouraged to do so, if feasible.<sup>6</sup>

### **Local Government Fueling Assistance Regulations**

Local governments have begun passing regulations with respect to fueling assistance for disabled drivers. For example, in early 2012, Broward and Hillsborough counties enacted similar ordinances requiring full-service gas stations and self-service gas stations with two or more attendants on duty to provide fueling assistance to a disabled driver when requested. These gas stations are required to place a decal no smaller than 15 square inches with a blue background on the front of all gas pumps that states the telephone number of the gas station, the international symbol of accessibility, and wording such as “Call for Assistance” or “Assistance Available upon Request.” The gas station is not required to provide assistance if a second attendant is not

---

<sup>2</sup> Department of Justice, Civil Rights Division, Disability Rights Section, *ADA Business Brief: Assistance at Gas Stations* (June 2002) available at <http://www.ada.gov/gasbrscr.pdf> (last visited Mar. 11, 2014).

<sup>3</sup> DACS, *Agency Analysis*.

<sup>4</sup> Conversation with Grace Lovett, the DACS (Mar. 13, 2014). The limited full-service assistance decals are part of the inspection decal placed on the gas pump after the DACS has inspected the pump. E-mail from Grace Lovett, the DACS (Mar. 14, 2014).

<sup>5</sup> A second-degree misdemeanor is punishable by up to 60 days in jail or by a \$500 fine. Sections 775.082(4)(b) and 775.083(1)(e), F.S.

<sup>6</sup> Department of Justice, *ADA Business Brief*.

present at the station. Consequences for violating the ordinances ranges from a \$250 civil fine up to criminal prosecution as a second-degree misdemeanor.<sup>7</sup>

### **Motor Vehicle Retail Outlet**

The term “motor fuel” is defined by s. 526.303(5), F.S., as “any petroleum product, including any special fuel, which is used for the propulsion of motor vehicles.” The term “retail outlet” is defined by s. 526.303(14), F.S., as “a facility, including land in improvements, where motor fuel is offered for sale, at retail, to the motoring public.

Self-service gasoline stations generally provide air and vacuum supply for a fee determined by the station. There is at least one instance in which a city requires gasoline stations within its jurisdiction to provide compressed air services free of charge.<sup>8</sup>

### **III. Effect of Proposed Changes:**

**Section 1** amends s. 526.141, F.S., to require a self-service gas station to display a decal that is blue, at least 15 square inches in size, and that clearly displays the international symbol of accessibility, the station’s telephone number, and the words “Call for Assistance.” The DACS is directed to adopt rules to implement and enforce these provisions. The DACS must confirm that conforming decals are in place by July 1, 2016.

The bill also specifically preempts local government laws and regulations pertaining to the provision of fueling assistance by a self-service gas station.

**Section 2** creates s. 526.142, F.S., to provide that no motor fuel outlet shall be required to provide air or vacuum supply without charge and it preempts to the state the power to regulate and set pricing for air and vacuum commodities.

**Section 3** provides an effective date of July 1, 2014.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

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<sup>7</sup> Hillsborough County, Fla., Code part A, ch. 10, art. XI (2012); Broward County, Fla., Code part II, ch. 20, art. III (2012); see Leon County, Fla., Code ch. 11, art. XXIV (2013).

<sup>8</sup>See City of Sunrise Codes and Ordinances, Sec. 16-136(g)(5) that states “All gas stations shall provide compressed air during operating hours free of charge with or without the purchase of gasoline or other items.”

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Decals required by the bill will be produced by the Florida Petroleum Marketers and Convenience Store Association and sold to gas stations at a cost of approximately \$1 per decal.<sup>9</sup> According to the Florida Petroleum Marketers and Convenience Store Association, a number of gas stations already use decals that will be required by the bill.<sup>10</sup>

Gas station owners that fail to comply with the requirements in the bill may face up to 60 days in jail and a \$500 fine.

The bill may provide increased accessibility at gas stations for disabled drivers.

The bill will hinder motorists from having access to air and vacuum supply services at gas stations free of charge unless those services are provided voluntarily by the gas station.

**C. Government Sector Impact:**

The DACS is not required to make or approve the decals. However, the DACS will check the decals to ensure they comply with the statutory requirements at the same time it conducts gas station inspections.<sup>11</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The bill requires the DACS to adopt rules to implement and enforce the act.

**VIII. Statutes Affected:**

The bill substantially amends section 526.141 of the Florida Statutes.

The bill creates s. 526.142 of the Florida Statutes.

---

<sup>9</sup> Telephone conversation with Ned Bowman, Executive Director, Florida Petroleum Marketers and Convenience Store Association (Mar. 12, 2014).

<sup>10</sup> *Id.*

<sup>11</sup> Conversation with Grace Lovett, the DACS (Mar. 13, 2014); E-mail from Grace Lovett, the DACS (Mar. 14, 2014).

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS/CS by Agriculture Committee on March 31, 2014:**

The CS/CS prohibits local governments from requiring a motor fuel retail outlet to provide air and vacuum supply services free of charge and it preempts to the state the power to price and regulate these commodities.

**CS by Commerce and Tourism Committee on March 17, 2014:**

The committee substitute clarifies that the decal requirement applies to self-service gas stations and requires the DACS to confirm that conforming decals are in place by July 1, 2016.

- B. **Amendments:**

None.



892822

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2014	.	
	.	
	.	
	.	

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The Committee on Agriculture (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 48 and 49  
insert:

Section 2. Section 526.142, Florida Statutes, is created to read:

526.142 Air and vacuum devices.—No motor fuel retail outlet as defined in s. 526.303(14), shall be required to provide air or vacuum supply without charge. A political subdivision of this state may not adopt any ordinance regarding the pricing of such



892822

11 commodities and all such ordinances, whether existing or  
12 proposed, are hereby preempted and superseded by general law.

13

14 ===== T I T L E A M E N D M E N T =====

15 And the title is amended as follows:

16 Delete line 9

17 and insert:

18 certain motor vehicle operators; creating s. 526.142,  
19 F.S.; providing that no motor fuel outlet shall be  
20 required to provide air or vacuum supply without  
21 charge; preempts to the state the power to regulate  
22 and set pricing for air and vacuum commodities;  
23 providing an





413766

LEGISLATIVE ACTION

Senate	.	House
Comm: FC	.	
03/31/2014	.	
	.	
	.	
	.	

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The Committee on Agriculture (Bullard) recommended the following:

**Senate Amendment (with title amendment)**

Delete line 45  
and insert:  
paragraph (a) by self-service gasoline stations, except that a county or municipal ordinance adopted before March 1, 2014, pertaining to the provision of fueling assistance to the motor vehicle operators described in paragraph (a) is not preempted if, at a minimum, the ordinance is consistent with subparagraph 1.



413766

11  
12  
13  
14  
15  
16  
17

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 9

and insert:

certain motor vehicle operators; providing an  
exception to the preemption; providing an

By the Committee on Commerce and Tourism; and Senator Brandes

577-02741-14

20141184c1

1 A bill to be entitled  
 2 An act relating to gasoline stations; amending s.  
 3 526.141, F.S.; requiring self-service gasoline pumps  
 4 to display an additional decal containing specified  
 5 information; requiring the Department of Agriculture  
 6 and Consumer Services to confirm compliance by a  
 7 specified date; providing for preemption of local laws  
 8 and regulations pertaining to fueling assistance for  
 9 certain motor vehicle operators; providing an  
 10 effective date.  
 11  
 12 Be It Enacted by the Legislature of the State of Florida:  
 13  
 14 Section 1. Subsection (5) of section 526.141, Florida  
 15 Statutes, is amended to read:  
 16 526.141 Self-service gasoline stations; attendants;  
 17 regulations.—  
 18 (5) (a) Every full-service gasoline station offering self-  
 19 service at a lesser cost shall require an attendant employed by  
 20 the station to dispense gasoline from the self-service portion  
 21 of the station to any motor vehicle properly displaying an  
 22 exemption parking permit as provided in s. 316.1958 or s.  
 23 320.0848 or a license plate issued pursuant to s. 320.084, s.  
 24 320.0842, s. 320.0843, or s. 320.0845 when the person to whom  
 25 such permit has been issued is the operator of the vehicle and  
 26 such service is requested. Such stations shall prominently  
 27 display a decal no larger than 8 square inches on the front of  
 28 all self-service pumps clearly stating the requirements of this  
 29 subsection and the penalties applicable to violations of this

Page 1 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

577-02741-14

20141184c1

30 subsection. The Department of Agriculture and Consumer Services  
 31 shall enforce this requirement.  
 32 (b)1. The Department of Agriculture and Consumer Services,  
 33 when inspecting a self-service gasoline station, shall confirm  
 34 that a second and separate decal is affixed to each pump. The  
 35 decal must be blue, at least 15 square inches, and clearly  
 36 display the international symbol of accessibility shown in s.  
 37 320.0842, the telephone number of the station, and the words  
 38 "Call for Assistance." The Department of Agriculture and  
 39 Consumer Services shall adopt rules to implement and enforce  
 40 this paragraph and shall confirm that the decals conform with  
 41 this paragraph and are in place by July 1, 2016.  
 42 2. This paragraph preempts and supersedes all local  
 43 government laws and regulations pertaining to the provision of  
 44 fueling assistance to the motor vehicle operators described in  
 45 paragraph (a) by self-service gasoline stations.  
 46 (c) ~~(b)~~ Violation of paragraph (a) is a misdemeanor of the  
 47 second degree, punishable as provided in s. 775.082 or s.  
 48 775.083.  
 49 Section 2. This act shall take effect July 1, 2014.

Page 2 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.



The Florida Senate

## Committee Agenda Request

**To:** Senator Bill Montford, Chair  
Committee on Agriculture

**Subject:** Committee Agenda Request

**Date:** March 24, 2014

---

I respectfully request that **Senate Bill #1184**, relating to Self-Service Gasoline Stations, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "Jeff Brandes", written over a horizontal line.

Senator Jeff Brandes  
Florida Senate, District 22

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)



3/31/14

Meeting Date

Topic Gas station access

Bill Number SB-1184  
*(if applicable)*

Name Erika Hardney

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Tennis Pro

Address 6027 04 Bottom Manor Dr

Phone 850-510-8131

<sup>Street</sup>  
Tallahassee FL 32312  
<sub>City</sub> <sub>State</sub> <sub>Zip</sub>

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)



3/31/14

Meeting Date

Topic Gas station

Bill Number HB 1084  
*(if applicable)*

Name Tony Snow

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Accountant

Address 1380 Ocala Rd #B1

Phone \_\_\_\_\_

*Street*  
Tallahassee  
*City*

32304  
*Zip*

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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3/31/14  
Meeting Date

Topic Gas Pump signage

Bill Number 1184  
*(if applicable)*

Name Melissa Joiner Ramba

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Director of Government Affairs

Address 227 S Adams Street

Phone 850-570-0269

Tallahassee FL  
City State Zip

E-mail melissa@frfi.org

Speaking:  For  Against  Information

Representing Florida Retail Federation

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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3/31/14  
Meeting Date

Topic Gas Pumping

Bill Number SB 1184  
*(if applicable)*

Name Beth Pytlík (Pit-lick)

Amendment Barcode NA  
*(if applicable)*

Job Title Intergov Relations Coordinator

Address 601 E Kennedy Blvd

Phone 813-274-6790

*Street*

Tampa FL 33602

*City*

*State*

*Zip*

E-mail pytlík@hillsborough  
county.org

Speaking:  For  Against  Information

Representing Hillsborough County Bd of County Comm's

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE  
**APPEARANCE RECORD**



(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/31/14  
Meeting Date

"limited full service"

Topic All stations on Turnpike should be A

Bill Number SB 1184  
(if applicable)

Name Jeff Priddle

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title \_\_\_\_\_

Address 1345 Old Village Rd  
Street  
Talla FL 32312  
City State Zip

Phone 850-264-8215

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing myself

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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3/21/14

Meeting Date

Topic GAS STATIONS Bill Number 1184  
(if applicable)

Name JEFF SHARLEY  Amendment Barcode 413766  
(if applicable)

Job Title CAG, PRESIDENT

Address 106 E COLLEGE AVE #640 Phone 850 224 1600

Street

TH FL 3230

City

State

Zip

E-mail JEFFSHARLEY@GMAIL.COM

Speaking:  For  Against  Information

Representing LEON COUNTY

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/3/14  
Meeting Date

Topic Gasoline Stations

Bill Number 1184  
*(if applicable)*

Name Nick Matthews

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Legislative Coordinator

Address 115 S. Andrews Ave.

Phone \_\_\_\_\_

Fed. Lakeside FL 33301  
Street City State Zip

E-mail NMatthews@Broward.org

Speaking:  For  Against  Information

Representing Broward County

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/31/14

Meeting Date

Topic Gas pump signage

Bill Number ~~41376~~ ~~41376~~

Name Melissa Joiner Ramba

Amendment Barcode 413766  
(if applicable)

Job Title Director of Government Affairs

Address 227 S Adams Street

Phone 850-570-0269

Street

Tallahassee

FL

City

State

Zip

E-mail Melissa@arf.org

Speaking:  For  Against  Information

Representing Florida Retail Federation

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)



3/31/14  
Meeting Date

Topic SB 1184: Gasoline Stations

Bill Number ~~SB 1184~~ 1184  
(if applicable)

Name Commissioner Bryan Beslog

Amendment Barcode 413766  
(if applicable)

Job Title County Commissioner

Address 301 S Monroe Street

Phone 850-606-5300

Tallahassee FL  
City State Zip

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)



3/31/14  
Meeting Date

Topic Gasoline Stations

Bill Number 1184  
(if applicable)

Name Nick Matthews

Amendment Barcode 413766  
(if applicable)

Job Title Legislative Coordinator

Address 115 S. Andrews Ave  
Street  
Fort Lauderdale FL 33301  
City State Zip

Phone \_\_\_\_\_

E-mail NMatthews@Broward.org

Speaking:  For  Against  Information

Representing Broward County

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/31/14

Meeting Date

Topic gasoline stations

Bill Number 1184

Name Susan Harbin

Amendment Barcode 413766  
(if applicable)

Job Title Legislative Advocate

Address 100 S. Monroe St.

Phone 770 546-8845

Street  
Tallahassee FL  
City State Zip

E-mail sharbin@fl-counties.com

Speaking:  For  Against  Information

Representing Florida Association of Counties

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE  
**APPEARANCE RECORD**



(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/31/14  
Meeting Date

Topic Gas station access

Bill Number SB-1184  
*(if applicable)*

Name JR Harding

Amendment Barcode Amendment  
*(if applicable)*

Job Title Advocate

Address 6027 Ox Bottom Manor Dr.

Phone 850-510-4628

*Street*  
Tallahassee Fl 32312  
*City* *State* *Zip*

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing persons with disabilities

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**



**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Agriculture

---

BILL: CS/CS/SB 1576

INTRODUCER: Agriculture Committee, Environmental Preservation and Conservation Committee, and Senator Dean and others

SUBJECT: Springs

DATE: April 2, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hinton</u>	<u>Uchino</u>	<u>EP</u>	<u>Fav/CS</u>
2.	<u>Akhavein</u>	<u>Becker</u>	<u>AG</u>	<u>Fav/CS</u>
3.	_____	_____	<u>AP</u>	_____

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/CS/SB 1576 provides for the protection of springs in Florida. Specifically, the bill:

- Provides for funding from documentary stamp revenues to pay for the provisions of the bill;
- Requires the establishment of minimum flows and levels (MFLs) in Outstanding Florida Springs (OFSs) by July 1, 2020;
- Creates Part VIII of ch. 373, F.S.;
- Provides findings, intent, and definitions;
- Directs the Department of Environmental Protection (DEP) and the water management districts (WMDs) to delineate spring protection and management zones;
- Directs the DEP to make determinations of impairment for OFSs and develop basin management action plans (BMAPs);
- Requires the DEP to develop spring action plans;
- Directs local governments within spring protection and management zones to adopt ordinances that meet or exceed those of the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes;
- Requires remediation of domestic wastewater treatment plants and onsite sewage treatment and disposal systems (OSTDSs), and implementation of best management practices (BMPs) for agricultural operations, if funding is available;
- Defines “adequate funding” to mean that the DEP has agreed to provide 100 percent of its portion of funding for remediation;

- Extends the ban on new onsite sewage treatment and disposal systems until July 1, 2015;
- Directs the DEP to create a program to evaluate, select and rank project proposals;
- Prohibits certain activities in spring protection and management zones;
- Assigns duties to several agencies to carry out the provisions of Part VIII of ch. 373, F.S.;
- Provides for variances and exceptions;
- Repeals s. 381.00651, F.S.;
- Requires the Department of Agriculture and Consumer Services (DACS) to study new or revised BMPs;
- Requires a report by the Department of Health (DOH), and the DEP on the creation and operation of responsible management entities (RMEs) by March 1, 2015; and
- Requires a study of the beneficial use of reclaimed water, stormwater, and excess surface water by December 1, 2015.

## II. Present Situation:

### Florida's Springs

Florida's springs are unique and beautiful resources. The historically crystal clear waters provide not only a variety of recreational opportunities and habitats, but also great economic value for recreation and tourism. The springs are major sources of stream flow in a number of rivers such as the Rainbow, Chassahowitza, Homosassa, and Ichetucknee.<sup>1</sup> Additionally, Florida's springs provide a "window" into the Floridan Aquifer system, which provides most of the state's drinking water.

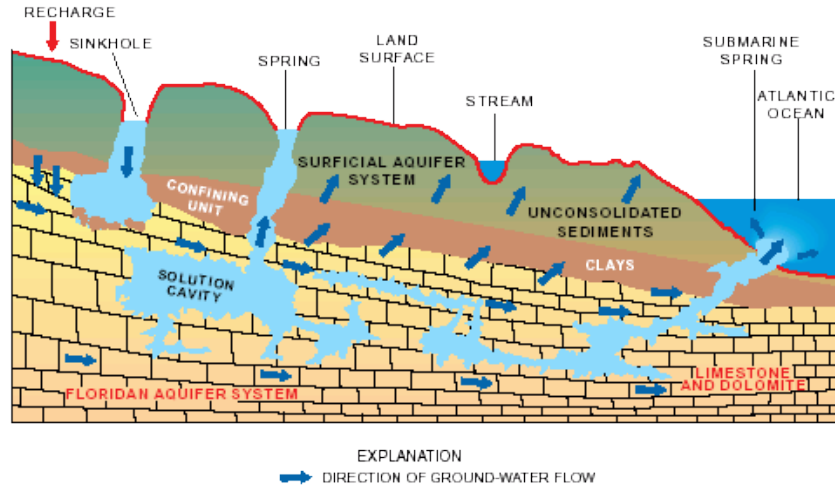
The Floridan Aquifer System is a limestone aquifer that has enormous freshwater storage and transmission capacity. The upper portion of the aquifer consists of thick carbonate rocks that have been heavily eroded and covered with unconsolidated sand and clay. The surficial aquifer is located within the sand deposits and forms the land surface that is present today. In portions of Florida, the surficial aquifer lies on top of deep layers of clay sediments that prevent the downward movement of water. Springs form when groundwater is forced out through natural openings in the ground.<sup>2</sup>

---

<sup>1</sup> Department of Community Affairs, *Protecting Florida's Springs: An Implementation Guidebook*, 3-1 (Feb. 2008), available at <http://www.dep.state.fl.us/springs/reports/files/springsimplementguide.pdf> (last visited Mar. 27, 2014).

<sup>2</sup> *Id.* at 3-1 to 3-2.

### The Water Cycle – Springs<sup>3</sup>



Florida has more than 700 recognized springs. First magnitude springs are those that discharge 100 cubic feet of water per second or greater. Florida has 33 first magnitude springs in 18 counties that discharge more than 64 million gallons of water per day. Spring discharges, primarily from the Floridan Aquifer, are used to determine ground water quality and the degree of human impact on a spring's recharge area. Rainfall, surface conditions, soil type, mineralogy, the composition and porous nature of the aquifer system, flow, and length of time in the aquifer all contribute to ground water chemistry.<sup>4</sup>

The springshed is the area within the groundwater and surface water basins that contributes to the discharge of the spring. The spring recharge basin consists of all areas where water can be shown to contribute to groundwater flow discharging from the spring.

Spring protection zones are sub-areas of the groundwater and surface water basins of each spring or spring system that supply water to the spring and within which human activities, such as waste disposal or water use, are most likely to have negative impacts on the water discharging from the spring. When adverse conditions occur within a spring protection zone, the conditions can be minimized by:

- Land-use management and zoning by county or municipal government;
- Adoption of BMPs;
- Educating the public concerning environmental sensitivity; and
- If necessary, regulatory action.<sup>5</sup>

### Nutrients

Phosphorus and nitrogen are essential nutrients for plants and animals and are the limiting nutrients in aquatic environments. The correct balance of both of these nutrients is necessary for

<sup>3</sup> U.S. Environmental Protection Agency, *The Water Cycle: Springs*, <http://water.usgs.gov/edu/watercyclesprings.html> (last visited Mar. 27, 2014).

<sup>4</sup> Florida Geological Survey, *Springs of Florida Bulletin No. 66*, available at <http://www.dep.state.fl.us/geology/geologictopics/springs/bulletin66.htm> (last visited Mar. 27, 2014).

<sup>5</sup> Upchurch, S.B. and Champion, K.M., *Delineation of Spring Protection Areas at Five, First-Magnitude Springs in North-Central Florida (Draft)*, 1 (Apr. 28, 2004), available at [www.waterinstitute.ufl.edu/suwannee-hydro-observ/pdf/delineation-of-spring-protection-zones.pdf](http://www.waterinstitute.ufl.edu/suwannee-hydro-observ/pdf/delineation-of-spring-protection-zones.pdf) (last visited Mar. 27, 2014).

a healthy ecosystem; however, excessive nitrogen and phosphorus can cause significant water quality problems. Typically, nitrogen is the limiting nutrient in spring systems. Therefore, even modest increases in nitrogen above optimum levels can accelerate algae growth, plant growth, and deplete oxygen levels.<sup>6</sup>

Phosphorus and nitrogen are derived from natural and anthropogenic sources. Natural inputs include the atmosphere, soils, and the decay of plants and animals. Anthropogenic sources include sewage disposal systems (wastewater treatment facilities and septic tanks), overflows of storm and sanitary sewers (untreated sewage), agricultural production and irrigation practices, and stormwater runoff.

Excessive nutrients may result in harmful algal blooms, nuisance aquatic weeds, and alteration of the natural community of plants and animals. Dense, harmful algal blooms can also cause human health problems, fish kills, problems for water treatment plants, and generally impair the aesthetics and tastes of waters. Growth of nuisance aquatic weeds tends to increase in nutrient-enriched waters, which can impact recreational activities. Increased algae production, as a result of increased nutrients, can alter plant communities and affect natural systems.

In pristine conditions, spring water is high quality and lacks contaminants. It can be used directly for public water supplies or for irrigation. When pollutants are introduced to the land surface, some will be retained, but some will travel into the aquifer and later appear in spring flow. Often, nutrients introduced close to a spring will quickly reach the spring, especially in unconfined areas of the aquifer. While springs are valuable recreational and tourist attractions, they are also an indicator of reduced quality of the water in the aquifer.<sup>7</sup>

### **Urban Fertilizer Usage and Florida's Model Ordinance**

Application of fertilizer in urban areas impacts springsheds when it runs off lawns and impervious surfaces into stormwater collection systems or directly into the surface water. The DEP has provided guidelines to minimize the impact of urban fertilizer usage and has adopted the "Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes." The model ordinance provides counties and municipalities with a range of ordinances to help minimize fertilizer inputs from urban applications. Some of the suggestions contained in the model ordinance are:

- Restricting the times fertilizer may be applied, such as restricting its application during the rainy season;
- Creating fertilizer free zones around sensitive waterbodies such as ponds, streams, watercourses, lakes, canals, or wetlands;
- Controlling application practices, for example, by restricting fertilizer application on impervious surfaces and requiring prompt cleanup of any fertilizer that is spilled on impervious surfaces; and

---

<sup>6</sup> EPA, *Health and Environmental Effects Research*, [http://www.epa.gov/nheerl/research/aquatic\\_stressors/nutrient\\_loading.html#decreased\\_o2](http://www.epa.gov/nheerl/research/aquatic_stressors/nutrient_loading.html#decreased_o2) (last visited Mar. 27, 2014).

<sup>7</sup> *Supra* note 1, at 3-4.

- Managing grass clipping and vegetative matter by disposing of such materials properly rather than simply blowing them into the street, ditches, stormwater drains, or waterbodies.<sup>8</sup>

## Water Pollution Control Programs

### *Total Maximum Daily Loads (TMDLs) and Water Quality Standards (WQSs)*

Under s. 303 of the federal Clean Water Act (CWA), states are incentivized to adopt WQSs for their navigable waters and must review and update those standards at least once every three years. These standards include:

- Designation of a waterbody's beneficial uses, such as water supply, recreation, fish propagation, and navigation;
- Water quality criteria that define the amounts of pollutants, in either numeric or narrative standards, that the waterbody can contain without impairment of the designated beneficial uses; and
- Anti-degradation requirements.<sup>9</sup>

In 1999, the Legislature passed the Florida Watershed Restoration Act (WRA),<sup>10</sup> which codified the establishment of TMDLs for pollutants of waterbodies as required by the CWA.<sup>11</sup> Each TMDL, which must be adopted by rule, is a scientific determination of the maximum amount of a given pollutant that can be absorbed by the waterbody while still meeting WQSs. Waterbodies that do not meet the established WQSs are deemed impaired and, pursuant to the CWA, the DEP establishes a TMDL for the waterbody or section of the waterbody that is impaired.<sup>12</sup> A TMDL for an impaired waterbody is defined as the sum of the individual waste load allocations for point sources and the load allocations for nonpoint sources and natural background. Waste load allocations are pollutant loads attributable to existing and future point sources, such as discharges from industry and sewage facilities. Load allocations are pollutant loads attributable to existing and future nonpoint sources such as the runoff from farms, forests, and urban areas.<sup>13</sup>

The U.S. Environmental Protection Agency (EPA) and the DEP enforce WQSs through the implementation and enforcement of the National Pollutant Discharge Elimination System (NPDES) permitting program. Every point source that discharges a pollutant into waters of the United States must obtain an NPDES permit establishing the amount of a particular pollutant that an individual point source can discharge into a specific waterbody. The amount of the pollutant that a point source can discharge under a NPDES permit is determined through the establishment of a technology-based effluent limitation. If a waterbody fails to meet the applicable WQS

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<sup>8</sup> DEP, *Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes*, 6-9 (2010), available at <http://www.dep.state.fl.us/water/nonpoint/docs/nonpoint/dep-fert-modelord.pdf> (last visited Mar. 27, 2014).

<sup>9</sup> 33 U.S.C. s. 1313(c)(2)(A) (2014); 40 C.F.R. ss. 131.6 and 131.10-131.12.

<sup>10</sup> Chapter 99-223, Laws of Fla.

<sup>11</sup> Section 403.067, F.S.

<sup>12</sup> *Id.*

<sup>13</sup> Rule 62-620.200(37), F.A.C. Point source means any discernible, confined, and discrete conveyance, including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. Nonpoint sources of pollution are essentially sources of pollution that are not point sources. They can include runoff from agricultural lands or residential areas; oil, grease and toxic materials from urban runoff; and sediment from improperly managed construction sites.

through the application of a technology-based effluent limitation, a more stringent pollution control program called the water quality based effluent limitation is applied.

### ***Basin Management Action Plans***

The DEP is the lead agency in coordinating the implementation of TMDLs and BMAPs through existing water quality protection programs. Such programs include:

- Permitting and other existing regulatory programs, including water quality based effluent limitations;
- Non-regulatory and incentive-based programs, including BMPs, cost sharing, waste minimization, pollution prevention, agreements established pursuant to s. 403.061(21), F.S., and public education;<sup>14</sup>
- Public works, including capital facilities; and
- Land acquisition.<sup>15</sup>

The DEP may establish a BMAP as part of the development and implementation of a TMDL for a specific water body. First, the BMAP equitably allocates pollutant reductions to individual basins, as a whole to all basins, or to each identified point source or category of nonpoint sources.<sup>16</sup> Then the BMAP establishes the schedule for implementing projects and activities to meet the pollution reduction allocations. The BMAP process has the flexibility to allow for adaptive changes if necessary. The BMAP development process provides an opportunity for local stakeholders, local government and community leaders, and the general public to collectively determine and share water quality clean-up responsibilities. The DEP works with stakeholders to develop effective BMAPs.<sup>17</sup>

BMAPs must include milestones for implementation and water quality improvement. They must also include an associated water quality monitoring component sufficient to evaluate whether reasonable progress in pollutant load reductions is being achieved over time. An assessment of progress toward these milestones must be conducted every five years and revisions to the plan must be made as appropriate.<sup>18</sup>

Producers of nonpoint source pollution included in a BMAP must comply with the established pollutant reductions by either implementing the appropriate BMPs or by conducting water quality monitoring.<sup>19</sup> A nonpoint source discharger may be subject to enforcement action by the DEP or a WMD based upon a failure to implement these responsibilities.<sup>20</sup>

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<sup>14</sup> Section 403.061, F.S., grants the DEP the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules adopted and promulgated by it. Furthermore, s. 403.061(21), F.S., allows the DEP to advise, consult, cooperate, and enter into agreements with other state agencies, the federal government, other states, interstate agencies, etc.

<sup>15</sup> Section 403.067(7)(b), F.S.

<sup>16</sup> Section 403.067(7), F.S.

<sup>17</sup> DEP, *Basin Management Action Plans (BMAPs)*, <http://www.dep.state.fl.us/central/Home/Watershed/BMAP.htm> (last visited Mar. 27, 2014).

<sup>18</sup> Section 403.067(7)(a)5., F.S.

<sup>19</sup> BMPs for agriculture, for example, include activities such as managing irrigation water to minimize losses, limiting the use of fertilizers, and waste management.

<sup>20</sup> Section 403.067(7)(b)1.h., F.S.

Provisions of a BMAP must be included in subsequent NPDES permits. The DEP is prohibited from imposing limits or conditions associated with an adopted TMDL in a NPDES permit until the permit expires, the discharge is modified, or the permit is reopened pursuant to an adopted BMAP.<sup>21</sup>

NPDES permits issued between the time a TMDL is established and a BMAP is adopted contain a compliance schedule allowing time for the BMAP to be developed. Once the BMAP is developed, a permit will be reopened and individual allocations consistent with the BMAP will be established in the permit. The timeframe for this to occur cannot exceed five years. NPDES permittees may request an individual allocation during the interim, and the DEP may include an individual allocation in the permit.<sup>22</sup>

For an individual point source, reducing pollutant loads established under the TMDL and water quality based effluent limitation regulatory programs can be difficult to accomplish. It may require investment in expensive technology or other costly measures to reduce pollutant loads.<sup>23</sup>

### ***Agricultural Operations***

Only lands that are used primarily for bona fide agricultural purposes are classified as agricultural in Florida.<sup>24</sup> The term “bona fide agricultural purposes” means good faith commercial agricultural use of the land. Certain factors may be taken into account in determining whether an agricultural operation is bona fide:

- The length of time the land has been used for agriculture;
- Whether the use has been continuous;
- The purchase price paid;
- Size, as it relates to specific agricultural use, but a minimum acreage may not be required for agricultural assessment;
- Whether an indicated effort has been made to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including fertilizing, liming, tilling, mowing, reforestation, and other accepted agricultural practices;
- Whether the land is under lease and, if so, the effective length, terms, and conditions of the lease; and
- Other factors as may be applicable.<sup>25</sup>

### ***Concentrated Animal Feeding Operations (CAFOs)***

In 2012, the EPA estimated there were slightly more than one million farms with livestock in the United States.<sup>26</sup> The EPA further estimated that 212,000 of those farms were likely to be animal

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<sup>21</sup> Florida Senate Committee on Environmental Preservation and Conservation, *CS/SB 754 Analysis* (Mar. 14, 2013), available at <http://flsenate.gov/Session/Bill/2013/0754/Analyses/2013s0754.pre.ep.PDF> (last visited Mar. 27, 2014).

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> Section 193.461(3)(b), F.S.

<sup>25</sup> *Id.*

<sup>26</sup> The term “livestock” does not include poultry. See s. 212.02(29), F.S.

feeding operations (AFOs) - operations where animals are kept and raised in confinement. Of those 212,000 farms, approximately 20,000 of those farms are CAFOs.<sup>27</sup>

In order for a farm to be classified as a CAFO, the farm must first meet the definition of an AFO. Generally, AFOs are facilities with large numbers of animals in a confined area.<sup>28</sup> Federal regulations define AFOs as operations where animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period and where vegetation is not sustained in the confinement area during the normal growing season.<sup>29</sup>

CAFOs are classified under federal regulations as either large, medium, or small depending on the number of animals stabled or confined on an AFO. For example, operations with 700 or more mature dairy cows, 2,500 swine each weighing 55 pounds or more, 10,000 swine, each weighing less than 55 pounds, or 125,000 chickens, if the operation uses a non-liquid manure handling system, are considered large CAFOs.<sup>30</sup>

Using the same types of animals for comparison, an AFO would be considered a medium CAFO if it has 200 to 699 mature dairy cows, 750 to 2,499 swine each weighing 55 pounds or more, 3,000 to 9,999 swine, each weighing less than 55 pounds, or 37,500 to 124,999 chickens, if using a non-liquid manure handling system. Further, in order to be classified as a medium CAFO, pollutants from the AFO must be discharged into waters of the United States through a man-made ditch, flushing system, or other similar man-made device, or pollutants are discharged directly into waters of the United States that pass over, across, or through a facility or otherwise come into direct contact with the animals confined in the operation.<sup>31</sup>

Small CAFOs are determined on a case by case basis when they do not rise to the level of large or medium CAFOs. AFOs regulated under the DEP's industrial wastewater program include dairies, poultry, horse, and swine operations. CAFOs are regulated under the federal NPDES program.<sup>32</sup>

### ***Lot Feeding***

Lot feeding and intensive finishing are intensive forms of animal production where groups of animals are placed in yards or enclosures of a minimum square footage. These animals are fed scientifically formulated feed to achieve optimal weight gain, usually 2.5 to 4 pounds per day. Based on such a diet, cattle can gain one pound for every six pounds of feed they consume.<sup>33</sup> Advantages include the ability to finish animals more quickly than those raised on pastures, and the production of a more consistent product. Disadvantages include regular health monitoring,

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<sup>27</sup> EPA, *NPDES Permit Writers' Manual for Concentrated Animal Feeding Operations*, Report No. 833-F-12-001, 1-2 (Feb. 2012), available at [http://www.epa.gov/npdes/pubs/cafo\\_permitmanual\\_entire.pdf](http://www.epa.gov/npdes/pubs/cafo_permitmanual_entire.pdf) (last visited Mar. 27, 2014).

<sup>28</sup> DEP, *Animal Feeding Operations (AFOs)*, <http://www.dep.state.fl.us/water/wastewater/iw/afo.htm> (last accessed Mar. 27, 2014).

<sup>29</sup> 40 C.F.R. s. 122.23 (2013).

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Supra* note 28.

<sup>33</sup> See Beef USA, National Cattlemen's Beef Assoc., *Fact Sheet: Feedlot Finishing Cattle*, available at [http://www.beefusa.org/uDocs/Feedlot%20finishing%20fact%20sheet%20FINAL\\_4%2026%2006.pdf](http://www.beefusa.org/uDocs/Feedlot%20finishing%20fact%20sheet%20FINAL_4%2026%2006.pdf) (last visited Mar. 27, 2014).



death averaging 1.5 percent of the animals, and pollution controls.<sup>34</sup> With large numbers of animals in a small area, waste becomes a problem for producers and requires careful management.<sup>35</sup>

### ***Best Management Practices on Agricultural Lands***

Agricultural BMPs are guidelines advising producers how to manage the water, nutrients, and pesticides they use to minimize agricultural impacts on Florida's natural resources. Agricultural activity is dependent on the application of fertilizer and pesticides and is linked to the contamination of watersheds with nutrients such as nitrogen and phosphorus. BMPs tend to cover four major areas, which overlap: nutrient management, or how producers use fertilizers; pest management, or how they use pesticides; water management, or how they use and discard water; and sediment management, or how they affect the sediments on and around their properties.<sup>36</sup>

BMPs reduce the amount of nutrients, sediments, and pesticides that enter the water system, and help reduce water use. Because much of the state is built on limestone, which allows water to return relatively unfiltered to the aquifer, pollutants can enter the water supply quickly, endangering humans and ecosystems.<sup>37</sup>

The Office of Agricultural Water Policy, a division of the DACS, is actively involved in developing BMPs. The DACS works cooperatively with agricultural producers, industry groups, the DEP, the university system, the WMDs, and other interested parties to develop and implement BMP programs that are economically and technically feasible.<sup>38</sup>

### ***Onsite Sewage Treatment and Disposal Systems***

In Florida, septic systems are referred to as onsite sewage treatment and disposal systems. An OSTDS can contain any one of the following components: a septic tank; a subsurface drainfield; an aerobic treatment unit (ATU); a graywater tank; a laundry wastewater tank; a grease interceptor; a pump tank; a waterless, incinerating or organic waste-composting toilet; and a sanitary pit privy.<sup>39</sup> Septic systems are located underground and treat sewage without the presence of oxygen. Sewage flows from a home or business through a pipe into the first chamber, where solids settle out. The liquid then flows into the second chamber where anaerobic bacteria in the sewage break down the organic matter, allowing cleaner water to flow out of the second chamber into a drainfield.<sup>40</sup> Engineers licensed in Florida may specially design OSTDSs to meet the needs of individual property owners. Engineer-designed OSTDS plans are subject to

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<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> University of Florida Institute of Food and Agricultural Sciences, *Best Management Practices*, [http://solutionsforyourlife.ufl.edu/hot\\_topics/agriculture/bmps.html](http://solutionsforyourlife.ufl.edu/hot_topics/agriculture/bmps.html) (last visited Mar. 27, 2013).

<sup>37</sup> *Id.*

<sup>38</sup> DACS, Office of Agricultural Water Policy, *Home Page* (Jan. 8, 2014), <http://www.freshfromflorida.com/Divisions-Offices/Agricultural-Water-Policy> (last visited Mar. 27, 2014).

<sup>39</sup> DEP, *Wastewater: Septic Systems*, <http://www.dep.state.fl.us/water/wastewater/dom/septic.htm> (last visited Mar. 27, 2014).

<sup>40</sup> EPA, *Primer for Municipal Wastewater Treatment Systems*, 22 (2004), available at [http://water.epa.gov/aboutow/owm/upload/2005\\_08\\_19\\_primer.pdf](http://water.epa.gov/aboutow/owm/upload/2005_08_19_primer.pdf) (last visited Mar. 27, 2014).

review by the local county health department and must be certified by the engineer as complying with all requirements pertaining to such system.<sup>41</sup>

Onsite Sewage Programs, part of the DOH, develops statewide rules and provides training and standardization for county health department employees responsible for issuing permits for the installation and repair of OSTDSs within the state.<sup>42</sup> The Bureau also licenses over 700 septic tank contractors and oversees 2.6 million onsite wastewater systems in Florida.<sup>43</sup>

The EPA concluded in its 1997 Report to Congress that “adequately managed decentralized wastewater systems are a cost-effective and long-term option for meeting public health and water quality goals, particularly in less densely populated areas.” In Florida, development is dependent on OSTDSs due to the cost and time it takes to install central sewer. In rural areas and low-density developments, central sewer is not cost effective. Less than one percent of Florida systems are actively managed. The remainder generally only receive maintenance when they fail, often leading to costly repairs that could have been avoided with routine tank pump outs and service.<sup>44</sup>

### *Land Spreading of Septage*

Septage is defined as a mixture of sludge, fatty materials, human feces, and wastewater removed during the pumping of an OSTDS.<sup>45</sup> Approximately 100,000 septic tanks are pumped each year, generating 100 million gallons of septage requiring treatment and disposal.<sup>46</sup> The septage is treated and disposed of at a number of septage treatment facilities regulated by the DOH. When used for land application, the septage is stabilized by raising the pH to 12 for at least two hours or to a pH of 12.5 for 30 minutes.<sup>47</sup> The treated septage is then spread over the land at DOH-regulated land application sites.<sup>48</sup> In addition to septage, onsite systems serving restaurants include tanks that separate grease from the sewage stream. The grease is collected, hauled, treated, and land applied similarly to septage. There are currently 92 DOH-regulated land application sites that receive treated septage from 108 DOH-regulated septage treatment facilities. Approximately 40 percent of septage removed from septic tanks is treated at septage treatment facilities and then land applied.<sup>49</sup>

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<sup>41</sup> See Rules 64E-6.003 and 6.004, F.A.C.

<sup>42</sup> The DOH does not permit the use of onsite sewage treatment and disposal systems where the estimated domestic sewage flow from the establishment is over 10,000 gallons per day (gpd) or the commercial sewage flow is over 5,000 gpd; where there is a likelihood that the system will receive toxic, hazardous or industrial wastes; where a sewer system is available; or of any system or flow from the establishment is currently regulated by the DEP. The DEP issues the permits for systems that discharge more than 10,000 gpd.

<sup>43</sup> Hall, P. and Clancy, S.J., *Statewide Inventory of Onsite Sewage Treatment and Disposal Systems in Florida, Final Report*, 6 (June 29, 2009), available at <http://www.floridahealth.gov/healthy-environments/onsite-sewage/research/documents/research-reports/documents/inventory-report.pdf> (last visited Mar.27, 2014).

<sup>44</sup> DOH, *Report on Range of Costs to Implement a Mandatory Statewide 5-Year Septic Tank Inspection Program*, 1 (Oct. 1, 2008), available at <http://www.noticeandcomment.com/Report-on-Range-of-Costs-to-Implement-a-Mandatory-Statewide-5-Year-Septic-Tank-Inspection-Program-October-fn-14050.aspx> (last visited Mar. 27, 2014).

<sup>45</sup> Section 381.0065(2)(n), F.S.

<sup>46</sup> DOH, *Report on Alternative Methods for the Treatment and Disposal of Septage*, 1 (Feb. 1, 2011), available at [http://pk.b5z.net/i/u/6019781/f/FINAL\\_REPORT\\_ON\\_ALTERNATIVE\\_METHODS\\_FOR\\_THE\\_TREATMENT\\_AND DISPOSAL\\_OF\\_SEPTAGE\\_03282011\\_2\\_.pdf](http://pk.b5z.net/i/u/6019781/f/FINAL_REPORT_ON_ALTERNATIVE_METHODS_FOR_THE_TREATMENT_AND_DISPOSAL_OF_SEPTAGE_03282011_2_.pdf) (last visited Mar. 27, 2014).

<sup>47</sup> Rule 64E-6.010(7)(a), F.A.C.

<sup>48</sup> See Rule 64E-6.010, F.A.C.

<sup>49</sup> *Supra* note 46.

In 2010, the Legislature enacted a law prohibiting the land application of septage from septic tanks effective January 1, 2016.<sup>50</sup> In addition, the bill required the DOH, in consultation with the DEP, to provide a report to the Governor and the Legislature recommending alternative methods to establish enhanced treatment levels for the land application of septage by February 1, 2011. The report provided several alternatives to the land application of septage as it is currently performed.<sup>51</sup>

#### Treatment of septage at domestic wastewater treatment facilities

Treating septage takes advantage of available wastewater treatment facilities' capacity while at the same time centralizing waste treatment operations. However, not all wastewater treatment facilities accept septage because it is a high strength waste, which has the potential to upset facilities' processes and may result in increased operation and maintenance requirements and costs. Furthermore, the distance between central facilities with available treatment capacity and the locations where septage is collected in rural areas can make transport to such facilities cost prohibitive.<sup>52</sup>

#### Disposal of septage at landfills

Acceptance of septage at Class I landfills has positive impacts to the landfills because it increases microbial activity within the landfills and results in increased waste decomposition and more rapid waste stabilization. However, landfill instability may result due to disposal of the wet waste stream. Increased difficulty in operating compaction equipment may result due to creation of a slick working surface. Many landfills choose not to accept loads of septage, making land application sites one of the only available options for the disposal of septage.<sup>53</sup>

#### ***Advanced Treatment***

While most of Florida's OSTDSs are conventional OSTDSs, or passive septic systems, there are other advanced systems capable of providing additional or advanced treatment of wastewater prior to disposal in the drainfield. Advanced OSTDSs can utilize various approaches to improve treatment before discharge to a drainfield, or the drainfield itself can be modified. On occasion, engineers have included the drainfield as part of the treatment process, usually as a means to achieve fecal coliform reduction.<sup>54</sup>

Advanced systems differ in three respects from conventional treatment systems that consist of a septic tank with drainfield. First, the design of advanced systems is more variable than the approach for conventional systems. Second, they need more frequent checkups and maintenance, which is the reason they require operating permits. Third, the performance expectations are more

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<sup>50</sup> Section 381.0065(6), F.S.

<sup>51</sup> *Supra* note 46, at 2.

<sup>52</sup> *Supra* note 46, at 2.

<sup>53</sup> *Supra* note 46, at 3.

<sup>54</sup> DOH, Assessment of Water Quality Protection, *Advanced Onsite Sewage Treatment and Disposal Systems: Performance, Management, Monitoring, Draft Final Report*, 14 (August 19, 2013), available at <http://www.floridahealth.gov/healthy-environments/onsite-sewage/research/advancedostdsfinalreportdraft.pdf> (last visited Mar. 27, 2014).

specific, while failures for advanced systems are less defined.<sup>55</sup> Advanced systems are significantly more expensive to purchase, install, and operate.

Aerobic Treatment Units (ATUs) offer advanced treatment for wastewater. ATUs force compressed air through the liquid effluent in the tank to create a highly oxygenated (aerobic) environment for bacteria. Bacteria that thrive in oxygen-rich environments work to break down and digest the wastewater inside the aerobic treatment unit. Aerobic units come in a variety of sizes and shapes and can be made of concrete, fiberglass, or polyurethane. They are designed to collect and treat all the water from a home, including water from toilets, showers, bathtubs, sinks, and laundry. There are as many as three stages that ATUS take wastewater through before the effluent is dispersed into the drainfield.<sup>56</sup>

### ***Responsible Management Entities***

RMEs are entities that have responsibilities for local OSTDS operation and maintenance, typically in environmentally sensitive areas or areas with dense clusters of OSTDSs. The EPA has described two types of RME models. In Model 4, referred to as the Operation and Maintenance Model, the RME is responsible for the operation and maintenance of the OSTDSs within its jurisdiction. The RME, instead of the owner, receives the permit for the OSTDS with the intent of providing greater assurance of control over performance compliance. The owner of the OSTDS pays a fee for the RME to regularly inspect and maintain the owner's OSTDS.<sup>57</sup>

In Model 5, referred to as the Ownership Model, the RME owns, operates, and manages the OSTDSs in a manner similar to central sewer. One advantage of this model is that it allows the RME to more easily replace existing systems with higher-performance units or clustered systems when necessary.<sup>58</sup> The RME Ownership Model relieves the property owner of responsibility for the system and it provides the greatest assurance of system performance in sensitive environments.<sup>59</sup> This model is more expensive for the property owner.

## **Water Pollution Management**

### ***Urban Stormwater Management***

Unmanaged urban stormwater creates a wide variety of effects on Florida's surface waters and groundwaters. Factors that exacerbate unmanaged runoff include:

- Compaction of soil;
- Addition of impervious surfaces such as roads and parking lots;

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<sup>55</sup> Prepared for DEP by DOH, Bureau of Onsite Sewage Programs, *Revised Quality Assurance Project Plan Assessment of Water Quality Protection by Advanced Onsite Sewage Treatment and Disposal Systems (OSTDS): Performance, Management, Monitoring*, 8 (Aug. 22, 2011) available at <http://www.floridahealth.gov/healthy-environments/onsite-sewage/research/documents/final319qapp.pdf> (last visited Mar. 27, 2014).

<sup>56</sup> Florida Health, Lee County, *Aerobic Treatment Unit Homeowner Education*, <http://www.floridahealth.gov/chdlee/EH/OSTDSatu.html> (last visited Mar. 27, 2014).

<sup>57</sup> EPA, *Voluntary National Guidelines for Management of Onsite and Clustered (Decentralized) Wastewater Treatment Systems*, Report No. 832-B-03-001, 20 (Mar. 2003), available at [http://water.epa.gov/scitech/wastetech/upload/septic\\_guidelines.pdf](http://water.epa.gov/scitech/wastetech/upload/septic_guidelines.pdf) (last visited Mar. 27, 2014).

<sup>58</sup> *Id.*

<sup>59</sup> *Id.* at 5.

- Alteration of natural landscape features such as natural depression areas that hold water, floodplains, and wetlands;
- Construction of highly efficient drainage systems that alter the ability of the land to assimilate precipitation; and
- Pollutant loading of receiving water bodies from stormwater discharge.<sup>60</sup>

Urbanization within a watershed decreases the amount of rainwater that seeps into the soil. Rainwater is critical for recharging aquifers, maintaining water levels in lakes and wetlands, and maintaining spring and stream flows. The increased volume, speed, and pollutant loading in stormwater discharged from developed areas leads to flooding, water quality problems, and loss of habitat.<sup>61</sup>

In 1982, to manage urban stormwater and minimize impacts to natural systems, Florida adopted a technology-based rule requiring the treatment of stormwater to a specified level of pollutant load reduction for new development. The rule included a performance standard for the minimum level of treatment and design criteria for BMPs to achieve the performance standard. It also included a rebuttable presumption that discharges from a stormwater management system designed in accordance with the BMP design criteria would meet WQSs.<sup>62</sup> The performance standard was to reduce post-development stormwater pollutant loading of total suspended solids<sup>63</sup> by 80 percent, or by 95 percent for Outstanding Florida Waters.<sup>64</sup>

In 1990, the DEP developed and implemented the State Water Resource Implementation Rule (originally known as the State Water Policy rule).<sup>65</sup> This rule sets forth the broad guidelines for the implementation of Florida's stormwater program and describes the roles of the DEP, the WMDs, and local governments. One of the primary goals of the program is to maintain the predevelopment stormwater characteristics of a site. The rule sets a minimum performance standard for stormwater treatment systems to remove 80 percent of the post-development stormwater pollutants "that cause or contribute to violations of WQSs."<sup>66</sup>

The DEP and the WMDs jointly administer the Environmental Resource Permitting (ERP) program for activities that alter surface water flows.<sup>67</sup> Alteration or construction of new stormwater management systems in urban redevelopment areas is regulated by the ERP program pursuant to s. 373.413, F.S., and must comply with all other relevant sections of ch. 373, Part IV, F.S.

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<sup>60</sup> DEP, *State Stormwater Treatment Rule Development Background*, <http://www.dep.state.fl.us/water/wetlands/erp/rules/stormwater/background.htm> (last visited Mar. 27, 2014).

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

<sup>63</sup> Total Suspended Solids is listed as a conventional pollutant under s. 304(a)(4) of the CWA. A conventional pollutant is a water pollutant that is amenable to treatment by a municipal sewage treatment plant.

<sup>64</sup> Rule 62-302.700, F.A.C., provides that an Outstanding Florida Water is a designated water body worthy of special protection because of its natural attributes. This special designation is applied to certain water bodies, and is intended to protect and preserve their existing states.

<sup>65</sup> *Supra* note 60. See also Rule. 62-40, F.A.C.

<sup>66</sup> *Supra* note 60.

<sup>67</sup> Chapter 373, Part IV, F.S. See also DEP, *Environmental Resource Permitting (ERP) Program*, <http://www.dep.state.fl.us/water/wetlands/erp/index.htm> (last visited Mar. 27, 2014).

### ***Wastewater Treatment Plants***

Wastewater treatment is one of the most common forms of pollution control in the United States. Sewerage system components include collection sewers, pumping stations, and treatment plants. Sewage is collected and sent to a treatment plant to remove solids and biological contaminants. Once sewage has been treated, it is typically discharged into streams and other receiving waters, or reused.<sup>68</sup>

The basic function of wastewater treatment is to speed up natural processes by which water is purified. Typically, sewage is treated by primary and secondary processes. In the primary stage, solids are allowed to settle and are removed from the wastewater. The secondary stage uses biological processes to further purify wastewater.<sup>69</sup>

Limits in Florida for effluent to surface water from wastewater treatment plants are required to contain no more than 20 mg/L carbonaceous biochemical oxygen demand (CBOD5)<sup>70</sup> and 20 mg/L total suspended solids (TSS),<sup>71</sup> or 90 percent removal of each from the wastewater influent, whichever is more stringent.<sup>72</sup> There are other limits depending on where the effluent is being discharged.

### ***Advanced Wastewater Treatment***

Advanced wastewater treatment (AWT) systems perform additional treatment beyond secondary treatment. AWT can remove more than 99 percent of all impurities from sewage, producing an effluent that may be drinking-water quality. The related technology can be expensive, requiring a high level of technical expertise and well trained treatment plant operators, a steady energy supply, chemicals, and specific equipment that may not be readily available. An example of an AWT process is the modification of a conventional secondary treatment plant to remove additional phosphorus and nitrogen. The effluent standards for AWT on an annual average basis are:

- CBOD5 – 5 mg/L;
- Suspended solids – 5 mg/L;
- Total Nitrogen – 3 mg/L;
- Total Phosphorus – 1 mg/L; and
- High levels of disinfection.<sup>73</sup>

### ***Residuals***

Biosolids are the solid, semisolid, or liquid residue generated during the biological wastewater treatment process. Florida generates approximately 320,000 dry tons of biosolids annually. Biosolids are normally high in organic content and contain moderate amounts of nutrients such

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<sup>68</sup> U.S. Environmental Protection Agency, Office of Water, *How Wastewater Treatment Works: The Basics*, Report no. 833-F-98-002, 1 (May 1998), available at <http://www.epa.gov/npdes/pubs/bastre.pdf> (last visited Mar. 27, 2014).

<sup>69</sup> *Id.*

<sup>70</sup> For more information on CBOD5, see Rule 62-601.200(6), F.A.C.

<sup>71</sup> For more information on TSS, see Rule 62-601.200(54), F.A.C.

<sup>72</sup> Rule 62-600.420, F.A.C.

<sup>73</sup> Section 403.086(4), F.S.

as nitrogen and phosphorus, making them valuable as a fertilizer or soil amendment.<sup>74</sup> They may be used beneficially or disposed of in landfills.<sup>75</sup>

Biosolids are classified as AA, A, or B. AA biosolids are considered the highest quality biosolids. They must be treated to a level that essentially eliminates pathogens and meets strict concentration limits for heavy metals. They may be used as fertilizer through commercial distribution and marketing.<sup>76</sup> Class A biosolids are biosolids that meet the same pathogen reduction requirements as Class AA biosolids, meet the same vector attraction (meaning the attraction of disease spreading animals) requirements as Class B biosolids, and meet a series of concentration limits for nine different elements.<sup>77</sup> Class B biosolids must be treated to significantly reduce pathogens and must meet certain concentration limits for heavy metals. Application rates are limited to crop nutrient needs. They are subject to site application restrictions and restrictions on harvesting, grazing, and public access. Also, cumulative heavy metals must be tracked for Class A and B biosolids; however, in Florida, land applied biosolids are almost exclusively Class B. In 2012, approximately 108,272 dry tons of Class B biosolids were land applied.<sup>78</sup>

### **Total Maximum Daily Load Restoration Grants Program**

The TMDL Water Quality Restoration Grants program was developed to provide grants to fund the implementation of BMPs to reduce pollutant loads to impaired waters from urban stormwater discharges.<sup>79</sup> The DEP funds research into BMPs to reduce pollutant loads from urban nonpoint sources of pollution.

The eligibility criteria for TMDL Water Quality Restoration Grants are:

- Projects that reduce stormwater pollutant loadings from urban areas that discharge to water bodies on the state's verified list of impaired waters;
- The project is at least at the 60 percent design phase;
- The project is permitted or the permit has been scheduled for approval at the next meeting of the WMD governing board or the DEP;
- The project includes storm event monitoring to determine the actual load reduction;
- The construction will be completed within three years of appropriation of the funds by the Legislature in order to ensure funds remain available;
- The applicant provides a minimum of 50 percent of the total project cost in matching funds, of which at least 25 percent are provided by the local government; and
- The grant funds are used for construction of BMPs, monitoring to determine pollutant load reductions, or public education activities specifically associated with the project and may

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<sup>74</sup> DEP, *Biosolids in Florida: 2012 Summary*, 1 (Dec. 2013), available at <http://www.dep.state.fl.us/water/wastewater/dom/docs/BiosolidsFlorida-2012-Summary.pdf> (last accessed Mar. 27, 2014).

<sup>75</sup> *Id.*

<sup>76</sup> *Id.*

<sup>77</sup> Rule 62-640.200(9), F.A.C.

<sup>78</sup> *Supra* note 74.

<sup>79</sup> Rule 305.100(1), F.A.C.

only occur after the date of contract. Funds spent in advance of contract may be used for match, such as design, land acquisition, and other costs incurred by the applicant.<sup>80</sup>

The submitted projects are then evaluated and ranked. The criteria include:

- Impairment status of the receiving waterbody;
- Estimated load reduction of the pollutants of concern;
- Percentage of local matching funds;
- Cost effectiveness based on the cost per pound of Total Nitrogen and/or Total Phosphorus removed per acre treated;
- Inclusion of a robust educational component; and
- Whether the local government sponsor has implemented a dedicated funding source for stormwater management, such as a stormwater utility fee.<sup>81</sup>

Grant applications may be submitted throughout the year. The DEP reviews and ranks projects in March, July, and November.<sup>82</sup> Projects selected for grant funding are based on ranking and availability of funds. Projects that are not selected for funding remain in the pool of projects for one year from the date of submittal.<sup>83</sup>

### **Minimum Flows and Levels**

MFLs are established for water bodies in order to prevent significant harm as a result of withdrawals. MFLs are typically determined based on evaluations of topography, soils, and vegetation data collected within plant communities and other pertinent information associated with the water resource. MFLs take into account the ability of wetlands and aquatic communities to adjust to changes in hydrologic conditions and allow for an acceptable level of hydrologic change to occur. When uses of water resources shifts the hydrologic conditions below levels defined by MFLs, significant ecological harm can occur.<sup>84</sup> The goal of establishing an MFL is to ensure there is enough water to satisfy the consumptive use of the water resource without causing significant harm to the resource.<sup>85</sup> Consumptive uses of water draw down water levels and reduce pressure in the aquifer.<sup>86</sup> By establishing MFLs for non-consumptive uses, the WMDs are able to determine how much water is available for consumptive use. This is useful when evaluating a new consumptive use permit (CUP) application.<sup>87</sup>

Section 373.042, F.S., requires the DEP or WMDs to establish MFLs for priority water bodies to prevent significant harm from water withdrawals. While the DEP has the authority to adopt MFLs under ch. 373, F.S., the WMDs have the primary responsibility for MFL adoption. The

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<sup>80</sup> DEP, *TMDL Water Quality Restoration Grants*, [http://www.dep.state.fl.us/water/watersheds/tmdl\\_grant.htm](http://www.dep.state.fl.us/water/watersheds/tmdl_grant.htm) (last visited Mar. 27, 2014).

<sup>81</sup> *Id.* See also rule 305.400, F.A.C. (Project Selection Criteria).

<sup>82</sup> Rule 62-305.300(2), F.A.C.

<sup>83</sup> *Supra* note 80.

<sup>84</sup> St. Johns River Water Management District, *Water Supply: An Overview of Minimum Flows and Levels*, <http://www.sjrwm.com/minimumflowsandlevels/> (last visited Mar. 27, 2014).

<sup>85</sup> DEP, *Minimum Flows and Levels*, <http://www.dep.state.fl.us/water/waterpolicy/mfl.htm> (last visited Mar. 27, 2014).

<sup>86</sup> *Supra* note 1, at 3-5.

<sup>87</sup> Florida Senate Committee on Environmental Preservation and Conservation, *SB 244 Analysis*, 2 (Feb. 22, 2013), available at <http://flsenate.gov/Session/Bill/2013/0244/Analyses/2013s0244.ep.PDF> (last visited Mar. 27, 2014).



WMDs submit annual MFL priority lists and schedules to the DEP for review and approval. MFLs are considered rules by the WMDs and are subject to ch. 120, F.S., challenges. MFLs are established using the best available data and are subject to independent scientific peer review at the election of the WMD, or, if requested, by a third party.<sup>88</sup>

MFLs apply to decisions affecting permit applications, declarations of water shortages and assessments of water supply sources. Computer water budget models for surface waters and groundwater are used to evaluate the effects of existing and/or proposed consumptive uses and the likelihood they might cause significant harm. The WMD Governing Boards are required to develop recovery or prevention strategies in those cases where a water body or watercourse currently does not or is anticipated to not meet an established MFL. Water uses cannot be permitted that cause any MFL to be violated.<sup>89</sup>

### **Consumptive Use Permits**

A CUP establishes the duration and type of water use as well as the maximum amount of water that may be withdrawn daily. Pursuant to s. 373.219, F.S., each CUP must be consistent with the objectives of the issuing WMD or the DEP and may not be harmful to the water resources of the area. To obtain a CUP, an applicant must establish that the proposed use of water satisfies the statutory test, commonly referred to as “the three-prong test.” Specifically, the proposed water use must:

- Be a “reasonable-beneficial use” as defined in s. 373.019(16), F.S.;
- Not interfere with any presently existing legal use of water; and
- Be consistent with the public interest.

### **Documentary Stamp Tax**

Florida’s documentary stamp tax was first enacted in 1931, at the rate of \$0.10 per \$100 of consideration.<sup>90</sup> The tax is now levied at the rate of \$0.70 per \$100 (or portion thereof) on documents that transfer interest in Florida real property, such as warranty deeds and quit claim deeds. However, the Miami-Dade County rate is \$0.60 on all documents plus \$0.45 surtax on documents transferring anything other than a single-family residence. This tax is usually paid to the Clerk of Court when the document is recorded. The Clerks of Court send the funds to the Department of Revenue, which distributes the funds according to law.<sup>91</sup>

The documentary stamp tax is also levied at the rate of \$0.35 per \$100 on documents that are executed or delivered in Florida including notes and other written obligations to pay mortgages and liens.<sup>92</sup>

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<sup>88</sup> *Id.*

<sup>89</sup> *Supra* note 84.

<sup>90</sup> Office of Economic and Demographic Research, The Florida Legislature et al., *Florida Tax Handbook, Including Fiscal Impact of Potential Changes*, 73 (2013), available at <http://edr.state.fl.us/Content/revenues/reports/tax-handbook/taxhandbook2013.pdf> (last visited Mar. 27, 2014).

<sup>91</sup> Florida Department of Revenue, *Documentary Stamp Tax*, [http://dor.myflorida.com/dor/taxes/doc\\_stamp.html](http://dor.myflorida.com/dor/taxes/doc_stamp.html) (last visited Mar. 27, 2014).

<sup>92</sup> *Id.*

The latest Florida Tax Handbook estimates that revenue from the documentary stamp tax for the 2013-14 fiscal year is estimated to be approximately \$1,627,700,000.<sup>93</sup> Before the funds may be distributed, eight percent of total collections are deducted as a service charge, the costs of collection and enforcement of the tax are deducted, and debt service for Preservation 2000, Florida Forever, and Everglades Restoration must be paid. The remainder is distributed pursuant to s. 201.15, F.S.

### ***Ecosystem Management and Restoration Trust Fund***

The Ecosystem Management and Restoration Trust Fund was created to fund:

- Detailed planning for implementation of programs for the management and restoration of ecosystems;
- The development and implementation of surface water improvement and management plans and programs;
- Activities to restore polluted areas of the state, as defined by the DEP, to their condition before pollution occurred or to otherwise enhance pollution control activities;
- Activities to restore or rehabilitate injured or destroyed coral reefs;
- Activities by the DEP to recover funds as a result of actions against any person for a violation of ch. 373, F.S.;
- Activities authorized for the implementation of the Leah Schad Memorial Ocean Outfall Program; and
- Activities to preserve and repair the state's beaches.<sup>94</sup>

Yearly, the trust fund receives the lesser of 2.12 percent or \$30 million of remaining documentary stamp revenues.

### **III. Effect of Proposed Changes:**

**Section 1** amends s. 201.15, F.S., providing that the provisions of the bill will be paid for by a portion of documentary stamp revenues distributed to the Ecosystem Management and Restoration Fund.

The bill directs 36.9 percent of the remainder of the collected documentary stamp funds be distributed to the Ecosystem Management and Restoration Trust Fund, after the service charge and costs of collection have been paid from total revenues and after the debt service has been paid out of the 63.31 percent of the remainder of documentary stamp revenues. The revenues distributed to the Ecosystem Management and Restoration Trust Fund will be used for restoration and protection of OFSs, and for the acquisition of lands that protect essential parcels necessary for projects designed to improve water quality or conserve water in spring protection and management zones of OFSs. Projects are chosen from the most current Board of Trustees Florida Forever Priority List or projects requested by WMDs. The 36.9 percent distributed for Florida springs protection is approximately 20 percent of net documentary stamp revenues per fiscal year. In FY 2014-2015, this will be approximately \$378.8 million. While existing distributions in s. 201.15, F.S., will not be affected, the remainder that would have gone to the general revenue fund will be nearly eliminated.

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<sup>93</sup> *Supra* note 90, at 71.

<sup>94</sup> Section 403.1651, F.S.

**Sections 2 and 3** amend ss. 373.042 and 373.0421, F.S., respectively, requiring the standard of “harm” to be applied when determining the MFL of an OFS. They also make conforming changes.

**Section 4** creates Part VIII of ch. 373, F.S., consisting of ss. 373.801, 373.802, 373.803, 373.805, 373.807, 373.808, 373.809, 373.811, and 373.813, F.S., and provides the title, “Florida Springs and Aquifer Protection Act.” The requirements of this act are discussed in Sections 6-13 of this section of the analysis.

**Section 5** creates s. 373.801, F.S., providing legislative intent:

- Detailing the importance of Florida’s springs, and various benefits they provide to the state including providing critical habitat for plants and animals. They provide immeasurable natural, recreational, economic, and inherent value. They are indicators of the health of the Floridan aquifer. They also provide recreational opportunities for Floridians and visitors to the state;
- Stating that water quantity and water quality in springs are directly related. It also specifies the primary responsibilities of the DEP, WMDs, DACS, and local governments;
- Recognizing that springs are only as healthy as their springsheds and identifies several of the problems affecting springs, including pollution runoff from urban and agricultural lands, stormwater runoff, and reduced water levels of the Floridan Aquifer, which have led to the degradation of many of Florida’s springs;
- Recognizing that without significant action, the quality of Florida’s springs will continue to degrade;
- Stating that springshed boundaries need to be delineated using the best available data;
- Recognizing that springsheds often cross local government jurisdictional boundaries, which requires a coordinated response;
- Recognizing that aquifers and springs are complex systems affected by many variables and influences; and
- Recognizing that while research is still being done, there is enough information to proceed with protective actions that can be adjusted as new information is gathered. It directs state agencies, WMDs, and local governments to work together to delineate springsheds, and spring protection and management zones, and to develop comprehensive plans and development regulations that protect Florida’s springs.

**Section 6** creates s. 373.802, F.S., providing definitions for “department,” “local government,” “onsite sewage and treatment disposal system,” “spring run,” “springshed,” and “spring vent.”

The bill also defines:

- “Outstanding Florida Spring,” meaning all historic first magnitude springs, as determined by the department using the most recent version of the Florida Geological Survey’s springs bulletin. The following springs are also considered OFSS: Deleon Spring, Peacock Spring, Rock Spring, Wekiwa Spring, and Gemini Spring;
- “Responsible Management Entity,” meaning a legal entity established for the purpose of providing localized management services with the requisite managerial, financial, and technical capacity to ensure long-term management of OSTDSs within its jurisdiction; and

- Spring protection and management zone,” meaning the areas of a springshed where the Floridan Aquifer is vulnerable to sources of contamination or reduced levels, as determined by the DEP in consultation with the appropriate WMD.

**Section 7** creates s. 373.803, F.S., directing the DEP, in consultation with the WMDs, to delineate spring protection and management zones for each OFS, using the best available data. The bill requires the delineation of the zones to be completed by July 1, 2015. It directs the DEP to consider groundwater travel time, hydrogeology, and nutrient load when delineating spring protection zones. Additionally, the bill directs each WMD to adopt, by rule, maps that delineate spring protection and management zones for each OFS within its jurisdiction.

**Section 8** creates s. 373.805, F.S., directing each WMD to establish an MFL for each OFS located within its jurisdiction by July 1, 2015. The bill provides for yearly extensions until July 1, 2020, if the WMD provides sufficient evidence to the DEP that an extension is in the best interest of the public. It provides that an MFL adopted for an OFS prior to July 1, 2014, does not have to be changed until it is revised or otherwise amended.

If there is not enough water to meet an adopted MFL, the WMD shall implement a recovery or prevention strategy for the OFS by July 1, 2017. The strategy, at a minimum, must include:

- A listing of all specific projects identified for implementation to achieve the recovery or prevention strategy;
- A priority listing of each project;
- The estimated cost for each listed project; and
- The source and amount of financial assistance from the WMD for each project, which may not be less than 25 percent of the total cost of the project, unless another funding source or sources are identified which will provide more than 75 percent of the total project cost. The bill exempts the Northwest Florida and Suwannee River WMDs from the requirement to provide 25 percent of the total project cost.

**Section 9** creates s. 373.807, F.S., providing a deadline of July 1, 2015, for the DEP to assess any OFS for which a determination of impairment has not been made and assess them under the numeric nutrient standards for spring vents. In addition, the bill addresses BMAPS, spring action plans, and requirements:

#### ***Basin Management Action Plans***

The bill provides a deadline of July 1, 2017, for the DEP to develop BMAPs for OFSs impaired by nutrients.

#### ***Spring Action Plans***

The bill creates the concept of spring action plans to be prepared for each OFS by July 1, 2014. Each initial spring action plan shall be adopted within one year of when the DEP begins preparation of the plan and the plan must be continually updated to reflect newly added and completed projects.

Spring action plans must include:

- All projects in a BMAP which are located fully or partially in a spring protection and management zone.
- All projects in the regional water supply plan which are located fully or partially within a spring protection and management zone.
- All projects included in a recovery or prevention strategy which are located fully or partially within a spring protection and management zone.
- All projects proposed to or by the DEP which will prevent or stop potential nutrient impairment;
- An estimate of a listed project's reduction of nutrient loading;
- A map and legal description depicting the spring protection and management zones;
- Identification of each point source or category of nonpoint sources and a detailed allocation for those sources.

### ***Requirements***

The bill requires that within six months of the delineation of a spring protection and management zone or zones, any local government within the zone must develop, enact, and implement an ordinance that meets or exceeds the requirements of the DEP's Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes. The bill also requires that the ordinance limit the nitrogen content of any fertilizer applied to turf or landscape plants to the lowest, basic maintenance rate of the most recent recommendations by the University of Florida Institute of Food and Agricultural Sciences (IFAS). The bill directs the DEP to develop rules to implement these requirements.

The bill requires the owner or operator of each existing wastewater treatment facility in a spring protection and management zone to file a compliance plan for DEP's approval by July 1, 2016. Under certain circumstances, DEP may grant a local government or wastewater treatment facility an extension of up to 2 years to implement the plan. The owner or operator must submit a proposal for funding at least once every 2 years until the plan is fully implemented.

Also, by July 1, 2016, DEP, in consultation with the Department of Health and local governments, must identify onsite sewage treatment and disposal systems within a spring protection and management zone. Within 60 days of identification, the DEP must provide the locations to local governments. The local governments must develop an onsite sewage treatment and disposal system remediation plan which must include whether the systems require upgrading, connection to a central sewerage system, or no action. Each remediation plan must be submitted to DEP for approval after specified considerations.

The bill requires certain remedial actions, unless there is not adequate funding. Nevertheless, the bill clarifies that remedial actions included in an adopted BMAP are still required regardless of funding under Part VIII of ch. 373, F.S. Those actions specified by the bill are:

- By July 1, 2021, each wastewater treatment facility in a spring protection and management zone must meet an effluent standard of no more than 3 mg/L Total Nitrogen, unless granted a variance;

- By July 1, 2019, each agricultural producer in a spring protection and management zone must implement BMPs or other pollution reduction measures. The bill gives the DACS authority to adopt rules to implement this requirement; and
- After approval of the onsite sewage treatment and disposal system remediation plan by DEP, the local government must begin implementing the approved remediation plan by making proposals to DEP for funding. The costs of connection to a central sewerage system or upgrading the onsite sewage treatment and disposal systems are eligible for funding of up to 100 percent of the total project cost and may not be imposed on the property owner.

**Section 10** creates s. 373.808 F.S., providing for funding for the restoration of OFSs. In order to satisfy the requirements of the bill, project proposals may be submitted to the DEP by:

- State agencies;
- WMDs;
- Local governments;
- Special districts;
- Utilities;
- RMEs; and
- Any of the above entities in cooperation with agricultural producers and property owners.

Approved projects may be funded up to 75 percent of the total project cost, except in the case of a project for upgrading OSTDSs or connecting an OSTDS to a central sewerage system. Projects submitted by fiscally constrained counties or municipalities in fiscally constrained counties are eligible for funding of up to 100 percent of the total project cost.

The bill authorizes the DEP to distribute funds deposited into the Ecosystem Management and Restoration Trust Fund for projects approved by the DEP. The funds may be distributed for administrative costs associated with the act to state agencies and WMDs. It authorizes the Legislature to use other sources of revenue to fund projects. The DEP may distribute funds from the Ecosystem Management and Restoration Trust Fund for any project that has been approved. The DEP may adopt rules to develop grant application procedures to cover reasonable administrative costs for fiscally constrained counties or municipalities within those counties.

The bill specifies if there are any funds available after all obligations under this section have been met, they are to be deposited to the credit of the Ecosystem Management and Restoration Trust Fund. Funds may be invested and interest received shall be credited back to the fund for springs protection and restoration.

It directs the DEP to adopt rules to fund at least two pilot projects each project selection cycle that test the effectiveness of technologies or practices designed to minimize nutrient pollution or conserve water in Florida springs by December 31, 2014. It also directs the DEP to develop rules to evaluate, select, and rank projects eligible for funding. The rules must give preference to projects that will result in the greatest improvement to water quality and water quantity for the funds expended. The bill specifies that the DEP must consider, at a minimum:

- Whether the project is within a spring protection and management zone of an OFS impaired by nutrients;
- The level of nutrient impairment of the OFS in which the project is located;

- The quantity of pollutants the project is estimated to remove from a spring protection and management zone;
- Whether the project is within a spring protection and management zone of an OFS that is not meeting its adopted MFL;
- The flow necessary for the OFS to meet its adopted MFL;
- The anticipated impact the project will have on restoring or increasing water flow or water level;
- Whether the project facilitates or enhances an existing BMAP adopted by the DEP to address pollutant loading;
- Whether the project is identified and prioritized in an adopted regional water supply plan;
- The percentage by which the amount of matching funds provided by the applicant exceed the statutory minimum required;
- For multi-year projects, whether the project has funding sources that are identified and assured through the expected completion date of the project;
- The cost of the project and the length of time it will take to complete relative to its expected benefits; and
- Whether the applicant has used its own funds for projects to improve water quality or conserve water use within a springshed or spring protection and management zone of an OFS since July 1, 2009.

The bill also specifies that a project may not be funded under Part VIII of ch. 373, F.S., if it is not listed on a spring action plan.

**Section 11** creates s. 373.809, F.S., detailing prohibited activities within a spring protection and management zone of an OFS. Prohibited activities are:

- Construction of wastewater disposal system unless the system meets a treatment standard of 3 mg/L Total Nitrogen on an annual permitted basis, unless the DEP determines a higher standard is necessary;
- Construction of OSTDSs on lots less than one acre, except for active or passive nitrogen removing systems approved by the DOH. This prohibition takes effect July 1, 2015;
- Construction of facilities for disposal of hazardous waste;
- Land spreading, dumping, or disposal of all domestic wastewater residuals or septage; and
- Concentrated animal feeding operations or intense cattle finishing and slaughter operations unless the operation was permitted by July 1, 2014, or it is an expansion of operations that were in the occupation of bona fide agriculture as of July 1, 2014.

**Section 12** creates s. 373.811, F.S., directing the DEP to adopt rules to create a program to improve water quantity and water quality based on the TMDL Water Quality Restoration Grants rule. It allows the DOH, the DACS, the WMDs, and RMEs to adopt rules to administer Part VIII of ch. 373, F.S.

The bill specifies the DACS is the lead agency for coordinating the reduction of agricultural nonpoint sources of pollution for the protection of OFSs. The DACS and the DEP will study and, if necessary, initiate rulemaking to implement new or revised BMPs, in cooperation with applicable county and municipal governments, and stakeholders. The purpose of the rules is to

implement new or revised BMPs for improving and protecting OFSs and to require the implementation of such practices within a reasonable time, as specified by rule.

The bill directs the DEP, DACS, and IFAS to conduct research into improved or additional nutrient management tools, with a sensitivity to the necessary balance between water quality improvements and agricultural productivity. If necessary, the tools must be incorporated into revised BMPs adopted by rule by the DACS.

**Section 13** creates s. 373.813, F.S., providing for variances and exceptions. The bill specifies variances or exceptions may be granted by agencies or a WMD if the person applying for the variance can provide reasonable assurance that the person's proposed activity, either individually or as part of cumulative impacts, will not cause or contribute to violations of WQs or MFLs.

**Section 14** amends s. 381.0065, F.S., defining "responsible management entity" for use in ss. 381.0065 to 381.0067, F.S., and requiring a study to be performed by the DOH and DEP.

The bill requires the DOH and DEP to perform a study of RMEs within spring protection and management zones of OFSs impaired by nutrients. The report is required to focus on the feasibility of different management models to prevent, reduce, and control nutrient pollution from OSTDSs. In addition, the report must examine the results of different management models and how they well they address mandatory OSTDS evaluation and assessment programs, or any other options that may accomplish similar nutrient pollution reductions, both in the short and long term. The report and recommendations must be provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives by March 1, 2015.

It provides that local governments may not establish RMEs without prior approval of the DOH and the DEP. When a local government seeks to establish an RME, it must demonstrate that it has the management skills, personnel, financial capacity, and technical expertise to operate and maintain an RME. The bill directs the DOH to ensure that RMEs adopt rules and policies that are at least as restrictive as state law.

**Section 15** repeals s. 381.00651, F.S. The section of law being repealed mandated the creation of an OSTDS evaluation and assessment program in counties or municipalities that contain first magnitude springs. The repealed section contains preemption language that will likely conflict with other requirements in the bill.

**Section 16** creates an unnumbered section of Florida law that requires a comprehensive study on nutrient reduction improvement the beneficial use of reclaimed water, stormwater, and excess surface water. The report must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2015. The study must:

- Describe factors that currently prohibit or otherwise complicate the expansion of the beneficial use of reclaimed water and provide recommendations for mitigating those factors;
- Identify factors that affect potable and reclaimed water, including environmental, public health, public perception, engineering, and fiscal issues, as well as user fees.
- Identify areas where reclaimed water needs to be used to accommodate constraints on the use of traditional water supplies;



- Evaluate the costs to users of reclaimed water compared to traditional water sources, including an examination of the nutrient concentrations in reclaimed water and the necessity for additional fertilizer supplementation;
- Evaluate permitting incentives that encourage switching from traditional water supplies to reclaimed water, and to allow users to switch to traditional water supplies if reclaimed water becomes unavailable or cost prohibitive;
- Describe the basic feasibility, benefit, and cost to construct regional water features on public or private lands for reclaimed water, stormwater, or excess surface water. The study must also address delivery mechanisms for beneficial uses rather than discharge to tide;
- Describe any other alternative processes, systems, or technology that may be comparable or preferable to a regional storage system or that may complement or substitute for a regional storage system; and
- Evaluate the impact of implementation of a comprehensive reclaimed water plan on traditional water sources and aquifer levels.

The bill requires DACS and DEP to hold a joint public meeting to get input on the design of the comprehensive study and to provide a chance for public comment before publishing the final report. The bill specifies this section expires on December 1, 2015.

**Section 17** provides an effective date of July 1, 2014.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

Existing regulatory programs require local governments to expend funds to comply with MFLs, WQSs, and BMAPs. This bill requires additional expenditures but also provides significant funding for projects required under existing law; therefore, it is not clear whether this bill will constitute a mandate. A comprehensive fiscal analysis is required to determine the total impact.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

The bill would require the distribution of 36.9 percent of the remainder of documentary stamp tax revenues on a yearly basis for springs protection. The March 2014 Revenue Estimating Conference estimates that this would be approximately \$370.8 million.

**B. Private Sector Impact:**

The exact impact of the bill on the private sector and individuals cannot be calculated because many of the costs are dependent on activities, such as delineation of spring protection and management zones that have not occurred. Below are some examples of potential private sector impacts.

The bill contains provisions that will require some property owners in spring protection zones to upgrade their OSTDSs or connect to a central sewerage system. This could result in higher rates for sewage disposal compared to the costs of using an OSTDS. ATUs are also more costly to operate than conventional OSTDSs.

Agricultural producers will pay as little as 25 percent of costs for project proposals, but those costs may be offset by savings or increased productivity.

Rate payers may pay for ongoing operation and maintenance for AWT plants and 25 percent of upgrade costs, through rate increases, in addition to costs associated with disposal of Class B biosolids in landfills.

Property owners may have to pay for more expensive OSTDSs to install in new developments with lots of less than one acre. They may also face more expensive pump out costs as a result of more expensive disposal options.

Urban fertilizer use may decrease because of ordinances causing a reduction in revenue for fertilizer companies.

Septic tank contractors may benefit due to increased scrutiny and required upgrades to OSTDSs.

**C. Government Sector Impact:**

The Department of Agriculture and Consumer Services has indicated that while the bill does not significantly change the role of the department in water resources protection through BMP development and implementation, it does direct the department to participate in new studies and rule development efforts. The cost for staff time and travel to implement these duties is unknown.

The exact impact on other government agencies cannot be calculated because many of the costs are dependent on activities, such as delineation of spring protection and management zones, research, reduced timelines to complete existing requirements, preparation of reports, and adoption of rules. It is likely the governmental entities required to act under this bill will have significant compliance costs; however, none of those entities has submitted a preliminary or estimated fiscal impact.

Preventing the land spreading, dumping, or disposal of all domestic wastewater residuals in spring protection and management zones could make disposing of those materials difficult and expensive if it has to be sent to a landfill outside of these zones. In addition,

domestic wastewater treatment plants may have to build capacity or other infrastructure to begin accepting septage.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The bill defines OFSs as all first magnitude springs in Florida, as defined in the most recent version of the Florida Geological Survey's springs bulletin. A future bulletin could remove one of the first magnitude springs from its list, creating problems for ongoing projects by removing the regulatory structure established in this bill.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 201.15, 373.042, 373.0421, and 381.0065.

This bill creates the following sections of the Florida Statutes: 373.801, 373.802, 373.803, 373.805, 373.807, 373.808, 373.809, 373.811, and 373.813.

This bill repeals section 381.00651 of the Florida Statutes.

This bill creates an undesignated section of Florida law.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS/CS by Agriculture Committee on March 31, 2014:**

- Adds Poe Spring to the list of Outstanding Florida Springs;
- Clarifies that the aquifer is vulnerable to multiple sources of contamination, not just not just surface sources;
- Amends the definition of “springshed” to delete “historically contributed” and add those areas of the springshed in favor of an analysis that takes into account “relevant facts, circumstances, and data”;
- Clarifies timelines for the DEP to develop and adopt spring action plans. In the CS, there was no completion date, as it was intended that these plans were to be open ended. This led to confusion;
- Specifies that the spring action plan must be continually updated;
- Clarifies that the projects may be partially or fully within a spring protection management zone;
- Requires an estimated allocation for each point source or category of nonpoint source pollutant loads instead of a “detailed allocation.” A detailed allocation analysis could significantly slow down progress as those determinations would have to be made first;

- Specifies considerations the DEP must account for when reviewing an onsite sewage treatment and disposal system remediation plan, including density of systems, the total number of systems, the proximity to an OFS, the estimated nutrient load, and an estimated cost of the remedial action;
- Defines “adequate funding” to mean that the DEP provides 100 percent of its portion of the project proposal’s costs;
- Specifies that even though certain remedial actions are dependent on adequate funding, the protection for taking action based on funding is supplemental to other specific requirements or authority provided by other controlling laws;
- Specifies that pilot projects can now consider practices in addition to technologies; and
- Extends the ban on new onsite sewage treatment and disposal systems until July 1, 2015.

**CS by Environmental Preservation and Conservation on March 20, 2014:**

Removes provisions concerning the Acquisition and Restoration Council;

- Renames the act, calling it the “Florida Springs and Aquifer Protection Act;”
- Removing legislative intent provision stating that a precautionary approach should be taken in addressing spring protection, and that the DEP or the WMDs should take common sense actions to protect springs;
- Adds legislative recognition that aquifers and springs are complex systems affected by many variable and influences;
- Removes the definition of “bedroom”;
- Directs the DEP to consider groundwater travel time, hydrogeology, and nutrient load when delineating spring protection and management zones;
- Removes a one-year extension for the DEP to delineate spring protection and management zones by July 1, 2015;
- Provides a yearly extension until July 1, 2020, for each WMD to establish MFLs for all OFSs within its jurisdiction;
- Provides that an MFL adopted for an OFS prior to July 1, 2014, does not have to be changed until it is revised or amended, rather than directing it to be revised by July 1, 2014;
- Provides that land spreading, dumping, or disposal of all domestic wastewater residuals or septage is not allowed in spring protection and management zones;
- Removes a provision stating that a WMD may not issue new CUPs unless the entity requesting the CUP provides reasonable assurance that the withdrawal will not cause harm to the OFS. It was a restatement of existing law;
- Provides that WMDs may provide less than 25 percent of total project cost if there is another funding source that provides more than 75 percent of the funding costs, and exempts the Northwest Florida and Suwannee River WMDs from the requirement to provide 25 percent of total project costs;
- Shortens a deadline from July 1, 2017, to July 1, 2015, for the DEP to assess any OFS that does not have an impairment determination;
- Clarifies that detailed allocations have to be listed for categories of nonpoint sources rather than each one;
- Creates and describes the concept of a spring action plan;
- Removes a provision requiring that fertilizer ordinances mandate the use of 50 percent slow release nitrogen;
- Removes a provision regarding revision of stormwater management plans;

- Changes a deadline from July 1, 2019, to July 1, 2021, for wastewater treatment facilities to upgrade to a standard of 3mg/L Total Nitrogen;
- Provides a deadline of July 1, 2016, for wastewater treatment facilities to file a plan for complying with requirement of 3 mg/L Total Nitrogen;
- Provides that required remedial actions do not have to be taken if funding is not available unless those actions are required as part of a BMAP;
- Provides a deadline of July 1, 2019, for agricultural producers within a spring protection and management zones to implement BMPs;
- Provides a deadline of July 1, 2016, for local governments to develop an OSTDS remediation plan;
- Directs the DEP to provide rules for funding water conservation pilot projects and provides considerations;
- Directs the DEP to create a program to evaluate and rank submitted projects based on the TMDL Water Quality Restoration Grants program;
- Provides conditions for establishing RMEs; and
- Removes a provision requiring the study of nutrient loading from row crops.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2014	.	
	.	
	.	
	.	

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The Committee on Agriculture (Galvano) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (c) of subsection (1) of section  
201.15, Florida Statutes, is amended to read:

201.15 Distribution of taxes collected.—All taxes collected  
under this chapter are subject to the service charge imposed in  
s. 215.20(1). Prior to distribution under this section, the  
Department of Revenue shall deduct amounts necessary to pay the



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11 costs of the collection and enforcement of the tax levied by  
12 this chapter. Such costs and the service charge may not be  
13 levied against any portion of taxes pledged to debt service on  
14 bonds to the extent that the costs and service charge are  
15 required to pay any amounts relating to the bonds. After  
16 distributions are made pursuant to subsection (1), all of the  
17 costs of the collection and enforcement of the tax levied by  
18 this chapter and the service charge shall be available and  
19 transferred to the extent necessary to pay debt service and any  
20 other amounts payable with respect to bonds authorized before  
21 January 1, 2013, secured by revenues distributed pursuant to  
22 subsection (1). All taxes remaining after deduction of costs and  
23 the service charge shall be distributed as follows:

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

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

29 1. The State Transportation Trust Fund in the Department of  
30 Transportation in the amount of the lesser of 38.2 percent of  
31 the remainder or \$541.75 million in each fiscal year. Out of  
32 such funds, the first \$50 million for the 2012-2013 fiscal year;  
33 \$65 million for the 2013-2014 fiscal year; and \$75 million for  
34 the 2014-2015 fiscal year and all subsequent years, shall be  
35 transferred to the State Economic Enhancement and Development  
36 Trust Fund within the Department of Economic Opportunity. The  
37 remainder shall ~~is to~~ be used for the following specified  
38 purposes, notwithstanding any other law ~~to the contrary~~:

39 a. For the purposes of capital funding for the New Starts



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40 Transit Program, authorized by Title 49, U.S.C. s. 5309 and  
41 specified in s. 341.051, 10 percent of these funds;

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

46 c. For the purposes of the Strategic Intermodal System  
47 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent  
48 of these funds after allocating for the New Starts Transit  
49 Program described in sub-subparagraph a. and the Small County  
50 Outreach Program described in sub-subparagraph b.; and

51 d. For the purposes of the Transportation Regional  
52 Incentive Program specified in s. 339.2819, 25 percent of these  
53 funds after allocating for the New Starts Transit Program  
54 described in sub-subparagraph a. and the Small County Outreach  
55 Program described in sub-subparagraph b. Effective July 1, 2014,  
56 the first \$60 million of the funds allocated pursuant to this  
57 sub-subparagraph shall be allocated annually to the Florida Rail  
58 Enterprise for the purposes established in s. 341.303(5).

59 2. The Grants and Donations Trust Fund in the Department of  
60 Economic Opportunity in the amount of the lesser of 0.23 ~~.23~~  
61 percent of the remainder or \$3.25 million in each fiscal year to  
62 fund technical assistance to local governments.

63 3. The Ecosystem Management and Restoration Trust Fund in  
64 the amount of:

65 a. The lesser of 2.12 percent of the remainder or \$30  
66 million in each fiscal year, to be used for the preservation and  
67 repair of the state's beaches as provided in ss. 161.091-  
68 161.212; and





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69           b. Thirty-six and nine-tenths percent of the remainder in  
70 each fiscal year to be used for restoration and protection of  
71 Outstanding Florida Springs pursuant to part VIII of chapter  
72 373, and for the acquisition of lands identified on the most  
73 current Board of Trustees Florida Forever Priority List, or by a  
74 water management district, which protect the essential parcels  
75 of the named spring projects that improve water quality or  
76 conserve water use and are located partially or fully within a  
77 spring protection and management zone of an Outstanding Florida  
78 Spring.

79           4. General Inspection Trust Fund in the amount of the  
80 lesser of 0.02 ~~-.02~~ percent of the remainder or \$300,000 in each  
81 fiscal year to be used to fund oyster management and restoration  
82 programs as provided in s. 379.362(3).

83  
84 Moneys distributed pursuant to this paragraph may not be pledged  
85 for debt service unless such pledge is approved by referendum of  
86 the voters.

87           Section 2. Subsection (1) of section 373.042, Florida  
88 Statutes, is amended to read:

89           373.042 Minimum flows and levels.—

90           (1) Within each section, or within the water management  
91 district as a whole, the department or the governing board shall  
92 establish the following:

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

97           (b) Minimum water level. The minimum water level is ~~shall~~



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98 ~~be~~ the level of groundwater in an aquifer and the level of  
99 surface water at which further withdrawals would be  
100 significantly harmful to the water resources of the area.

101 (c) Minimum flow and minimum water level for an Outstanding  
102 Florida Spring, as defined in s. 373.802. The minimum flow and  
103 minimum water level are the limit and level, respectively, at  
104 which further withdrawals would be harmful to the water  
105 resources or ecology of the area.

106  
107 The minimum flow and minimum water level shall be calculated by  
108 the department and the governing board using the best  
109 information available. When appropriate, minimum flows and  
110 minimum water levels may be calculated to reflect seasonal  
111 variations. The department and the governing board shall ~~also~~  
112 consider, and at their discretion may provide for, the  
113 protection of nonconsumptive uses in the establishment of  
114 minimum flows and minimum water levels.

115 Section 3. Paragraph (a) of subsection (1) of section  
116 373.0421, Florida Statutes, is amended to read:

117 373.0421 Establishment and implementation of minimum flows  
118 and levels.—

119 (1) ESTABLISHMENT.—

120 (a) Considerations.—When establishing minimum flows and  
121 minimum water levels pursuant to s. 373.042, the department or  
122 governing board shall consider changes and structural  
123 alterations to watersheds, surface waters, and aquifers and the  
124 effects such changes or alterations have had, and the  
125 constraints such changes or alterations have placed, on the  
126 hydrology of an affected watershed, surface water, or aquifer,



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127 provided that nothing in this paragraph shall allow significant  
128 harm as provided by s. 373.042(1)(a) and (b), or harm as  
129 provided by s. 373.042(1)(c), caused by withdrawals.

130 Section 4. Part VIII of chapter 373, Florida Statutes,  
131 consisting of sections 373.801, 373.802, 373.803, 373.805,  
132 373.807, 373.808, 373.809, 373.811, and 373.813, Florida  
133 Statutes, is created and entitled the "Florida Springs and  
134 Aquifer Protection Act."

135 Section 5. Section 373.801, Florida Statutes, is created to  
136 read:

137 373.801 Legislative findings and intent.-

138 (1) The Legislature finds that springs are a unique part of  
139 this state's scenic beauty, deserving the highest level of  
140 protection under s. 7., Art. II of the State Constitution.  
141 Springs provide critical habitat for plants and animals,  
142 including many endangered or threatened species. Springs also  
143 provide immeasurable natural, recreational, economic, and  
144 inherent value. Flow level and water quality of springs are  
145 indicators of local conditions of the Floridan Aquifer, which is  
146 the source of drinking water for many residents of this state.  
147 Springs are of great scientific importance in understanding the  
148 diverse functions of aquatic ecosystems. In addition, springs  
149 provide recreational opportunities for swimming, canoeing,  
150 wildlife watching, fishing, cave diving, and many other  
151 activities in this state. Because of such recreational  
152 opportunities and the accompanying tourism, state and local  
153 economies benefit from many of the springs in this state.

154 (2) Water quantity and water quality in springs are  
155 directly related. For regulatory purposes, the department has



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156 primary responsibility for water quality; the water management  
157 districts have primary responsibility for water quantity; the  
158 Department of Agriculture and Consumer Services has primary  
159 responsibility for the development and implementation of best  
160 management practices; and local governments have primary  
161 responsibility for providing wastewater and stormwater  
162 management. The foregoing responsible entities must work  
163 together in a coordinated manner to restore and maintain the  
164 water quantity and water quality for Outstanding Florida  
165 Springs.

166 (3) The Legislature recognizes that:

167 (a) Springs are only as healthy as their springsheds. The  
168 groundwater that supplies springs is derived from water that  
169 recharges the aquifer system in the form of seepage from the  
170 land surface and through direct conduits such as sinkholes.  
171 Springs are adversely affected by polluted runoff from urban and  
172 agricultural lands; discharge resulting from inadequate  
173 wastewater and stormwater management practices; stormwater  
174 runoff; and the reduced water levels of the Floridan Aquifer. As  
175 a result, the hydrologic and environmental conditions of a  
176 spring or spring run are directly influenced by activities and  
177 land uses within a springshed and by water withdrawals from the  
178 Floridan Aquifer.

179 (b) Springs, whether found in urban or rural settings, or  
180 on public or private lands, are threatened by actual or  
181 potential flow reductions and declining water quality. Many of  
182 this state's springs are demonstrating signs of significant  
183 ecological imbalance, increased nutrient loading, and declining  
184 water flow. Without effective remedial actions, further declines



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185 in water quality and water quantity will occur.

186 (c) The state standards regulating both water quality and  
187 quantity, including minimum criteria relating to nutrient  
188 concentrations in groundwater, need to protect both human health  
189 and the complex biological and ecological systems that  
190 contribute to the integrity of springs.

191 (d) Springshed boundaries and areas of high vulnerability  
192 within a springshed need to be identified and delineated using  
193 the best available data.

194 (e) Because springsheds cross water management district and  
195 local government jurisdictional boundaries, a coordinated  
196 statewide springs protection plan is needed.

197 (f) The aquifers and springs of this state are complex  
198 systems affected by many variables and influences.

199 (4) The Legislature recognizes that sufficient information  
200 exists to act, action is urgently needed, and action can be  
201 continually modified as additional data is acquired. Therefore,  
202 state agencies and water management districts shall work  
203 together with local governments to delineate springsheds and  
204 spring protection and management zones and develop comprehensive  
205 plans and land development regulations that protect the springs  
206 of this state for future generations.

207 (5) The Legislature intends to establish a spring and  
208 aquifer protection program to be administered by the department.

209 Section 6. Section 373.802, Florida Statutes, is created to  
210 read:

211 373.802 Definitions.—As used in this part, the term:

212 (1) "Department" means the Department of Environmental  
213 Protection, which includes the Florida Geological Survey or its



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214 successor agency or agencies.

215 (2) "Local government" means a county or municipal  
216 government the jurisdictional boundaries of which include an  
217 Outstanding Florida Spring, or any part of a delineated  
218 springshed or spring protection and management zone for an  
219 Outstanding Florida Spring.

220 (3) "Onsite sewage treatment and disposal system" means a  
221 system that contains a standard subsurface, filled, or mound  
222 drainfield system; an aerobic treatment unit; a graywater system  
223 tank; a laundry wastewater system tank; a septic tank; a grease  
224 interceptor; a pump tank; a solids or effluent pump; a  
225 waterless, incinerating, or organic waste-composting toilet; or  
226 a sanitary pit privy that is installed or proposed to be  
227 installed beyond the building sewer on land of the owner or on  
228 other land to which the owner has the legal right to install a  
229 system. The term includes any item placed within, or intended to  
230 be used as a part of or in conjunction with, the system. The  
231 term does not include package sewage treatment facilities and  
232 other treatment works regulated under chapter 403.

233 (4) "Outstanding Florida Spring" includes all historic  
234 first magnitude springs, as determined by the department using  
235 the most recent Florida Geological Survey springs bulletin, and  
236 the following springs and their associated spring runs:

- 237 (a) DeLeon Spring;  
238 (b) Peacock Spring;  
239 (c) Poe Spring;  
240 (d) Rock Springs;  
241 (e) Wekiwa Spring; and  
242 (f) Gemini Spring.



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243           (5) "Responsible management entity" means a legal entity  
244 established for the purpose of providing localized nutrient  
245 management services with the requisite managerial, financial,  
246 and technical capacity to ensure long-term management of onsite  
247 sewage treatment and disposal systems and other local nutrient  
248 sources at the option of the local government within its  
249 jurisdiction.

250           (6) "Spring protection and management zone" means the area  
251 or areas of a springshed where the Floridan Aquifer is  
252 vulnerable to sources of contamination or reduced levels, as  
253 determined by the department in consultation with the  
254 appropriate water management districts.

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

258           (8) "Springshed" means the areas within the groundwater and  
259 surface water basins which contribute, based upon all relevant  
260 facts, circumstances, and data, to the discharge of a spring as  
261 defined by potentiometric surface maps and surface watershed  
262 boundaries.

263           (9) "Spring vent" means a location where groundwater flows  
264 out of a natural, discernable opening in the ground onto the  
265 land surface or into a predominantly fresh surface waterbody.

266           Section 7. Section 373.803, Florida Statutes, is created to  
267 read:

268           373.803 Delineation of spring protection and management  
269 zones for Outstanding Florida Springs.—Using the best data  
270 available from the water management districts and other credible  
271 sources, the department, in consultation with the water



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272 management districts, shall delineate one or more spring  
273 protection and management zones for each Outstanding Florida  
274 Spring. In delineating spring protection and management zones,  
275 the department shall consider groundwater travel time to the  
276 spring, hydrogeology, and nutrient load. The delineation of  
277 spring protection and management zones must be completed by July  
278 1, 2015. In conjunction with delineating a spring protection and  
279 management zone for an Outstanding Florida Spring, the  
280 department shall adopt by rule, pursuant to ss. 120.536(1) and  
281 120.54, maps and legal descriptions that depict the delineated  
282 spring protection and management zone or zones for that spring.

283 Section 8. Section 373.805, Florida Statutes, is created to  
284 read:

285 373.805 Minimum flow and minimum water level for  
286 Outstanding Florida Springs.—

287 (1) Each water management district shall establish a  
288 minimum flow and minimum water level for each Outstanding  
289 Florida Spring within its jurisdiction by July 1, 2015, in  
290 accordance with ss. 373.042 and 373.0421. The deadline may be  
291 extended each year until July 1, 2020, if a water management  
292 district provides sufficient evidence to the department that an  
293 extension is in the best interest of the public. This subsection  
294 does not apply to minimum flows and minimum water levels adopted  
295 prior to July 1, 2014, for a spring included in the definition  
296 of Outstanding Florida Springs in s. 373.802, until such time as  
297 the minimum flow or minimum water level is revised, or otherwise  
298 amended.

299 (2) By July 1, 2017, each water management district shall  
300 approve a recovery or prevention strategy, as required by ss.





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301 373.042 and 373.0421, for each Outstanding Florida Spring in its  
302 jurisdiction in which the existing flow or water level of the  
303 Outstanding Florida Spring is below, or is projected within the  
304 next 20 years to fall below, the applicable minimum flow or  
305 minimum water level established pursuant to s. 373.042. The  
306 recovery or prevention strategy for each Outstanding Florida  
307 Spring must include, at a minimum:

308 (a) A listing of all specific projects identified for  
309 implementation of a recovery or prevention strategy.

310 (b) A priority listing of each project.

311 (c) The estimated cost for each listed project.

312 (d) The source and amount of financial assistance to be  
313 made available by the water management district for each  
314 project, which may not be less than 25 percent of the total  
315 project cost unless a specific funding source is identified  
316 which will provide more than 75 percent of the total project  
317 cost. The Northwest Florida Water Management District and the  
318 Suwannee River Water Management District are not required to  
319 provide matching funds pursuant to this paragraph.

320 Section 9. Section 373.807, Florida Statutes, is created to  
321 read:

322 373.807 Protection of water quality in Outstanding Florida  
323 Springs.—By July 1, 2015, the department shall assess each  
324 Outstanding Florida Spring for which an impairment determination  
325 has not been made under the numeric nutrient standards in effect  
326 for spring vents.

327 (1) BASIN MANAGEMENT ACTION PLAN.—By July 1, 2017, the  
328 department shall develop basin management action plans, as  
329 specified in s. 403.067(7), for Outstanding Florida Springs



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330 impaired by nutrients.

331 (2) (a) SPRING ACTION PLAN.—By July 1, 2014, the department  
332 shall begin preparation of a spring action plan for each  
333 Outstanding Florida Spring that has an adopted basin management  
334 action plan or an implemented recovery or prevention strategy,  
335 or as soon as a basin management action plan is adopted, a  
336 recovery or prevention strategy is implemented, or the  
337 department projects the Outstanding Florida Spring will be  
338 impaired by nutrients within 20 years. Each initial spring  
339 action plan shall be adopted within one year of when the  
340 department begins preparation of the spring action plan.

341 Further, the spring action plan must be continually updated to  
342 reflect newly added and completed projects.

343 (b) A spring action plan must include all of the following:

344 1. All projects in the basin management action plan which  
345 are located fully or partially within a spring protection and  
346 management zone.

347 2. All projects in the regional water supply plan which are  
348 located fully or partially within a spring protection and  
349 management zone.

350 3. All projects included in a recovery or prevention  
351 strategy which are located fully or partially within a spring  
352 protection and management zone.

353 4. All projects proposed by the department that will  
354 prevent or stop potential nutrient impairment.

355 5. An estimate of a listed project's reduction of nutrient  
356 loading.

357 6. A map and legal descriptions depicting the spring  
358 protection and management zones established pursuant to s.



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359 373.803.

360 7. Identification of each point source or category of  
361 nonpoint sources, including but not limited to, urban  
362 fertilizer, turf fertilizer, agricultural fertilizer, onsite  
363 sewage treatment and disposal systems, wastewater treatment  
364 facilities, animal wastes, and stormwater facilities. An  
365 estimated allocation of the pollutant load shall be provided for  
366 each point source or category of nonpoint sources.

367 (3) REQUIREMENTS.—

368 (a) Within 6 months of the delineation of a spring  
369 protection and management zone or zones of an Outstanding  
370 Florida Spring that is fully or partially within the  
371 jurisdiction of a local government, a local government must  
372 develop, enact, and implement an ordinance that meets or exceeds  
373 the requirements of the department's Model Ordinance for  
374 Florida-Friendly Fertilizer Use on Urban Landscapes. Such  
375 ordinance must require that, within a spring protection and  
376 management zone of an Outstanding Florida Spring impaired by  
377 nutrients, the nitrogen content of any fertilizer applied to  
378 turf or landscape plants may not exceed the lowest, basic  
379 maintenance rate of the most recent recommendations by the  
380 Institute of Food and Agricultural Sciences. The department  
381 shall adopt rules to implement this paragraph which establish  
382 reasonable minimum standards and reflect advancements or  
383 improvements regarding nutrient load reductions.

384 (b) By July 1, 2016, the owner or operator of each existing  
385 wastewater treatment facility in a spring protection and  
386 management zone shall file for approval by the department a plan  
387 for complying with this paragraph. Upon a showing to the



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388 department of inordinate expense or that a deal is in the best  
389 interest of the public, the department may grant a local  
390 government or wastewater treatment facility an extension of up  
391 to 2 years to implement the plan. The owner and operator shall  
392 submit a proposal for funding at least once every 2 years until  
393 the plan is fully implemented.

394 (c) By July 1, 2016, the department, in consultation with  
395 the Department of Health and local governments, must identify  
396 onsite sewage treatment and disposal systems within a spring  
397 protection and management zone. Within sixty (60) days of the  
398 department's completion of the identification of these systems,  
399 the department shall provide the location of these systems to  
400 the local governments in which these systems are located. Within  
401 1 year of identification of these systems, and in consultation  
402 with the department, the local governments in which they are  
403 located shall develop an onsite sewage treatment and disposal  
404 system remediation plan. For each onsite sewage treatment and  
405 disposal system or group of systems, the plan must include  
406 whether the systems require upgrading, connection to a central  
407 sewerage system, or no action. The plan must also include a  
408 priority ranking for each system or group of systems that  
409 require remediation. Each remediation plan must be submitted to  
410 the department for approval. In reviewing and approving the  
411 remediation plans, the department shall consider, at a minimum:

412 1. The density of the onsite sewage treatment and disposal  
413 systems.

414 2. The number of onsite sewage treatment and disposal  
415 systems.

416 3. The proximity of the onsite sewage treatment and



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417 disposal system or systems to an Outstanding Florida Spring

418 4. The estimated nutrient loading of the onsite sewage  
419 treatment and disposal system or systems.

420 5. The cost of the proposed remedial action.

421 (d) Remedial actions required under this paragraph are not  
422 required until adequate funding for the specific project is  
423 provided pursuant to s. 373.808. As used in this paragraph, the  
424 term "adequate funding" means that the department has agreed to  
425 provide 100 percent of the funding requested for the project  
426 under s. 373.808. The provisions of this paragraph are  
427 supplemental to any other specific requirements or authority  
428 provided by law.

429 1. The owner or operator of each existing wastewater  
430 treatment facility in a spring protection and management zone  
431 shall meet a standard of no more than 3 mg/L Total Nitrogen,  
432 expressed as N, on an annual permitted basis, unless granted a  
433 variance or exemption pursuant to s. 373.813.

434 2. Each agricultural producer in a spring protection and  
435 management zone must implement best management practices or  
436 other measures necessary to achieve pollution reduction levels  
437 established by the department. The Department of Agriculture and  
438 Consumers Services, in consultation with the department, shall  
439 adopt rules to implement this subparagraph.

440 3. After approval of the onsite sewage treatment and  
441 disposal system remediation plan by the department, the local  
442 government shall begin implementing the approved remediation  
443 plan by making proposals to the department for funding pursuant  
444 to s. 373.808. The costs of connection to a central sewerage  
445 system or upgrading the onsite sewage treatment and disposal



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446 systems are eligible for funding of up to 100 percent of the  
447 total project cost. Further, the costs of connection to a  
448 central sewerage system or upgrading the onsite sewage treatment  
449 and disposal system may not be imposed on the property owner.  
450 The local government shall submit a proposal for funding at  
451 least every two years until the remediation plan is fully  
452 implemented.

453 Section 10. Section 373.808, Florida Statutes, is created  
454 to read:

455 373.808 Funding for the restoration of Outstanding Florida  
456 Springs.—

457 (1) In order to satisfy the requirements under this part,  
458 state agencies, water management districts, local governments,  
459 special districts, utilities, and regional management entities,  
460 if applicable, shall cooperate with property owners and  
461 agricultural producers to submit project proposals to the  
462 department in order to receive funding for up to 75 percent of  
463 the total project cost. Project submittals for upgrades or  
464 connections of onsite sewage treatment and disposal systems, and  
465 those submitted by a fiscally constrained county as described in  
466 s. 218.67(1) or in a municipality located therein, are eligible  
467 for funding of up to 100 percent of the total project cost.

468 (2) Projects approved by the department shall be funded by  
469 moneys from documentary stamp tax revenues deposited into the  
470 Ecosystem Management and Restoration Trust Fund in accordance  
471 with s. 201.15(1)(c)3.b. The Legislature may use other sources  
472 of revenue to fund projects submitted to the department pursuant  
473 to this part.

474 (3) The department may distribute moneys deposited into the



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475 Ecosystem Management and Restoration Trust Fund pursuant to  
476 subsection (2) to any person who submits a project proposal  
477 application to the department for which funding is approved. The  
478 department shall distribute moneys to state agencies and water  
479 management districts for all reasonable administrative costs  
480 related to implementing this part. In addition, the department  
481 may adopt rules to develop grant application procedures to cover  
482 reasonable administrative costs of a fiscally constrained county  
483 as described in s. 218.67(1) or a municipality located therein.

484 (4) Moneys in the fund not needed in the current fiscal  
485 year to meet obligations incurred under this part shall be  
486 deposited to the credit of the fund and may be invested in the  
487 manner provided by law. Interest received on such investments  
488 shall be credited to the Ecosystem Management and Restoration  
489 Trust Fund for the purposes specified in s. 201.15(1)(c)3.b.

490 (5) By December 31, 2014, the department shall adopt rules  
491 to fund pilot projects that test the effectiveness of innovative  
492 or existing nutrient reduction or water conservation  
493 technologies or practices designed to minimize nutrient  
494 pollution in the springs of this state. The department must  
495 approve funding for at least two pilot projects in each project  
496 selection cycle if the department determines that the project  
497 will not be harmful to the ecological resources in the study  
498 area.

499 (6) By December 31, 2014, the department shall develop and  
500 recommend rules to competitively evaluate, select, and rank  
501 projects eligible for partial or complete funding under this  
502 section. In developing these rules, the department shall give  
503 preference to the projects that it estimates will result in the



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504 greatest improvement to water quality and water quantity for the  
505 dollars to be expended for the project. At a minimum, the  
506 department shall consider the following criteria:

507 (a) Whether the project is within a spring protection and  
508 management zone of an Outstanding Florida Spring impaired by  
509 nutrients.

510 (b) The level of nutrient impairment of the Outstanding  
511 Florida Spring in which the project is located.

512 (c) The quantity of pollutants, particularly total  
513 nitrogen, the project is estimated to remove from a spring  
514 protection and management zone.

515 (d) Whether the project is within a spring protection and  
516 management zone of an Outstanding Florida Spring that is not  
517 meeting its adopted minimum flow or minimum water level.

518 (e) The flow necessary to restore the Outstanding Florida  
519 Spring to its adopted minimum flow or minimum water level.

520 (f) The anticipated impact the project will have on  
521 restoring or increasing water flow or water level.

522 (g) Whether the project facilitates or enhances an existing  
523 basin management action plan adopted by the department to  
524 address pollutant loadings.

525 (h) Whether the project is identified and prioritized in an  
526 adopted regional water supply plan.

527 (i) The percentage by which the amount of matching funds  
528 provided by the applicant exceeds the statutory minimum required  
529 under s. 373.805 or s. 373.807.

530 (j) For multiple-year projects, whether the project has  
531 funding sources that are identified and assured through the  
532 expected completion date of the project.





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533       (k) The cost of the project and the length of time it will  
534 take to complete relative to its expected benefits.

535       (l) Whether the applicant, since July 1, 2009, has used its  
536 own funds for projects to improve water quality or conserve  
537 water use within a springshed or spring protection and  
538 management zone of an Outstanding Florida Spring, with  
539 preference given to those applicants that have expended such  
540 funds.

541       (7) In addition to the criteria set forth in subsection  
542 (6), a project may not be funded by the department under this  
543 part unless it is listed on a spring action plan.

544       Section 11. Section 373.809, Florida Statutes, is created  
545 to read:

546       373.809 Prohibited activities within a spring protection  
547 and management zone of an Outstanding Florida Spring.—The  
548 following activities are prohibited within a spring protection  
549 and management zone of an Outstanding Florida Spring:

550       (1) New municipal or industrial wastewater disposal  
551 systems, including rapid infiltration basins, except those  
552 systems that meet an advanced wastewater treatment standard of  
553 no more than 3 mg/L Total Nitrogen, expressed as N, on an annual  
554 permitted basis, or a higher treatment standard if the  
555 department determines the higher standard is necessary to  
556 prevent impairment or aid in the recovery of an Outstanding  
557 Florida Spring.

558       (2) New onsite sewage treatment and disposal systems on  
559 lots less than 1 acre, except for active or passive nitrogen  
560 removing onsite sewage treatment and disposal systems approved  
561 by the Department of Health. This subsection shall take effect



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562 July 1, 2015.

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

564 (4) The land spreading, dumping, or disposal of all  
565 domestic wastewater residuals or septage.

566 (5) Concentrated animal feeding operations or intense  
567 cattle finishing and slaughter operations. This subsection does  
568 not apply to operations permitted by July 1, 2014, or the future  
569 expansion of livestock or poultry operations engaged in the  
570 occupation of bona fide agriculture as of July 1, 2014.

571 Section 12. Section 373.811, Florida Statutes, is created  
572 to read:

573 373.811 Rules.—

574 (1) The department shall adopt rules to create a program to  
575 improve water quantity and water quality pursuant to ss.  
576 120.536(1) and 120.54 to administer this part, as applicable. In  
577 developing rules to administer s. 373.808, the department shall  
578 use the Total Maximum Daily Load Water Quality Restoration  
579 Grants rule as guidance to develop a comparable program for the  
580 restoration and protection of the water quality and water  
581 quantity for Outstanding Florida Springs.

582 (2) The Department of Health, the Department of  
583 Agriculture and Consumer Services, the water management  
584 districts, and responsible management entities may adopt rules  
585 pursuant to ss. 120.536(1) and 120.54 to administer this part,  
586 as applicable.

587 (3) (a) The Department of Agriculture and Consumer Services  
588 is the lead agency coordinating the reduction of agricultural  
589 nonpoint sources of pollution for the protection of Outstanding  
590 Florida Springs. The Department of Agriculture and Consumer



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591 Services and the department, pursuant to s. 403.067(7)(c)4.,  
592 shall study new or revised best management practices for  
593 improving and protecting Outstanding Florida Springs and, if  
594 necessary, in cooperation with applicable local governments and  
595 stakeholders, initiate rulemaking to require the implementation  
596 of such practices within a reasonable time period.

597 (b) The department, the Department of Agriculture and  
598 Consumer Services, and the University of Florida's Institute of  
599 Food and Agricultural Sciences shall cooperate in conducting the  
600 necessary research and demonstration projects to develop  
601 improved or additional nutrient management tools, including the  
602 use of controlled release fertilizer that can be used by  
603 agricultural producers as part of an agricultural best  
604 management practices program. The development of such tools must  
605 reflect a balance between water quality improvement and  
606 agricultural productivity and, when applicable, must be  
607 incorporated into the revised best management practices adopted  
608 by rule of the Department of Agriculture and Consumer Services.

609 Section 13. Section 373.813, Florida Statutes, is created  
610 to read:

611 373.813 Variances and exemptions.—A person may apply to the  
612 appropriate agency or a water management district for a variance  
613 or exemption from any requirement in this part. An agency or a  
614 water management district may approve the application upon  
615 receiving reasonable assurance that the applicant's proposed  
616 activity, evaluated individually and as part of cumulative  
617 impacts, will not cause or contribute to violations of water  
618 quality standards, minimum flows, or minimum water levels in an  
619 Outstanding Florida Spring.



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620 Section 14. Present paragraphs (n) through (q) of  
621 subsection (2) of section 381.0065, Florida Statutes, are  
622 redesignated as paragraphs (o) through (r), respectively, a new  
623 paragraph (n) is added to that subsection, and subsection (7) is  
624 added to that section, to read:

625 381.0065 Onsite sewage treatment and disposal systems;  
626 regulation.—

627 (2) DEFINITIONS.—As used in ss. 381.0065–381.0067, the  
628 term:

629 (n) "Responsible management entity" has the same meaning as  
630 in s. 373.802.

631 (7) RESPONSIBLE MANAGEMENT ENTITIES.—

632 (a) By March 1, 2015, the department and the Department of  
633 Environmental Protection shall submit a report and  
634 recommendations to the Governor, the President of the Senate,  
635 and the Speaker of the House of Representatives on the creation  
636 and operation of responsible management entities within spring  
637 protection and management zones of Outstanding Florida Springs,  
638 as defined in s. 373.802. The report must focus on the  
639 feasibility of different management models to prevent, reduce,  
640 and control nutrient pollution from onsite sewage treatment and  
641 disposal systems, including the costs associated with each  
642 model. In addition, the report must compare the results of the  
643 differing management models to a mandatory onsite sewage  
644 treatment and disposal system evaluation and assessment program  
645 or any other option that would achieve similar nutrient  
646 pollution reductions in the short and long term.

647 (b) A local government may not create a responsible  
648 management entity without the prior approval of the department,



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649 in consultation with the Department of Environmental Protection.  
650 In reviewing requests for the creation of a responsible  
651 management entity, the local government must demonstrate to the  
652 department, in consultation with the Department of Environmental  
653 Protection, that it has the management skills, personnel,  
654 financial capacity, and technical expertise to properly operate  
655 and maintain such an entity.

656 (c) The department shall ensure that responsible management  
657 entities adopt rules and policies that are at least as  
658 restrictive as state law.

659 Section 15. Section 381.00651, Florida Statutes, is  
660 repealed.

661 Section 16. Comprehensive study on nutrient reduction  
662 improvements and the beneficial use of reclaimed water,  
663 stormwater, and excess surface water.—

664 (1) The Department of Agriculture and Consumer Services and  
665 the Department of Environmental Protection, in cooperation with  
666 the five water management districts, shall conduct a  
667 comprehensive study on the expansion of the beneficial use of  
668 reclaimed water, stormwater, and excess surface water in this  
669 state. The final report of the study must:

670 (a) Describe factors that currently prohibit or otherwise  
671 complicate the expansion of the beneficial use of reclaimed  
672 water and include recommendations for the mitigation or  
673 elimination of such factors.

674 (b) Identify environmental, public health, public  
675 perception, engineering, and fiscal issues, and user fee  
676 amounts, including utility rate structures for potable and  
677 reclaimed water.



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678       (c) Identify areas in the state where making reclaimed  
679 water available for irrigation or other uses is necessary  
680 because the use of traditional water supply sources is  
681 constrained by limitations on availability.

682       (d) Evaluate the costs to users of reclaimed water compared  
683 to the cost associated with traditional water sources, including  
684 an examination of the nutrient concentrations in reclaimed water  
685 and the necessity for additional fertilizer supplementation.

686       (e) Evaluate permitting incentives, such as further  
687 extending current authorization for long-term consumptive use  
688 permits to all entities substituting reclaimed water for  
689 traditional water sources or including in such permits a  
690 provision that authorizes conversion to traditional water  
691 sources if reclaimed water becomes unavailable or cost  
692 prohibitive.

693       (f) Describe the basic feasibility, benefit, and cost  
694 estimates for the infrastructure needed to construct regional  
695 storage features on public or private lands for reclaimed water,  
696 stormwater, or excess surface water, including collection and  
697 delivery mechanisms for beneficial uses rather than discharge to  
698 tide, such as agricultural irrigation, power generation, public  
699 water supply, wetland restoration, groundwater recharge, and  
700 water body base flow augmentation.

701       (g) Describe any other alternative processes, systems, or  
702 technology that may be comparable or preferable to a regional  
703 storage system or that may effectively complement or be a  
704 substitute for a regional storage system.

705       (h) Evaluate the impact of implementation of a  
706 comprehensive reclaimed water plan on traditional water sources



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707 and aquifer levels.

708 (2) The Department of Agriculture and Consumer Services and  
709 the Department of Environmental Protection shall jointly hold a  
710 public meeting to gather input on the design of the  
711 comprehensive study and to provide an opportunity for public  
712 comment before publishing the final report of the study.

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

716 (4) This section expires on December 1, 2015.

717 Section 17. This act shall take effect July 1, 2014.

718

719 ===== T I T L E A M E N D M E N T =====

720 And the title is amended as follows:

721 Delete everything before the enacting clause  
722 and insert:

723 A bill to be entitled  
724 An act relating to springs; amending s. 201.15, F.S.;  
725 specifying distributions to the Ecosystem Management  
726 and Restoration Trust Fund; amending s. 373.042, F.S.;  
727 requiring the Department of Environmental Protection  
728 or the governing board of a water management district  
729 to establish the minimum flow and water level for an  
730 Outstanding Florida Spring; specifying minimum flows  
731 and water levels for an Outstanding Florida Spring;  
732 amending s. 373.0421, F.S.; conforming a cross-  
733 reference; creating part VIII of chapter 373, F.S.,  
734 entitled "Florida Springs and Aquifer Protection Act";  
735 creating s. 373.801, F.S.; providing legislative



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736 findings and intent; creating s. 373.802, F.S.;

737 defining terms; creating s. 373.803, F.S.; requiring

738 the Department of Environmental Protection to

739 delineate the spring protection and management zone

740 for each Outstanding Florida Spring; requiring the

741 department to adopt by rule maps that depict the

742 delineation of each spring protection and management

743 zone for each Outstanding Florida Spring; creating s.

744 373.805, F.S.; requiring the water management

745 districts to adopt minimum flows and levels for

746 Outstanding Florida Springs; requiring a water

747 management district to implement a recovery or

748 prevention strategy under certain circumstances;

749 authorizing the water management districts to adopt

750 rules; creating s. 373.807, F.S.; providing procedures

751 for improving water quality in Outstanding Florida

752 Springs; requiring the Department of Environmental

753 Protection to develop a spring action plan; providing

754 requirements; creating s. 373.808, F.S.; providing for

755 funding mechanisms for the restoration of Outstanding

756 Florida Springs; prohibiting a project from being

757 funded under this part unless it is listed on a spring

758 action plan; creating s. 373.809, F.S.; specifying

759 prohibited activities within a spring protection and

760 management zone of an Outstanding Florida Spring;

761 creating s. 373.811, F.S.; providing rulemaking

762 authority; creating s. 373.813, F.S.; providing for

763 variances and exemptions under certain circumstances;

764 amending s. 381.0065, F.S.; defining the term





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765 "responsible management entity"; requiring the  
766 Department of Health to submit a report to the  
767 Governor and the Legislature on responsible management  
768 entities; authorizing the establishment of responsible  
769 management entities; repealing s. 381.00651, F.S.,  
770 relating to periodic evaluation and assessment of  
771 onsite sewage treatment and disposal systems;  
772 requiring the Department of Agriculture and Consumer  
773 Services and the Department of Environmental  
774 Protection to conduct a comprehensive study on  
775 nutrient reduction improvements and the expansion of  
776 the beneficial use of reclaimed water; requiring the  
777 departments to jointly hold a public meeting to gather  
778 input on the design of the comprehensive study and  
779 provide an opportunity for public comment; requiring  
780 the final report to be submitted to the Governor and  
781 the Legislature by a certain date; providing for  
782 future expiration; providing effective dates.



753618

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2014	.	
	.	
	.	
	.	

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The Committee on Agriculture (Galvano) recommended the following:

**Senate Amendment to Amendment (130974)**

Delete lines 315 - 440

and insert:

project cost unless a specific funding source or sources are identified which will provide more than 75 percent of the total project cost. The Northwest Florida Water Management District and the Suwannee River Water Management District are not required to provide matching funds pursuant to this paragraph.



753618

11 Section 9. Section 373.807, Florida Statutes, is created to  
12 read:

13 373.807 Protection of water quality in Outstanding Florida  
14 Springs.—By July 1, 2015, the department shall assess each  
15 Outstanding Florida Spring for which an impairment determination  
16 has not been made under the numeric nutrient standards in effect  
17 for spring vents.

18 (1) BASIN MANAGEMENT ACTION PLAN.—By July 1, 2017, the  
19 department shall develop basin management action plans, as  
20 specified in s. 403.067(7), for Outstanding Florida Springs  
21 impaired by nutrients.

22 (2) (a) SPRING ACTION PLAN.—By July 1, 2014, the department  
23 shall begin preparation of a spring action plan for each  
24 Outstanding Florida Spring that has an adopted basin management  
25 action plan or an implemented recovery or prevention strategy,  
26 or as soon as a basin management action plan is adopted, a  
27 recovery or prevention strategy is implemented, or the  
28 department projects the Outstanding Florida Spring will be  
29 impaired by nutrients within 20 years. Each initial spring  
30 action plan shall be adopted within one year of when the  
31 department begins preparation of the spring action plan.  
32 Further, the spring action plan must be continually updated to  
33 reflect newly added and completed projects.

34 (b) A spring action plan must include all of the following:

35 1. All projects in the basin management action plan which  
36 are located fully or partially within a spring protection and  
37 management zone.

38 2. All projects in the regional water supply plan which are  
39 located fully or partially within a spring protection and



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40 management zone.

41 3. All projects included in a recovery or prevention  
42 strategy which are located fully or partially within a spring  
43 protection and management zone.

44 4. All projects proposed to or by the department that will  
45 prevent or stop potential nutrient impairment.

46 5. An estimate of each listed project's reduction of  
47 nutrient loading.

48 6. A map and legal descriptions depicting the spring  
49 protection and management zones established pursuant to s.  
50 373.803.

51 7. Identification of each point source or category of  
52 nonpoint sources, including but not limited to, urban turf  
53 fertilizer, sports turf fertilizer, agricultural fertilizer,  
54 onsite sewage treatment and disposal systems, wastewater  
55 treatment facilities, animal wastes, and stormwater facilities.  
56 An estimated allocation of the pollutant load shall be provided  
57 for each point source or category of nonpoint sources.

58 (3) REQUIREMENTS.-

59 (a) Within 6 months of the delineation of a spring  
60 protection and management zone or zones of an Outstanding  
61 Florida Spring that is fully or partially within the  
62 jurisdiction of a local government, a local government must  
63 develop, enact, and implement an ordinance that meets or exceeds  
64 the requirements of the department's Model Ordinance for  
65 Florida-Friendly Fertilizer Use on Urban Landscapes. Such  
66 ordinance must require that, within a spring protection and  
67 management zone of an Outstanding Florida Spring impaired by  
68 nutrients, the nitrogen content of any fertilizer applied to



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69 turf or landscape plants may not exceed the lowest, basic  
70 maintenance rate of the most recent recommendations by the  
71 Institute of Food and Agricultural Sciences. The department  
72 shall adopt rules to implement this paragraph which establish  
73 reasonable minimum standards and reflect advancements or  
74 improvements regarding nutrient load reductions.

75 (b) By July 1, 2016, the owner or operator of each existing  
76 wastewater treatment facility in a spring protection and  
77 management zone shall file for approval by the department a plan  
78 for complying with this paragraph. Upon a showing to the  
79 department of inordinate expense or that a delay is in the best  
80 interest of the public, the department may grant a local  
81 government or wastewater treatment facility an extension of up  
82 to 2 years to implement the plan. The owner and operator shall  
83 submit a proposal for funding at least once every 2 years until  
84 the plan is fully implemented.

85 (c) By July 1, 2016, the department, in consultation with  
86 the Department of Health and local governments, must identify  
87 onsite sewage treatment and disposal systems within a spring  
88 protection and management zone. Within sixty (60) days of the  
89 department's completion of the identification of these systems,  
90 the department shall provide the location of these systems to  
91 the local governments in which these systems are located. Within  
92 1 year of identification of these systems, and in consultation  
93 with the department, the local governments in which they are  
94 located shall develop an onsite sewage treatment and disposal  
95 system remediation plan. For each onsite sewage treatment and  
96 disposal system or group of systems, the plan must include  
97 whether the systems require upgrading, connection to a central



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98 sewerage system, or no action. The plan must also include a  
99 priority ranking for each system or group of systems that  
100 require remediation. Each remediation plan must be submitted to  
101 the department for approval. In reviewing and approving the  
102 remediation plans, the department shall consider, at a minimum:

103 1. The density of the onsite sewage treatment and disposal  
104 systems.

105 2. The number of onsite sewage treatment and disposal  
106 systems.

107 3. The proximity of the onsite sewage treatment and  
108 disposal system or systems to an Outstanding Florida Spring

109 4. The estimated nutrient loading of the onsite sewage  
110 treatment and disposal system or systems.

111 5. The cost of the proposed remedial action.

112 (d) Remedial actions required under this paragraph are not  
113 required until adequate funding for the specific project is  
114 provided pursuant to s. 373.808. As used in this paragraph, the  
115 term "adequate funding" means that the department has agreed to  
116 provide 100 percent of the state's portion of funding requested  
117 for the project under s. 373.808. The provisions of this  
118 paragraph are supplemental to any other specific requirements or  
119 authority provided by law.

120 1. By July 1, 2021, the owner or operator of each existing  
121 wastewater treatment facility in a spring protection and  
122 management zone shall meet a standard of no more than 3 mg/L  
123 Total Nitrogen, expressed as N, on an annual permitted basis,  
124 unless granted a variance or exemption pursuant to s. 373.813.

125 2. By July 1, 2019, each agricultural producer in a spring  
126 protection and management zone must implement best management



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127 practices or other measures necessary to achieve pollution  
128 reduction levels established by the department. The Department  
129 of Agriculture and Consumers Services, in consultation with the  
130 department, shall adopt rules to implement this subparagraph.  
131 3. Within 6 months after approval of the onsite sewage  
132 treatment and

By the Committee on Environmental Preservation and Conservation;  
and Senators Dean, Montford, Soto, Simmons, Hays, Altman, and  
Abruzzo

592-02908A-14

20141576c1

1 A bill to be entitled  
2 An act relating to springs; amending s. 201.15, F.S.;  
3 specifying distributions to the Ecosystem Management  
4 and Restoration Trust Fund; amending s. 373.042, F.S.;  
5 requiring the Department of Environmental Protection  
6 or the governing board of a water management district  
7 to establish the minimum flow and water level for an  
8 Outstanding Florida Spring; specifying minimum flows  
9 and water levels for an Outstanding Florida Spring;  
10 amending s. 373.0421, F.S.; conforming a cross-  
11 reference; creating part VIII of chapter 373, F.S.,  
12 entitled "Florida Springs and Aquifer Protection Act";  
13 creating s. 373.801, F.S.; providing legislative  
14 findings and intent; creating s. 373.802, F.S.;  
15 defining terms; creating s. 373.803, F.S.; requiring  
16 the Department of Environmental Protection to  
17 delineate the spring protection and management zone  
18 for each Outstanding Florida Spring; requiring the  
19 department to adopt by rule maps that depict the  
20 delineation of each spring protection and management  
21 zone for each Outstanding Florida Spring; creating s.  
22 373.805, F.S.; requiring the water management  
23 districts to adopt minimum flows and levels for  
24 Outstanding Florida Springs; requiring a water  
25 management district to implement a recovery or  
26 prevention strategy under certain circumstances;  
27 authorizing the water management districts to adopt  
28 rules; creating s. 373.807, F.S.; providing procedures  
29 for improving water quality in Outstanding Florida

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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30 Springs; requiring the Department of Environmental  
31 Protection to develop a spring action plan; providing  
32 requirements; creating s. 373.808, F.S.; providing for  
33 funding mechanisms for the restoration of Outstanding  
34 Florida Springs; prohibiting a project from being  
35 funded under this part unless it is listed on a spring  
36 action plan; creating s. 373.809, F.S.; specifying  
37 prohibited activities within a spring protection and  
38 management zone of an Outstanding Florida Spring;  
39 creating s. 373.811, F.S.; providing rulemaking  
40 authority; creating s. 373.813, F.S.; providing for  
41 variances and exemptions under certain circumstances;  
42 amending s. 381.0065, F.S.; defining the term  
43 "responsible management entity"; requiring the  
44 Department of Health to submit a report to the  
45 Governor and the Legislature on responsible management  
46 entities; authorizing the establishment of responsible  
47 management entities; repealing s. 381.00651, F.S.,  
48 relating to periodic evaluation and assessment of  
49 onsite sewage treatment and disposal systems;  
50 requiring the Department of Agriculture and Consumer  
51 Services and the Department of Environmental  
52 Protection to conduct a comprehensive study on  
53 nutrient reduction improvements and the expansion of  
54 the beneficial use of reclaimed water; requiring the  
55 departments to jointly hold a public meeting to gather  
56 input on the design of the comprehensive study and  
57 provide an opportunity for public comment; requiring  
58 the final report to be submitted to the Governor and

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.



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59 the Legislature by a certain date; providing for  
60 future expiration; providing an effective date.

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

63  
64 Section 1. Paragraph (c) of subsection (1) of section  
65 201.15, Florida Statutes, is amended to read:

66 201.15 Distribution of taxes collected.—All taxes collected  
67 under this chapter are subject to the service charge imposed in  
68 s. 215.20(1). Prior to distribution under this section, the  
69 Department of Revenue shall deduct amounts necessary to pay the  
70 costs of the collection and enforcement of the tax levied by  
71 this chapter. Such costs and the service charge may not be  
72 levied against any portion of taxes pledged to debt service on  
73 bonds to the extent that the costs and service charge are  
74 required to pay any amounts relating to the bonds. After  
75 distributions are made pursuant to subsection (1), all of the  
76 costs of the collection and enforcement of the tax levied by  
77 this chapter and the service charge shall be available and  
78 transferred to the extent necessary to pay debt service and any  
79 other amounts payable with respect to bonds authorized before  
80 January 1, 2013, secured by revenues distributed pursuant to  
81 subsection (1). All taxes remaining after deduction of costs and  
82 the service charge shall be distributed as follows:

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

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

592-02908A-14

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88 1. The State Transportation Trust Fund in the Department of  
89 Transportation in the amount of the lesser of 38.2 percent of  
90 the remainder or \$541.75 million in each fiscal year. Out of  
91 such funds, the first \$50 million for the 2012-2013 fiscal year;  
92 \$65 million for the 2013-2014 fiscal year; and \$75 million for  
93 the 2014-2015 fiscal year and all subsequent years, shall be  
94 transferred to the State Economic Enhancement and Development  
95 Trust Fund within the Department of Economic Opportunity. The  
96 remainder shall ~~is to~~ be used for the following specified  
97 purposes, notwithstanding any other law ~~to the contrary~~:

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

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

105 c. For the purposes of the Strategic Intermodal System  
106 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent  
107 of these funds after allocating for the New Starts Transit  
108 Program described in sub-subparagraph a. and the Small County  
109 Outreach Program described in sub-subparagraph b.; and

110 d. For the purposes of the Transportation Regional  
111 Incentive Program specified in s. 339.2819, 25 percent of these  
112 funds after allocating for the New Starts Transit Program  
113 described in sub-subparagraph a. and the Small County Outreach  
114 Program described in sub-subparagraph b. Effective July 1, 2014,  
115 the first \$60 million of the funds allocated pursuant to this  
116 sub-subparagraph shall be allocated annually to the Florida Rail

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117 Enterprise for the purposes established in s. 341.303(5).  
 118 2. The Grants and Donations Trust Fund in the Department of  
 119 Economic Opportunity in the amount of the lesser of 0.23 ~~.23~~  
 120 percent of the remainder or \$3.25 million in each fiscal year to  
 121 fund technical assistance to local governments.  
 122 3. The Ecosystem Management and Restoration Trust Fund in  
 123 the amount of:  
 124 a. The lesser of 2.12 percent of the remainder or \$30  
 125 million in each fiscal year, to be used for the preservation and  
 126 repair of the state's beaches as provided in ss. 161.091-  
 127 161.212; and  
 128 b. Thirty-six and nine-tenths percent of the remainder in  
 129 each fiscal year to be used for restoration and protection of  
 130 Outstanding Florida Springs pursuant to part VIII of chapter  
 131 373, and for the acquisition of lands identified on the most  
 132 current Board of Trustees Florida Forever Priority List, or by a  
 133 water management district, which protect the essential parcels  
 134 of the named spring projects that improve water quality or  
 135 conserve water use and are located partially or fully within a  
 136 spring protection and management zone of an Outstanding Florida  
 137 Spring.  
 138 4. General Inspection Trust Fund in the amount of the  
 139 lesser of 0.02 ~~.02~~ percent of the remainder or \$300,000 in each  
 140 fiscal year to be used to fund oyster management and restoration  
 141 programs as provided in s. 379.362(3).  
 142  
 143 Moneys distributed pursuant to this paragraph may not be pledged  
 144 for debt service unless such pledge is approved by referendum of  
 145 the voters.

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146 Section 2. Subsection (1) of section 373.042, Florida  
 147 Statutes, is amended to read:  
 148 373.042 Minimum flows and levels.—  
 149 (1) Within each section, or within the water management  
 150 district as a whole, the department or the governing board shall  
 151 establish the following:  
 152 (a) Minimum flow for all surface watercourses in the area.  
 153 The minimum flow for a given watercourse ~~is shall be~~ the limit  
 154 at which further withdrawals would be significantly harmful to  
 155 the water resources or ecology of the area.  
 156 (b) Minimum water level. The minimum water level ~~is shall~~  
 157 ~~be~~ the level of groundwater in an aquifer and the level of  
 158 surface water at which further withdrawals would be  
 159 significantly harmful to the water resources of the area.  
 160 (c) Minimum flow and minimum water level for an Outstanding  
 161 Florida Spring, as defined in s. 373.802. The minimum flow and  
 162 minimum water level are the limit and level, respectively, at  
 163 which further withdrawals would be harmful to the water  
 164 resources or ecology of the area.  
 165  
 166 The minimum flow and minimum water level shall be calculated by  
 167 the department and the governing board using the best  
 168 information available. When appropriate, minimum flows and  
 169 minimum water levels may be calculated to reflect seasonal  
 170 variations. The department and the governing board shall ~~also~~  
 171 consider, and at their discretion may provide for, the  
 172 protection of nonconsumptive uses in the establishment of  
 173 minimum flows and minimum water levels.  
 174 Section 3. Paragraph (a) of subsection (1) of section

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175 373.0421, Florida Statutes, is amended to read:

176 373.0421 Establishment and implementation of minimum flows  
177 and levels.—

178 (1) ESTABLISHMENT.—

179 (a) *Considerations.*—When establishing minimum flows and  
180 minimum water levels pursuant to s. 373.042, the department or  
181 governing board shall consider changes and structural  
182 alterations to watersheds, surface waters, and aquifers and the  
183 effects such changes or alterations have had, and the  
184 constraints such changes or alterations have placed, on the  
185 hydrology of an affected watershed, surface water, or aquifer,  
186 provided that nothing in this paragraph shall allow significant  
187 harm as provided by s. 373.042(1)(a) and (b), or harm as  
188 provided by s. 373.042(1)(c), caused by withdrawals.

189 Section 4. Part VIII of chapter 373, Florida Statutes,  
190 consisting of sections 373.801, 373.802, 373.803, 373.805,  
191 373.807, 373.808, 373.809, 373.811, and 373.813, Florida  
192 Statutes, is created and entitled the "Florida Springs and  
193 Aquifer Protection Act."

194 Section 5. Section 373.801, Florida Statutes, is created to  
195 read:

196 373.801 Legislative findings and intent.—

197 (1) The Legislature finds that springs are a unique part of  
198 this state's scenic beauty, deserving the highest level of  
199 protection under s. 7., Art. II of the State Constitution.  
200 Springs provide critical habitat for plants and animals,  
201 including many endangered or threatened species. Springs also  
202 provide immeasurable natural, recreational, economic, and  
203 inherent value. Flow level and water quality of springs are

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204 indicators of local conditions of the Floridan Aquifer, which is  
205 the source of drinking water for many residents of this state.  
206 Springs are of great scientific importance in understanding the  
207 diverse functions of aquatic ecosystems. In addition, springs  
208 provide recreational opportunities for swimming, canoeing,  
209 wildlife watching, fishing, cave diving, and many other  
210 activities in this state. Because of such recreational  
211 opportunities and the accompanying tourism, state and local  
212 economies benefit from many of the springs in this state.

213 (2) Water quantity and water quality in springs are  
214 directly related. For regulatory purposes, the department has  
215 primary responsibility for water quality; the water management  
216 districts have primary responsibility for water quantity; the  
217 Department of Agriculture and Consumer Services has primary  
218 responsibility for the development and implementation of best  
219 management practices; and local governments have primary  
220 responsibility for providing wastewater and stormwater  
221 management. The foregoing responsible entities must work  
222 together in a coordinated manner to restore and maintain the  
223 water quantity and water quality for Outstanding Florida  
224 Springs.

225 (3) The Legislature recognizes that:

226 (a) Springs are only as healthy as their springsheds. The  
227 groundwater that supplies springs is derived from water that  
228 recharges the aquifer system in the form of seepage from the  
229 land surface and through direct conduits such as sinkholes.  
230 Springs are adversely affected by polluted runoff from urban and  
231 agricultural lands; discharge resulting from inadequate  
232 wastewater and stormwater management practices; stormwater

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233 runoff; and the reduced water levels of the Floridan Aquifer. As  
 234 a result, the hydrologic and environmental conditions of a  
 235 spring or spring run are directly influenced by activities and  
 236 land uses within a springshed and by water withdrawals from the  
 237 Floridan Aquifer.

238 (b) Springs, whether found in urban or rural settings, or  
 239 on public or private lands, are threatened by actual or  
 240 potential flow reductions and declining water quality. Many of  
 241 this state's springs are demonstrating signs of significant  
 242 ecological imbalance, increased nutrient loading, and declining  
 243 water flow. Without effective remedial actions, further declines  
 244 in water quality and water quantity will occur.

245 (c) The state standards regulating both water quality and  
 246 quantity, including minimum criteria relating to nutrient  
 247 concentrations in groundwater, need to protect both human health  
 248 and the complex biological and ecological systems that  
 249 contribute to the integrity of springs.

250 (d) Springshed boundaries and areas of high vulnerability  
 251 within a springshed need to be identified and delineated using  
 252 the best available data.

253 (e) Because springsheds cross water management district and  
 254 local government jurisdictional boundaries, a coordinated  
 255 statewide springs protection plan is needed.

256 (f) The aquifers and springs of this state are complex  
 257 systems affected by many variables and influences.

258 (4) The Legislature recognizes that sufficient information  
 259 exists to act, action is urgently needed, and action can be  
 260 continually modified as additional data is acquired. Therefore,  
 261 state agencies and water management districts shall work

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262 together with local governments to delineate springsheds and  
 263 spring protection and management zones and develop comprehensive  
 264 plans and land development regulations that protect the springs  
 265 of this state for future generations.

266 (5) The Legislature intends to establish a spring and  
 267 aquifer protection program to be administered by the department.

268 Section 6. Section 373.802, Florida Statutes, is created to  
 269 read:

270 373.802 Definitions.—As used in this part, the term:

271 (1) "Department" means the Department of Environmental  
 272 Protection, which includes the Florida Geological Survey or its  
 273 successor agency or agencies.

274 (2) "Local government" means a county or municipal  
 275 government the jurisdictional boundaries of which include an  
 276 Outstanding Florida Spring, or any part of a delineated  
 277 springshed or spring protection and management zone for an  
 278 Outstanding Florida Spring.

279 (3) "Onsite sewage treatment and disposal system" means a  
 280 system that contains a standard subsurface, filled, or mound  
 281 drainfield system; an aerobic treatment unit; a graywater system  
 282 tank; a laundry wastewater system tank; a septic tank; a grease  
 283 interceptor; a pump tank; a solids or effluent pump; a  
 284 waterless, incinerating, or organic waste-composting toilet; or  
 285 a sanitary pit privy that is installed or proposed to be  
 286 installed beyond the building sewer on land of the owner or on  
 287 other land to which the owner has the legal right to install a  
 288 system. The term includes any item placed within, or intended to  
 289 be used as a part of or in conjunction with, the system. The  
 290 term does not include package sewage treatment facilities and

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291 other treatment works regulated under chapter 403.  
 292 (4) "Outstanding Florida Spring" includes all historic  
 293 first magnitude springs, as determined by the department using  
 294 the most recent Florida Geological Survey springs bulletin, and  
 295 the following springs and their associated spring runs:  
 296 (a) DeLeon Spring;  
 297 (b) Peacock Spring;  
 298 (c) Rock Springs;  
 299 (d) Wekiwa Spring; and  
 300 (e) Gemini Spring.  
 301 (5) "Responsible management entity" means a legal entity  
 302 established for the purpose of providing localized nutrient  
 303 management services with the requisite managerial, financial,  
 304 and technical capacity to ensure long-term management of onsite  
 305 sewage treatment and disposal systems and other local nutrient  
 306 sources at the option of the local government within its  
 307 jurisdiction.  
 308 (6) "Spring protection and management zone" means the area  
 309 or areas of a springshed where the Floridan Aquifer is  
 310 vulnerable to surface sources of contamination or reduced  
 311 levels, as determined by the department in consultation with the  
 312 appropriate water management districts.  
 313 (7) "Spring run" means a body of flowing water that  
 314 originates from a spring or whose primary source of water is a  
 315 spring or springs under average rainfall conditions.  
 316 (8) "Springshed" means the areas within the groundwater and  
 317 surface water basins which have historically contributed to the  
 318 discharge of a spring as defined by potentiometric surface maps  
 319 and surface watershed boundaries.

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320 (9) "Spring vent" means a location where groundwater flows  
 321 out of a natural, discernable opening in the ground onto the  
 322 land surface or into a predominantly fresh surface waterbody.  
 323 Section 7. Section 373.803, Florida Statutes, is created to  
 324 read:  
 325 373.803 Delineation of spring protection and management  
 326 zones for Outstanding Florida Springs.—Using the best data  
 327 available from the water management districts and other credible  
 328 sources, the department, in consultation with the water  
 329 management districts, shall delineate one or more spring  
 330 protection and management zones for each Outstanding Florida  
 331 Spring. In delineating spring protection and management zones,  
 332 the department shall consider groundwater travel time to the  
 333 spring, hydrogeology, and nutrient load. The delineation of  
 334 spring protection and management zones must be completed by July  
 335 1, 2015. In conjunction with delineating a spring protection and  
 336 management zone for an Outstanding Florida Spring, the  
 337 department shall adopt by rule, pursuant to ss. 120.536(1) and  
 338 120.54, maps and legal descriptions that depict the delineated  
 339 spring protection and management zone or zones for that spring.  
 340 Section 8. Section 373.805, Florida Statutes, is created to  
 341 read:  
 342 373.805 Minimum flow and minimum water level for  
 343 Outstanding Florida Springs.—  
 344 (1) Each water management district shall establish a  
 345 minimum flow and minimum water level for each Outstanding  
 346 Florida Spring within its jurisdiction by July 1, 2015, in  
 347 accordance with ss. 373.042 and 373.0421. The deadline may be  
 348 extended each year until July 1, 2020, if a water management

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349 district provides sufficient evidence to the department that an  
 350 extension is in the best interest of the public. This subsection  
 351 does not apply to minimum flows and minimum water levels adopted  
 352 prior to July 1, 2014, for a spring included in the definition  
 353 of Outstanding Florida Springs in s. 373.802, until such time as  
 354 the minimum flow or minimum water level is revised, or otherwise  
 355 amended.

356 (2) By July 1, 2017, each water management district shall  
 357 approve a recovery or prevention strategy, as required by ss.  
 358 373.042 and 373.0421, for each Outstanding Florida Spring in its  
 359 jurisdiction in which the existing flow or water level of the  
 360 Outstanding Florida Spring is below, or is projected within the  
 361 next 20 years to fall below, the applicable minimum flow or  
 362 minimum water level established pursuant to s. 373.042. The  
 363 recovery or prevention strategy for each Outstanding Florida  
 364 Spring must include, at a minimum:

365 (a) A listing of all specific projects identified for  
 366 implementation of a recovery or prevention strategy.

367 (b) A priority listing of each project.

368 (c) The estimated cost for each listed project.

369 (d) The source and amount of financial assistance to be  
 370 made available by the water management district for each  
 371 project, which may not be less than 25 percent of the total  
 372 project cost unless a specific funding source is identified  
 373 which will provide more than 75 percent of the total project  
 374 cost. The Northwest Florida Water Management District and the  
 375 Suwannee River Water Management District are not required to  
 376 provide matching funds pursuant to this paragraph.

377 Section 9. Section 373.807, Florida Statutes, is created to

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378 read:

379 373.807 Protection of water quality in Outstanding Florida  
 380 Springs.—By July 1, 2015, the department shall assess each  
 381 Outstanding Florida Spring for which an impairment determination  
 382 has not been made under the numeric nutrient standards in effect  
 383 for spring vents.

384 (1) BASIN MANAGEMENT ACTION PLAN.—By July 1, 2017, the  
 385 department shall develop basin management action plans, as  
 386 specified in s. 403.067(7), for Outstanding Florida Springs  
 387 impaired by nutrients.

388 (2) SPRING ACTION PLAN.—The department shall begin  
 389 preparation of a spring action plan for each Outstanding Florida  
 390 Spring that has an adopted basin management action plan or an  
 391 implemented recovery or prevention strategy by July 1, 2014, or  
 392 as soon as a basin management action plan is adopted or a  
 393 recovery or prevention strategy is implemented.

394 (a) The department shall develop a spring action plan for  
 395 each Outstanding Florida Spring that:

396 1. Has a basin management action plan adopted pursuant to  
 397 s. 403.067(7);

398 2. Has a recovery or prevention strategy implemented  
 399 pursuant to ss. 373.042 and 373.0421; or

400 3. Is projected to be impaired by nutrients within 20  
 401 years.

402 (b) A spring action plan must include all of the following:

403 1. All projects in the basin management action plan which  
 404 are located within a spring protection and management zone.

405 2. All projects in the regional water supply plan which are  
 406 located within a spring protection and management zone.

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407 3. All projects included in a recovery or prevention  
 408 strategy which are within a spring protection and management  
 409 zone.

410 4. All projects proposed by the department which will  
 411 prevent or stop potential nutrient impairment.

412 5. An estimate of a listed project's reduction of nutrient  
 413 loading.

414 6. A map and legal descriptions depicting the spring  
 415 protection and management zones established pursuant to s.  
 416 373.803.

417 7. Identification of each point source or category of  
 418 nonpoint sources, including but not limited to, urban  
 419 fertilizer, turf fertilizer, agricultural fertilizer, onsite  
 420 sewage treatment and disposal systems, wastewater treatment  
 421 facilities, animal wastes, and stormwater facilities. A detailed  
 422 allocation of the pollutant load shall be provided for each  
 423 point source or category of nonpoint sources.

424 (3) REQUIREMENTS.—

425 (a) Within 6 months of the delineation of a spring  
 426 protection and management zone or zones of an Outstanding  
 427 Florida Spring that is fully or partially within the  
 428 jurisdiction of a local government, a local government must  
 429 develop, enact, and implement an ordinance that meets or exceeds  
 430 the requirements of the department's Model Ordinance for  
 431 Florida-Friendly Fertilizer Use on Urban Landscapes. Such  
 432 ordinance must require that, within a spring protection and  
 433 management zone of an Outstanding Florida Spring impaired by  
 434 nutrients, the nitrogen content of any fertilizer applied to  
 435 turf or landscape plants may not exceed the lowest, basic

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436 maintenance rate of the most recent recommendations by the  
 437 Institute of Food and Agricultural Sciences. The department  
 438 shall adopt rules to implement this paragraph which establish  
 439 reasonable minimum standards and reflect advancements or  
 440 improvements regarding nutrient load reductions.

441 (b) Until adequate funding becomes available pursuant to s.  
 442 373.808, or until the Legislature provides an additional  
 443 adequate funding source, remedial actions required under this  
 444 paragraph are not required, unless they are included in an  
 445 adopted basin management action plan.

446 1. The owner or operator of each existing wastewater  
 447 treatment facility in a spring protection and management zone  
 448 shall meet a standard of no more than 3 mg/L Total Nitrogen,  
 449 expressed as N, on an annual permitted basis by July 1, 2021,  
 450 unless granted a variance or exemption pursuant to s. 373.813.

451 2. By July 1, 2016, the owner or operator of each existing  
 452 wastewater treatment facility in a spring protection and  
 453 management zone shall file for approval by the department a plan  
 454 for complying with this paragraph. Upon a showing to the  
 455 department of inordinate expense or that a delay is in the best  
 456 interest of the public, the department may grant a local  
 457 government or wastewater treatment facility an extension of up  
 458 to 2 years to implement the plan. The owner or operator shall  
 459 submit a proposal for funding at least once every 2 years until  
 460 the plan is fully implemented.

461 3. By July 1, 2019, each agricultural producer in a spring  
 462 protection and management zone must implement best management  
 463 practices or other measures necessary to achieve pollution  
 464 reduction levels established by the department. The Department

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465 of Agriculture and Consumer Services, in consultation with the  
 466 department, shall adopt rules to implement this subparagraph.

467 4. By July 1, 2016, the department, in consultation with  
 468 the Department of Health and local governments, must identify  
 469 onsite sewage treatment and disposal systems serving single-  
 470 family residential properties of less than 1 acre and multi-  
 471 family residential, commercial, and industrial properties  
 472 located within a spring protection and management zone. Within 1  
 473 year of identification of these systems, and in consultation  
 474 with the department, the local governments in which they are  
 475 located shall develop an onsite sewage treatment and disposal  
 476 system remediation plan. For each onsite sewage treatment and  
 477 disposal system, the plan must include whether the system  
 478 requires upgrading, connection to a central sewerage system, or  
 479 no action. The plan must also include a priority ranking for  
 480 each system or group of systems that requires remediation. Each  
 481 remediation plan must be submitted to the department for  
 482 approval. After approval of the remediation plan, the local  
 483 government shall begin implementing the approved remediation  
 484 plan. The costs of connection to a central sewerage system or  
 485 upgrading the onsite sewage treatment and disposal systems may  
 486 not be imposed on the property owner. The local government shall  
 487 submit a proposal for funding at least every 2 years until the  
 488 plan is fully implemented.

489 Section 10. Section 373.808, Florida Statutes, is created  
 490 to read:

491 373.808 Funding for the restoration of Outstanding Florida  
 492 Springs.-

493 (1) In order to satisfy the requirements under this part,

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494 state agencies, water management districts, local governments,  
 495 special districts, utilities, and regional management entities,  
 496 if applicable, shall cooperate with property owners and  
 497 agricultural producers to submit project proposals to the  
 498 department in order to receive funding for up to 75 percent of  
 499 the total project cost. Project submittals for upgrades or  
 500 connections of onsite sewage treatment and disposal systems, and  
 501 those submitted by a fiscally constrained county as described in  
 502 s. 218.67(1) or in a municipality located therein, are eligible  
 503 for funding of up to 100 percent of the total project cost.

504 (2) Projects approved by the department shall be funded by  
 505 moneys from documentary stamp tax revenues deposited into the  
 506 Ecosystem Management and Restoration Trust Fund in accordance  
 507 with s. 201.15(1)(c)3.b. The Legislature may use other sources  
 508 of revenue to fund projects submitted to the department pursuant  
 509 to this part.

510 (3) The department may distribute moneys deposited into the  
 511 Ecosystem Management and Restoration Trust Fund pursuant to  
 512 subsection (2) to any person who submits a project proposal  
 513 application to the department for which funding is approved. The  
 514 department shall distribute moneys to state agencies and water  
 515 management districts for all reasonable administrative costs  
 516 related to implementing this part. In addition, the department  
 517 may adopt rules to develop grant application procedures to cover  
 518 reasonable administrative costs of a fiscally constrained county  
 519 as described in s. 218.67(1) or a municipality located therein.

520 (4) Moneys in the fund not needed in the current fiscal  
 521 year to meet obligations incurred under this part shall be  
 522 deposited to the credit of the fund and may be invested in the



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523 manner provided by law. Interest received on such investments  
 524 shall be credited to the Ecosystem Management and Restoration  
 525 Trust Fund for the purposes specified in s. 201.15(1)(c)3.b.  
 526 (5) By December 31, 2014, the department shall adopt rules  
 527 to fund pilot projects that test the effectiveness of innovative  
 528 or existing nutrient reduction or water conservation  
 529 technologies designed to minimize nutrient pollution in the  
 530 springs of this state. The department must approve funding for  
 531 at least two pilot projects in each project selection cycle if  
 532 the department determines that the project will not be harmful  
 533 to the ecological resources in the study area.  
 534 (6) By December 31, 2014, the department shall develop and  
 535 recommend rules to competitively evaluate, select, and rank  
 536 projects eligible for partial or complete funding under this  
 537 section. In developing these rules, the department shall give  
 538 preference to the projects that it estimates will result in the  
 539 greatest improvement to water quality and water quantity for the  
 540 dollars to be expended for the project. At a minimum, the  
 541 department shall consider the following criteria:  
 542 (a) Whether the project is within a spring protection and  
 543 management zone of an Outstanding Florida Spring impaired by  
 544 nutrients.  
 545 (b) The level of nutrient impairment of the Outstanding  
 546 Florida Spring in which the project is located.  
 547 (c) The quantity of pollutants, particularly total  
 548 nitrogen, the project is estimated to remove from a spring  
 549 protection and management zone.  
 550 (d) Whether the project is within a spring protection and  
 551 management zone of an Outstanding Florida Spring that is not

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552 meeting its adopted minimum flow or minimum water level.  
 553 (e) The flow necessary to restore the Outstanding Florida  
 554 Spring to its adopted minimum flow or minimum water level.  
 555 (f) The anticipated impact the project will have on  
 556 restoring or increasing water flow or water level.  
 557 (g) Whether the project facilitates or enhances an existing  
 558 basin management action plan adopted by the department to  
 559 address pollutant loadings.  
 560 (h) Whether the project is identified and prioritized in an  
 561 adopted regional water supply plan.  
 562 (i) The percentage by which the amount of matching funds  
 563 provided by the applicant exceeds the statutory minimum required  
 564 under s. 373.805 or s. 373.807.  
 565 (j) For multiple-year projects, whether the project has  
 566 funding sources that are identified and assured through the  
 567 expected completion date of the project.  
 568 (k) The cost of the project and the length of time it will  
 569 take to complete relative to its expected benefits.  
 570 (l) Whether the applicant, since July 1, 2009, has used its  
 571 own funds for projects to improve water quality or conserve  
 572 water use within a springshed or spring protection and  
 573 management zone of an Outstanding Florida Spring, with  
 574 preference given to those applicants that have expended such  
 575 funds.  
 576 (7) In addition to the criteria set forth in subsection  
 577 (6), a project may not be funded by the department under this  
 578 part unless it is listed on a spring action plan.  
 579 Section 11. Section 373.809, Florida Statutes, is created  
 580 to read:

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581 373.809 Prohibited activities within a spring protection  
 582 and management zone of an Outstanding Florida Spring.—The  
 583 following activities are prohibited within a spring protection  
 584 and management zone of an Outstanding Florida Spring:

585 (1) New municipal or industrial wastewater disposal  
 586 systems, including rapid infiltration basins, except those  
 587 systems that meet an advanced wastewater treatment standard of  
 588 no more than 3 mg/L Total Nitrogen, expressed as N, on an annual  
 589 permitted basis, or a higher treatment standard if the  
 590 department determines the higher standard is necessary to  
 591 prevent impairment or aid in the recovery of an Outstanding  
 592 Florida Spring.

593 (2) New onsite sewage treatment and disposal systems on  
 594 lots less than 1 acre, except for active or passive nitrogen  
 595 removing onsite sewage treatment and disposal systems approved  
 596 by the Department of Health.

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

598 (4) The land spreading, dumping, or disposal of all  
 599 domestic wastewater residuals or septage.

600 (5) Concentrated animal feeding operations or intense  
 601 cattle finishing and slaughter operations. This subsection does  
 602 not apply to operations permitted by July 1, 2014, or the future  
 603 expansion of livestock or poultry operations engaged in the  
 604 occupation of bona fide agriculture as of July 1, 2014.

605 Section 12. Section 373.811, Florida Statutes, is created  
 606 to read:

607 373.811 Rules.—

608 (1) The department shall adopt rules to create a program to  
 609 improve water quantity and water quality pursuant to ss.

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610 120.536(1) and 120.54 to administer this part, as applicable. In  
 611 developing rules to administer s. 373.808, the department shall  
 612 use the Total Maximum Daily Load Water Quality Restoration  
 613 Grants rule as guidance to develop a comparable program for the  
 614 restoration and protection of the water quality and water  
 615 quantity for Outstanding Florida Springs.

616 (2) The Department of Health, the Department of  
 617 Agriculture and Consumer Services, the water management  
 618 districts, and responsible management entities may adopt rules  
 619 pursuant to ss. 120.536(1) and 120.54 to administer this part,  
 620 as applicable.

621 (3) (a) The Department of Agriculture and Consumer Services  
 622 is the lead agency coordinating the reduction of agricultural  
 623 nonpoint sources of pollution for the protection of Outstanding  
 624 Florida Springs. The Department of Agriculture and Consumer  
 625 Services and the department, pursuant to s. 403.067(7)(c)4.,  
 626 shall study new or revised best management practices for  
 627 improving and protecting Outstanding Florida Springs and, if  
 628 necessary, in cooperation with applicable local governments and  
 629 stakeholders, initiate rulemaking to require the implementation  
 630 of such practices within a reasonable time period.

631 (b) The department, the Department of Agriculture and  
 632 Consumer Services, and the University of Florida's Institute of  
 633 Food and Agricultural Sciences shall cooperate in conducting the  
 634 necessary research and demonstration projects to develop  
 635 improved or additional nutrient management tools, including the  
 636 use of controlled release fertilizer that can be used by  
 637 agricultural producers as part of an agricultural best  
 638 management practices program. The development of such tools must

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639 reflect a balance between water quality improvement and  
 640 agricultural productivity and, when applicable, must be  
 641 incorporated into the revised best management practices adopted  
 642 by rule of the Department of Agriculture and Consumer Services.

643 Section 13. Section 373.813, Florida Statutes, is created  
 644 to read:

645 373.813 Variances and exemptions.—A person may apply to the  
 646 appropriate agency or a water management district for a variance  
 647 or exemption from any requirement in this part. An agency or a  
 648 water management district may approve the application upon  
 649 receiving reasonable assurance that the applicant's proposed  
 650 activity, evaluated individually and as part of cumulative  
 651 impacts, will not cause or contribute to violations of water  
 652 quality standards, minimum flows, or minimum water levels in an  
 653 Outstanding Florida Spring.

654 Section 14. Present paragraphs (n) through (q) of  
 655 subsection (2) of section 381.0065, Florida Statutes, are  
 656 redesignated as paragraphs (o) through (r), respectively, a new  
 657 paragraph (n) is added to that subsection, and subsection (7) is  
 658 added to that section, to read:

659 381.0065 Onsite sewage treatment and disposal systems;  
 660 regulation.—

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

663 (n) "Responsible management entity" has the same meaning as  
 664 in s. 373.802.

665 (7) RESPONSIBLE MANAGEMENT ENTITIES.—

666 (a) By March 1, 2015, the department and the Department of  
 667 Environmental Protection shall submit a report and

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668 recommendations to the Governor, the President of the Senate,  
 669 and the Speaker of the House of Representatives on the creation  
 670 and operation of responsible management entities within spring  
 671 protection and management zones of Outstanding Florida Springs,  
 672 as defined in s. 373.802. The report must focus on the  
 673 feasibility of different management models to prevent, reduce,  
 674 and control nutrient pollution from onsite sewage treatment and  
 675 disposal systems, including the costs associated with each  
 676 model. In addition, the report must compare the results of the  
 677 differing management models to a mandatory onsite sewage  
 678 treatment and disposal system evaluation and assessment program  
 679 or any other option that would achieve similar nutrient  
 680 pollution reductions in the short and long term.

681 (b) A local government may not create a responsible  
 682 management entity without the prior approval of the department,  
 683 in consultation with the Department of Environmental Protection.  
 684 In reviewing requests for the creation of a responsible  
 685 management entity, the local government must demonstrate to the  
 686 department, in consultation with the Department of Environmental  
 687 Protection, that it has the management skills, personnel,  
 688 financial capacity, and technical expertise to properly operate  
 689 and maintain such an entity.

690 (c) The department shall ensure that responsible management  
 691 entities adopt rules and policies that are at least as  
 692 restrictive as state law.

693 Section 15. Section 381.00651, Florida Statutes, is  
 694 repealed.

695 Section 16. Comprehensive study on nutrient reduction  
 696 improvements and the beneficial use of reclaimed water,

592-02908A-14

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697 stormwater, and excess surface water.-

698 (1) The Department of Agriculture and Consumer Services and  
 699 the Department of Environmental Protection, in cooperation with  
 700 the five water management districts, shall conduct a  
 701 comprehensive study on the expansion of the beneficial use of  
 702 reclaimed water, stormwater, and excess surface water in this  
 703 state. The final report of the study must:

704 (a) Describe factors that currently prohibit or otherwise  
 705 complicate the expansion of the beneficial use of reclaimed  
 706 water and include recommendations for the mitigation or  
 707 elimination of such factors.

708 (b) Identify environmental, public health, public  
 709 perception, engineering, and fiscal issues, and user fee  
 710 amounts, including utility rate structures for potable and  
 711 reclaimed water.

712 (c) Identify areas in the state where making reclaimed  
 713 water available for irrigation or other uses is necessary  
 714 because the use of traditional water supply sources is  
 715 constrained by limitations on availability.

716 (d) Evaluate the costs to users of reclaimed water compared  
 717 to the cost associated with traditional water sources, including  
 718 an examination of the nutrient concentrations in reclaimed water  
 719 and the necessity for additional fertilizer supplementation.

720 (e) Evaluate permitting incentives, such as further  
 721 extending current authorization for long-term consumptive use  
 722 permits to all entities substituting reclaimed water for  
 723 traditional water sources or including in such permits a  
 724 provision that authorizes conversion to traditional water  
 725 sources if reclaimed water becomes unavailable or cost

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726 prohibitive.

727 (f) Describe the basic feasibility, benefit, and cost  
 728 estimates for the infrastructure needed to construct regional  
 729 storage features on public or private lands for reclaimed water,  
 730 stormwater, or excess surface water, including collection and  
 731 delivery mechanisms for beneficial uses rather than discharge to  
 732 tide, such as agricultural irrigation, power generation, public  
 733 water supply, wetland restoration, groundwater recharge, and  
 734 water body base flow augmentation.

735 (g) Describe any other alternative processes, systems, or  
 736 technology that may be comparable or preferable to a regional  
 737 storage system or that may effectively complement or be a  
 738 substitute for a regional storage system.

739 (h) Evaluate the impact of implementation of a  
 740 comprehensive reclaimed water plan on traditional water sources  
 741 and aquifer levels.

742 (2) The Department of Agriculture and Consumer Services and  
 743 the Department of Environmental Protection shall jointly hold a  
 744 public meeting to gather input on the design of the  
 745 comprehensive study and to provide an opportunity for public  
 746 comment before publishing the final report of the study.

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

750 (4) This section expires on December 1, 2015.

751 Section 17. This act shall take effect July 1, 2014.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**SENATOR CHARLES S. DEAN, SR.**  
5th District

**COMMITTEES:**  
Environmental Preservation and  
Conservation, *Chair*  
Appropriations Subcommittee on Criminal and  
Civil Justice  
Appropriations Subcommittee on General  
Government  
Children, Families, and Elder Affairs  
Criminal Justice  
Gaming  
Military Affairs, Space, and Domestic Security

March 25, 2014

The Honorable Bill Montford  
214 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear Chairman Montford,

I respectfully request you place Committee Substitute for Senate Bill 1576, relating to Springs, on your Agriculture Committee agenda at your earliest convenience.

If you have any concerns, please do not hesitate to contact me personally.

Sincerely,

A handwritten signature in cursive script that reads "Charles S. Dean".

Charles S. Dean  
State Senator District 5

cc: Katherine Becker, Staff Director

**REPLY TO:**

- 405 Tompkins Street, Inverness, Florida 34450 (352) 860-5175
- 311 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5005
- 315 SE 25th Avenue, Ocala, Florida 34471-2689 (352) 873-6513

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

THE FLORIDA SENATE  
**APPEARANCE RECORD**



(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-31-14

Meeting Date

Topic Springs

Bill Number CS/SB 1576  
(if applicable)

Name Doug Mann

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title \_\_\_\_\_

Address 310 Weir College Ave.

Phone 850-222-7535

Street

Tallahassee FL 32301

City

State

Zip

E-mail doug@thelibraryman.com

Speaking:  For  Against  Information

Representing AIF

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

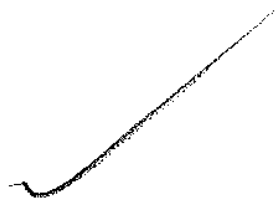
*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE  
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03/31/14  
Meeting Date



Topic Springc  
Name JAY BARFIELD  
Job Title President

Bill Number 1576  
*(if applicable)*  
Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Address 5315 N. Lake Barkett  
*Street*  
Winter Park Fla 32792  
*City State Zip*

Phone 407-908-9694  
E-mail jbarfield@atcl.com

Speaking:  For  Against  Information

Representing A Weed Group

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

Senator Simmons

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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3/31/14  
Meeting Date

Topic SPRINGS Protection

Bill Number SB 1576  
(if applicable)

Name Ron Prasecki

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title CHAIRMAN, WAKULLA SPRINGS ALLIANCE

Address 137 ROYSTER DRIVE

Phone \_\_\_\_\_

Street  
CRAWFORDVILLE, FL 32327  
City State Zip

E-mail RON.PRASECKI@COMCAST.NET

Speaking:  For  Against  Information

Representing Wakulla Springs Alliance, Florida Springs Institute of Friends of Florida State Parks

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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3/31/14  
Meeting Date

Topic Springs

Bill Number SB 1576  
*(if applicable)*

Name Mary Jean Yan

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Legislative Director

Address 3324 Charleston Road

Phone 850/519-7859

Tallahassee FL 32309  
City State Zip

E-mail maryjeanyan@comcast.net

Speaking:  For  Against  Information

Representing Audubon Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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**APPEARANCE RECORD**

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3/31/14

Meeting Date

Topic Springs

Bill Number CS/SB 1576  
(if applicable)

Name Preston Robertson

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title VP/General Counsel

Address PO Box 6870

Phone 850 656-7113

Street

Tallahassee, FL 32301

City

State

Zip

E-mail preston@fwfonline.org

Speaking:  For  Against  Information

Representing Florida Wildlife Federation

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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S-001 (10/20/11)

THE FLORIDA SENATE  
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(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

March 31, 2014  
Meeting Date

Topic Spring 5 Bill Number CS/SB 1576  
Name Janet <sup>Bowman</sup> Bowman Amendment Barcode \_\_\_\_\_  
(if applicable) (if applicable)

Job Title Dir of Legislative Policy & Strategies  
Address 625 N. Adams Street Phone 257-9406  
Tallahassee, FL 32301  
City State Zip E-mail Janet.Bowman@TLN.org

Speaking:  For  Against  Information

Representing The Nature Conservancy

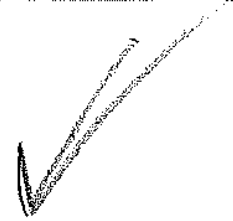
Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**



(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/31/14  
Meeting Date

Topic Springs

Bill Number 1576  
*(if applicable)*

Name Leticia Adams

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Senior Policy Director

Address 136 S. Bronough St.  
*Street*

Phone 850 544-6866

Tall FL 32301  
*City State Zip*

E-mail ladams@flchamber.com

Speaking:  For  Against  Information

Representing Florida Chamber of Commerce

Appearing at request of Chair:  Yes  No

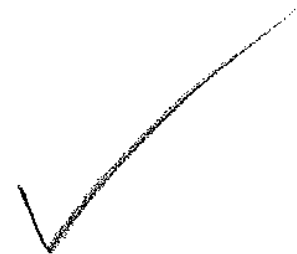
Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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3/31/14  
Meeting Date

Topic Springs

Bill Number 1576  
*(if applicable)*

Name Andy Dubois

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address 22011 Breezy Oak Drive

Phone 352.874.5084

Howey in the Hills FL 34737  
*Street City State Zip*

E-mail andy.dubois@yahoo.com

Speaking:  For  Against  Information

Representing Self

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

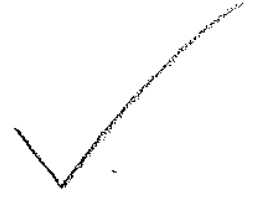
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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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2/26/14  
Meeting Date



Topic Springs

Bill Number 1576  
*(if applicable)*

Name Dan Peterson

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Exec Director

Address 2875 S Osceola Dr

Phone 407 481 2289

Orlando FL 32806  
City State Zip

E-mail dpeterson@proprietyrights.com

Speaking:  For  Against  Information

Representing Coalition for Propriety Rights

Appearing at request of Chair:  Yes  No

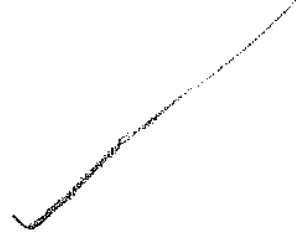
Lobbyist registered with Legislature:  Yes  No

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3/3/14  
Meeting Date

Topic Springs

Bill Number CS/SB 1576  
*(if applicable)*

Name Charles Pattison

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title President - 1,000 Friends of Florida

Address 308 N. Monroe St

Phone 850-222-6277

Tallahassee FL 32314  
City State Zip

E-mail cpattison@1000ff.org

Speaking:  For  Against  Information

Representing 1,000 Friends of Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

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3/31/14 Meeting Date

Topic SPRINGS

Bill Number 1576 (if applicable)

Name DAVID CULLER

Amendment Barcode (if applicable)

Job Title

Address 1674 UNIVERSITY PKWY #396 Street

Phone 941-323-2404

SARASOTA FL 34293 City State Zip

E-mail culler@seas@aol.com

Speaking: [X] For [ ] Against [ ] Information

Representing SIERRA CLUB FLORIDA

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

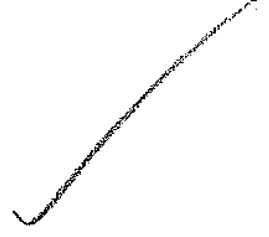
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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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Meeting Date \_\_\_\_\_

Topic SR 1576 - Springs Bill Number 1576  
(if applicable)

Name Estus Whitfield Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title private citizen

Address 3444 Lakeshore Dr Tallahassee Phone 850-385-5508  
Street

Tallahassee FL 32312 E-mail ewhit08@epol.com  
City State Zip

Speaking:  For  Against  Information

Representing FLA Conservation Coalition

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE  
**APPEARANCE RECORD**



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3/31/14  
Meeting Date

Topic Spring

Bill Number 1576  
*(if applicable)*

Name Mark Sexton

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Alachua City Communications

Address 12 SE 1st Street

Phone 352-283-2317

Gainesville, FL 32601  
City State Zip

E-mail msexton@alachuacounty.org

Speaking:  For  Against  Information

Representing Alachua City

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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3/31/14  
Meeting Date



Topic Springs Protection Bill Number SB 1576  
Name Debbie Harrison Rumberger Amendment Barcode \_\_\_\_\_ (if applicable)  
Job Title Legislative liaison (if applicable)  
Address 540 Beverly Court Phone 850-224-4565  
Street Jalalassou FL 32301 E-mail levvforadvocacy@gmail.com  
City State Zip

Speaking:  For  Against  Information  
Representing Florida League of Women Voters  
Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.  
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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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3-31-14

Meeting Date

Topic SPRING S Bill Number SB 1576  
Name Amy Datz Amendment Barcode \_\_\_\_\_ (if applicable)  
Job Title Retired State Environmental Scientist (if applicable)  
Address 1130 Crestview Ave Phone 850 322-7599  
Tallahassee FL 32303 E-mail amali.datz@mac.com  
City State Zip

Speaking:  For  Against  Information

Representing State Democratic Environmental Caucus

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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Katherine ✓  
Jake would like  
to go last  
-Pepper

Meeting Date \_\_\_\_\_

Topic SPRINGS Bill

Bill Number CS/SB 1576  
*(if applicable)*

Name Jake Varn

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address 101 N. Monroe St, Suite 1090

Phone 681-4275

*Street*  
Tallahassee FL 32301  
*City* *State* *Zip*

E-mail jvarn@fowlerwhite.com

Speaking:  For  Against  Information

Representing Self

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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31 Mar 2014  
Meeting Date

Topic Florida Springs Bill Bill Number 1526  
(if applicable)

Name DONALD A VAZE Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Charter Captain

Address 323 LEGNARD LANE #202 Phone 772 528 0675

Street

FT PACE, FL  
City State Zip

E-mail Captain Don@comcast.net

Speaking:  For  Against  Information WAIVE

Representing ONE FLORIDA FOUNDATION INC

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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3/31/2014  
Meeting Date

Topic Springs

Bill Number 1576  
(if applicable)

Name Steve Edmonds

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Policy Director

Address 1022 Vanessa Dr  
Street

Phone 407-701-9045

Oviedo FL 32765  
City State Zip

E-mail Steve@oneFloridaFoundation.org

Speaking:  For  Against  Information

Waive in Favor

Representing Citizens of Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)



## THE FLORIDA SENATE

**Senator Maria Lorts Sachs**  
**Minority Leader Pro Tempore**  
District 34

Committees:

Gaming  
Vice Chair

Agriculture

Education

Appropriations  
Subcommittee on  
Education

Appropriations  
Subcommittee on  
Finance and Tax

Military Affairs, Space,  
and Domestic Security

Regulated Industries

STAFF:

Joshua Freeman  
Legislative Assistant

Matthew Damsky  
Legislative Assistant

Laura Jiménez  
Legislative Assistant

March 31, 2014

The Honorable Bill Montford  
214 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear Chair Montford,

I will not be able to attend the Committee on Agriculture meeting taking place at 4:00PM on March 31, 2014, as I have a previously scheduled conflict in my district.

Very truly yours,

A handwritten signature in black ink, appearing to read "Maria Lorts Sachs", with a long horizontal stroke extending to the right.

State Senator Maria Sachs  
District 34

CC: Katherine Becker  
Staff Director

100 NW 1st Avenue, Delray Beach, Florida 33444 (561) 279-1427  
216 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5091

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Don Gaetz  
President of the Senate

Garrett Richter  
President Pro Tempore



# CourtSmart Tag Report

Room: SB 301  
Caption: Agriculture Committee

Case:  
Judge:

Type:

Started: 3/31/2014 4:01:42 PM

Ends: 3/31/2014 5:36:23 PM

Length: 01:34:42

4:02:08 PM Meeting called to order by Chairman Montford  
4:02:11 PM Roll call by Administrative Assistant, Joyce Butler  
4:02:19 PM Comments from Chairman Montford  
4:02:39 PM Tab 1 - CS/SB 1044 Energy Policies by Senator Simpson  
4:03:28 PM Explanation of CS/SB 1044 and Amendment 733562 by Senator Galvano by Keaton Alexander, Legislative Assistant to Senator Simpson  
4:03:34 PM Comments from Chairman Montford  
4:03:51 PM Nick Matthews, Legislative Coordinator, Broward County waives in support  
4:03:59 PM Amendment adopted  
4:04:18 PM Jeff Sharkey, CAG President, Tesla Motors waives in support  
4:04:28 PM Johnathan Rees, Deputy Director of Legislative Affairs, Fla. Department of Agriculture and Consumer Services waives in support  
4:04:37 PM Closure waived  
4:04:59 PM Senator Grimsley moves for CS  
4:05:11 PM Question from Senator Garcia  
4:05:21 PM Response from Keaton Alexander  
4:05:49 PM Roll call on CS/CS/SB 1044 by Administrative Assistant, Joyce Butler  
4:05:57 PM CS/CS/SB 1044 reported favorably  
4:06:09 PM Tab 2 - CS/SB 1184, Gasoline Stations by Senator Brandes  
4:06:20 PM Explanation of CS/SB 1184 by Senator Brandes  
4:06:56 PM Amendment 892822 explained by Senator Brandes  
4:07:48 PM Comments from Chairman Montford  
4:07:55 PM Amendment 892822 adopted  
4:08:18 PM Late-file amendment 413766 introduced  
4:08:28 PM Roll call on late-filed amendment 413766  
4:08:50 PM Motion for Amendment failed  
4:09:08 PM Comments from Chairman Montford regarding Senator Brandes Amendment  
4:09:23 PM Question from Senator Bullard  
4:09:41 PM Response from Senator Brandes  
4:10:00 PM Follow-up question from Senator Bullard  
4:10:16 PM Response from Senator Brandes  
4:10:47 PM Additional question from Senator Bullard  
4:11:16 PM Response from Senator Brandes  
4:12:19 PM Comments from Chairman Montford  
4:12:56 PM Speaker Erika Hardening, Tennis Pro, Tallahassee, Florida  
4:14:52 PM Speaker Tony Snow, Accountant, Tallahassee, Florida  
4:19:32 PM Speaker Melissa Joiner Ramba, Director of Government Affairs, Florida Retail Federation  
4:21:02 PM Beth Pytlik, Intergovernmental Relations Coordinator, Hillsborough County Board of County Commissioners waives in support  
4:21:42 PM Speaker Jeff Priddle, Tallahassee, Florida  
4:23:30 PM Jeff Sharkey, CAG President, Leon County defers time to Commissioner Desloge  
4:24:08 PM Speaker County Commissioner Brian Desloge, Tallahassee, Florida  
4:25:19 PM Comments from Chairman Montford  
4:25:29 PM Response from Commissioner Desloge  
4:25:53 PM Question from Chairman Montford  
4:25:58 PM Response from Senator Brandes  
4:26:52 PM Speaker Nick Matthews, Legislative Coordinator, Broward County  
4:28:30 PM Question from Senator Garcia  
4:28:36 PM Response from Nick Matthews  
4:28:59 PM Follow-up question from Senator Garcia  
4:29:10 PM Response from Nick Matthews  
4:29:56 PM Susan Harbin, Legislative Advocate, Florida Association of Counties stated that she was going to speak

on Amendment 413766  
**4:30:59 PM** Speaker J.R. Harding, Advocate, Persons with Disabilities  
**4:33:18 PM** Comments from Senator Bullard  
**4:37:11 PM** Comments from Chairman Montford  
**4:37:41 PM** Closure on CS/SB 1184 by Senator Brandes  
**4:38:27 PM** Senator Galvano moves for CS  
**4:38:49 PM** Roll call on CS/CS/SB 1184, by Administrative Assistant, Joyce Butler - CS/CS/SB 1184 reported favorably  
**4:39:18 PM** Tab 3 - CS/SB 1576, Springs by Senator Dean  
**4:39:42 PM** Explanation of CS/SB 1576 by Senator Dean  
**4:40:25 PM** Explanation of Amendment to Amendment - Amendment 753618 adopted  
**4:40:50 PM** Explanation of Amendment 130974 by Senator Dean  
**4:41:29 PM** Comments from Chairman Montford  
**4:41:35 PM** Amendment 130974 adopted  
**4:42:18 PM** Speaker Doug Mann, AIF  
**4:42:58 PM** Welcome to Senator Hays from Chairman Montford  
**4:43:24 PM** Speaker Jay Barfield, President, Allied Group  
**4:52:41 PM** Question from Chairman Montford  
**4:52:52 PM** Response from Jay Barfield  
**4:52:59 PM** Question from Chairman Montford  
**4:53:07 PM** Response from Jay Barfield  
**4:54:28 PM** Question from Senator Hays  
**4:54:48 PM** Response from Jay Barfield  
**4:54:58 PM** Follow-up question from Senator Hays  
**4:55:05 PM** Response from Jay Barfield  
**4:55:44 PM** Speaker Ron Piasecki, Chairman, Wakulla Springs Alliance, Florida Springs Institute and Friends of Florida State Parks  
**5:01:33 PM** Mary Jean Yon, Legislative Director, Audubon Florida waives in support  
**5:01:44 PM** Preston Robertson, Vice President/General Counsel, Florida Wildlife Association waives in support  
**5:02:28 PM** Speaker Jana Bowman, Director of Legislative Policy and Strategies, The Nature Conservancy  
**5:03:18 PM** Speaker Leticia Adams, Senior Policy Director, Florida Chamber of Commerce  
**5:04:22 PM** Speaker Andy Dubois, Howey in the Hills, Florida  
**5:08:12 PM** Speaker Dan Peterson, Executive Director, Coalition for Property Rights  
**5:14:22 PM** Charles Pattison, President, 1,000 Friends of Florida waives in support  
**5:14:29 PM** David Cullen, Sierra Club of Florida waives in support  
**5:15:11 PM** Speaker Eustus Whitfield, Florida Conservation Coalition  
**5:16:02 PM** Speaker Mark Sexton, Alachua County Communications, Alachua County  
**5:17:23 PM** Speaker Debbie Harrison Rumberger, Legislation Liaison, Florida League of Women Voters  
**5:18:43 PM** Amy Datz, State Democratic Environmental Caucus waives in support  
**5:18:57 PM** Speaker Jake Varn, Tallahassee, Florida  
**5:23:57 PM** Steve Edmonds, Policy Director, Citizens of Florida and Donald Vause, One Florida Foundation, Inc. in favor of bill per Chairman Montford  
**5:24:16 PM** Comments from Chairman Montford  
**5:24:34 PM** Comments from Senator Simmons  
**5:33:51 PM** Closure by Senator Dean  
**5:35:47 PM** Senator Galvano moves for CS  
**5:35:59 PM** Roll call on CS/CS/SB 1576 by Administrative Assistant, Joyce Butler  
**5:36:07 PM** CS/CS/SB 1576 reported favorably  
**5:36:17 PM** Senator Galvano moves to rise