A bill to be entitled

An act relating to water resources; 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. 403.1835, F.S.; including certain areas of critical state concern and the spring protection zones established by the act among projects that are eligible for certain financial assistance; requiring the Department of Environmental Protection, the Department of Agriculture and Consumer Services, and water management districts to assess nitrogen loading and begin implementing management plans within the spring protection zones by a specified date; creating s. 403.093, F.S.; providing legislative intent to consider creation of a statewide

onsite sewage treatment and disposal system inspection program; requiring a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by a specified date; requiring the Department of Environmental Protection to provide procedures for implementing an inspection program; requiring minimum standards; directing disposition of revenues to fund the costs of the program; directing remaining revenues be used to fund the grant program; amending s. 259.105, F.S.; providing priority under the Florida Forever Act for projects within a springs protection zone; creating s. 403.9335, F.S.; providing legislative findings; providing for model ordinances for the protection of urban and residential environments and water; requiring the Department of Environmental Protection to adopt a model ordinance by a specified date; requiring municipalities and counties having impaired water bodies or segments to adopt the ordinance; creating s. 403.9337, F.S.; providing definitions; prohibiting use of certain fertilizers after a specified date; providing for exemptions; transferring by a type II transfer the Bureau of Onsite Sewage from the Department of Health to the Department of Environmental Protection; amending s. 369.317, F.S.; clarifying mitigation offsets in the Wekiva Study Area; establishing a task force to develop recommendations relating to stormwater management system design; specifying study criteria; providing for task force membership,

meetings, and expiration; requiring the task force to submit findings and legislative recommendations to the Legislature by a specified date; providing effective dates.

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

Section 1. 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 opportunities for swimmers, canoeists, wildlife watchers, cave divers, and others. Because of the recreational opportunities and accompanying tourism, many of the state's springs greatly benefit state and local economies. In addition, springs provide critical habitat for plants and animals, including many endangered or threatened species, and serve as indicators of groundwater and surface water quality.

(2) In general, Florida's springs, whether found in urban or rural settings, or on public or private lands, are threatened by actual, or potential, flow reductions and declining water quality. Many of Florida's springs show signs of ecological imbalance, increased nutrient loading, and lowered water flow. Groundwater sources of spring discharges are recharged by seepage from the surface and through direct conduits such as

sinkholes and can be adversely affected by polluted runoff from urban and agricultural lands and discharges resulting from poor wastewater management practices.

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

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

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

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

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

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

(5) "Karst" means landforms, generally formed by the dissolution of soluble rocks such as limestone or dolostone, forming direct connections to the groundwater such as springs, sinkholes, sinking streams, closed depressions, subterranean

drainage, and caves.

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

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

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

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

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

369.404 Designation of spring protection zones.—

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

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

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

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

2. Medium – nitrate greater than or equal to 0.5 milligrams per liter and less than 1.0 milligrams per liter as determined using existing water quality data; and

3. Low – all first or second magnitude springs not categorized as either High or Medium.

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

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

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

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

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

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

(5) Pursuant to subsection (4), the department may approve or deny an application for an exemption, or may modify the boundaries of the specific geographic areas for which an exemption is sought. The ruling of the department on the applicant's request shall constitute a final agency action subject to review pursuant to ss. 120.569 and 120.57.

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

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

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

(a) All existing wastewater discharges from facilities having permitted capacities greater than or equal to 100,000 gallons per day must achieve annual average total nitrogen

concentrations less than or equal to 3 milligrams per liter, as nitrogen.

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

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

(3) Agricultural operations must implement applicable best-management practices, including nutrient management, adopted by the Department of Agriculture and Consumer Services to reduce nitrogen impacts to groundwater. By December 31, 2009, the Department of Agriculture and Consumer Services, in cooperation with the other cooperating entities and stakeholders, must develop and propose for adoption by rule equine, and cow and calf best-management practices pursuant to this paragraph. Implementation must be in accordance with paragraph 403.067(7)(b).

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

(a) Local governments in cooperation with the water

management districts must develop and implement a remediation plan for all existing drainage wells containing strategies to reduce nitrogen loading to groundwater to the maximum extent practicable. The department shall review and approve the remediation plan prior to implementation. All new drainage wells must comply with the department's underground injection control rules.

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

(c) Local governments in cooperation with the water management districts must develop and implement a remediation plan to reduce nitrogen loading to groundwater including reducing existing direct discharges of stormwater into groundwater through karst features to the maximum extent practicable. The department shall review and approve the remediation plan prior to implementation.

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

(5) This subsection does not limit the department's

authority to require additional treatment or other actions pursuant to chapter 403, as necessary, to meet surface and groundwater quality standards.

369.406 Additional requirements for all spring protection zones.—

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

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

(3) All new septic systems installed on or after January 1, 2010 that are located on properties abutting a water body or water segment that is listed as impaired pursuant to s. 403.067, or properties within a designated spring protection zone pursuant to s. 369.404, must be designed to meet a target annual average groundwater concentration of no more than 3 milligrams per liter total nitrogen at the owner’s property line. Compliance with these requirements does not require groundwater monitoring. The department must initiate and develop by rule design standards for achieving this target annual average groundwater concentration. At a minimum, this standard must take into consideration the relationship between the treatment level achieved by the septic system and the area of usable property available for rainwater dilution. Such design standards adopted

by the department must provide multiple options that may be used to meet the standards established in s. 369.406(3).

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

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

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

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

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

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

(7) Any septic system, when requiring repair, modification, or reapproval, must meet a 24-inch separation from the wet season water table and the surface water setback requirements in

s. 381.0065(4). All treatment receptacles must be within one size of the requirements in rules of the Department of Health and must be tested for watertightness by a state-licensed septic tank contractor or plumber.

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

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

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

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

(10) After July 1, 2010, land application of Class A, Class B, or Class AA wastewater residuals, as defined by department rule, is prohibited. This prohibition does not apply to Class AA

residuals that are marketed and distributed as fertilizer products in accordance with department rule.

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

(12) All county and municipal governments must, at a minimum, adopt the department's model ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes located in the Florida-Friendly Landscape Guidance Models for Ordinances, Covenants and Restrictions (2009) by December 31, 2010.

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

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

369.407 Florida Springs Onsite Sewage Treatment and Disposal System Compliance Grant Program.—

(1) The Florida Springs Onsite Sewage Treatment and

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

(2) Any property owner in a spring protection zone having an income less than or equal to 200 percent of the federal poverty level who is required by rule of the department or the water management districts to alter, repair, or modify any existing septic system to a nitrate-reducing system pursuant to s. 369.406(3), or to assist property owners with connecting to available publicly owned or investor-owned sewerage system pursuant to s. 381.00655(1), may apply to the department for a grant to assist the owner with the costs of compliance or connection.

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

(4) The grant must be in the form of a rebate to the

property owner for costs incurred in complying with the requirements for septic systems pursuant to s. 369.406(3), or incurred from connection to a central wastewater treatment facility or other centralized collection and treatment system pursuant to s. 381.00655(1). The property owner must provide documentation of those costs in the grant application to the department.

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

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

369.408 Rules.—

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

(2)(a) The Department of Agriculture and Consumer Services shall be the lead agency coordinating the reduction of agricultural nonpoint sources of pollution for springs protection. The Department of Agriculture and Consumer Services and the department, pursuant to s. 403.067(7)(c)4., shall study and if necessary, in cooperation with the other cooperating entities, applicable county and municipal governments, and stakeholders, initiate rulemaking to implement new or revised best-management practices for improving and protecting springs.

As needed to implement the new or revised practices, the Department of Agriculture and Consumer Services, shall revise its best-management practices rules to require implementation of the modified practice within a reasonable time period as specified in the rule.

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

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

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

Section 2. Subsection (7) of section 403.1835, Florida

Statutes, is amended to read:

403.1835 Water pollution control financial assistance.—

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

(a) Eliminate public health hazards;

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

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

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

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

(f) Promote reclaimed water reuse;

(g) Eliminate environmental damage caused by failing onsite sewage treatment and disposal systems, with priority given to

systems located within an area designated as an area of critical state concern under s. 380.05 or located in a spring protection zone designated pursuant to s. 369.404 ~~or those that are causing environmental damage~~; or

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

Section 3. All state agencies and water management districts shall asses nitrogen loading from all publically owned buildings and facilities owned or managed by each respective agency or district located within a spring protection zone using a consistent methodology, evaluate existing management activities, and develop and begin implementing management plans to reduce adverse impacts to the springs no later than December 31, 2011.

Section 4. Section 403.093, Florida Statutes, is created to read:

403.093 Onsite sewage treatment and disposal systems; inspection.—

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

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

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

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

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

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

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

Section 5. Paragraph (m) is added to subsection (9) of section 259.105, Florida Statutes, to read:

259.105 The Florida Forever Act.—

(9) The Acquisition and Restoration Council shall recommend rules for adoption by the board of trustees to competitively

evaluate, select, and rank projects eligible for Florida Forever funds pursuant to paragraph (3)(b) and for additions to the Conservation and Recreation Lands list pursuant to ss. 259.032 and 259.101(4). In developing these proposed rules, the Acquisition and Restoration Council shall give weight to the following criteria:

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

Section 6. Section 403.9335, Florida Statutes, is created to read:

403.9335 Protection of urban and residential environments and water.—

(1) The Legislature finds that the implementation of the department's Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes located in the Florida-Friendly Landscape Guidance Models for Ordinances, Covenants, and Restrictions (2009) manual, which was developed consistent with the recommendations of the Florida Consumer Fertilizer Task Force, in concert with the provisions of the Labeling Requirements for Urban Turf Fertilizers found in chapter 5E-1 Florida Administrative Code, will assist in protecting the quality of Florida's surface water and groundwater resources. The Legislature further finds that local circumstances, including the varying types and conditions of water bodies, site-specific soils and geology, and urban or rural densities and characteristics, necessitates that additional or more stringent fertilizer-management practices may be needed at the local government level.

(2) All county and municipal governments are encouraged to

adopt and enforce the provisions in the department's Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes as a mechanism for better protecting local surface water and groundwater quality.

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

(a) The county or municipal government has demonstrated, as part of a comprehensive program to address nonpoint sources of nutrient pollution which is science-based, economically and technically feasible, that additional or more stringent provisions to the model ordinance are necessary to adequately address urban fertilizer contributions to nonpoint source nutrient loading to a water body.

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

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

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

Section 7. Section 403.9337, Florida Statutes, is created to read:

403.9337 Urban turf fertilizers.—

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

(a) "No-phosphate fertilizer" or "no-phosphorus fertilizer" means fertilizer that contains less than 0.5 percent phosphate by weight.

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

(c) "Soil test" means a test performed on soil planted or sodded, or that will be planted or sodded, by a laboratory

approved by the Department of Agriculture and Consumer Services and performed within the last 2 years to indicate if the level of available phosphorus in the soil is sufficient to support healthy turf growth.

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

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

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

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

Section 8. Effective July 1, 2010, all of the powers, duties, functions, records, personnel, and property; unexpended balances of appropriations, allocations, and other funds;

administrative authority; administrative rules; pending issues; and existing contracts of the Bureau of Onsite Sewage Programs in the Department of Health, as authorized and governed by ss. 20.43, 20.435, 153.73, 153.54, 163.3180, 180.03, 381.006, 381.0061, 381.0064-381.0068, and 489.551-558, are transferred by a type II transfer, pursuant to s. 20.06(2), to the Florida Department of Environmental Protection. In addition all existing powers, duties, functions, records, personnel, and property; unexpended balances of appropriations, allocations, and other funds; administrative authority; administrative rules; pending issues; and existing contracts associated with county health departments' onsite sewage programs are transferred to the Department of Environmental Protection. The Department of Environmental Protection in cooperation with the Department of Health must develop a plan to implement the type II transfer and deliver the proposal to the Governor, the President of the Senate and the Speaker of the House of Representatives by January 15, 2010.

Section 9. Subsection (6) of section 369.317, Florida Statutes, is amended to read:

369.317 Wekiva Parkway.—

(6) The Orlando-Orange County Expressway Authority is hereby granted the authority to act as a third-party acquisition agent, pursuant to s. 259.041 on behalf of the Board of Trustees or chapter 373 on behalf of the governing board of the St. Johns River Water Management District, for the acquisition of all necessary lands, property and all interests in property identified herein, including fee simple or less-than-fee simple interests. The lands subject to this authority are identified in

paragraph 10.a., State of Florida, Office of the Governor, Executive Order 03-112 of July 1, 2003, and in Recommendation 16 of the Wekiva Basin Area Task Force created by Executive Order 2002-259, such lands otherwise known as Neighborhood Lakes, a 1,587+/- acre parcel located in Orange and Lake Counties within Sections 27, 28, 33, and 34 of Township 19 South, Range 28 East, and Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East; Seminole Woods/Swamp, a 5,353+/- acre parcel located in Lake County within Section 37, Township 19 South, Range 28 East; New Garden Coal; a 1,605+/- acre parcel in Lake County within Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28 East; Pine Plantation, a 617+/- acre tract consisting of eight individual parcels within the Apopka City limits. The Department of Transportation, the Department of Environmental Protection, the St. Johns River Water Management District, and other land acquisition entities shall participate and cooperate in providing information and support to the third-party acquisition agent. The land acquisition process authorized by this paragraph shall begin no later than December 31, 2004. Acquisition of the properties identified as Neighborhood Lakes, Pine Plantation, and New Garden Coal, or approval as a mitigation bank shall be concluded no later than December 31, 2010. Department of Transportation and Orlando-Orange County Expressway Authority funds expended to purchase an interest in those lands identified in this subsection shall be eligible as environmental mitigation for road construction related impacts in the Wekiva Study Area. If any of the lands identified in this subsection are used as environmental mitigation for road construction related impacts incurred by the Department of Transportation or Orlando-Orange

County Expressway Authority, or for other impacts incurred by other entities, within the Wekiva Study Area or within the Wekiva parkway alignment corridor, and if the mitigation offsets these impacts, then the St. Johns River Water Management District and the Department of Environmental Protection shall consider the activity regulated under part IV of chapter 373 to meet the cumulative impact requirements of s. 373.414(8)(a).

Section 10. (1) A task force is established to develop legislative recommendations relating to stormwater management system design in the state. The task force shall:

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

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

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

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

(2)(a) The Board of Landscape Architecture, the Board of Professional Engineers, the Florida Engineering Society, the

Florida Chapter of the American Society of Landscape Architects, the Secretary of Environmental Protection, and the Secretary of Transportation shall each appoint one member to the task force.

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

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

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

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

Section 11. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2009.