

By Senator Dean

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1  
2 A bill to be entitled  
3 An act relating to springs; amending s. 201.15, F.S.;  
4 specifying distributions to the Ecosystem Management  
5 and Restoration Trust Fund; amending s. 259.035, F.S.;  
6 adding a member to the Acquisition and Restoration  
7 Council to be appointed by the Secretary of  
8 Environmental Protection; expanding duties to include  
9 the ranking of spring protection projects; requiring  
10 the council to develop and recommend rules for the  
11 competitive evaluation, selection, and ranking of  
12 projects eligible for partial or complete funding to  
13 protect the water quality of an Outstanding Florida  
14 Spring; amending s. 373.042, F.S.; requiring the  
15 Department of Environmental Protection or the  
16 governing board of a water management district to  
17 establish the minimum flow and water level for an  
18 Outstanding Florida Spring; specifying minimum flows  
19 and water levels for an Outstanding Florida Spring;  
20 amending s. 373.0421, F.S.; conforming a cross-  
21 reference; creating part VIII of chapter 373, F.S.;  
22 entitled "Florida Springs and Aquifer Act"; creating  
23 s. 373.801, F.S.; providing legislative findings and  
24 intent; creating s. 373.802, F.S.; defining terms;  
25 creating s. 373.803, F.S.; requiring the Department of  
26 Environmental Protection to delineate the spring  
27 protection and management zone for each Outstanding  
28 Florida Spring; requiring each water management  
29 district to adopt by rule maps that depict the

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30 delineation of each spring protection and management  
31 zone for each Outstanding Florida Spring within its  
32 jurisdiction; creating s. 373.805, F.S.; requiring the  
33 water management districts to adopt minimum flows and  
34 levels for Outstanding Florida Springs; requiring a  
35 water management district to implement a recovery or  
36 prevention strategy under certain circumstances;  
37 authorizing the water management districts to adopt  
38 rules; creating s. 373.807, F.S.; providing procedures  
39 for improving water quality in Outstanding Florida  
40 Springs; providing a funding mechanism; creating s.  
41 373.809, F.S.; specifying prohibited activities within  
42 a spring protection and management zone of an  
43 Outstanding Florida Spring; requiring local  
44 governments to ensure that their comprehensive plans  
45 and ordinances reflect such prohibitions; creating s.  
46 373.811, F.S.; providing rulemaking authority;  
47 creating s. 373.813, F.S.; providing for variances and  
48 exemptions under certain circumstances; amending s.  
49 381.0065, F.S.; defining the term "responsible  
50 management entity"; requiring the Department of Health  
51 to submit a report to the Governor and the Legislature  
52 on responsible management entities; authorizing the  
53 establishment of responsible management entities;  
54 amending s. 403.067, F.S.; specifying criteria for  
55 development of a basin management action plan for an  
56 Outstanding Florida Spring; conforming provisions to  
57 changes made by the act; conforming cross-references;  
58 repealing s. 381.00651, F.S., relating to periodic

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59 evaluation and assessment of onsite sewage treatment  
60 and disposal systems; requiring the Department of  
61 Agriculture and Consumer Services and the Department  
62 of Environmental Protection to conduct a comprehensive  
63 study on nutrient reduction improvements and the  
64 expansion of the beneficial use of reclaimed water;  
65 requiring the departments to jointly hold a public  
66 meeting to gather input on the design of the  
67 comprehensive study and provide an opportunity for  
68 public comment; requiring the final report to be  
69 submitted to the Governor and the Legislature by a  
70 certain date; providing an effective date.

71  
72 Be It Enacted by the Legislature of the State of Florida:

73  
74 Section 1. Paragraph (c) of subsection (1) of section  
75 201.15, Florida Statutes, is amended to read:

76 201.15 Distribution of taxes collected.—All taxes collected  
77 under this chapter are subject to the service charge imposed in  
78 s. 215.20(1). Prior to distribution under this section, the  
79 Department of Revenue shall deduct amounts necessary to pay the  
80 costs of the collection and enforcement of the tax levied by  
81 this chapter. Such costs and the service charge may not be  
82 levied against any portion of taxes pledged to debt service on  
83 bonds to the extent that the costs and service charge are  
84 required to pay any amounts relating to the bonds. After  
85 distributions are made pursuant to subsection (1), all of the  
86 costs of the collection and enforcement of the tax levied by  
87 this chapter and the service charge shall be available and

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88 transferred to the extent necessary to pay debt service and any  
89 other amounts payable with respect to bonds authorized before  
90 January 1, 2013, secured by revenues distributed pursuant to  
91 subsection (1). All taxes remaining after deduction of costs and  
92 the service charge shall be distributed as follows:

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

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

98 1. The State Transportation Trust Fund in the Department of  
99 Transportation in the amount of the lesser of 38.2 percent of  
100 the remainder or \$541.75 million in each fiscal year. Out of  
101 such funds, the first \$50 million for the 2012-2013 fiscal year;  
102 \$65 million for the 2013-2014 fiscal year; and \$75 million for  
103 the 2014-2015 fiscal year and all subsequent years, shall be  
104 transferred to the State Economic Enhancement and Development  
105 Trust Fund within the Department of Economic Opportunity. The  
106 remainder shall ~~is to~~ be used for the following specified  
107 purposes, notwithstanding any other law ~~to the contrary~~:

108 a. For the purposes of capital funding for the New Starts  
109 Transit Program, authorized by Title 49, U.S.C. s. 5309 and  
110 specified in s. 341.051, 10 percent of these funds;

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

115 c. For the purposes of the Strategic Intermodal System  
116 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent

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117 of these funds after allocating for the New Starts Transit  
118 Program described in sub-subparagraph a. and the Small County  
119 Outreach Program described in sub-subparagraph b.; and

120 d. For the purposes of the Transportation Regional  
121 Incentive Program specified in s. 339.2819, 25 percent of these  
122 funds after allocating for the New Starts Transit Program  
123 described in sub-subparagraph a. and the Small County Outreach  
124 Program described in sub-subparagraph b. Effective July 1, 2014,  
125 the first \$60 million of the funds allocated pursuant to this  
126 sub-subparagraph shall be allocated annually to the Florida Rail  
127 Enterprise for the purposes established in s. 341.303(5).

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

132 3. The Ecosystem Management and Restoration Trust Fund in  
133 the amount of:

134 a. The lesser of 2.12 percent of the remainder or \$30  
135 million in each fiscal year, to be used for the preservation and  
136 repair of the state's beaches as provided in ss. 161.091-  
137 161.212; and

138 b. Thirty-six and nine-tenths percent of the remainder in  
139 each fiscal year to be used for restoration and protection of  
140 Outstanding Florida Springs, as defined in s. 373.802, and for  
141 the acquisition of lands identified on the most current Board of  
142 Trustees Florida Forever Priority List, or by a water management  
143 district, which protect the essential parcels of the named  
144 spring projects that improve water quality or conserve water use  
145 and are located partially or fully within a spring protection

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146 and management zone of an Outstanding Florida Spring.

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

151  
152 Moneys distributed pursuant to this paragraph may not be pledged  
153 for debt service unless such pledge is approved by referendum of  
154 the voters.

155 Section 2. Section 259.035, Florida Statutes, is amended to  
156 read:

157 259.035 Acquisition and Restoration Council.—

158 (1) ~~There is created~~ The Acquisition and Restoration  
159 Council is created and is composed of 11 voting members, as  
160 follows:-

161 (a) Four members ~~The council shall be composed of 10 voting~~  
162 ~~members, 4 of whom~~ shall be appointed by the Governor to serve  
163 4-year terms. Of these four appointees, three must ~~shall~~ be from  
164 scientific disciplines related to land, water, or environmental  
165 sciences and the fourth must ~~shall~~ have at least 5 years of  
166 experience in managing lands for both active and passive types  
167 of recreation. ~~They shall serve 4-year terms, except that,~~  
168 ~~initially, to provide for staggered terms, two of the appointees~~  
169 ~~shall serve 2-year terms. All subsequent appointments shall be~~  
170 ~~for 4-year terms.~~ An appointee may not serve more than 6 years.  
171 The Governor may at any time fill a vacancy for the unexpired  
172 term of a member appointed under this paragraph.

173 (b) ~~The Four~~ members ~~remaining appointees~~ shall be ~~composed~~  
174 ~~of~~ the Secretary of Environmental Protection, the director of

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175 the Florida Forest Service of the Department of Agriculture and  
176 Consumer Services, the executive director of the Fish and  
177 Wildlife Conservation Commission, and the director of the  
178 Division of Historical Resources of the Department of State, or  
179 their respective designees.

180 (c) One member shall be appointed by the Commissioner of  
181 Agriculture representing ~~with~~ a discipline related to  
182 agriculture, including silviculture; ~~one member shall be~~  
183 appointed by the Fish and Wildlife Conservation Commission  
184 representing ~~with~~ a discipline related to wildlife management or  
185 wildlife ecology; and one member shall be appointed by the  
186 Secretary of Environmental Protection representing a discipline  
187 related to water quality management which includes the study of  
188 dissolved oxygen levels and nutrient pollution of groundwater  
189 and surface water.

190 (d) The Governor shall appoint the chair of the council,  
191 and a vice chair shall be elected from among the members.

192 (e) The council shall hold periodic meetings at the request  
193 of the chair.

194 (f) The Department of Environmental Protection shall  
195 provide primary staff support to the council and shall ensure  
196 that council meetings are electronically recorded. Such  
197 recording shall be preserved pursuant to chapters 119 and 257.

198 (g) The board of trustees may ~~has authority to~~ adopt rules  
199 pursuant to ss. 120.536(1) and 120.54 to implement ~~the~~  
200 ~~provisions of~~ this section.

201 (2) The four members of the council appointed pursuant to  
202 paragraph (a) and the three ~~two~~ members of the council appointed  
203 pursuant to paragraph (c) shall receive reimbursement for

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204 expenses and per diem for travel, to attend council meetings, as  
205 provided in ~~allowed state officers and employees while in the~~  
206 ~~performance of their duties, pursuant to~~ s. 112.061.

207 (3) The council shall provide assistance to the board of  
208 trustees in reviewing the recommendations and plans for state-  
209 owned lands required under ss. 253.034 and 259.032. The council  
210 shall, in reviewing such recommendations and plans, consider the  
211 optimization of multiple-use and conservation strategies to  
212 accomplish the provisions funded pursuant to ss. 259.101(3)(a)  
213 and 259.105(3)(b).

214 (4)(a) The council may use existing rules adopted by the  
215 board of trustees, until it develops and recommends amendments  
216 to those rules, to competitively evaluate, select, and rank  
217 projects eligible for the Conservation and Recreation Lands list  
218 pursuant to ss. 259.032(3) and 259.101(4).

219 (b) By December 1, 2009, the ~~Acquisition and Restoration~~  
220 council shall develop rules defining specific criteria and  
221 numeric performance measures needed for lands that are to be  
222 acquired for public purpose under the Florida Forever program  
223 pursuant to s. 259.105. Each recipient of Florida Forever funds  
224 shall assist the council in the development of such rules. These  
225 rules shall be reviewed and adopted by the board and, ~~then~~  
226 submitted to the Legislature for consideration by February 1,  
227 2010. The Legislature may reject, modify, or take no action  
228 relative to the proposed rules. If no action is taken, the rules  
229 shall be implemented. Subsequent to their approval, each  
230 recipient of Florida Forever funds shall annually report to the  
231 Division of State Lands on each of the numeric performance  
232 measures accomplished during the previous fiscal year.



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233 (c) By December 31, 2014, the council shall develop and  
234 recommend rules to fund pilot projects that test the  
235 effectiveness of innovative or existing nutrient reduction  
236 technologies designed to minimize nutrient pollution in the  
237 springs of this state. The council must approve funding for at  
238 least two pilot projects in each project selection cycle if the  
239 department determines that there are at least two projects that  
240 will not be harmful to the ecological resources in the study  
241 area.

242 (d) By December 31, 2014, the council shall develop and  
243 recommend rules to competitively evaluate, select, and rank  
244 projects eligible for partial or complete funding under s.  
245 373.807. In developing these rules, the council shall give  
246 preference to the projects that it estimates will result in the  
247 greatest improvement to water quality and quantity. At a  
248 minimum, the council shall consider the following criteria:

249 1. Whether the project is within a spring protection and  
250 management zone of an Outstanding Florida Spring impaired by  
251 nutrients.

252 2. The level of nutrient impairment of the Outstanding  
253 Florida Spring in which the project is located.

254 3. The quantity of pollutants, particularly total nitrogen,  
255 the project is estimated to remove in a spring protection and  
256 management zone.

257 4. Whether the project is within a spring protection and  
258 management zone of an Outstanding Florida Spring that is not  
259 meeting its adopted minimum flow or level.

260 5. The flow necessary to restore the Outstanding Florida  
261 Spring to its adopted minimum flow or level.

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262 6. The anticipated impact the project will have on  
263 restoring or increasing water flow or level.

264 7. Whether the project facilitates or enhances an existing  
265 basin management action plan adopted by the Department of  
266 Environmental Protection to address pollutant loadings.

267 8. Whether the project is identified and prioritized in an  
268 adopted regional water supply plan.

269 9. The percentage by which the amount of matching funds  
270 provided by the applicant exceeds the statutory minimum required  
271 under s. 373.805 or s. 373.807.

272 10. For multiple-year projects, whether the project has  
273 funding sources that are identified and assured through the  
274 expected completion date of the project.

275 11. The cost of the project and the length of time it will  
276 take to complete relative to its expected benefits.

277 12. Whether the applicant, since July 1, 2009, has used its  
278 own funds for projects to improve water quality or conserve  
279 water use within a springshed or spring protection and  
280 management zone of an Outstanding Florida Spring, with  
281 preference given to those applicants that have expended such  
282 funds.

283 (e)~~(e)~~ In developing or amending rules, the council shall  
284 give weight to the criteria included in s. 259.105(10). The  
285 board of trustees shall review the recommendations and ~~shall~~  
286 adopt rules necessary to administer this section.

287 (5) An affirmative vote of six ~~five~~ members of the council  
288 is required in order to change a project boundary or to place a  
289 proposed project on a list developed pursuant to subsection (4).  
290 Any member of the council who by family or a business

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291 relationship has a connection with all or a portion of any  
 292 proposed project shall declare the interest before voting on its  
 293 inclusion on a list.

294 (6) The proposal for a project pursuant to this section, ~~or~~  
 295 s. 259.105(3) (b), or s. 373.807 may be implemented only if  
 296 adopted by the council and approved by the board of trustees.  
 297 The council shall consider and evaluate in writing the merits  
 298 and demerits of each project that is proposed for Conservation  
 299 and Recreation Lands, Florida Preservation 2000, ~~or~~ Florida  
 300 Forever funding, or the protection of water quality in  
 301 Outstanding Florida Springs and ~~shall~~ ensure that each proposed  
 302 project meets ~~will meet~~ a stated public purpose for the  
 303 restoration, conservation, or preservation of environmentally  
 304 sensitive lands and water areas or for providing outdoor  
 305 recreational opportunities. The council ~~also~~ shall determine  
 306 whether the project conforms, if ~~where~~ applicable, with the  
 307 comprehensive plan developed pursuant to s. 259.04(1) (a), the  
 308 comprehensive multipurpose outdoor recreation plan developed  
 309 pursuant to s. 375.021, the state lands management plan adopted  
 310 pursuant to s. 253.03(7), the water resources work plans  
 311 developed pursuant to s. 373.199, and ~~the provisions of~~ s.  
 312 259.032, s. 259.101, ~~or~~ s. 259.105, or s. 373.807 ~~whichever is~~  
 313 ~~applicable.~~

314 Section 3. Subsection (1) of section 373.042, Florida  
 315 Statutes, is amended to read:

316 373.042 Minimum flows and levels.—

317 (1) Within each section, or within the water management  
 318 district as a whole, the department or the governing board must  
 319 ~~shall~~ establish the following:

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

324 (b) Minimum water level. The minimum water level is ~~shall~~  
325 ~~be~~ the level of groundwater in an aquifer and the level of  
326 surface water at which further withdrawals would be  
327 significantly harmful to the water resources of the area.

328 (c) Minimum flow and water level for an Outstanding Florida  
329 Spring, as defined in s. 373.802. The minimum flow and water  
330 level is the limit and level, respectively, at which further  
331 withdrawals would be harmful to the water resources or ecology  
332 of the area.

333  
334 The minimum flow and minimum water level shall be calculated by  
335 the department and the governing board using the best  
336 information available. When appropriate, minimum flows and  
337 levels may be calculated to reflect seasonal variations. The  
338 department and the governing board shall ~~also~~ consider, and at  
339 their discretion may provide for, the protection of  
340 nonconsumptive uses in the establishment of minimum flows and  
341 levels.

342 Section 4. Paragraph (a) of subsection (1) of section  
343 373.0421, Florida Statutes, is amended to read:

344 373.0421 Establishment and implementation of minimum flows  
345 and levels.—

346 (1) ESTABLISHMENT.—

347 (a) *Considerations.*—When establishing minimum flows and  
348 levels pursuant to s. 373.042, the department or governing board

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349 shall consider changes and structural alterations to watersheds,  
350 surface waters, and aquifers and the effects such changes or  
351 alterations have had, and the constraints such changes or  
352 alterations have placed, on the hydrology of an affected  
353 watershed, surface water, or aquifer, provided that nothing in  
354 this paragraph shall allow significant harm as provided by s.  
355 373.042(1)(a) and (b), or harm as provided by s. 373.042(1)(c),  
356 caused by withdrawals.

357 Section 5. Part VIII of chapter 373, Florida Statutes,  
358 consisting of sections 373.801, 373.802, 373.803, 373.805,  
359 373.807, 373.809, 373.811, and 373.813, Florida Statutes, is  
360 created and entitled the "Florida Springs and Aquifer Act."

361 Section 6. Section 373.801, Florida Statutes, is created to  
362 read:

363 373.801 Legislative findings and intent.-

364 (1) Springs are a unique part of this state's scenic  
365 beauty, deserving the highest level of protection under Article  
366 II, Section 7, of the State Constitution. Springs provide  
367 critical habitat for plants and animals, including many  
368 endangered or threatened species. They provide immeasurable  
369 natural, recreational, economic, and inherent value. Flow level  
370 and water quality of springs are indicators of local conditions  
371 of the Floridan Aquifer, which is the source of drinking water  
372 for many residents of this state. Springs are of great  
373 scientific importance in understanding the diverse functions of  
374 aquatic ecosystems. In addition, springs provide recreational  
375 opportunities for swimming, canoeing, wildlife watching,  
376 fishing, cave diving, and many other activities in this state.  
377 Because of such recreational opportunities and the accompanying

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378 tourism, state and local economies benefit from many of the  
379 springs in this state.

380 (2) Water quantity and water quality in springs are  
381 directly related. For regulatory purposes, the department has  
382 primary responsibility for water quality; the water management  
383 districts have primary responsibility for setting minimum flows  
384 and levels; the Department of Agriculture and Consumer Services  
385 has primary responsibility for the development and  
386 implementation of best management practices; and local  
387 governments have primary responsibility for providing wastewater  
388 and stormwater management. The foregoing responsible entities  
389 must work together in a coordinated manner to restore and  
390 maintain the water quantity and water quality for Outstanding  
391 Florida Springs.

392 (3) The Legislature recognizes that:

393 (a) Springs are only as healthy as their springsheds. The  
394 groundwater that supplies springs is derived from rainfall that  
395 recharges the aquifer system in the form of seepage from the  
396 land surface and through direct conduits such as sinkholes.  
397 Springs are adversely affected by polluted runoff from urban and  
398 agricultural lands; discharge resulting from poor wastewater and  
399 stormwater management practices; stormwater runoff; and the  
400 reduced water levels of the Floridan Aquifer. As a result, the  
401 hydrologic and environmental conditions of a spring or spring  
402 run are directly influenced by activities and land uses within a  
403 springshed and by water withdrawals from the Floridan Aquifer.

404 (b) Springs, whether found in urban or rural settings, or  
405 on public or private lands, are threatened by actual or  
406 potential flow reductions and declining water quality. Many of

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407 this state's springs are demonstrating signs of significant  
408 ecological imbalance, increased nutrient loading, and declining  
409 water flow. Without effective remedial action, a further decline  
410 in water quality and quantity is expected.

411 (c) The state standards regulating both water quality and  
412 quantity, including minimum criteria relating to nutrient  
413 concentrations in groundwater, need to protect both human health  
414 and the complex biological and ecological systems that  
415 contribute to the integrity of springs.

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

419 (e) Because springsheds cross local government  
420 jurisdictional boundaries, a coordinated statewide springs  
421 protection plan is needed.

422 (f) The aquifers and springs of this state are complex  
423 systems affected by many variables and influences and scientific  
424 uncertainty exists regarding their present condition, the action  
425 required to ensure their recovery and health, and the health and  
426 vitality of the ecosystems they support. In implementing this  
427 act, the department and the water management districts shall  
428 take a precautionary approach to springs protection. Where the  
429 possibility of significant or irreversible harm exists, the lack  
430 of full scientific certainty may not be used as a reason for  
431 postponing common-sense actions required to protect springs  
432 under this part.

433 (4) The Legislature recognizes that sufficient information  
434 exists to act, action is urgently needed, and action can be  
435 continually modified as additional data is acquired. Therefore,

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436 state agencies and water management districts shall work  
437 together with local governments to delineate springsheds and  
438 spring protection and management zones and develop comprehensive  
439 plans and land development regulations that protect the springs  
440 of this state for future generations.

441 Section 7. Section 373.802, Florida Statutes, is created to  
442 read:

443 373.802 Definitions.—As used in this part, the term:

444 (1) "Bedroom" means a room that can be used for sleeping  
445 and that:

446 (a) For site-built dwellings, has a minimum of 70 square  
447 feet of conditioned space;

448 (b) For manufactured homes, is constructed according to the  
449 standards of the United States Department of Housing and Urban  
450 Development and has a minimum of 50 square feet of floor area;

451 (c) Is located along an exterior wall;

452 (d) Has a closet and a door or an entrance where a door  
453 could be reasonably installed; and

454 (e) Has an emergency means of escape and a rescue opening  
455 in accordance with the Florida Building Code.

456  
457 A room may not be considered a bedroom if it is used to access  
458 another room except a bathroom or closet and the term does not  
459 include a hallway, bathroom, kitchen, living room, family room,  
460 dining room, den, breakfast nook, pantry, laundry room, sunroom,  
461 recreation room, media/video room, or exercise room.

462 (2) "Department" means the Department of Environmental  
463 Protection, which includes the Florida Geological Survey or its  
464 successor agency or agencies.



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465 (3) "Local government" means a county or municipal  
466 government the jurisdictional boundaries of which include an  
467 Outstanding Florida Spring, or any part of a delineated  
468 springshed or spring protection and management zone for an  
469 Outstanding Florida Spring.

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

483 (5) "Outstanding Florida Spring" includes all historic  
484 first magnitude springs, as determined by the department using  
485 the most recent version of the Florida Geological Survey's  
486 springs bulletin, and the following springs and their associated  
487 spring runs:

- 488 (a) DeLeon Spring;  
489 (b) Peacock Spring;  
490 (c) Rock Springs;  
491 (d) Wekiwa Spring; and  
492 (e) Gemini Spring.  
493 (6) "Responsible management entity" means a legal entity

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494 established for the purpose of providing localized management  
495 services with the requisite managerial, financial, and technical  
496 capacity to ensure long-term management of an onsite sewage  
497 treatment and disposal system within its jurisdiction.

498 (7) "Spring protection and management zone" means the areas  
499 of a springshed where the Floridan Aquifer is vulnerable to  
500 surface sources of contamination or reduced levels, as  
501 determined by the department in consultation with the  
502 appropriate water management districts.

503 (8) "Spring run" means a body of flowing water that  
504 originates from a spring or whose primary source of water is  
505 from a spring or springs under average rainfall conditions.

506 (9) "Springshed" means the areas within the groundwater and  
507 surface water basins which have historically contributed to the  
508 discharge of a spring as defined by potentiometric surface maps  
509 and surface watershed boundaries.

510 (10) "Spring vent" means a location where groundwater flows  
511 out of a natural, discernable opening in the ground onto the  
512 land surface or into a predominantly fresh surface water.

513 Section 8. Section 373.803, Florida Statutes, is created to  
514 read:

515 373.803 Delineation of spring protection and management  
516 zones for Outstanding Florida Springs.—

517 (1) Using the best data available from the water management  
518 districts and other credible sources, the department, in  
519 consultation with the water management districts, shall  
520 delineate the spring protection and management zone for each  
521 Outstanding Florida Spring. The delineation of spring protection  
522 and management zones must be completed by July 1, 2015, unless a

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523 water management district provides sufficient and appropriate  
524 evidence to the department that it is in the best interest of  
525 the public to justify extending the deadline for up to 1 year.

526 (2) Each water management district shall adopt by rule,  
527 pursuant to ss. 120.536(1) and 120.54, maps that depict the  
528 delineated spring protection and management zones for each  
529 Outstanding Florida Spring within its jurisdiction.

530 Section 9. Section 373.805, Florida Statutes, is created to  
531 read:

532 373.805 Minimum flow and level for Outstanding Florida  
533 Springs.—

534 (1) By July 1, 2015, each water management district shall  
535 establish a minimum flow and a minimum water level for each  
536 Outstanding Florida Springs located partially or fully within  
537 its jurisdiction in accordance with ss. 373.042 and 373.0421.  
538 The deadline may be extended each year if a water management  
539 district provides sufficient evidence to the department that an  
540 extension is in the best interest of the public.

541 (2) If a minimum flow and a minimum water level have not  
542 been set for an Outstanding Florida Spring by July 1, 2015, a  
543 water management district may only approve a consumptive use  
544 permit application if the applicant provides reasonable  
545 assurance that the withdrawal will not cause harm to the  
546 Outstanding Florida Spring.

547 (3) If sufficient water is not available to meet an adopted  
548 minimum flow and water level, the water management district,  
549 pursuant to s. 373.0421(2), shall implement a recovery or  
550 prevention strategy for the Outstanding Florida Spring by July  
551 1, 2017. The recovery or prevention strategy for each

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552 Outstanding Florida Spring must include, at a minimum:

553 (a) A listing of all specific projects identified for  
554 implementation to achieve the recovery or prevention strategy;

555 (b) A priority listing of each project;

556 (c) The estimated cost for each listed project; and

557 (d) The source and amount of financial assistance from the  
558 water management district for each project, which may not be  
559 less than 25 percent of the total project cost.

560 (4) The water management districts may adopt rules to meet  
561 the objectives of this subsection.

562 Section 10. Section 373.807, Florida Statutes, is created  
563 to read:

564 373.807 Protection of water quality in Outstanding Florida  
565 Springs.—By July 1, 2015, the department shall assess each  
566 Outstanding Florida Spring for which an impairment determination  
567 has not been made under the numeric nutrient standards in effect  
568 for springs vents.

569 (1) BASIN MANAGEMENT ACTION PLAN.—

570 (a) By July 1, 2017, the department shall develop a basin  
571 management action plan as specified in s. 403.067(7) for each  
572 Outstanding Florida Spring impaired by nutrients. A plan for  
573 such spring completed prior to July 1, 2014, must be revised to  
574 meet the requirements of this section by July 1, 2017.

575 (b) Each basin management action plan required under this  
576 subsection must consider the spring protection and management  
577 zone delineations established pursuant to s. 373.803 and include  
578 a detailed allocation of the pollutant load to each identified  
579 point source or category of nonpoint sources, including, but not  
580 limited to, agricultural fertilizer, onsite treatment and

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581 disposal systems, animal wastes, wastewater treatment  
582 facilities, stormwater, and residential lawn fertilizer.

583 (2) REQUIREMENTS.—Each local government, wastewater  
584 treatment facility, and agricultural producer located partially  
585 or fully within a spring protection and management zone of an  
586 Outstanding Florida Spring impaired by nutrients are required to  
587 abide by the following provisions, as applicable:

588 (a) Within six months of the delineation of the spring  
589 protection and management zone of an Outstanding Florida Spring  
590 within its jurisdiction, a local government must:

591 1. Develop and implement an ordinance that meets the  
592 minimum requirements of the department's Model Ordinance for  
593 Florida-Friendly Fertilizer Use on Urban Landscapes. Such  
594 ordinance must require that, within a spring protection and  
595 management zone of an Outstanding Florida Spring impaired by  
596 nutrients, the nitrogen content of any fertilizer applied to  
597 turf or landscape plants must contain at least 50 percent slow-  
598 release nitrogen per guaranteed analysis label and that annual  
599 application rates of total nitrogen may not exceed the lowest,  
600 basic maintenance rate recommended by the Institute of Food and  
601 Agricultural Sciences as of August 2013. The department shall  
602 adopt rules to implement this subparagraph which set reasonable  
603 minimum standards that local governments must impose and reflect  
604 advancements or improvements regarding best management  
605 practices.

606 2. Create or revise its stormwater management plan to  
607 address nutrient pollution from point sources and nonpoint  
608 sources of stormwater in accordance with s. 403.0891.  
609 Notwithstanding s. 403.0891(3)(b), a local government must

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610 consult with the appropriate water management district, the  
611 Department of Transportation, and the department before adopting  
612 or updating its local government comprehensive plan or public  
613 facilities report, as applicable, as required under s. 189.415.

614 (b) Each wastewater treatment facility must meet a standard  
615 of no more than 3 mg/L Total Nitrogen, expressed as N, on an  
616 annual basis by July 1, 2019, unless granted a variance or an  
617 exemption under s. 373.813.

618 (c) Each agricultural producer, within 2 years after the  
619 adoption of a basin management action plan, must:

620 1. Implement the best management practices or other  
621 measures necessary to achieve pollution reduction levels  
622 established by the department pursuant to s. 403.067(7)(c); or  
623 conduct water quality monitoring prescribed by the department or  
624 the applicable water management district.

625 2. The Department of Agriculture and Consumer Services, in  
626 consultation with the department, shall develop rules to  
627 implement this paragraph.

628 (d) A local government or wastewater treatment facility  
629 shall file a plan for achieving the goals required under this  
630 subsection by July 1, 2015, with the department for approval.  
631 Upon a showing to the department of inordinate expense or that a  
632 delay is in the best interest of the public. The department may  
633 grant a local government or wastewater treatment facility an  
634 extension of up to two years.

635 (3) CENTRAL SEWERAGE SYSTEMS AND ONSITE SEWAGE TREATMENT  
636 AND DISPOSAL SYSTEMS.—In developing a basin management action  
637 plan for an Outstanding Florida Spring, the department, in  
638 consultation with the Department of Health and local

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639 governments, must identify onsite sewage treatment and disposal  
640 systems serving single-family residential properties of less  
641 than 1 acre and multi-family residential, commercial, and  
642 industrial properties located within a spring protection and  
643 management zone. Within 1 year of identification of these  
644 systems, and in consultation with the department, the local  
645 governments in which they are located shall develop an onsite  
646 sewage treatment and disposal system remediation plan. For each  
647 onsite sewage treatment and disposal system, the plan must  
648 include whether the system requires upgrading, connection to a  
649 central sewerage system, or no action. The plan must also  
650 include a priority ranking for each system or group of systems  
651 that requires remediation. Each remediation plan must be  
652 submitted to the department for approval. Following approval of  
653 the remediation plan, the local government shall begin  
654 implementing the approved remediation plan. The costs of  
655 connection to or upgrading the onsite sewage treatment and  
656 disposal systems may not be imposed upon the property owner.

657 (4) FUNDING.—

658 (a) In order to satisfy the requirements under this  
659 section, state agencies, water management districts, local  
660 governments, special districts, utilities, regional management  
661 entities, and agricultural producers, in cooperation with  
662 property owners and agricultural producers, may submit a project  
663 proposal to the Acquisition and Restoration Council, pursuant to  
664 s. 259.035, in order to receive funding for up to 75 percent of  
665 the total project cost, except for projects to upgrade or  
666 connect onsite sewage treatment and disposal systems. Projects  
667 submitted by a fiscally constrained county, as described in s.

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668 218.67(1), or a municipality located therein, are eligible for  
669 funding for up to 100 percent of the total project cost.

670 (b) Projects approved by the Acquisition and Restoration  
671 Council shall be funded by moneys from documentary stamp tax  
672 revenues deposited into the Ecosystem Management and Restoration  
673 Trust Fund in accordance with s. 201.15(1)(c). The Legislature  
674 may use other sources of revenues to fund projects submitted to  
675 the Acquisition and Restoration Council pursuant to this part.

676 (c) The department may distribute moneys deposited into the  
677 Ecosystem Management and Restoration Trust Fund pursuant to  
678 paragraph (b) to any entity that submits a project proposal  
679 application to the Acquisition and Restoration Council for which  
680 funding is approved. The department shall distribute moneys to  
681 state agencies and water management districts for all reasonable  
682 administrative costs related to implementing this part.

683 (d) Moneys in the fund not needed to meet obligations  
684 incurred under this section shall be deposited to the credit of  
685 the fund and may be invested in the manner provided by law.  
686 Interest received on such investments shall be credited to the  
687 Ecosystem Management and Restoration Trust Fund for springs  
688 protection and restoration.

689 Section 11. Section 373.809, Florida Statutes, is created  
690 to read:

691 373.809 Prohibited activities within a spring protection  
692 and management zone of an Outstanding Florida Spring.—

693 (1) The issuance of new permits for the following  
694 activities is prohibited within a spring protection and  
695 management zone of an Outstanding Florida Spring:

696 (a) A municipal or industrial wastewater disposal system,



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697 including rapid infiltration basins, except systems that meet an  
698 advanced wastewater treatment standard of no more than 3 mg/L  
699 Total Nitrogen, expressed as N, on an annual permitted basis, or  
700 a higher treatment standard if the department determines that  
701 the higher standard is necessary to prevent impairment or aid in  
702 the recovery of an Outstanding Florida Spring.

703 (b) An onsite sewage treatment and disposal system, except  
704 a system on a lot with a ratio of one bedroom per acre or  
705 greater or an active or passive performance-based onsite sewage  
706 disposal and treatment system that can achieve 3 mg/L or less  
707 total nitrogen at the property boundary.

708 (c) A facility for the transfer, storage, or disposal of  
709 hazardous waste.

710 (2) Each local government shall ensure that its  
711 comprehensive plan reflects such prohibitions and that they are  
712 implemented through passage of local ordinances.

713 Section 12. Section 373.811, Florida Statutes, is created  
714 to read:

715 373.811 Rules.—

716 (1) The department, the Department of Health, the  
717 Department of Agriculture and Consumer Services, water  
718 management districts, the Acquisition and Restoration Council,  
719 and responsible management entities may adopt rules pursuant to  
720 ss. 120.536(1) and 120.54 to administer this part, as  
721 applicable.

722 (2) (a) The Department of Agriculture and Consumer Services  
723 is the lead agency coordinating the reduction of agricultural  
724 nonpoint sources of pollution for Outstanding Florida Springs  
725 protection. The Department of Agriculture and Consumer Services

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726 and the department, pursuant to s. 403.067(7)(c)4., shall study  
727 and, if necessary, in cooperation with applicable county and  
728 municipal governments, and stakeholders, initiate rulemaking to  
729 implement new or revised best management practices for improving  
730 and protecting Outstanding Florida Springs and for requiring the  
731 implementation of such practices within a reasonable time period  
732 as specified by rule.

733 (b) The department, the Department of Agriculture and  
734 Consumer Services, and the University of Florida's Institute of  
735 Food and Agricultural Sciences shall cooperate in conducting the  
736 necessary research and demonstration projects to develop  
737 improved or additional nutrient management tools, including the  
738 use of controlled release fertilizer that can be used by  
739 agricultural producers as part of an agricultural best  
740 management practices program. The development of such tools must  
741 reflect a balance between water quality improvements and  
742 agricultural productivity and, when applicable, must be  
743 incorporated into the revised best management practices adopted  
744 by rule of the Department of Agriculture and Consumer Services.

745 Section 13. Section 373.813, Florida Statutes, is created  
746 to read:

747 373.813 Variances and exemptions.—

748 (1) A person may apply to the appropriate agency or a water  
749 management district for a variance or an exemption from any  
750 requirement in this part. An agency or a water management  
751 district may approve the application upon receiving reasonable  
752 assurance that the applicant's proposed activity, evaluated  
753 individually or as part of cumulative impacts, will not cause or  
754 contribute to violations of water quality standards or minimum

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755 flows or levels in an Outstanding Florida Spring.

756 (2) Until funding becomes available as provided for in s.  
 757 201.15(1)(c)3.b., or the Legislature provides another source of  
 758 funding, remedial actions are not required under this part,  
 759 unless required as a component in the development of or  
 760 compliance with a basin management action plan.

761 Section 14. Present paragraphs (n) through (q) of  
 762 subsection (2) of section 381.0065, Florida Statutes, are  
 763 redesignated as paragraphs (o) through (r), respectively, a new  
 764 paragraph (n) is added to that subsection, and subsection (7) is  
 765 added to that section, to read:

766 381.0065 Onsite sewage treatment and disposal systems;  
 767 regulation.—

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

770 (n) "Responsible management entity" means a legal entity  
 771 established to be responsible for providing localized management  
 772 services that have the requisite managerial, financial, and  
 773 technical capacity to ensure long-term management of onsite  
 774 sewage treatment and disposal systems within its jurisdiction.

775 (7) RESPONSIBLE MANAGEMENT ENTITIES.—

776 (a) By March 1, 2015, the department and the Department of  
 777 Environmental Protection shall submit a report and  
 778 recommendations to the Governor, the President of the Senate,  
 779 and the Speaker of the House of Representatives on the creation  
 780 and operation of responsible management entities within spring  
 781 protection and management zones of Outstanding Florida Springs,  
 782 as defined in s. 373.802, which are impaired by nutrients. The  
 783 report must focus on the feasibility of different management

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784 models to prevent, reduce, and control nutrient pollution from  
785 onsite sewage treatment and disposal systems, including the  
786 costs associated with each model. In addition, the report must  
787 compare the results of the differing management models to a  
788 mandatory onsite sewage treatment and disposal system evaluation  
789 and assessment program or any other option that would achieve  
790 similar nutrient pollution reductions in the short and long  
791 term.

792 (b) Notwithstanding paragraph (a), a municipality, county,  
793 or appointed regional entity may establish, upon approval by the  
794 department, a responsible management entity for the prevention,  
795 reduction, and control of nutrient pollution caused by  
796 discharges from onsite sewage treatment and disposal systems.  
797 Responsible management entities may implement rules and  
798 maintenance programs in coordination with the department. The  
799 authority of the responsible management entity includes, but is  
800 not limited to, permitting development of system performance  
801 standards; development of standards for construction, operation,  
802 and inspections; maintenance programs for onsite sewage  
803 treatment and disposal systems; coordinated planning with other  
804 local wastewater service providers for nutrient reduction; and  
805 consolidation of multiple, smaller individual projects into a  
806 single project proposal for submission to the Acquisition and  
807 Restoration Council pursuant to s. 373.807.

808 (c) The department shall ensure that responsible management  
809 entities adopt rules and policies that are at least as  
810 restrictive as state law.

811 Section 15. Paragraphs (a) and (c) of subsection (7) of  
812 section 403.067, Florida Statutes, are amended to read:

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813 403.067 Establishment and implementation of total maximum  
814 daily loads.—

815 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND  
816 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

817 (a) *Basin management action plans.*—

818 1. ~~In developing and implementing the total maximum daily~~  
819 ~~load for a water body,~~ The department, or the department in  
820 conjunction with a water management district, if not otherwise  
821 required to do so under applicable law, may develop a basin  
822 management action plan that addresses some or all of the  
823 watersheds and basins tributary to the water body. Such plan  
824 must integrate the appropriate management strategies available  
825 to the state through existing water quality protection programs  
826 to achieve compliance or to prevent noncompliance with water  
827 quality standards ~~the total maximum daily loads~~ and may provide  
828 for phased implementation of these management strategies to  
829 promote timely, cost-effective actions as provided for in s.  
830 403.151. The plan must establish a schedule implementing the  
831 management strategies, establish a basis for evaluating the  
832 plan's effectiveness, and identify feasible funding strategies  
833 for implementing the plan's management strategies. The  
834 management strategies may include regional treatment systems or  
835 other public works, where appropriate, and voluntary trading of  
836 water quality credits to achieve the needed pollutant load  
837 reductions.

838 2. A basin management action plan must equitably allocate,  
839 pursuant to paragraph (6) (b), pollutant reductions to individual  
840 basins, as a whole to all basins, or to each identified point  
841 source or category of nonpoint sources, as appropriate. If the

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842 water body is an Outstanding Florida Spring, the plan must  
843 allocate pollutant reductions, including loads to groundwater,  
844 to each identified point source or category of nonpoint sources  
845 within a spring protection and management zone delineated  
846 pursuant to s. 373.803. For nonpoint sources for which best  
847 management practices have been adopted, the initial requirement  
848 specified by the plan must be those practices developed pursuant  
849 to paragraph (c). If ~~Where~~ appropriate, the plan may take into  
850 account the benefits of pollutant load reduction achieved by  
851 point or nonpoint sources that have implemented management  
852 strategies to reduce pollutant loads, including best management  
853 practices, before the development of the basin management action  
854 plan. The plan must also identify the mechanisms that will  
855 prevent ~~address~~ potential future increases in pollutant loading.

856 3. The basin management action planning process is intended  
857 to involve the broadest possible range of interested parties,  
858 with the objective of encouraging the greatest amount of  
859 cooperation and consensus possible. In developing a basin  
860 management action plan, the department shall assure that key  
861 stakeholders, including, but not limited to, applicable local  
862 governments, water management districts, the Department of  
863 Agriculture and Consumer Services, other appropriate state  
864 agencies, local soil and water conservation districts,  
865 environmental groups, regulated interests, and affected  
866 pollution sources, are invited to participate in the process.  
867 The department shall hold at least one public meeting in the  
868 vicinity of the watershed or basin to discuss and receive  
869 comments during the planning process and shall otherwise  
870 encourage public participation to the greatest practicable

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871 extent. Notice of the public meeting must be published in a  
872 newspaper of general circulation in each county in which the  
873 watershed or basin lies not less than 5 days nor more than 15  
874 days before the public meeting. A basin management action plan  
875 does not supplant or otherwise alter any assessment made under  
876 subsection (3) or subsection (4) or any calculation or initial  
877 allocation.

878 4. The department shall adopt all or any part of a basin  
879 management action plan and any amendment to such plan by  
880 secretarial order pursuant to chapter 120 to implement ~~the~~  
881 ~~provisions of~~ this section.

882 5. The basin management action plan must include milestones  
883 for implementation and water quality improvement, and an  
884 associated water quality monitoring component sufficient to  
885 evaluate whether reasonable progress in pollutant load  
886 reductions is being achieved over time. An assessment of  
887 progress toward these milestones shall be conducted every 5  
888 years, and revisions to the plan shall be made as appropriate.  
889 Revisions to the basin management action plan shall be made by  
890 the department in cooperation with basin stakeholders. Revisions  
891 to the management strategies required for nonpoint sources must  
892 follow the procedures set forth in subparagraph (c)4. Revised  
893 basin management action plans must be adopted pursuant to  
894 subparagraph 4.

895 6. In accordance with procedures adopted by rule under  
896 paragraph (9)(c), basin management action plans, and other  
897 pollution control programs under local, state, or federal  
898 authority as provided in subsection (4), may allow point or  
899 nonpoint sources that will achieve greater pollutant reductions

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900 than required by an adopted total maximum load or wasteload  
901 allocation to generate, register, and trade water quality  
902 credits for the excess reductions to enable other sources to  
903 achieve their allocation; however, the generation of water  
904 quality credits does not remove the obligation of a source or  
905 activity to meet applicable technology requirements or adopted  
906 best management practices. Such plans must allow trading between  
907 NPDES permittees, and trading that may or may not involve NPDES  
908 permittees, where the generation or use of the credits involve  
909 an entity or activity not subject to department water discharge  
910 permits whose owner voluntarily elects to obtain department  
911 authorization for the generation and sale of credits.

912 7. ~~The provisions of~~ The department's rule relating to the  
913 equitable abatement of pollutants into surface waters do not  
914 apply to water bodies or water body segments for which a basin  
915 management plan that takes into account future new or expanded  
916 activities or discharges has been adopted under this section.

917 (c) *Best management practices.*—

918 1. The department, in cooperation with the water management  
919 districts and other interested parties, as appropriate, may  
920 develop suitable interim measures, best management practices, or  
921 other measures necessary to achieve the level of pollution  
922 reduction established by the department for nonagricultural  
923 nonpoint pollutant sources in allocations developed pursuant to  
924 subsection (6) and this subsection. These practices and measures  
925 may be adopted by rule by the department and the water  
926 management districts and, if ~~where~~ adopted by rule, shall be  
927 implemented by those parties responsible for nonagricultural  
928 nonpoint source pollution.



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929           2. The Department of Agriculture and Consumer Services may  
930 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54  
931 suitable interim measures, best management practices, or other  
932 measures necessary to achieve the level of pollution reduction  
933 established by the department for agricultural pollutant sources  
934 in allocations developed pursuant to subsection (6) and this  
935 subsection or for programs implemented pursuant to paragraph  
936 (12) (b) ~~(13) (b)~~. These practices and measures may be implemented  
937 by those parties responsible for agricultural pollutant sources  
938 and the department, the water management districts, and the  
939 Department of Agriculture and Consumer Services shall assist  
940 with implementation. In the process of developing and adopting  
941 rules for interim measures, best management practices, or other  
942 measures, the Department of Agriculture and Consumer Services  
943 shall consult with the department, the Department of Health, the  
944 water management districts, representatives from affected  
945 farming groups, and environmental group representatives. Such  
946 rules must also incorporate provisions for a notice of intent to  
947 implement the practices and a system to assure the  
948 implementation of the practices, including recordkeeping  
949 requirements.

950           3. Where interim measures, best management practices, or  
951 other measures are adopted by rule, the effectiveness of such  
952 practices in achieving the levels of pollution reduction  
953 established in allocations developed by the department pursuant  
954 to subsection (6) and this subsection or in programs implemented  
955 pursuant to paragraph (12) (b) ~~(13) (b)~~ must be verified at  
956 representative sites by the department. The department shall use  
957 best professional judgment in making the initial verification

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958 that the best management practices are reasonably expected to be  
959 effective and, if ~~where~~ applicable, must notify the appropriate  
960 water management district or the Department of Agriculture and  
961 Consumer Services of its initial verification before the  
962 adoption of a rule proposed pursuant to this paragraph.  
963 Implementation, in accordance with rules adopted under this  
964 paragraph, of practices that have been initially verified to be  
965 effective, or verified to be effective by monitoring at  
966 representative sites, by the department, shall provide a  
967 presumption of compliance with state water quality standards and  
968 release from ~~the provisions of~~ s. 376.307(5) for those  
969 pollutants addressed by the practices, and the department is not  
970 authorized to institute proceedings against the owner of the  
971 source of pollution to recover costs or damages associated with  
972 the contamination of surface water or groundwater caused by  
973 those pollutants. Research projects funded by the department, a  
974 water management district, or the Department of Agriculture and  
975 Consumer Services to develop or demonstrate interim measures or  
976 best management practices shall be granted a presumption of  
977 compliance with state water quality standards and a release from  
978 the provisions of s. 376.307(5). The presumption of compliance  
979 and release is limited to the research site and applies only for  
980 those pollutants addressed by the interim measures or best  
981 management practices. Eligibility for the presumption of  
982 compliance and release is limited to research projects on sites  
983 where the owner or operator of the research site and the  
984 department, a water management district, or the Department of  
985 Agriculture and Consumer Services have entered into a contract  
986 or other agreement that, at a minimum, specifies the research

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987 objectives, the cost-share responsibilities of the parties, and  
988 a schedule that details the beginning and ending dates of the  
989 project.

990 4. Where water quality problems are demonstrated, despite  
991 the appropriate implementation, operation, and maintenance of  
992 best management practices and other measures required by rules  
993 adopted under this paragraph, the department, a water management  
994 district, or the Department of Agriculture and Consumer  
995 Services, in consultation with the department, shall institute a  
996 reevaluation of the best management practice or other measure.  
997 ~~If should~~ the reevaluation determines ~~determine~~ that the best  
998 management practice or other measure requires modification, the  
999 department, a water management district, or the Department of  
1000 Agriculture and Consumer Services, as appropriate, shall revise  
1001 the rule to require implementation of the modified practice  
1002 within a reasonable time period as specified in the rule.

1003 5. Agricultural records relating to processes or methods of  
1004 production, costs of production, profits, or other financial  
1005 information held by the Department of Agriculture and Consumer  
1006 Services pursuant to subparagraphs 3. and 4. or pursuant to any  
1007 rule adopted pursuant to subparagraph 2. are confidential and  
1008 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
1009 Constitution. Upon request, records made confidential and exempt  
1010 pursuant to this subparagraph shall be released to the  
1011 department or any water management district provided that the  
1012 confidentiality specified by this subparagraph for such records  
1013 is maintained.

1014 6. ~~The provisions of~~ Subparagraphs 1. and 2. do not  
1015 preclude the department or water management district from

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1016 requiring compliance with water quality standards or with  
1017 current best management practice requirements set forth in any  
1018 applicable regulatory program authorized by law for the purpose  
1019 of protecting water quality. Additionally, subparagraphs 1. and  
1020 2. are applicable only to the extent that they do not conflict  
1021 with ~~any~~ rules adopted by the department which ~~that~~ are  
1022 necessary to maintain a federally delegated or approved program.

1023 Section 16. Section 381.00651, Florida Statutes, is  
1024 repealed.

1025 Section 17. Comprehensive study on nutrient reduction  
1026 improvements and the beneficial use of reclaimed water,  
1027 stormwater, and excess surface water.-

1028 (1) The Department of Agriculture and Consumer Services and  
1029 the Department of Environmental Protection, in cooperation with  
1030 the five water management districts, shall conduct a  
1031 comprehensive study on nutrient reduction improvements for row  
1032 crops and for the expansion of the beneficial use of reclaimed  
1033 water, stormwater, and excess surface water in this state. The  
1034 final report of the study must:

1035 (a) Describe factors that currently prohibit or otherwise  
1036 complicate the expansion of the beneficial use of reclaimed  
1037 water and include recommendations for the mitigation or  
1038 elimination of such factors.

1039 (b) Identify environmental, public health, public  
1040 perception, engineering, and fiscal issues, and user fee  
1041 amounts, including utility rate structures for potable and  
1042 reclaimed water.

1043 (c) Identify areas in the state where making reclaimed  
1044 water available for irrigation or other uses is necessary

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1045 because the use of traditional water supply sources is  
1046 constrained by limitations on availability.

1047 (d) Evaluate the costs to users of reclaimed water compared  
1048 to the cost associated with traditional water sources, including  
1049 an examination of the nutrient concentrations in reclaimed water  
1050 and the necessity for additional fertilizer supplementation.

1051 (e) Evaluate permitting incentives, such as further  
1052 extending current authorization for long-term consumptive  
1053 permits to all entities substituting reclaimed water for  
1054 traditional water sources or including in such permits a  
1055 provision that authorizes conversion to traditional water  
1056 sources if reclaimed water becomes unavailable or cost  
1057 prohibitive.

1058 (f) Describe the basic feasibility, benefit, and cost  
1059 estimates for the infrastructure needed to construct regional  
1060 storage features on public or private lands for reclaimed water,  
1061 stormwater, or excess surface water, including collection and  
1062 delivery mechanisms for beneficial uses rather than discharge to  
1063 tide, such as agricultural irrigation, power generation, public  
1064 water supply, wetland restoration, groundwater recharge, and  
1065 water body base flow augmentation.

1066 (g) Describe any other alternative processes, systems, or  
1067 technology that may be comparable or preferable to a regional  
1068 storage system or that may effectively complement or be a  
1069 substitute for a regional storage system.

1070 (h) Evaluate the impact of implementation of a  
1071 comprehensive reclaimed water plan on traditional water sources  
1072 and aquifer levels.

1073 (i) Evaluate strategies to reduce nutrient loading from row

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1074 crops in areas sensitive to nutrient pollution, including the  
1075 application of organic fertilizers, or provide incentives for  
1076 agricultural producers to plant crops that require less  
1077 fertilization.

1078 (2) The Department of Agriculture and Consumer Services and  
1079 the Department of Environmental Protection shall jointly hold a  
1080 public meeting to gather input on the design of the  
1081 comprehensive study and to provide an opportunity for public  
1082 comment before publishing the final report of the study.

1083 (3) The final report shall be submitted to the Governor,  
1084 the President of the Senate, and the Speaker of the House of  
1085 Representatives by December 1, 2015.

1086 (4) This section expires on December 1, 2015.

1087 Section 18. This act shall take effect July 1, 2014.