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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/24/2014	.	
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The Committee on Appropriations (Montford) recommended the following:

**Senate Amendment to Amendment (356190)**

Delete lines 335 - 511

and insert:

(6) A local government may apply for an extension of up to 5 years from the department for any project in an adopted recovery or prevention strategy. The department may grant the extension if the local government provides sufficient evidence to the department that an extension is in the best interest of the public. For a local government in a rural area of critical



103328

11 state concern, as defined in s. 288.0656, the department may  
12 grant an extension of up to 10 years.

13 Section 9. Section 373.807, Florida Statutes, is created to  
14 read:

15 373.807 Protection of water quality in Outstanding Florida  
16 Springs.—By July 1, 2014, the department shall initiate  
17 assessment, pursuant to 403.067(3), of each Outstanding Florida  
18 Spring for which an impairment determination has not been made  
19 under the numeric nutrient standards in effect for spring vents.  
20 Assessments must be completed by July 1, 2017.

21 (1) (a) Simultaneously with the adoption of a nutrient total  
22 maximum daily load for an Outstanding Florida Spring, the  
23 department, or the department in conjunction with a water  
24 management district, shall initiate development of a basin  
25 management action plan, as specified in s. 403.067. For an  
26 Outstanding Florida Spring with a nutrient total maximum daily  
27 load adopted prior to July 1, 2014, the department, or the  
28 department in conjunction with a water management district,  
29 shall initiate development of a basin management action plan by  
30 July 1, 2014. During the development of a basin management  
31 action plan, if the department identifies onsite sewage  
32 treatment and disposal systems as nonpoint sources of nutrient  
33 pollution that need addressing within a local government  
34 jurisdiction, the department shall notify the local government  
35 within 30 days, which shall develop an onsite sewage treatment  
36 and disposal system remediation plan pursuant to subsection (3)  
37 for inclusion in the basin management action plan.

38 (b) A basin management action plan for an Outstanding  
39 Florida Spring shall be adopted within 3 years of its initiation



103328

40 and must include, at a minimum:

41 1. A list of all specific projects identified to implement  
42 a nutrient total maximum daily load.

43 2. A list of all specific projects identified in an onsite  
44 sewage treatment and disposal system remediation plan, if  
45 applicable.

46 3. A priority rank for each listed project.

47 4. The estimated cost for each listed project.

48 5. For each listed project, the estimated date of  
49 completion.

50 6. The source and amount of financial assistance to be made  
51 available by the department, a water management district, or  
52 other entity for each listed project.

53 7. An estimate of each listed project's nutrient load  
54 reduction.

55 8. A map and legal descriptions depicting the spring  
56 protection and management zones established pursuant to s.  
57 373.803.

58 9. Identification of each point source or category of  
59 nonpoint sources, including but not limited to, urban turf  
60 fertilizer, sports turf fertilizer, agricultural fertilizer,  
61 onsite sewage treatment and disposal systems, wastewater  
62 treatment facilities, animal wastes, and stormwater facilities.

63 An estimated allocation of the pollutant load must be provided  
64 for each point source or category of nonpoint sources.

65 10. An implementation plan to achieve the adopted nutrient  
66 total maximum daily load within 15 years of the adoption of a  
67 basin management action plan. The plan must include measureable  
68 interim milestones to be achieved within 5 and 10 years to



103328

69 achieve the adopted nutrient total maximum daily load.

70 (c) For a basin management action plan adopted before July  
71 1, 2014, that addresses an Outstanding Florida Spring, the  
72 department, or the department in conjunction with a water  
73 management district, shall revise the plan by July 1, 2017,  
74 pursuant to this section.

75 (d) Upon approval of an onsite sewage treatment and  
76 disposal system remediation plan, the plan shall be deemed  
77 incorporated as part of the appropriate basin management action  
78 plan until such time as the basin management action plan is  
79 revised pursuant to s. 403.067(7).

80 (e) A local government may apply for an extension of up to  
81 5 years from the department for any project in an adopted basin  
82 management action plan. The department may grant the extension  
83 if the local government provides sufficient evidence to the  
84 department that an extension is in the best interest of the  
85 public. For a local government in a rural area of critical state  
86 concern, as defined in s. 288.0656, the department may grant an  
87 extension of up to 10 years.

88 (2) Within 6 months of the delineation of a spring  
89 protection and management zone or zones of an Outstanding  
90 Florida Spring that is fully or partially within the  
91 jurisdiction of a local government, a local government must  
92 develop, enact, and implement an ordinance that meets or exceeds  
93 the requirements of the department's Model Ordinance for  
94 Florida-Friendly Fertilizer Use on Urban Landscapes. Such  
95 ordinance must require that, within a spring protection and  
96 management zone of an Outstanding Florida Spring with an adopted  
97 nutrient total maximum daily load, the nitrogen application rate



103328

98 of any fertilizer applied to turf or landscape plants may not  
99 exceed the lowest, basic maintenance rate of the most recent  
100 recommendations by the Institute of Food and Agricultural  
101 Sciences. The department shall adopt rules to implement this  
102 paragraph which establish reasonable minimum standards and  
103 reflect advancements or improvements regarding nutrient load  
104 reductions.

105 (3) By July 1, 2016, the department, in conjunction with  
106 the Department of Health and local governments, must identify  
107 onsite sewage treatment and disposal systems within each spring  
108 protection and management zone. Within 60 days of the  
109 department's completion of the identification of these systems,  
110 the department shall provide the location of these systems to  
111 the local governments in which they are located. If notified by  
112 the department pursuant to subsection (1), the local government,  
113 in consultation with the department, shall develop an onsite  
114 sewage treatment and disposal system remediation plan within 12  
115 months of notification by the department. For each onsite sewage  
116 treatment and disposal system or group of systems, the plan must  
117 include whether the systems require upgrading, connection to a  
118 central sewerage system, or no action. The plan must also  
119 include a priority ranking for each system or group of systems  
120 that require remediation. Each remediation plan must be  
121 submitted to the department for approval.

122 (a) In reviewing and approving the remediation plans, the  
123 department shall consider, at a minimum:

124 1. The density of onsite sewage treatment and disposal  
125 systems.

126 2. The number of onsite sewage treatment and disposal



103328

127 systems.

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

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

132 5. The cost of the proposed remedial action.

133 (b) Prior to submitting an onsite sewage treatment and  
134 disposal system remediation plan to the department, the local  
135 government shall hold at least one public meeting to provide the  
136 public an opportunity to comment on the plan. The approval of an  
137 onsite sewage treatment and disposal system remediation plan by  
138 the department constitutes a final agency action.

139 (c) If a local government does not substantially comply  
140 with this subsection, it may be ineligible for funding pursuant  
141 to s. 373.809.

142 (4) With respect to implementation of an onsite sewage  
143 treatment and disposal system remediation plan, a property owner  
144 with an onsite sewage treatment and disposal system identified  
145 by the plan may not be required to pay any of the costs of a  
146 system inspection or for upgrading a system, or connection fees  
147 for connection to a sanitary sewer system. This subsection does  
148 not apply to local government programs in existence before July  
149 1, 2014, that are inconsistent with this subsection.

150 Section 10. Section 373.809, Florida Statutes, is created  
151 to read:

152 373.809 Funding for the restoration and preservation of  
153 Outstanding Florida Springs.—

154 (1) Projects to implement an adopted basin management  
155 action plan or an adopted recovery or prevention strategy for



103328

156 Outstanding Florida Springs are eligible for funding from  
157 documentary stamp tax revenues deposited into the Ecosystem  
158 Management and Restoration Trust Fund in accordance with s.  
159 201.15(1)(c)3.b. The Legislature may use other sources of  
160 revenue to fund projects that will benefit an adopted basin  
161 management action plan or an adopted recovery or prevention  
162 strategy for Outstanding Florida Springs.

163 (2) By December 31, 2014, the department shall adopt rules  
164 to fund pilot projects that test the effectiveness of innovative  
165 or existing nutrient reduction or water conservation  
166 technologies or practices designed to minimize nutrient  
167 pollution in the springs of this state. The department may  
168 approve funding for pilot projects each funding cycle if the  
169 department determines that the pilot project will not be harmful  
170 to the ecological resources in the study area.

171 (3) By December 31, 2014, the department shall adopt rules  
172 to evaluate, rank, and select projects eligible for funding  
173 under this part or land acquisition pursuant to s.  
174 201.15(1)(c)3.b. In developing these rules, the department shall  
175 give preference to the projects that will result in the greatest  
176 improvement to water quality and water quantity for the dollars  
177 to be expended for the project. At a minimum, the department  
178 shall consider:

179 (a) The level of nutrient impairment of the Outstanding  
180 Florida Spring in which the project is located.

181 (b) The quantity of pollutants, particularly total  
182 nitrogen, the project is estimated to remove from an Outstanding  
183 Florida Spring with an adopted nutrient total maximum daily  
184 load.



103328

185       (c) The flow necessary to restore the Outstanding Florida  
186 Spring to its adopted minimum flow or minimum water level.

187       (d) The anticipated impact the project will have on  
188 restoring or increasing water flow or water level.

189       (e) The amount of matching funds for the project that will  
190 be provided by the entities responsible for implementing the  
191 project.

192       (f) Whether the project is located in a rural area of  
193 critical state concern, as defined in s. 288.0656, with  
194 preference given to the local government responsible for  
195 implementing the project.

196       (g) For multiple-year projects, whether the project has  
197 funding sources that are identified and assured through the  
198 expected completion date of the project.

199       (h) The cost of the project and the length of time it will  
200 take to complete relative to its expected benefits.

201       (i) Whether the entities responsible for implementing the