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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/20/2014	.	
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The Committee on Environmental Preservation and Conservation
(Dean) 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) Rock Springs;
240 (d) Wekiwa Spring; and
241 (e) Gemini Spring.

242 (5) "Responsible management entity" means a legal entity



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

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

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

257 (8) "Springshed" means the areas within the groundwater and
258 surface water basins which have historically contributed to the
259 discharge of a spring as defined by potentiometric surface maps
260 and surface watershed boundaries.

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

264 Section 7. Section 373.803, Florida Statutes, is created to
265 read:

266 373.803 Delineation of spring protection and management
267 zones for Outstanding Florida Springs.—Using the best data
268 available from the water management districts and other credible
269 sources, the department, in consultation with the water
270 management districts, shall delineate one or more spring
271 protection and management zones for each Outstanding Florida



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

281 Section 8. Section 373.805, Florida Statutes, is created to
282 read:

283 373.805 Minimum flow and minimum water level for
284 Outstanding Florida Springs.—

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

297 (2) By July 1, 2017, each water management district shall
298 approve a recovery or prevention strategy, as required by ss.
299 373.042 and 373.0421, for each Outstanding Florida Spring in its
300 jurisdiction in which the existing flow or water level of the



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

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

308 (b) A priority listing of each project.

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

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

318 Section 9. Section 373.807, Florida Statutes, is created to
319 read:

320 373.807 Protection of water quality in Outstanding Florida
321 Springs.—By July 1, 2015, the department shall assess each
322 Outstanding Florida Spring for which an impairment determination
323 has not been made under the numeric nutrient standards in effect
324 for spring vents.

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

329 (2) SPRING ACTION PLAN.—The department shall begin



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330 preparation of a spring action plan for each Outstanding Florida
331 Spring that has an adopted basin management action plan or an
332 implemented recovery or prevention strategy by July 1, 2014, or
333 as soon as a basin management action plan is adopted or a
334 recovery or prevention strategy is implemented.

335 (a) The department shall develop a spring action plan for
336 each Outstanding Florida Spring that:

337 1. Has a basin management action plan adopted pursuant to
338 s. 403.067(7);

339 2. Has a recovery or prevention strategy implemented
340 pursuant to ss. 373.042 and 373.0421; or

341 3. Is projected to be impaired by nutrients within 20
342 years.

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 within a spring protection and management zone.

346 2. All projects in the regional water supply plan which are
347 located within a spring protection and management zone.

348 3. All projects included in a recovery or prevention
349 strategy which are within a spring protection and management
350 zone.

351 4. All projects proposed by the department which will
352 prevent or stop potential nutrient impairment.

353 5. An estimate of a listed project's reduction of nutrient
354 loading.

355 6. A map and legal descriptions depicting the spring
356 protection and management zones established pursuant to s.
357 373.803.

358 7. Identification of each point source or category of



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

365 (3) REQUIREMENTS.-

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

382 (b) Until adequate funding becomes available pursuant to s.
383 373.808, or until the Legislature provides an additional
384 adequate funding source, remedial actions required under this
385 paragraph are not required, unless they are included in an
386 adopted basin management action plan.

387 1. The owner or operator of each existing wastewater



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388 treatment facility in a spring protection and management zone
389 shall meet a standard of no more than 3 mg/L Total Nitrogen,
390 expressed as N, on an annual permitted basis by July 1, 2021,
391 unless granted a variance or exemption pursuant to s. 373.813.

392 2. By July 1, 2016, the owner or operator of each existing
393 wastewater treatment facility in a spring protection and
394 management zone shall file for approval by the department a plan
395 for complying with this paragraph. Upon a showing to the
396 department of inordinate expense or that a delay is in the best
397 interest of the public, the department may grant a local
398 government or wastewater treatment facility an extension of up
399 to 2 years to implement the plan. The owner and operator shall
400 submit a proposal for funding at least once every 2 years until
401 the plan is fully implemented.

402 3. By July 1, 2019, each agricultural producer in a spring
403 protection and management zone must implement best management
404 practices or other measures necessary to achieve pollution
405 reduction levels established by the department. The Department
406 of Agriculture and Consumer Services, in consultation with the
407 department, shall adopt rules to implement this subparagraph.

408 4. By July 1, 2016, the department, in consultation with
409 the Department of Health and local governments, must identify
410 onsite sewage treatment and disposal systems serving single-
411 family residential properties of less than 1 acre and multi-
412 family residential, commercial, and industrial properties
413 located within a spring protection and management zone. Within 1
414 year of identification of these systems, and in consultation
415 with the department, the local governments in which they are
416 located shall develop an onsite sewage treatment and disposal



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417 system remediation plan. For each onsite sewage treatment and
418 disposal system, the plan must include whether the system
419 requires upgrading, connection to a central sewerage system, or
420 no action. The plan must also include a priority ranking for
421 each system or group of systems that requires remediation. Each
422 remediation plan must be submitted to the department for
423 approval. After approval of the remediation plan, the local
424 government shall begin implementing the approved remediation
425 plan. The costs of connection to a central sewerage system or
426 upgrading the onsite sewage treatment and disposal systems may
427 not be imposed on the property owner. The local government shall
428 submit a proposal for funding at least every 2 years until the
429 plan is fully implemented.

430 Section 10. Section 373.808, Florida Statutes, is created
431 to read:

432 373.808 Funding for the restoration of Outstanding Florida
433 Springs.-

434 (1) In order to satisfy the requirements under this part,
435 state agencies, water management districts, local governments,
436 special districts, utilities, and regional management entities,
437 if applicable, shall cooperate with property owners and
438 agricultural producers to submit project proposals to the
439 department in order to receive funding for up to 75 percent of
440 the total project cost. Project submittals for upgrades or
441 connections of onsite sewage treatment and disposal systems, and
442 those submitted by a fiscally constrained county as described in
443 s. 218.67(1) or in a municipality located therein, are eligible
444 for funding of up to 100 percent of the total project cost.

445 (2) Projects approved by the department shall be funded by



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446 moneys from documentary stamp tax revenues deposited into the
447 Ecosystem Management and Restoration Trust Fund in accordance
448 with s. 201.15(1)(c)3.b. The Legislature may use other sources
449 of revenue to fund projects submitted to the department pursuant
450 to this part.

451 (3) The department may distribute moneys deposited into the
452 Ecosystem Management and Restoration Trust Fund pursuant to
453 subsection (2) to any person who submits a project proposal
454 application to the department for which funding is approved. The
455 department shall distribute moneys to state agencies and water
456 management districts for all reasonable administrative costs
457 related to implementing this part. In addition, the department
458 may adopt rules to develop grant application procedures to cover
459 reasonable administrative costs of a fiscally constrained county
460 as described in s. 218.67(1) or a municipality located therein.

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

467 (5) By December 31, 2014, the department shall adopt rules
468 to fund pilot projects that test the effectiveness of innovative
469 or existing nutrient reduction or water conservation
470 technologies designed to minimize nutrient pollution in the
471 springs of this state. The department must approve funding for
472 at least two pilot projects in each project selection cycle if
473 the department determines that the project will not be harmful
474 to the ecological resources in the study area.



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475 (6) By December 31, 2014, the department shall develop and
476 recommend rules to competitively evaluate, select, and rank
477 projects eligible for partial or complete funding under this
478 section. In developing these rules, the department shall give
479 preference to the projects that it estimates will result in the
480 greatest improvement to water quality and water quantity for the
481 dollars to be expended for the project. At a minimum, the
482 department shall consider the following criteria:

483 (a) Whether the project is within a spring protection and
484 management zone of an Outstanding Florida Spring impaired by
485 nutrients.

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

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

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

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

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

498 (g) Whether the project facilitates or enhances an existing
499 basin management action plan adopted by the department to
500 address pollutant loadings.

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

503 (i) The percentage by which the amount of matching funds



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504 provided by the applicant exceeds the statutory minimum required
505 under s. 373.805 or s. 373.807.

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

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

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

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

520 Section 11. Section 373.809, Florida Statutes, is created
521 to read:

522 373.809 Prohibited activities within a spring protection
523 and management zone of an Outstanding Florida Spring.—The
524 following activities are prohibited within a spring protection
525 and management zone of an Outstanding Florida Spring:

526 (1) New municipal or industrial wastewater disposal
527 systems, including rapid infiltration basins, except those
528 systems that meet an advanced wastewater treatment standard of
529 no more than 3 mg/L Total Nitrogen, expressed as N, on an annual
530 permitted basis, or a higher treatment standard if the
531 department determines the higher standard is necessary to
532 prevent impairment or aid in the recovery of an Outstanding



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533 Florida Spring.

534 (2) New onsite sewage treatment and disposal systems on
535 lots less than 1 acre, except for active or passive nitrogen
536 removing onsite sewage treatment and disposal systems approved
537 by the Department of Health.

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

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

541 (5) Concentrated animal feeding operations or intense
542 cattle finishing and slaughter operations. This subsection does
543 not apply to operations permitted by July 1, 2014, or the future
544 expansion of livestock or poultry operations engaged in the
545 occupation of bona fide agriculture as of July 1, 2014.

546 Section 12. Section 373.811, Florida Statutes, is created
547 to read:

548 373.811 Rules.—

549 (1) The department shall adopt rules to create a program to
550 improve water quantity and water quality pursuant to ss.
551 120.536(1) and 120.54 to administer this part, as applicable. In
552 developing rules to administer s. 373.808, the department shall
553 use the Total Maximum Daily Load Water Quality Restoration
554 Grants rule as guidance to develop a comparable program for the
555 restoration and protection of the water quality and water
556 quantity for Outstanding Florida Springs.

557 (2) The Department of Health, the Department of
558 Agriculture and Consumer Services, the water management
559 districts, and responsible management entities may adopt rules
560 pursuant to ss. 120.536(1) and 120.54 to administer this part,
561 as applicable.



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562 (3) (a) The Department of Agriculture and Consumer Services
563 is the lead agency coordinating the reduction of agricultural
564 nonpoint sources of pollution for the protection of Outstanding
565 Florida Springs. The Department of Agriculture and Consumer
566 Services and the department, pursuant to s. 403.067(7)(c)4.,
567 shall study new or revised best management practices for
568 improving and protecting Outstanding Florida Springs and, if
569 necessary, in cooperation with applicable local governments and
570 stakeholders, initiate rulemaking to require the implementation
571 of such practices within a reasonable time period.

572 (b) The department, the Department of Agriculture and
573 Consumer Services, and the University of Florida's Institute of
574 Food and Agricultural Sciences shall cooperate in conducting the
575 necessary research and demonstration projects to develop
576 improved or additional nutrient management tools, including the
577 use of controlled release fertilizer that can be used by
578 agricultural producers as part of an agricultural best
579 management practices program. The development of such tools must
580 reflect a balance between water quality improvement and
581 agricultural productivity and, when applicable, must be
582 incorporated into the revised best management practices adopted
583 by rule of the Department of Agriculture and Consumer Services.

584 Section 13. Section 373.813, Florida Statutes, is created
585 to read:

586 373.813 Variances and exemptions.—A person may apply to the
587 appropriate agency or a water management district for a variance
588 or exemption from any requirement in this part. An agency or a
589 water management district may approve the application upon
590 receiving reasonable assurance that the applicant's proposed



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591 activity, evaluated individually and as part of cumulative
592 impacts, will not cause or contribute to violations of water
593 quality standards, minimum flows, or minimum water levels in an
594 Outstanding Florida Spring.

595 Section 14. Present paragraphs (n) through (q) of
596 subsection (2) of section 381.0065, Florida Statutes, are
597 redesignated as paragraphs (o) through (r), respectively, a new
598 paragraph (n) is added to that subsection, and subsection (7) is
599 added to that section, to read:

600 381.0065 Onsite sewage treatment and disposal systems;
601 regulation.—

602 (2) DEFINITIONS.—As used in ss. 381.0065-381.0067, the
603 term:

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

606 (7) RESPONSIBLE MANAGEMENT ENTITIES.—

607 (a) By March 1, 2015, the department and the Department of
608 Environmental Protection shall submit a report and
609 recommendations to the Governor, the President of the Senate,
610 and the Speaker of the House of Representatives on the creation
611 and operation of responsible management entities within spring
612 protection and management zones of Outstanding Florida Springs,
613 as defined in s. 373.802. The report must focus on the
614 feasibility of different management models to prevent, reduce,
615 and control nutrient pollution from onsite sewage treatment and
616 disposal systems, including the costs associated with each
617 model. In addition, the report must compare the results of the
618 differing management models to a mandatory onsite sewage
619 treatment and disposal system evaluation and assessment program



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620 or any other option that would achieve similar nutrient
621 pollution reductions in the short and long term.

622 (b) A local government may not create a responsible
623 management entity without the prior approval of the department,
624 in consultation with the Department of Environmental Protection.
625 In reviewing requests for the creation of a responsible
626 management entity, the local government must demonstrate to the
627 department, in consultation with the Department of Environmental
628 Protection, that it has the management skills, personnel,
629 financial capacity, and technical expertise to properly operate
630 and maintain such an entity.

631 (c) The department shall ensure that responsible management
632 entities adopt rules and policies that are at least as
633 restrictive as state law.

634 Section 15. Section 381.00651, Florida Statutes, is
635 repealed.

636 Section 16. Comprehensive study on nutrient reduction
637 improvements and the beneficial use of reclaimed water,
638 stormwater, and excess surface water.-

639 (1) The Department of Agriculture and Consumer Services and
640 the Department of Environmental Protection, in cooperation with
641 the five water management districts, shall conduct a
642 comprehensive study on the expansion of the beneficial use of
643 reclaimed water, stormwater, and excess surface water in this
644 state. The final report of the study must:

645 (a) Describe factors that currently prohibit or otherwise
646 complicate the expansion of the beneficial use of reclaimed
647 water and include recommendations for the mitigation or
648 elimination of such factors.



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649 (b) Identify environmental, public health, public
650 perception, engineering, and fiscal issues, and user fee
651 amounts, including utility rate structures for potable and
652 reclaimed water.

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

657 (d) Evaluate the costs to users of reclaimed water compared
658 to the cost associated with traditional water sources, including
659 an examination of the nutrient concentrations in reclaimed water
660 and the necessity for additional fertilizer supplementation.

661 (e) Evaluate permitting incentives, such as further
662 extending current authorization for long-term consumptive use
663 permits to all entities substituting reclaimed water for
664 traditional water sources or including in such permits a
665 provision that authorizes conversion to traditional water
666 sources if reclaimed water becomes unavailable or cost
667 prohibitive.

668 (f) Describe the basic feasibility, benefit, and cost
669 estimates for the infrastructure needed to construct regional
670 storage features on public or private lands for reclaimed water,
671 stormwater, or excess surface water, including collection and
672 delivery mechanisms for beneficial uses rather than discharge to
673 tide, such as agricultural irrigation, power generation, public
674 water supply, wetland restoration, groundwater recharge, and
675 water body base flow augmentation.

676 (g) Describe any other alternative processes, systems, or
677 technology that may be comparable or preferable to a regional



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678 storage system or that may effectively complement or be a
679 substitute for a regional storage system.

680 (h) Evaluate the impact of implementation of a
681 comprehensive reclaimed water plan on traditional water sources
682 and aquifer levels.

683 (2) The Department of Agriculture and Consumer Services and
684 the Department of Environmental Protection shall jointly hold a
685 public meeting to gather input on the design of the
686 comprehensive study and to provide an opportunity for public
687 comment before publishing the final report of the study.

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

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

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

693

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

695 And the title is amended as follows:

696 Delete everything before the enacting clause

697 and insert:

698 A bill to be entitled

699 An act relating to springs; amending s. 201.15, F.S.;

700 specifying distributions to the Ecosystem Management

701 and Restoration Trust Fund; amending s. 373.042, F.S.;

702 requiring the Department of Environmental Protection

703 or the governing board of a water management district

704 to establish the minimum flow and water level for an

705 Outstanding Florida Spring; specifying minimum flows

706 and water levels for an Outstanding Florida Spring;



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707 amending s. 373.0421, F.S.; conforming a cross-
708 reference; creating part VIII of chapter 373, F.S.,
709 entitled "Florida Springs and Aquifer Protection Act";
710 creating s. 373.801, F.S.; providing legislative
711 findings and intent; creating s. 373.802, F.S.;
712 defining terms; creating s. 373.803, F.S.; requiring
713 the Department of Environmental Protection to
714 delineate the spring protection and management zone
715 for each Outstanding Florida Spring; requiring the
716 department to adopt by rule maps that depict the
717 delineation of each spring protection and management
718 zone for each Outstanding Florida Spring; creating s.
719 373.805, F.S.; requiring the water management
720 districts to adopt minimum flows and levels for
721 Outstanding Florida Springs; requiring a water
722 management district to implement a recovery or
723 prevention strategy under certain circumstances;
724 authorizing the water management districts to adopt
725 rules; creating s. 373.807, F.S.; providing procedures
726 for improving water quality in Outstanding Florida
727 Springs; requiring the Department of Environmental
728 Protection to develop a spring action plan; providing
729 requirements; creating s. 373.808, F.S.; providing for
730 funding mechanisms for the restoration of Outstanding
731 Florida Springs; prohibiting a project from being
732 funded under this part unless it is listed on a spring
733 action plan; creating s. 373.809, F.S.; specifying
734 prohibited activities within a spring protection and
735 management zone of an Outstanding Florida Spring;



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736 creating s. 373.811, F.S.; providing rulemaking
737 authority; creating s. 373.813, F.S.; providing for
738 variances and exemptions under certain circumstances;
739 amending s. 381.0065, F.S.; defining the term
740 "responsible management entity"; requiring the
741 Department of Health to submit a report to the
742 Governor and the Legislature on responsible management
743 entities; authorizing the establishment of responsible
744 management entities; repealing s. 381.00651, F.S.,
745 relating to periodic evaluation and assessment of
746 onsite sewage treatment and disposal systems;
747 requiring the Department of Agriculture and Consumer
748 Services and the Department of Environmental
749 Protection to conduct a comprehensive study on
750 nutrient reduction improvements and the expansion of
751 the beneficial use of reclaimed water; requiring the
752 departments to jointly hold a public meeting to gather
753 input on the design of the comprehensive study and
754 provide an opportunity for public comment; requiring
755 the final report to be submitted to the Governor and
756 the Legislature by a certain date; providing for
757 future expiration; providing an effective date.