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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: WD	.	
4/17/2008	.	
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	.	

1 The Committee on Community Affairs (Wise) recommended the
2 following **amendment**:

3
4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause
6 and insert:

7 Section 1. Part IV of chapter 369, Florida Statutes,
8 consisting of sections 369.401, 369.402, 369.403, 369.404,
9 369.405, 369.406, and 369.407, is created to read:

10 369.401 Short title.--This part may be cited as the
11 "Florida Springs Protection Act."

12 369.402 Legislative findings and intent.--The Legislature
13 finds that:

14 (1) Florida's springs are a precious and fragile natural
15 resource that must be protected. Springs provide recreational
16 opportunities for swimmers, canoeists, wildlife watchers, cave
17 divers, and others. Because of the recreational opportunities and



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18 accompanying tourism, many of the state's springs greatly benefit
19 state and local economies. In addition, springs provide critical
20 habitat for plants and animals, including many endangered or
21 threatened species, and serve as indicators of groundwater and
22 surface water quality.

23 (2) In general, Florida's springs, whether found in urban
24 or rural settings, or on public or private lands, are threatened
25 by actual, or potential, flow reductions and declining water
26 quality. Many of Florida's springs show signs of ecological
27 imbalance, increased nutrient loading, and lowered water flow.
28 The groundwater sources of spring discharges are recharged by
29 seepage from the surface and through direct conduits such as
30 sinkholes and can be adversely affected by polluted runoff from
31 urban and agricultural lands and discharges resulting from poor
32 wastewater management practices.

33 (3) Springs and groundwater can be restored through good
34 stewardship, including effective planning strategies, best-
35 management practices, and the appropriate regulatory programs to
36 preserve and protect the springs and their springsheds.

37 (4) It is the intent of the Legislature to establish a
38 pilot program for the protection of Rainbow Springs and Silver
39 Springs, first-magnitude springs in Marion County, which may
40 serve as a model for other springs in the state.

41 369.403 Definitions.--As used in this part, the term:

42 (1) "Cooperating entities" means the Department of
43 Environmental Protection, the Department of Health, the
44 Department of Agriculture and Consumer Services, and the
45 Department of Community Affairs. The term also includes each
46 water management district and local governments and
47 municipalities having jurisdiction in the areas of the springs



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48 identified in s. 369.404(1). These entities may vary depending on
49 the timing of activities associated with any specific spring or
50 spring protection zone.

51 (2) "Department" means the Department of Environmental
52 Protection.

53 (3) "Estimated sewage flow" means the quantity of domestic
54 and commercial wastewater in gallons per day which is expected to
55 be produced by an establishment or single-family residence as
56 determined by rule of the Department of Health.

57 (4) "First-magnitude spring" means a spring that has a
58 median discharge of greater than or equal to 100 cubic feet per
59 second for the period of record, as determined by the department.

60 (5) "Spring" means a point where groundwater is discharged
61 onto the earth's surface, including under any surface water of
62 the state, excluding seeps. The term includes a spring run.

63 (6) "Spring protection zone" means the area within the
64 springshed that is vulnerable to contamination and that comprises
65 two zones based on the travel time of groundwater and reduced
66 natural attenuation of contaminants that affect the water quality
67 surfacing at the spring and flowing as the spring run, as
68 follows:

69 (a) "Primary protection zone," means the area within the
70 springshed that encompasses the 10-year travel time for water
71 discharging from the spring.

72 (b) "Secondary protection zone," means the area within the
73 springshed that encompasses the 100-year travel time for water
74 discharging from the spring.

75 (7) "Spring run" means a body of flowing water that
76 originates from a spring and whose primary source of water is
77 from a spring or springs under average rainfall conditions.



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78 (8) "Springshed" means those areas within the groundwater
79 and surface water basins which contribute to the discharge of a
80 spring.

81 (9) "Travel time" means the time required for groundwater
82 to travel vertically from land surface to the aquifer,
83 horizontally within the aquifer, or in a combination thereof, to
84 the point at which it is discharged from the ground and
85 contributes to the flow of a spring or spring run.

86 369.404 Delineation of springsheds and adoption of spring
87 protection zones.--

88 (1) The department, in consultation with the other
89 cooperating entities, shall delineate the springsheds of the
90 following springs based on accepted scientific methodologies and
91 shall use this information and other scientific data necessary to
92 identify spring protection zones:

93 (a) Rainbow Springs in Marion County; and

94 (b) Silver Springs in Marion County.

95 (2) By July 1, 2009, the department shall adopt the spring
96 protection zones for these springs by secretarial order pursuant
97 to chapter 120. The Legislature recognizes that springsheds and
98 spring protection zones may extend beyond political boundaries.
99 The cooperating entities shall work with affected local
100 governments in developing spring protection zones and measures
101 and basin management action plans that are designed to minimize
102 adverse impacts to the spring protection zone, the spring, and
103 the spring run.

104 369.405 Total maximum daily loads and basin management
105 action plans for Rainbow Springs and Silver Springs.--

106 Notwithstanding the assessment and listing requirements of s.
107 403.067, the department shall adopt total maximum daily loads and



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108 basin management action plans for the springs identified in s.
109 369.404. Total maximum daily loads adopted by department rule for
110 the springs may not take effect unless approved by the
111 Legislature during the next regular session of the Legislature
112 following adoption of the rule.

113 (1) By July 1, 2009, the department shall propose for
114 adoption total maximum daily loads, pursuant to s. 403.067(6), to
115 address nitrogen concerns in the springs.

116 (2) By December 31, 2010, the department, in conjunction
117 with the cooperating entities, shall propose for adoption basin
118 management action plans, pursuant to s. 403.067(7), for the
119 springs. In developing the basin management action plans, the
120 department shall consider the need to include different actions,
121 projects, and other protection measures based on the primary and
122 secondary protection zones within a spring protection zone.

123 369.406 Additional spring protection measures.--The
124 following measures apply within a spring protection zone adopted
125 pursuant to s. 369.404:

126 (1) Domestic wastewater treatment facilities regulated
127 under chapter 403 are subject to the following requirements:

128 (a) New or expanded surface water discharges are prohibited
129 except as backup to a wastewater reuse system. Surface water
130 discharges serving as backup to a reuse system shall be limited
131 to no more than 30 percent of the permitted wastewater reuse
132 capacity on an annual average basis and shall meet the advanced
133 waste treatment requirements in s. 403.086(4).

134 (b) Facilities having permitted capacities greater than or
135 equal to 100,000 gallons per day shall meet an annual average
136 effluent concentration that shall not exceed 3 milligrams per
137 liter total nitrogen. However, facilities of this permitted



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138 capacity which are authorized to discharge prior to the adoption
139 of the applicable spring protection zone shall meet the required
140 effluent concentration no later than 4 years after adoption of
141 the spring protection zone.

142 (c) Facilities having permitted capacities less than
143 100,000 gallons per day shall meet an annual average effluent
144 concentration that shall not exceed 10 milligrams per liter total
145 nitrogen, and an annual average concentration that shall not
146 exceed 3 milligrams per liter total nitrogen in groundwater
147 monitoring compliance wells. However, facilities of this
148 permitted capacity which are authorized to discharge prior to
149 adoption of the applicable spring protection zone shall meet the
150 required effluent and monitoring well concentrations no later
151 than 4 years after adoption of the spring protection zone.

152 (d) Land application of Class A or Class B wastewater
153 residuals, as defined by department rule, within the primary
154 protection zone is prohibited. This prohibition does not apply to
155 Class AA residuals that are marketed and distributed as
156 fertilizer products in accordance with department rule.

157
158 This subsection does not limit the department's authority to
159 require additional treatment or other actions pursuant to chapter
160 403, as necessary, to meet surface and groundwater quality
161 standards.

162 (2) All onsite sewage treatment and disposal systems
163 requiring repair, modification, or reapproval shall meet a 24-
164 inch separation from the wet season water table and the surface
165 water setback requirements in s. 381.0065(4). All treatment
166 receptacles shall be within one size of the requirements in rules



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167 of the Department of Health and shall be tested for water-
168 tightness by a state-licensed septic tank contractor or plumber.

169 (3) Agricultural operations shall implement applicable
170 best-management practices adopted by the Department of
171 Agriculture and Consumer Services to reduce nitrogen impacts to
172 surface and groundwater. By December 31, 2008, the Department of
173 Agriculture and Consumer Services, in cooperation with the other
174 cooperating entities and other stakeholders, shall develop and
175 propose for adoption by rule equine, cow and calf, and forage
176 grass best-management practices to reduce nitrogen impacts on
177 surface and groundwater.

178 369.407 Rules.--The department, the Department of Health,
179 and the Department of Agriculture and Consumer Services may adopt
180 rules pursuant to ss. 120.536(1) and 120.54 to administer the
181 provisions of this part.

182 Section 2. Paragraph (1) is added to subsection (6) of
183 section 163.3177, Florida Statutes, to read:

184 163.3177 Required and optional elements of comprehensive
185 plan; studies and surveys.--

186 (6) In addition to the requirements of subsections (1)-(5)
187 and (12), the comprehensive plan shall include the following
188 elements:

189 (1) In areas for which a springs protection zone has been
190 adopted by the Department of Environmental Protection, by
191 December 31, 2009, or within 18 months after adoption of the
192 springs protection zone, a springs protection element that
193 ensures the protection and, where necessary, restoration of water
194 quality in springs. The element shall address minimizing human
195 impacts on springs through protecting karst features during and
196 after the development process, ensuring future development



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197 follows low-impact design principles, ensuring that landscaping
198 and fertilizer use are consistent with the Florida Friendly
199 Landscaping program, ensuring adequate open space, and providing
200 for proper management of stormwater and wastewater to minimize
201 their effects on the water quality of springs. The springs
202 protection element shall be based on low-impact design,
203 landscaping, and fertilizer best-management and use practices and
204 principles developed by the department and the state land
205 planning agency, or established in rule. The department and the
206 state land planning agency shall make information concerning such
207 best-management and use practices and principles prominently
208 available on their websites. In addition, all landscape design
209 and irrigation systems shall meet the standards established
210 pursuant to s. 373.228(4). Failure to adopt the springs
211 protection element by the deadline specified in this paragraph
212 shall result in a prohibition on any future plan amendments until
213 the element is adopted.

214 Section 3. Subsection (7) of section 403.1835, Florida
215 Statutes, is amended to read:

216 403.1835 Water pollution control financial assistance.--

217 (7) Eligible projects must be given priority according to
218 the extent each project is intended to remove, mitigate, or
219 prevent adverse effects on surface or groundwater quality and
220 public health. The relative costs of achieving environmental and
221 public health benefits must be taken into consideration during
222 the department's assignment of project priorities. The department
223 shall adopt a priority system by rule. In developing the priority
224 system, the department shall give priority to projects that:

225 (a) Eliminate public health hazards;



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226 (b) Enable compliance with laws requiring the elimination
227 of discharges to specific water bodies;

228 (c) Assist in the implementation of total maximum daily
229 loads adopted under s. 403.067, and basin management action plans
230 adopted under s. 369.405;

231 (d) Enable compliance with other pollution control
232 requirements, including, but not limited to, toxics control,
233 wastewater residuals management, and reduction of nutrients and
234 bacteria;

235 (e) Assist in the implementation of surface water
236 improvement and management plans and pollutant load reduction
237 goals developed under state water policy;

238 (f) Promote reclaimed water reuse;

239 (g) Eliminate environmental damage caused by failing onsite
240 sewage treatment and disposal systems, with priority given to
241 systems located within any area designated as an area of critical
242 state concern under s. 380.05 or located in a spring protection
243 area adopted pursuant to s. 369.404 ~~or those that are causing~~
244 ~~environmental damage;~~ or

245 (h) Reduce pollutants to and otherwise promote the
246 restoration of Florida's surface and ground waters.

247 Section 4. The Department of Environmental Protection, the
248 Department of Agriculture and Consumer Services, the St. Johns
249 River Water Management District, and the Southwest Florida Water
250 Management District shall assess nitrogen loading from lands
251 owned or managed by each respective agency and located within a
252 spring protection zone for Rainbow Springs or Silver Springs
253 using a consistent methodology, evaluate existing management
254 activities, and develop and begin implementing management plans



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255 to reduce adverse impacts to the springs no later than December
256 31, 2010.

257 Section 5. Florida Springs Stewardship Task Force.--

258 (1) The Department of Environmental Protection is directed
259 to establish the Florida Springs Stewardship Task Force that
260 shall consist of nine members as follows:

261 (a) One representative from the Department of Environmental
262 Protection, to be appointed by the Secretary of Environmental
263 Protection, who shall serve as chair.

264 (b) One representative from the Department of Agriculture
265 and Consumer Services, to be appointed by the Commissioner of
266 Agriculture.

267 (c) One representative from the Department of Community
268 Affairs to be appointed by the Secretary of Community Affairs.

269 (d) One representative from the water management district
270 having the greatest number of first-magnitude springs within its
271 jurisdiction, to be appointed by the executive director of that
272 water management district.

273 (e) Two members appointed by the President of the Senate,
274 one of whom shall be a representative of the development
275 community and one of whom shall be a representative of the
276 environmental community with a specific background in aquatic
277 endangered or imperiled species.

278 (f) Two members appointed by the Speaker of the House of
279 Representatives, one of whom shall be a locally elected official
280 of a county or municipality and one of whom shall be a
281 representative of a local chamber of commerce.

282 (g) One member appointed by the Governor who shall be a
283 state-licensed professional geologist with a specific background
284 in hydrogeology.



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285 (2) Task force members shall be appointed no later than
286 August 1, 2008, and shall serve without compensation.

287 (3) The task force shall:

288 (a) Collect and inventory all existing data identifying
289 zones of influence for the remaining 31 known first-magnitude
290 springs and identifying land uses in these areas.

291 (b) Identify and compile a list of all existing best-
292 management practices for the identified land uses and other water
293 pollutant controls.

294 (c) Identify all existing and reasonably expected funding
295 sources available to implement best-management practices and
296 other water pollutant controls for the identified land uses and
297 propose a priority list of projects for the funding.

298 (d) Take public input and testimony regarding issues
299 related to spring protection and restoration.

300 (e) Propose a program of increased emphasis on education
301 and outreach which encourages the implementation of best-
302 management practices for agricultural and nonagricultural land
303 uses and other water pollutant controls, including specific
304 provisions for cost-share assistance in implementing best-
305 management practices, as well as recognition of agricultural and
306 nonagricultural landowners who participate in the best-management
307 practices program.

308 (4) The task force shall submit a report summarizing the
309 data collected, public input and testimony, and findings and
310 recommendations of the task force to the President of the Senate
311 and the Speaker of the House of Representatives no later than
312 January 31, 2009.



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313 (5) All state agencies are directed, and all other agencies
314 and local governments are requested, to render assistance to and
315 cooperate with the task force.

316 (6) The task force shall expire on January 31, 2009.

317 Section 6. This act shall take effect upon becoming a law.

318

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

320 And the title is amended as follows:

321 Delete lines 11-14

322 and insert:

323 basin management action plans for Rainbow Springs and Silver
324 Springs; requiring legislative approval of total maximum daily
325 loads adopted rules; providing that such rules may not take
326 effect without legislative approval; providing effluent
327 requirements for domestic wastewater treatment facilities;
328 providing requirements for onsite sewage treatment and disposal
329 systems requiring repair, modification, or reapproval; providing
330 requirements for agricultural