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LEGISLATIVE ACTION

Senate

House

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Floor: 1/F/2R

04/29/2009 02:28 PM

Senator Constantine moved the following:

Senate Amendment (with title amendment)

Between lines 1374 and 1375

insert:

Section 25. Part IV of chapter 369, Florida Statutes, consisting of sections 369.401, 369.402, 369.403, 369.404, 369.405, 369.406, 369.407, and 369.408, is created to read:

369.401 Short title.—This part may be cited as the “Florida Springs Protection Act.”

369.402 Legislative findings and intent.—

(1) Florida’s springs are a precious and fragile natural resource that must be protected. Springs provide recreational



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13 opportunities for swimmers, canoeists, wildlife watchers, cave
14 divers, and others. Because of the recreational opportunities
15 and accompanying tourism, many of the state's springs greatly
16 benefit state and local economies. In addition, springs provide
17 critical habitat for plants and animals, including many
18 endangered or threatened species, and serve as indicators of
19 groundwater and surface water quality.

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

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

34 369.403 Definitions.—As used in this part, the term:

35 (1) "Cooperating entities" means the Department of
36 Environmental Protection, the Department of Health, the
37 Department of Agriculture and Consumer Services, the Department
38 of Community Affairs, the Department of Transportation, and each
39 water management district and those county and municipal
40 governments having jurisdiction in the areas of the springs
41 identified in s. 369.404.



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42 (2) "Department" means the Department of Environmental
43 Protection.

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

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

52 (5) "Karst" means landforms, generally formed by the
53 dissolution of soluble rocks such as limestone or dolostone,
54 forming direct connections to the groundwater such as springs,
55 sinkholes, sinking streams, closed depressions, subterranean
56 drainage, and caves.

57 (6) "Onsite sewage treatment and disposal system" or
58 "septic system" means a system that contains a standard
59 subsurface, filled, or mound drainfield system; an aerobic
60 treatment unit; a graywater system tank; a laundry wastewater
61 system tank; a septic tank; a grease interceptor; a pump tank; a
62 solids or effluent pump; a waterless, incinerating, or organic
63 waste-composting toilet; or a sanitary pit privy that is
64 installed or proposed to be installed beyond the building sewer
65 on land of the owner or on other land to which the owner has the
66 legal right to install a system. The term includes any item
67 placed within, or intended to be used as a part of or in
68 conjunction with, the system. This term does not include package
69 sewage treatment facilities and other treatment works regulated
70 under chapter 403.



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71 (7) "Second magnitude spring" means a spring that has a
72 median discharge of 10 to 100 cubic feet per second for the
73 period of record, as determined by the department.

74 (8) "Spring" means a point where groundwater is discharged
75 onto the earth's surface, including under any surface water of
76 the state, including seeps. The term includes a spring run.

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

80 (10) "Usable property" means the area of the property
81 expressed in acres exclusive of all paved areas and prepared
82 road beds within public or private rights-of-way or easements
83 and exclusive of surface water bodies.

84 369.404 Designation of spring protection zones.-

85 (1) All counties or municipalities in which there are
86 located first or second magnitude springs are hereby designated
87 as spring protection zones.

88 (2) By July 1, 2010, the department is directed to propose
89 for adoption rules to implement the requirements of this
90 section.

91 (a) Such rules at a minimum shall create a priority list of
92 first and second magnitude springs designating them as high,
93 medium, or low priority based on the following measurements of
94 nitrate concentration in the water column at the point that
95 the spring discharges onto the earth's surface as an average
96 annual concentration:

97 1. High - nitrate greater than or equal to 1.0 milligrams
98 per liter as determined using existing water quality data;

99 2. Medium - nitrate greater than or equal to 0.5 milligrams



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100 per liter and less than 1.0 milligrams per liter as determined
101 using existing water quality data; and

102 3. Low - all first or second magnitude springs not
103 categorized as either High or Medium.

104 (b) Based on the priority determination of the department
105 for first and second magnitude springs, the corresponding
106 deadlines apply to the requirements of s. 369.405 to spring
107 protection zones as designated in this section.

108 1. For high-priority springs, the deadline for compliance
109 shall be no later than July 1, 2016;

110 2. For medium-priority springs, the deadline for compliance
111 shall be no later than July 1, 2019; and

112 3. For low-priority springs, the deadline for compliance
113 shall be no later than July 1, 2024.

114 (3) By July 1, 2010, the department is directed to propose
115 for adoption rules that provide the minimum scientific
116 methodologies, data, or tools that shall be used by a county or
117 municipal government to support the request for an exemption as
118 provided for in subsection (4).

119 (4) A county or municipal government, upon application to
120 the department, may seek to have specific geographic areas
121 exempted from the requirements of sections 369.405, 369.406, and
122 369.407 by demonstrating that activities within such areas will
123 not impact the springshed in a manner that leads to new or
124 continued degradation.

125 (5) Pursuant to subsection (4), the department may approve
126 or deny an application for an exemption, or may modify the
127 boundaries of the specific geographic areas for which an
128 exemption is sought. The ruling of the department on the



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129 applicant's request shall constitute a final agency action
130 subject to review pursuant to ss. 120.569 and 120.57.

131 (6) By July 1, 2010, the department must conduct a study
132 and report its findings of nitrate concentrations within spring
133 protection zones designated pursuant to s. 369.404.

134 369.405 Requirements for spring protection zones.—The
135 requirements of this section are subject to the timelines
136 established in s. 369.404.

137 (1) Domestic wastewater discharge and wastewater residual
138 application must comply with the requirements of this
139 subsection.

140 (a) All existing wastewater discharges from facilities
141 having permitted capacities greater than or equal to 100,000
142 gallons per day must achieve annual average total nitrogen
143 concentrations less than or equal to 3 milligrams per liter, as
144 nitrogen.

145 (b) All existing wastewater discharges from facilities
146 having permitted capacities less than 100,000 gallons per day
147 but greater than 10,000 gallons per day must achieve annual
148 average concentrations less than or equal to 10 milligrams per
149 liter, as nitrogen.

150 (2) Onsite sewage treatment and disposal systems in areas
151 permitted to or that contain septic systems in densities greater
152 than or equal to 640 systems per square mile must connect to a
153 central wastewater treatment facility or other centralized
154 collection and treatment system. For the purposes of this
155 subsection, density must be calculated using the largest number
156 of systems possible within a square mile.

157 (3) Agricultural operations must implement applicable best-



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158 management practices, including nutrient management, adopted by
159 the Department of Agriculture and Consumer Services to reduce
160 nitrogen impacts to groundwater. By December 31, 2009, the
161 Department of Agriculture and Consumer Services, in cooperation
162 with the other cooperating entities and stakeholders, must
163 develop and propose for adoption by rule equine, and cow and
164 calf best-management practices pursuant to this paragraph.
165 Implementation must be in accordance with paragraph
166 403.067(7)(b).

167 (4) Stormwater systems must comply with the requirements of
168 this section. The department is directed to propose for adoption
169 rules to implement the requirements of this subsection by July
170 1, 2010.

171 (a) Local governments in cooperation with the water
172 management districts must develop and implement a remediation
173 plan for all existing drainage wells containing strategies to
174 reduce nitrogen loading to groundwater to the maximum extent
175 practicable. The department shall review and approve the
176 remediation plan prior to implementation. All new drainage wells
177 must comply with the department's underground injection control
178 rules.

179 (b) Local governments must develop and implement a
180 remediation plan for all stormwater management systems
181 constructed prior to 1982 which have not been modified to
182 provide stormwater treatment containing strategies to reduce
183 nitrogen loading to groundwater to the maximum extent
184 practicable.

185 (c) Local governments in cooperation with the water
186 management districts must develop and implement a remediation



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187 plan to reduce nitrogen loading to groundwater including
188 reducing existing direct discharges of stormwater into
189 groundwater through karst features to the maximum extent
190 practicable. The department shall review and approve the
191 remediation plan prior to implementation.

192 (d) The Department of Transportation must identify any
193 untreated stormwater discharges into groundwater through natural
194 subterranean drainages such as sinkholes and develop and
195 implement a remediation plan to reduce nitrogen loading to
196 groundwater, including reducing existing such groundwater
197 discharges to the maximum extent practicable. The department
198 shall review and approve the remediation plan prior to
199 implementation.

200 (5) This subsection does not limit the department's
201 authority to require additional treatment or other actions
202 pursuant to chapter 403, as necessary, to meet surface and
203 groundwater quality standards.

204 369.406 Additional requirements for all spring protection
205 zones.-

206 (1) All newly constructed or expanded domestic wastewater
207 facilities operational after July 1, 2012, must meet the
208 advanced wastewater treatment requirements of s. 403.086(4).

209 (2) For all development not permitted as of July 1, 2009,
210 which has septic system densities greater than or equal to 640
211 systems per square mile, connection to a central wastewater
212 treatment facility or other centralized collection and treatment
213 system is required. For the purposes of this subsection, density
214 must be calculated using the largest number of systems possible
215 within a square mile.



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216 (3) All new septic systems installed on or after January 1,
217 2010 that are located on properties abutting a water body or
218 water segment that is listed as impaired pursuant to s. 403.067,
219 or properties within a designated spring protection zone
220 pursuant to 369.404, must be designed to meet a target annual
221 average groundwater concentration of no more than 3 milligrams
222 per liter total nitrogen at the owner's property line.
223 Compliance with these requirements does not require groundwater
224 monitoring. The department must initiate and develop by rule
225 design standards for achieving this target annual average
226 groundwater concentration. At a minimum, this standard must take
227 into consideration the relationship between the treatment level
228 achieved by the septic system and the area of usable property
229 available for rainwater dilution. Such design standards adopted
230 by the department must provide multiple options that may be used
231 to meet the standards established in this subsection.

232 (4) Prior to adoption of the design standards by the
233 department, compliance with the requirements in subsection (3)
234 is presumed if one of the following conditions is met:

235 (a) The lot associated with the establishment or single-
236 family home is served by a septic system meeting the baseline
237 system standards set forth in rules of the Department of Health,
238 and the ratio of estimated sewage flow in gallons per day to
239 acres of usable property is 100 to 1 or less.

240 (b) The lot associated with the establishment or single-
241 family home is served by a septic system meeting at least the
242 advanced secondary treatment standards for nitrogen as set forth
243 in rules of the Department of Health, combined with a drip
244 irrigation system, a shallow low pressure dosed or a time-dosed



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245 drainfield system.

246 (c) The lot associated with the establishment or single-
247 family home is scheduled to connect to a central wastewater
248 treatment facility within 6 months after the application for the
249 permit.

250 (5) Subsection (4) does not supersede the jurisdictional
251 flow limits established in s. 381.0065(3) (b).

252 (6) Land application of septage is prohibited and subject
253 to a \$250 fine for a first offense and \$500 fine for a second or
254 subsequent offense pursuant to the authority granted to the
255 Department of Health in s. 381.0065(3) (h).

256 (7) Any septic system, when requiring repair, modification,
257 or reapproval, must meet a 24-inch separation from the wet
258 season water table and the surface water setback requirements in
259 s. 381.0065(4). All treatment receptacles must be within one
260 size of the requirements in rules of the Department of Health
261 and must be tested for watertightness by a state-licensed septic
262 tank contractor or plumber.

263 (8) Each owner of a publicly owned or investor-owned
264 sewerage system must notify all owners of septic systems,
265 excluding approved graywater systems, of the availability of
266 central sewerage facilities for purposes of connection pursuant
267 to s. 381.00655(1) within 60 days after receipt of notification
268 from the Department of Health that collection facilities for the
269 central sewerage system have been cleared for use.

270 (a) Notwithstanding s. 381.00655(2) (b), a publicly owned or
271 investor-owned sewerage system may not waive the requirement for
272 mandatory onsite sewage disposal connection to an available
273 publicly owned or investor-owned sewerage system, except as



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274 provided in paragraph (b).

275 (b) With the approval of the Department of Health, a
276 publicly owned or investor-owned sewerage system may waive the
277 requirement for mandatory onsite sewage disposal connection for
278 a sewage treatment system that meets or exceeds standards
279 established for septic systems if it determines that such
280 connection is not required in the public interest due to water
281 quality or public health considerations.

282 (9) In hardship cases the Department of Health may grant
283 variances to the provisions of this section and any rules
284 adopted under this section in accordance with s. 381.0065(4)(h).

285 (10) After July 1, 2010, land application of Class A, Class
286 B, or Class AA wastewater residuals, as defined by department
287 rule, is prohibited. This prohibition does not apply to Class AA
288 residuals that are marketed and distributed as fertilizer
289 products in accordance with department rule.

290 (11) Animal feeding operations must implement the
291 requirements of rules adopted by the department to reduce
292 nitrogen impacts to groundwater. By December 31, 2009, the
293 department, in cooperation with the other cooperating entities
294 and stakeholders, must develop and propose for adoption, revised
295 rules for animal feeding operations which address requirements
296 for lined wastewater storage ponds and the development and
297 implementation of nutrient management plans, including the land
298 spreading of animal waste not treated and packaged as
299 fertilizer.

300 (12) All county and municipal governments must, at a
301 minimum, adopt the department's model ordinance for Florida-
302 Friendly Fertilizer Use on Urban Landscapes located in the



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303 Florida-Friendly Landscape Guidance Models for Ordinances,
304 Covenants and Restrictions (2009) by December 31, 2010.

305 (13) The department and the water management districts
306 shall adopt design criteria for stormwater treatment systems
307 located within spring protection zones to minimize the movement
308 of nitrogen into the groundwater and to prevent the formation of
309 sinkholes within stormwater systems.

310 (14) This subsection does not limit the department's
311 authority to require additional treatment or other actions
312 pursuant to chapter 403, as necessary, to meet surface and
313 groundwater quality standards.

314 369.407 Florida Springs Onsite Sewage Treatment and
315 Disposal System Compliance Grant Program.-

316 (1) The Florida Springs Onsite Sewage Treatment and
317 Disposal System Compliance Grant Program is established in the
318 department and shall be administered by it. The purpose of the
319 program is to provide grants to low-income property owners in
320 spring protection zones using septic systems to assist the
321 property owners in complying with rules for these systems
322 developed by the department, or the water management districts,
323 or to connect to a central wastewater treatment facility or
324 other centralized collection and treatment system pursuant to s.
325 369.405(2) or s. 381.00655(1). The grant program is effective
326 upon final adoption of the department rules and may be applied
327 to costs incurred on or after such date.

328 (2) Any property owner in a spring protection zone having
329 an income less than or equal to 200 percent of the federal
330 poverty level who is required by rule of the department or the
331 water management districts to alter, repair, or modify any



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332 existing septic system to a nitrate-reducing system pursuant to
333 s. 369.406(3), or to assist property owners with connecting to
334 available publicly owned or investor-owned sewerage system
335 pursuant to s. 381.00655(1), may apply to the department for a
336 grant to assist the owner with the costs of compliance or
337 connection.

338 (3) The amount of the grant is limited to the cost
339 differential between the replacement of a comparable existing
340 septic system and that of an upgraded nitrate-reducing treatment
341 system pursuant to s. 369.406(3), or the actual costs incurred
342 from connection to a central wastewater treatment facility or
343 other centralized collection and treatment system pursuant to s.
344 385.00655(1), but may not exceed \$5,000 per property.

345 (4) The grant must be in the form of a rebate to the
346 property owner for costs incurred in complying with the
347 requirements for septic systems pursuant to s. 369.406(3), or
348 incurred from connection to a central wastewater treatment
349 facility or other centralized collection and treatment system
350 pursuant to s. 381.00655(1). The property owner must provide
351 documentation of those costs in the grant application to the
352 department.

353 (5) The department shall adopt rules providing forms,
354 procedures, and requirements for applying for and disbursing
355 grants, including bid requirements, and for documenting
356 compliance or connection costs incurred.

357 (6) The department, in coordination with the water
358 management districts, shall continue to evaluate, by any means
359 it deems appropriate, the level of nitrate deposited in Florida
360 springs by septic systems.



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361 369.408 Rules.-

362 (1) The department, the Department of Health, and the
363 Department of Agriculture and Consumer Services may adopt rules
364 pursuant to ss. 120.536(1) and 120.54 to administer the
365 provisions of this part, as applicable.

366 (2) (a) The Department of Agriculture and Consumer Services
367 shall be the lead agency coordinating the reduction of
368 agricultural nonpoint sources of pollution for springs
369 protection. The Department of Agriculture and Consumer Services
370 and the department, pursuant to s. 403.067(7)(c)4., shall study
371 and if necessary, in cooperation with the other cooperating
372 entities, applicable county and municipal governments, and
373 stakeholders, initiate rulemaking to implement new or revised
374 best-management practices for improving and protecting springs.
375 As needed to implement the new or revised practices, the
376 Department of Agriculture and Consumer Services, shall revise
377 its best-management practices rules to require implementation of
378 the modified practice within a reasonable time period as
379 specified in the rule.

380 (b) The Department of Agriculture and Consumer Services,
381 the department, and the University of Florida's Institute of
382 Food and Agricultural Sciences shall cooperate in the conduct of
383 necessary research and demonstration projects to develop
384 improved or additional nutrient management tools, including the
385 use of controlled release fertilizer, which can be used by
386 agricultural producers as part of an agricultural best-
387 management practices program. The development of such tools
388 shall reflect a balance between water quality improvements and
389 agricultural productivity and, where applicable, shall be



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390 incorporated into revised best-management practices adopted by
391 rule of the Department of Agriculture and Consumer Services.

392 (3) The department shall as a part of the rules developed
393 for this part include provisions that allow for the variance of
394 the compliance deadlines provided for in paragraph (b) of s.
395 369.404(2). Such variance shall, at a minimum, be based on the
396 financial ability of the responsible county or municipality to
397 meet the requirements of this part.

398 (4) The department must initiate and develop rules to
399 implement subsections (3), (4), and (5) of s. 369.406, in
400 conjunction with the Department of Health, but may not adopt
401 such rules until such date as the type II transfer of the Bureau
402 of Onsite Sewage becomes effective.

403 Section 26. Subsection (7) of section 403.1835, Florida
404 Statutes, is amended to read:

405 403.1835 Water pollution control financial assistance.—

406 (7) Eligible projects must be given priority according to
407 the extent each project is intended to remove, mitigate, or
408 prevent adverse effects on surface or groundwater ~~ground water~~
409 quality and public health. The relative costs of achieving
410 environmental and public health benefits must be taken into
411 consideration during the department's assignment of project
412 priorities. The department shall adopt a priority system by
413 rule. In developing the priority system, the department shall
414 give priority to projects that:

415 (a) Eliminate public health hazards;

416 (b) Enable compliance with laws requiring the elimination
417 of discharges to specific water bodies, including the
418 requirements of s. 403.086(9) regarding domestic wastewater



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419 ocean outfalls;

420 (c) Assist in the implementation of total maximum daily
421 loads and basin management action plans adopted under s.
422 403.067;

423 (d) Enable compliance with other pollution control
424 requirements, including, but not limited to, toxics control,
425 wastewater residuals management, and reduction of nutrients and
426 bacteria;

427 (e) Assist in the implementation of surface water
428 improvement and management plans and pollutant load reduction
429 goals developed under state water policy;

430 (f) Promote reclaimed water reuse;

431 (g) Eliminate environmental damage caused by failing onsite
432 sewage treatment and disposal systems, with priority given to
433 systems located within an area designated as an area of critical
434 state concern under s. 380.05 or located in a spring protection
435 zone designated pursuant to s. 369.404 ~~or those that are causing~~
436 ~~environmental damage~~; or

437 (h) Reduce pollutants to and otherwise promote the
438 restoration of state Florida's surface waters and groundwaters
439 ~~ground waters~~.

440 Section 27. All state agencies and water management
441 districts shall asses nitrogen loading from all publically owned
442 buildings and facilities owned or managed by each respective
443 agency or district located within a spring protection zone using
444 a consistent methodology, evaluate existing management
445 activities, and develop and begin implementing management plans
446 to reduce adverse impacts to the springs no later than December
447 31, 2011.



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448 Section 28. Section 403.093, Florida Statutes, is created
449 to read:

450 403.093 Onsite sewage treatment and disposal systems;
451 inspection.-

452 (1) In order to increase protection of state water bodies
453 and provide for potential cost savings to the people of this
454 state, it is the intent of the Legislature to consider creation
455 of a statewide onsite sewage treatment and disposal system
456 inspection program.

457 (2) The department shall develop a report that details the
458 process to be used and resources needed. The report shall be
459 provided to the Governor, the President of the Senate, and the
460 Speaker of the House of Representatives by January 15, 2011. The
461 report shall, at a minimum:

462 a. Provide a method to ensure that each onsite sewage
463 treatment and disposal system be inspected at least once every 5
464 years.

465 b. Recommend exemptions from the inspection requirement for
466 onsite sewage treatment and disposal systems. In identifying
467 systems for potential exemption, the department shall consider
468 the risk a system or a certain density of systems poses to water
469 bodies. Such evaluation shall also account for the proximity of
470 the system or systems to a water body or water segment that is
471 listed as impaired pursuant to s. 403.067 or is within a spring
472 protection zone designated pursuant to s. 369.404.

473 c. Identify the appropriate mechanism for tracking
474 inspections and providing notification to the owner of an onsite
475 sewage treatment and disposal system that requires repairs or
476 modifications.



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477 d. A projection of the revenues that may be generated and
478 those expenses that may be needed to administer an inspection
479 program. These projections are to be based on an inspection fee
480 that will cover the full costs of the proposed program.

481 (3) It is the intent of the Legislature that revenues
482 derived from an inspection program be used to fund the
483 administrative costs of the program and the remaining revenues
484 be used to fund the grant program created pursuant to s.
485 369.407.

486 Section 29. Paragraph (m) is added to subsection (9) of
487 section 259.105, Florida Statutes, to read:

488 259.105 The Florida Forever Act.—

489 (9) The Acquisition and Restoration Council shall recommend
490 rules for adoption by the board of trustees to competitively
491 evaluate, select, and rank projects eligible for Florida Forever
492 funds pursuant to paragraph (3)(b) and for additions to the
493 Conservation and Recreation Lands list pursuant to ss. 259.032
494 and 259.101(4). In developing these proposed rules, the
495 Acquisition and Restoration Council shall give weight to the
496 following criteria:

497 (m) Any part of the project area falls within a springs
498 protection zone as defined by ss. 369.401-369.407.

499 Section 30. Section 403.9335, Florida Statutes, is created
500 to read:

501 403.9335 Protection of urban and residential environments
502 and water.—

503 (1) The Legislature finds that the implementation of the
504 department's Model Ordinance for Florida-Friendly Fertilizer Use
505 on Urban Landscapes located in the Florida-Friendly Landscape



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506 Guidance Models for Ordinances, Covenants, and Restrictions
507 (2009) manual, which was developed consistent with the
508 recommendations of the Florida Consumer Fertilizer Task Force,
509 in concert with the provisions of the Labeling Requirements for
510 Urban Turf Fertilizers found in chapter 5E-1 Florida
511 Administrative Code, will assist in protecting the quality of
512 Florida's surface water and groundwater resources. The
513 Legislature further finds that local circumstances, including
514 the varying types and conditions of water bodies, site-specific
515 soils and geology, and urban or rural densities and
516 characteristics, necessitates that additional or more stringent
517 fertilizer-management practices may be needed at the local
518 government level.

519 (2) All county and municipal governments are encouraged to
520 adopt and enforce the provisions in the department's Model
521 Ordinance for Florida-Friendly Fertilizer Use on Urban
522 Landscapes as a mechanism for better protecting local surface
523 water and groundwater quality.

524 (3) Each county and municipal government located within the
525 watershed of a water body or water segment that is listed by the
526 department as impaired by nutrients pursuant to s. 403.067, or
527 designated as a spring protection zone pursuant to 369.404,
528 shall adopt, at a minimum, the provisions of the department's
529 Model Ordinance for Florida-Friendly Fertilizer Use on Urban
530 Landscapes. A county or municipal government may adopt
531 additional or more stringent provisions than the model ordinance
532 if the following criteria are met:

533 (a) The county or municipal government has demonstrated, as
534 part of a comprehensive program to address nonpoint sources of



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535 nutrient pollution which is science-based, economically and
536 technically feasible, that additional or more stringent
537 provisions to the model ordinance are necessary to adequately
538 address urban fertilizer contributions to nonpoint source
539 nutrient loading to a water body.

540 (b) The county or municipal government documents
541 consideration of all relevant scientific information including
542 input from the department, the Department of Agriculture and
543 Consumer Services and the University of Florida Institute of
544 Food and Agricultural Sciences, if provided, on the need for
545 additional or more stringent provisions to address fertilizer
546 use as a contributor to water quality degradation. All
547 documentation shall be made part of the public record prior to
548 adoption of the additional or more stringent criteria.

549 (4) Any county or municipal government that has adopted its
550 own fertilizer use ordinance before January 1, 2009 is exempt
551 from the provisions of this section. Ordinances adopted or
552 amended after January 1, 2009 shall adopt the provisions in the
553 most recent version of the model fertilizer ordinance and shall
554 be subject to the criteria described in subsections (1) and (2)
555 above.

556 (5) Nothing herein shall be construed to regulate the use
557 of fertilizer on farm operations as defined in s. 823.14 or on
558 lands classified as agricultural lands pursuant to s. 193.461.

559 Section 31. Section 403.9337, Florida Statutes, is created
560 to read:

561 403.9337 Urban turf fertilizers.—

562 (1) As used in this section, the term:

563 (a) "No-phosphate fertilizer" or "no-phosphorus fertilizer"



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564 means fertilizer that contains less than 0.5 percent phosphate
565 by weight.

566 (b) "Urban turf" means noncropland planted, mowed, and
567 managed grasses, including, but not limited to, residential
568 lawns; turf on commercial property; filter strips; and turf on
569 property owned by federal, state, or local governments and other
570 public lands, including roadways, roadsides, parks, campsites,
571 recreation areas, school grounds, and other public grounds. The
572 term does not include pastures, hay production and grazing land,
573 turf grown on sod farms, or any other form of agricultural
574 production; golf courses or sports turf fields; or garden
575 fruits, flowers, or vegetables.

576 (c) "Soil test" means a test performed on soil planted or
577 sodded, or that will be planted or sodded, by a laboratory
578 approved by the Department of Agriculture and Consumer Services
579 and performed within the last 2 years to indicate if the level
580 of available phosphorus in the soil is sufficient to support
581 healthy turf growth.

582 (d) "Tissue test" means a test performed on plant tissue
583 growing in the soil planted or sodded, or that will be planted
584 or sodded, by a laboratory approved by the Department of
585 Agriculture and Consumer Services and performed within the last
586 2 years to indicate if the level of available phosphorus in the
587 soil is sufficient to support healthy turf.

588 (2) Other than no-phosphate and no-phosphorus fertilizers,
589 fertilizer containing phosphorus may not be applied to urban
590 turf anywhere in this state on or after July 1, 2011, unless a
591 soil or tissue test that is conducted pursuant to a method
592 approved by the Department of Agriculture and Consumer Services



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593 indicates:

594 (a) For turf that is being initially established by seed or
595 sod, the level of available phosphorus is insufficient to
596 establish new turf growth and a root system. However, during the
597 first year, a one-time application only of up to 1 pound of
598 phosphate per 1,000 square feet of area may be applied.

599 (b) For established turf, the level of available phosphorus
600 is insufficient to support healthy turf growth. However, no more
601 than 0.25 pound of phosphate per 1,000 square feet of area per
602 each application may be applied, not to exceed 0.5 pound of
603 phosphate per 1,000 square feet of area per year.

604 Section 32. Effective July 1, 2010, all of the powers,
605 duties, functions, records, personnel, and property; unexpended
606 balances of appropriations, allocations, and other funds;
607 administrative authority; administrative rules; pending issues;
608 and existing contracts of the Bureau of Onsite Sewage Programs
609 in the Department of Health, as authorized and governed by ss.
610 20.43, 20.435, 153.73, 153.54, 163.3180, 180.03, 381.006,
611 381.0061, 381.0064-381.0068, and 489.551-558, are transferred by
612 a type II transfer, pursuant to s. 20.06(2), to the Florida
613 Department of Environmental Protection. In addition all existing
614 powers, duties, functions, records, personnel, and property;
615 unexpended balances of appropriations, allocations, and other
616 funds; administrative authority; administrative rules; pending
617 issues; and existing contracts associated with county health
618 departments' onsite sewage programs are transferred to the
619 Department of Environmental Protection. The Department of
620 Environmental Protection in cooperation with the Department of
621 Health must develop a plan to implement the type II transfer and



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622 deliver the proposal to the Governor, the President of the
623 Senate and the Speaker of the House of Representatives by
624 January 15, 2010.

625 Section 33. Subsection (6) of section 369.317, Florida
626 Statutes, is amended to read:

627 369.317 Wekiva Parkway.—

628 (6) The Orlando-Orange County Expressway Authority is
629 hereby granted the authority to act as a third-party acquisition
630 agent, pursuant to s. 259.041 on behalf of the Board of Trustees
631 or chapter 373 on behalf of the governing board of the St. Johns
632 River Water Management District, for the acquisition of all
633 necessary lands, property and all interests in property
634 identified herein, including fee simple or less-than-fee simple
635 interests. The lands subject to this authority are identified in
636 paragraph 10.a., State of Florida, Office of the Governor,
637 Executive Order 03-112 of July 1, 2003, and in Recommendation 16
638 of the Wekiva Basin Area Task Force created by Executive Order
639 2002-259, such lands otherwise known as Neighborhood Lakes, a
640 1,587+/- acre parcel located in Orange and Lake Counties within
641 Sections 27, 28, 33, and 34 of Township 19 South, Range 28 East,
642 and Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East;
643 Seminole Woods/Swamp, a 5,353+/- acre parcel located in Lake
644 County within Section 37, Township 19 South, Range 28 East; New
645 Garden Coal; a 1,605+/- acre parcel in Lake County within
646 Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28
647 East; Pine Plantation, a 617+/- acre tract consisting of eight
648 individual parcels within the Apopka City limits. The Department
649 of Transportation, the Department of Environmental Protection,
650 the St. Johns River Water Management District, and other land



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651 acquisition entities shall participate and cooperate in
652 providing information and support to the third-party acquisition
653 agent. The land acquisition process authorized by this paragraph
654 shall begin no later than December 31, 2004. Acquisition of the
655 properties identified as Neighborhood Lakes, Pine Plantation,
656 and New Garden Coal, or approval as a mitigation bank shall be
657 concluded no later than December 31, 2010. Department of
658 Transportation and Orlando-Orange County Expressway Authority
659 funds expended to purchase an interest in those lands identified
660 in this subsection shall be eligible as environmental mitigation
661 for road construction related impacts in the Wekiva Study Area.
662 If any of the lands identified in this subsection are used as
663 environmental mitigation for road construction related impacts
664 incurred by the Department of Transportation or Orlando-Orange
665 County Expressway Authority, or for other impacts incurred by
666 other entities, within the Wekiva Study Area or within the
667 Wekiva parkway alignment corridor, and if the mitigation offsets
668 these impacts, then the St. Johns River Water Management
669 District and the Department of Environmental Protection shall
670 consider the activity regulated under part IV of chapter 373 to
671 meet the cumulative impact requirements of s. 373.414(8)(a).

672 Section 34. (1) A task force is established to develop
673 legislative recommendations relating to stormwater management
674 system design in the state. The task force shall:

675 (a) Review the Joint Professional Engineers and Landscape
676 Architecture Committee Report conducted pursuant to s. 17,
677 chapter 88-347, Laws of Florida, and determine the current
678 validity of the report and the need to revise any of the
679 conclusions or recommendations.



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680 (b) Determine how a licensed and registered professional
681 might demonstrate competency for stormwater management system
682 design.

683 (c) Determine how the Board of Professional Engineers and
684 the Board of Landscape Architecture might administer
685 certification tests or continuing education requirements for
686 stormwater management system design.

687 (d) Provide recommendations for grandfathering the rights
688 of licensed professionals who currently practice stormwater
689 management design in a manner that will allow them to continue
690 to practice without meeting any new requirements the task force
691 recommends be placed on licensed professionals in the future.

692 (2) (a) The Board of Landscape Architecture, the Board of
693 Professional Engineers, the Florida Engineering Society, the
694 Florida Chapter of the American Society of Landscape Architects,
695 the Secretary of Environmental Protection, and the Secretary of
696 Transportation shall each appoint one member to the task force.

697 (b) Members of the task force may not be reimbursed for
698 travel, per diem, or any other costs associated with serving on
699 the task force.

700 (c) The task force shall meet a minimum of four times
701 either in person or via teleconference; however, a minimum of
702 two meetings shall be public hearings with testimony.

703 (d) The task force shall expire on November 1, 2009.

704 (3) The task force shall provide its findings and
705 legislative recommendations to the President of the Senate and
706 the Speaker of the House of Representatives by November 1, 2009.

707
708 Renumber subsequent sections



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

And the title is amended as follows:

Delete lines 126 - 127

and insert:

certain Class I landfills; creating part IV of ch. 369, F.S.;
providing a short title; providing legislative findings and
intent with respect to the need to protect and restore springs
and groundwater; providing definitions; requiring the Department
of Environmental Protection to delineate the springsheds of
specified springs; requiring the department to adopt spring
protection zones by secretarial order; requiring the department
to adopt total maximum daily loads and basin management action
plans for spring systems; providing effluent requirements for
domestic wastewater treatment facilities; providing requirements
for onsite sewage treatment and disposal systems; providing
requirements for agricultural operations; authorizing the
Department of Environmental Protection, the Department of
Health, and the Department of Agriculture and Consumer Services
to adopt rules; amending s. 163.3177, F.S.; requiring certain
local governments to adopt a springs protection element as one
of the required elements of the comprehensive plan by a
specified date; providing that certain design principles be
included in the element; requiring the Department of
Environmental Protection and the state land planning agency to
make information available concerning best-management practices;
prohibiting a local government that fails to adopt a springs
protection element from amending its comprehensive plan;



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738 amending s. 403.1835, F.S.; including certain areas of critical
739 state concern and the spring protection zones established by the
740 act among projects that are eligible for certain financial
741 assistance; requiring the Department of Environmental
742 Protection, the Department of Agriculture and Consumer Services,
743 and water management districts to assess nitrogen loading and
744 begin implementing management plans within the spring protection
745 zones by a specified date; creating s. 403.093, F.S.; providing
746 legislative intent to consider creation of a statewide onsite
747 sewage treatment and disposal system inspection program;
748 requiring a report to the Governor and Legislature; requiring
749 the Department of Environmental Protection to provide procedures
750 for implementing an inspection program; requiring minimum
751 standards; directing disposition of revenues to fund the costs
752 of the program; directing remaining reserves be used to fund the
753 grant program; amending s. 259.105, F.S.; providing priority
754 under the Florida Forever Act for projects within a springs
755 protection zone; creating s. 403.9335, F.S.; providing
756 legislative findings; providing for model ordinances for the
757 protection of urban and residential environments and water;
758 requiring the Department of Environmental Protection to adopt a
759 model ordinance by a specified date; requiring municipalities
760 and counties having impaired water bodies or segments to adopt
761 the ordinance; creating s. 403.9337, F.S.; providing
762 definitions; prohibiting use of certain fertilizers after a
763 specified date; providing for exemptions; transferring by a type
764 II transfer the Bureau of Onsite Sewage from the Department of
765 Health to the Department of Environmental Protection; amending
766 s. 369.317, F.S.; clarifying mitigation offsets in the Wekiva



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767 Study Area; establishing a task force to develop recommendations
768 relating to stormwater management system design; specifying
769 study criteria; providing for task force membership, meetings,
770 and expiration; requiring the task force to submit findings and
771 legislative recommendations to the Legislature by a specified
772 date; providing effective dates.