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LEGISLATIVE ACTION

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

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

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

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



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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

89           373.042 Minimum flows and levels.—

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

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

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



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

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

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

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

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

119 (1) ESTABLISHMENT.—

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



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

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

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

137 373.801 Legislative findings and intent.-

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

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



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

166 (3) The Legislature recognizes that:

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

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



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185 in water quality and water quantity will occur.

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

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

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

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

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

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

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

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

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





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214 successor agency or agencies.

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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



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

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

310 (b) A priority listing of each project.

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

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

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

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

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



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330 impaired by nutrients.

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

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

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

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

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

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

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

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

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



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359 373.803.

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

367 (3) REQUIREMENTS.—

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

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



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

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

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

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

416 3. The proximity of the onsite sewage treatment and



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417 disposal system or systems to an Outstanding Florida Spring

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

420 5. The cost of the proposed remedial action.

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

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

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

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





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

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

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

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

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

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



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

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

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

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



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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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



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562 July 1, 2015.

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

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

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

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

573 373.811 Rules.—

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

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

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



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

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

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

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



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

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

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

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

631 (7) RESPONSIBLE MANAGEMENT ENTITIES.—

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

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



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

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

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

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

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

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

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





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

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

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

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

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

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



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707 and aquifer levels.

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

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

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

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

718

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

720 And the title is amended as follows:

721 Delete everything before the enacting clause  
722 and insert:

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



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

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

738 the Department of Environmental Protection to

739 delineate the spring protection and management zone

740 for each Outstanding Florida Spring; requiring the

741 department to adopt by rule maps that depict the

742 delineation of each spring protection and management

743 zone for each Outstanding Florida Spring; creating s.

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

745 districts to adopt minimum flows and levels for

746 Outstanding Florida Springs; requiring a water

747 management district to implement a recovery or

748 prevention strategy under certain circumstances;

749 authorizing the water management districts to adopt

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

751 for improving water quality in Outstanding Florida

752 Springs; requiring the Department of Environmental

753 Protection to develop a spring action plan; providing

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

755 funding mechanisms for the restoration of Outstanding

756 Florida Springs; prohibiting a project from being

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

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

759 prohibited activities within a spring protection and

760 management zone of an Outstanding Florida Spring;

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

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

763 variances and exemptions under certain circumstances;

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



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