

By the Committee on Environmental Preservation and Conservation;
and Senators Dean, Montford, Soto, Simmons, Hays, Altman, and
Abruzzo

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1 A bill to be entitled
2 An act relating to springs; amending s. 201.15, F.S.;
3 specifying distributions to the Ecosystem Management
4 and Restoration Trust Fund; amending s. 373.042, F.S.;
5 requiring the Department of Environmental Protection
6 or the governing board of a water management district
7 to establish the minimum flow and water level for an
8 Outstanding Florida Spring; specifying minimum flows
9 and water levels for an Outstanding Florida Spring;
10 amending s. 373.0421, F.S.; conforming a cross-
11 reference; creating part VIII of chapter 373, F.S.,
12 entitled "Florida Springs and Aquifer Protection Act";
13 creating s. 373.801, F.S.; providing legislative
14 findings and intent; creating s. 373.802, F.S.;
15 defining terms; creating s. 373.803, F.S.; requiring
16 the Department of Environmental Protection to
17 delineate the spring protection and management zone
18 for each Outstanding Florida Spring; requiring the
19 department to adopt by rule maps that depict the
20 delineation of each spring protection and management
21 zone for each Outstanding Florida Spring; creating s.
22 373.805, F.S.; requiring the water management
23 districts to adopt minimum flows and levels for
24 Outstanding Florida Springs; requiring a water
25 management district to implement a recovery or
26 prevention strategy under certain circumstances;
27 authorizing the water management districts to adopt
28 rules; creating s. 373.807, F.S.; providing procedures
29 for improving water quality in Outstanding Florida

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30 Springs; requiring the Department of Environmental
31 Protection to develop a spring action plan; providing
32 requirements; creating s. 373.808, F.S.; providing for
33 funding mechanisms for the restoration of Outstanding
34 Florida Springs; prohibiting a project from being
35 funded under this part unless it is listed on a spring
36 action plan; creating s. 373.809, F.S.; specifying
37 prohibited activities within a spring protection and
38 management zone of an Outstanding Florida Spring;
39 creating s. 373.811, F.S.; providing rulemaking
40 authority; creating s. 373.813, F.S.; providing for
41 variances and exemptions under certain circumstances;
42 amending s. 381.0065, F.S.; defining the term
43 "responsible management entity"; requiring the
44 Department of Health to submit a report to the
45 Governor and the Legislature on responsible management
46 entities; authorizing the establishment of responsible
47 management entities; repealing s. 381.00651, F.S.,
48 relating to periodic evaluation and assessment of
49 onsite sewage treatment and disposal systems;
50 requiring the Department of Agriculture and Consumer
51 Services and the Department of Environmental
52 Protection to conduct a comprehensive study on
53 nutrient reduction improvements and the expansion of
54 the beneficial use of reclaimed water; requiring the
55 departments to jointly hold a public meeting to gather
56 input on the design of the comprehensive study and
57 provide an opportunity for public comment; requiring
58 the final report to be submitted to the Governor and

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59 the Legislature by a certain date; providing for
60 future expiration; providing an effective date.

61
62 Be It Enacted by the Legislature of the State of Florida:

63
64 Section 1. Paragraph (c) of subsection (1) of section
65 201.15, Florida Statutes, is amended to read:

66 201.15 Distribution of taxes collected.—All taxes collected
67 under this chapter are subject to the service charge imposed in
68 s. 215.20(1). Prior to distribution under this section, the
69 Department of Revenue shall deduct amounts necessary to pay the
70 costs of the collection and enforcement of the tax levied by
71 this chapter. Such costs and the service charge may not be
72 levied against any portion of taxes pledged to debt service on
73 bonds to the extent that the costs and service charge are
74 required to pay any amounts relating to the bonds. After
75 distributions are made pursuant to subsection (1), all of the
76 costs of the collection and enforcement of the tax levied by
77 this chapter and the service charge shall be available and
78 transferred to the extent necessary to pay debt service and any
79 other amounts payable with respect to bonds authorized before
80 January 1, 2013, secured by revenues distributed pursuant to
81 subsection (1). All taxes remaining after deduction of costs and
82 the service charge shall be distributed as follows:

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

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

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88 1. The State Transportation Trust Fund in the Department of
89 Transportation in the amount of the lesser of 38.2 percent of
90 the remainder or \$541.75 million in each fiscal year. Out of
91 such funds, the first \$50 million for the 2012-2013 fiscal year;
92 \$65 million for the 2013-2014 fiscal year; and \$75 million for
93 the 2014-2015 fiscal year and all subsequent years, shall be
94 transferred to the State Economic Enhancement and Development
95 Trust Fund within the Department of Economic Opportunity. The
96 remainder shall ~~is to~~ be used for the following specified
97 purposes, notwithstanding any other law ~~to the contrary~~:

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

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

105 c. For the purposes of the Strategic Intermodal System
106 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent
107 of these funds after allocating for the New Starts Transit
108 Program described in sub-subparagraph a. and the Small County
109 Outreach Program described in sub-subparagraph b.; and

110 d. For the purposes of the Transportation Regional
111 Incentive Program specified in s. 339.2819, 25 percent of these
112 funds after allocating for the New Starts Transit Program
113 described in sub-subparagraph a. and the Small County Outreach
114 Program described in sub-subparagraph b. Effective July 1, 2014,
115 the first \$60 million of the funds allocated pursuant to this
116 sub-subparagraph shall be allocated annually to the Florida Rail

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117 Enterprise for the purposes established in s. 341.303(5).

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

122 3. The Ecosystem Management and Restoration Trust Fund in
123 the amount of:

124 a. The lesser of 2.12 percent of the remainder or \$30
125 million in each fiscal year, to be used for the preservation and
126 repair of the state's beaches as provided in ss. 161.091-
127 161.212; and

128 b. Thirty-six and nine-tenths percent of the remainder in
129 each fiscal year to be used for restoration and protection of
130 Outstanding Florida Springs pursuant to part VIII of chapter
131 373, and for the acquisition of lands identified on the most
132 current Board of Trustees Florida Forever Priority List, or by a
133 water management district, which protect the essential parcels
134 of the named spring projects that improve water quality or
135 conserve water use and are located partially or fully within a
136 spring protection and management zone of an Outstanding Florida
137 Spring.

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

142
143 Moneys distributed pursuant to this paragraph may not be pledged
144 for debt service unless such pledge is approved by referendum of
145 the voters.

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

148 373.042 Minimum flows and levels.—

149 (1) Within each section, or within the water management
150 district as a whole, the department or the governing board shall
151 establish the following:

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

156 (b) Minimum water level. The minimum water level is ~~shall~~
157 ~~be~~ the level of groundwater in an aquifer and the level of
158 surface water at which further withdrawals would be
159 significantly harmful to the water resources of the area.

160 (c) Minimum flow and minimum water level for an Outstanding
161 Florida Spring, as defined in s. 373.802. The minimum flow and
162 minimum water level are the limit and level, respectively, at
163 which further withdrawals would be harmful to the water
164 resources or ecology of the area.

165
166 The minimum flow and minimum water level shall be calculated by
167 the department and the governing board using the best
168 information available. When appropriate, minimum flows and
169 minimum water levels may be calculated to reflect seasonal
170 variations. The department and the governing board shall ~~also~~
171 consider, and at their discretion may provide for, the
172 protection of nonconsumptive uses in the establishment of
173 minimum flows and minimum water levels.

174 Section 3. Paragraph (a) of subsection (1) of section

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175 373.0421, Florida Statutes, is amended to read:

176 373.0421 Establishment and implementation of minimum flows
177 and levels.—

178 (1) ESTABLISHMENT.—

179 (a) *Considerations*.—When establishing minimum flows and
180 minimum water levels pursuant to s. 373.042, the department or
181 governing board shall consider changes and structural
182 alterations to watersheds, surface waters, and aquifers and the
183 effects such changes or alterations have had, and the
184 constraints such changes or alterations have placed, on the
185 hydrology of an affected watershed, surface water, or aquifer,
186 provided that nothing in this paragraph shall allow significant
187 harm as provided by s. 373.042(1) (a) and (b), or harm as
188 provided by s. 373.042(1) (c), caused by withdrawals.

189 Section 4. Part VIII of chapter 373, Florida Statutes,
190 consisting of sections 373.801, 373.802, 373.803, 373.805,
191 373.807, 373.808, 373.809, 373.811, and 373.813, Florida
192 Statutes, is created and entitled the “Florida Springs and
193 Aquifer Protection Act.”

194 Section 5. Section 373.801, Florida Statutes, is created to
195 read:

196 373.801 Legislative findings and intent.—

197 (1) The Legislature finds that springs are a unique part of
198 this state’s scenic beauty, deserving the highest level of
199 protection under s. 7., Art. II of the State Constitution.
200 Springs provide critical habitat for plants and animals,
201 including many endangered or threatened species. Springs also
202 provide immeasurable natural, recreational, economic, and
203 inherent value. Flow level and water quality of springs are

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204 indicators of local conditions of the Floridan Aquifer, which is
205 the source of drinking water for many residents of this state.
206 Springs are of great scientific importance in understanding the
207 diverse functions of aquatic ecosystems. In addition, springs
208 provide recreational opportunities for swimming, canoeing,
209 wildlife watching, fishing, cave diving, and many other
210 activities in this state. Because of such recreational
211 opportunities and the accompanying tourism, state and local
212 economies benefit from many of the springs in this state.

213 (2) Water quantity and water quality in springs are
214 directly related. For regulatory purposes, the department has
215 primary responsibility for water quality; the water management
216 districts have primary responsibility for water quantity; the
217 Department of Agriculture and Consumer Services has primary
218 responsibility for the development and implementation of best
219 management practices; and local governments have primary
220 responsibility for providing wastewater and stormwater
221 management. The foregoing responsible entities must work
222 together in a coordinated manner to restore and maintain the
223 water quantity and water quality for Outstanding Florida
224 Springs.

225 (3) The Legislature recognizes that:

226 (a) Springs are only as healthy as their springsheds. The
227 groundwater that supplies springs is derived from water that
228 recharges the aquifer system in the form of seepage from the
229 land surface and through direct conduits such as sinkholes.
230 Springs are adversely affected by polluted runoff from urban and
231 agricultural lands; discharge resulting from inadequate
232 wastewater and stormwater management practices; stormwater

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233 runoff; and the reduced water levels of the Floridan Aquifer. As
234 a result, the hydrologic and environmental conditions of a
235 spring or spring run are directly influenced by activities and
236 land uses within a springshed and by water withdrawals from the
237 Floridan Aquifer.

238 (b) Springs, whether found in urban or rural settings, or
239 on public or private lands, are threatened by actual or
240 potential flow reductions and declining water quality. Many of
241 this state's springs are demonstrating signs of significant
242 ecological imbalance, increased nutrient loading, and declining
243 water flow. Without effective remedial actions, further declines
244 in water quality and water quantity will occur.

245 (c) The state standards regulating both water quality and
246 quantity, including minimum criteria relating to nutrient
247 concentrations in groundwater, need to protect both human health
248 and the complex biological and ecological systems that
249 contribute to the integrity of springs.

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

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

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

258 (4) The Legislature recognizes that sufficient information
259 exists to act, action is urgently needed, and action can be
260 continually modified as additional data is acquired. Therefore,
261 state agencies and water management districts shall work

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262 together with local governments to delineate springsheds and
263 spring protection and management zones and develop comprehensive
264 plans and land development regulations that protect the springs
265 of this state for future generations.

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

268 Section 6. Section 373.802, Florida Statutes, is created to
269 read:

270 373.802 Definitions.—As used in this part, the term:

271 (1) "Department" means the Department of Environmental
272 Protection, which includes the Florida Geological Survey or its
273 successor agency or agencies.

274 (2) "Local government" means a county or municipal
275 government the jurisdictional boundaries of which include an
276 Outstanding Florida Spring, or any part of a delineated
277 springshed or spring protection and management zone for an
278 Outstanding Florida Spring.

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

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291 other treatment works regulated under chapter 403.

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

- 296 (a) DeLeon Spring;
297 (b) Peacock Spring;
298 (c) Rock Springs;
299 (d) Wekiwa Spring; and
300 (e) Gemini Spring.

301 (5) "Responsible management entity" means a legal entity
302 established for the purpose of providing localized nutrient
303 management services with the requisite managerial, financial,
304 and technical capacity to ensure long-term management of onsite
305 sewage treatment and disposal systems and other local nutrient
306 sources at the option of the local government within its
307 jurisdiction.

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

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

316 (8) "Springshed" means the areas within the groundwater and
317 surface water basins which have historically contributed to the
318 discharge of a spring as defined by potentiometric surface maps
319 and surface watershed boundaries.

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

323 Section 7. Section 373.803, Florida Statutes, is created to
324 read:

325 373.803 Delineation of spring protection and management
326 zones for Outstanding Florida Springs.—Using the best data
327 available from the water management districts and other credible
328 sources, the department, in consultation with the water
329 management districts, shall delineate one or more spring
330 protection and management zones for each Outstanding Florida
331 Spring. In delineating spring protection and management zones,
332 the department shall consider groundwater travel time to the
333 spring, hydrogeology, and nutrient load. The delineation of
334 spring protection and management zones must be completed by July
335 1, 2015. In conjunction with delineating a spring protection and
336 management zone for an Outstanding Florida Spring, the
337 department shall adopt by rule, pursuant to ss. 120.536(1) and
338 120.54, maps and legal descriptions that depict the delineated
339 spring protection and management zone or zones for that spring.

340 Section 8. Section 373.805, Florida Statutes, is created to
341 read:

342 373.805 Minimum flow and minimum water level for
343 Outstanding Florida Springs.—

344 (1) Each water management district shall establish a
345 minimum flow and minimum water level for each Outstanding
346 Florida Spring within its jurisdiction by July 1, 2015, in
347 accordance with ss. 373.042 and 373.0421. The deadline may be
348 extended each year until July 1, 2020, if a water management

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349 district provides sufficient evidence to the department that an
350 extension is in the best interest of the public. This subsection
351 does not apply to minimum flows and minimum water levels adopted
352 prior to July 1, 2014, for a spring included in the definition
353 of Outstanding Florida Springs in s. 373.802, until such time as
354 the minimum flow or minimum water level is revised, or otherwise
355 amended.

356 (2) By July 1, 2017, each water management district shall
357 approve a recovery or prevention strategy, as required by ss.
358 373.042 and 373.0421, for each Outstanding Florida Spring in its
359 jurisdiction in which the existing flow or water level of the
360 Outstanding Florida Spring is below, or is projected within the
361 next 20 years to fall below, the applicable minimum flow or
362 minimum water level established pursuant to s. 373.042. The
363 recovery or prevention strategy for each Outstanding Florida
364 Spring must include, at a minimum:

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

367 (b) A priority listing of each project.

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

369 (d) The source and amount of financial assistance to be
370 made available by the water management district for each
371 project, which may not be less than 25 percent of the total
372 project cost unless a specific funding source is identified
373 which will provide more than 75 percent of the total project
374 cost. The Northwest Florida Water Management District and the
375 Suwannee River Water Management District are not required to
376 provide matching funds pursuant to this paragraph.

377 Section 9. Section 373.807, Florida Statutes, is created to

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378 read:

379 373.807 Protection of water quality in Outstanding Florida
380 Springs.-By July 1, 2015, the department shall assess each
381 Outstanding Florida Spring for which an impairment determination
382 has not been made under the numeric nutrient standards in effect
383 for spring vents.

384 (1) BASIN MANAGEMENT ACTION PLAN.-By July 1, 2017, the
385 department shall develop basin management action plans, as
386 specified in s. 403.067(7), for Outstanding Florida Springs
387 impaired by nutrients.

388 (2) SPRING ACTION PLAN.-The department shall begin
389 preparation of a spring action plan for each Outstanding Florida
390 Spring that has an adopted basin management action plan or an
391 implemented recovery or prevention strategy by July 1, 2014, or
392 as soon as a basin management action plan is adopted or a
393 recovery or prevention strategy is implemented.

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

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

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

400 3. Is projected to be impaired by nutrients within 20
401 years.

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

403 1. All projects in the basin management action plan which
404 are located within a spring protection and management zone.

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

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407 3. All projects included in a recovery or prevention
408 strategy which are within a spring protection and management
409 zone.

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

412 5. An estimate of a listed project's reduction of nutrient
413 loading.

414 6. A map and legal descriptions depicting the spring
415 protection and management zones established pursuant to s.
416 373.803.

417 7. Identification of each point source or category of
418 nonpoint sources, including but not limited to, urban
419 fertilizer, turf fertilizer, agricultural fertilizer, onsite
420 sewage treatment and disposal systems, wastewater treatment
421 facilities, animal wastes, and stormwater facilities. A detailed
422 allocation of the pollutant load shall be provided for each
423 point source or category of nonpoint sources.

424 (3) REQUIREMENTS.—

425 (a) Within 6 months of the delineation of a spring
426 protection and management zone or zones of an Outstanding
427 Florida Spring that is fully or partially within the
428 jurisdiction of a local government, a local government must
429 develop, enact, and implement an ordinance that meets or exceeds
430 the requirements of the department's Model Ordinance for
431 Florida-Friendly Fertilizer Use on Urban Landscapes. Such
432 ordinance must require that, within a spring protection and
433 management zone of an Outstanding Florida Spring impaired by
434 nutrients, the nitrogen content of any fertilizer applied to
435 turf or landscape plants may not exceed the lowest, basic

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436 maintenance rate of the most recent recommendations by the
437 Institute of Food and Agricultural Sciences. The department
438 shall adopt rules to implement this paragraph which establish
439 reasonable minimum standards and reflect advancements or
440 improvements regarding nutrient load reductions.

441 (b) Until adequate funding becomes available pursuant to s.
442 373.808, or until the Legislature provides an additional
443 adequate funding source, remedial actions required under this
444 paragraph are not required, unless they are included in an
445 adopted basin management action plan.

446 1. The owner or operator of each existing wastewater
447 treatment facility in a spring protection and management zone
448 shall meet a standard of no more than 3 mg/L Total Nitrogen,
449 expressed as N, on an annual permitted basis by July 1, 2021,
450 unless granted a variance or exemption pursuant to s. 373.813.

451 2. By July 1, 2016, the owner or operator of each existing
452 wastewater treatment facility in a spring protection and
453 management zone shall file for approval by the department a plan
454 for complying with this paragraph. Upon a showing to the
455 department of inordinate expense or that a delay is in the best
456 interest of the public, the department may grant a local
457 government or wastewater treatment facility an extension of up
458 to 2 years to implement the plan. The owner or operator shall
459 submit a proposal for funding at least once every 2 years until
460 the plan is fully implemented.

461 3. By July 1, 2019, each agricultural producer in a spring
462 protection and management zone must implement best management
463 practices or other measures necessary to achieve pollution
464 reduction levels established by the department. The Department

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465 of Agriculture and Consumer Services, in consultation with the
466 department, shall adopt rules to implement this subparagraph.

467 4. By July 1, 2016, the department, in consultation with
468 the Department of Health and local governments, must identify
469 onsite sewage treatment and disposal systems serving single-
470 family residential properties of less than 1 acre and multi-
471 family residential, commercial, and industrial properties
472 located within a spring protection and management zone. Within 1
473 year of identification of these systems, and in consultation
474 with the department, the local governments in which they are
475 located shall develop an onsite sewage treatment and disposal
476 system remediation plan. For each onsite sewage treatment and
477 disposal system, the plan must include whether the system
478 requires upgrading, connection to a central sewerage system, or
479 no action. The plan must also include a priority ranking for
480 each system or group of systems that requires remediation. Each
481 remediation plan must be submitted to the department for
482 approval. After approval of the remediation plan, the local
483 government shall begin implementing the approved remediation
484 plan. The costs of connection to a central sewerage system or
485 upgrading the onsite sewage treatment and disposal systems may
486 not be imposed on the property owner. The local government shall
487 submit a proposal for funding at least every 2 years until the
488 plan is fully implemented.

489 Section 10. Section 373.808, Florida Statutes, is created
490 to read:

491 373.808 Funding for the restoration of Outstanding Florida
492 Springs.—

493 (1) In order to satisfy the requirements under this part,

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494 state agencies, water management districts, local governments,
495 special districts, utilities, and regional management entities,
496 if applicable, shall cooperate with property owners and
497 agricultural producers to submit project proposals to the
498 department in order to receive funding for up to 75 percent of
499 the total project cost. Project submittals for upgrades or
500 connections of onsite sewage treatment and disposal systems, and
501 those submitted by a fiscally constrained county as described in
502 s. 218.67(1) or in a municipality located therein, are eligible
503 for funding of up to 100 percent of the total project cost.

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

510 (3) The department may distribute moneys deposited into the
511 Ecosystem Management and Restoration Trust Fund pursuant to
512 subsection (2) to any person who submits a project proposal
513 application to the department for which funding is approved. The
514 department shall distribute moneys to state agencies and water
515 management districts for all reasonable administrative costs
516 related to implementing this part. In addition, the department
517 may adopt rules to develop grant application procedures to cover
518 reasonable administrative costs of a fiscally constrained county
519 as described in s. 218.67(1) or a municipality located therein.

520 (4) Moneys in the fund not needed in the current fiscal
521 year to meet obligations incurred under this part shall be
522 deposited to the credit of the fund and may be invested in the

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523 manner provided by law. Interest received on such investments
524 shall be credited to the Ecosystem Management and Restoration
525 Trust Fund for the purposes specified in s. 201.15(1)(c)3.b.

526 (5) By December 31, 2014, the department shall adopt rules
527 to fund pilot projects that test the effectiveness of innovative
528 or existing nutrient reduction or water conservation
529 technologies designed to minimize nutrient pollution in the
530 springs of this state. The department must approve funding for
531 at least two pilot projects in each project selection cycle if
532 the department determines that the project will not be harmful
533 to the ecological resources in the study area.

534 (6) By December 31, 2014, the department shall develop and
535 recommend rules to competitively evaluate, select, and rank
536 projects eligible for partial or complete funding under this
537 section. In developing these rules, the department shall give
538 preference to the projects that it estimates will result in the
539 greatest improvement to water quality and water quantity for the
540 dollars to be expended for the project. At a minimum, the
541 department shall consider the following criteria:

542 (a) Whether the project is within a spring protection and
543 management zone of an Outstanding Florida Spring impaired by
544 nutrients.

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

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

550 (d) Whether the project is within a spring protection and
551 management zone of an Outstanding Florida Spring that is not

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552 meeting its adopted minimum flow or minimum water level.

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

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

557 (g) Whether the project facilitates or enhances an existing
558 basin management action plan adopted by the department to
559 address pollutant loadings.

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

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

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

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

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

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

579 Section 11. Section 373.809, Florida Statutes, is created
580 to read:

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581 373.809 Prohibited activities within a spring protection
582 and management zone of an Outstanding Florida Spring.—The
583 following activities are prohibited within a spring protection
584 and management zone of an Outstanding Florida Spring:

585 (1) New municipal or industrial wastewater disposal
586 systems, including rapid infiltration basins, except those
587 systems that meet an advanced wastewater treatment standard of
588 no more than 3 mg/L Total Nitrogen, expressed as N, on an annual
589 permitted basis, or a higher treatment standard if the
590 department determines the higher standard is necessary to
591 prevent impairment or aid in the recovery of an Outstanding
592 Florida Spring.

593 (2) New onsite sewage treatment and disposal systems on
594 lots less than 1 acre, except for active or passive nitrogen
595 removing onsite sewage treatment and disposal systems approved
596 by the Department of Health.

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

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

600 (5) Concentrated animal feeding operations or intense
601 cattle finishing and slaughter operations. This subsection does
602 not apply to operations permitted by July 1, 2014, or the future
603 expansion of livestock or poultry operations engaged in the
604 occupation of bona fide agriculture as of July 1, 2014.

605 Section 12. Section 373.811, Florida Statutes, is created
606 to read:

607 373.811 Rules.—

608 (1) The department shall adopt rules to create a program to
609 improve water quantity and water quality pursuant to ss.

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610 120.536(1) and 120.54 to administer this part, as applicable. In
611 developing rules to administer s. 373.808, the department shall
612 use the Total Maximum Daily Load Water Quality Restoration
613 Grants rule as guidance to develop a comparable program for the
614 restoration and protection of the water quality and water
615 quantity for Outstanding Florida Springs.

616 (2) The Department of Health, the Department of
617 Agriculture and Consumer Services, the water management
618 districts, and responsible management entities may adopt rules
619 pursuant to ss. 120.536(1) and 120.54 to administer this part,
620 as applicable.

621 (3) (a) The Department of Agriculture and Consumer Services
622 is the lead agency coordinating the reduction of agricultural
623 nonpoint sources of pollution for the protection of Outstanding
624 Florida Springs. The Department of Agriculture and Consumer
625 Services and the department, pursuant to s. 403.067(7)(c)4.,
626 shall study new or revised best management practices for
627 improving and protecting Outstanding Florida Springs and, if
628 necessary, in cooperation with applicable local governments and
629 stakeholders, initiate rulemaking to require the implementation
630 of such practices within a reasonable time period.

631 (b) The department, the Department of Agriculture and
632 Consumer Services, and the University of Florida's Institute of
633 Food and Agricultural Sciences shall cooperate in conducting the
634 necessary research and demonstration projects to develop
635 improved or additional nutrient management tools, including the
636 use of controlled release fertilizer that can be used by
637 agricultural producers as part of an agricultural best
638 management practices program. The development of such tools must

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639 reflect a balance between water quality improvement and
640 agricultural productivity and, when applicable, must be
641 incorporated into the revised best management practices adopted
642 by rule of the Department of Agriculture and Consumer Services.

643 Section 13. Section 373.813, Florida Statutes, is created
644 to read:

645 373.813 Variances and exemptions.—A person may apply to the
646 appropriate agency or a water management district for a variance
647 or exemption from any requirement in this part. An agency or a
648 water management district may approve the application upon
649 receiving reasonable assurance that the applicant's proposed
650 activity, evaluated individually and as part of cumulative
651 impacts, will not cause or contribute to violations of water
652 quality standards, minimum flows, or minimum water levels in an
653 Outstanding Florida Spring.

654 Section 14. Present paragraphs (n) through (q) of
655 subsection (2) of section 381.0065, Florida Statutes, are
656 redesignated as paragraphs (o) through (r), respectively, a new
657 paragraph (n) is added to that subsection, and subsection (7) is
658 added to that section, to read:

659 381.0065 Onsite sewage treatment and disposal systems;
660 regulation.—

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

663 (n) "Responsible management entity" has the same meaning as
664 in s. 373.802.

665 (7) RESPONSIBLE MANAGEMENT ENTITIES.—

666 (a) By March 1, 2015, the department and the Department of
667 Environmental Protection shall submit a report and

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668 recommendations to the Governor, the President of the Senate,
669 and the Speaker of the House of Representatives on the creation
670 and operation of responsible management entities within spring
671 protection and management zones of Outstanding Florida Springs,
672 as defined in s. 373.802. The report must focus on the
673 feasibility of different management models to prevent, reduce,
674 and control nutrient pollution from onsite sewage treatment and
675 disposal systems, including the costs associated with each
676 model. In addition, the report must compare the results of the
677 differing management models to a mandatory onsite sewage
678 treatment and disposal system evaluation and assessment program
679 or any other option that would achieve similar nutrient
680 pollution reductions in the short and long term.

681 (b) A local government may not create a responsible
682 management entity without the prior approval of the department,
683 in consultation with the Department of Environmental Protection.
684 In reviewing requests for the creation of a responsible
685 management entity, the local government must demonstrate to the
686 department, in consultation with the Department of Environmental
687 Protection, that it has the management skills, personnel,
688 financial capacity, and technical expertise to properly operate
689 and maintain such an entity.

690 (c) The department shall ensure that responsible management
691 entities adopt rules and policies that are at least as
692 restrictive as state law.

693 Section 15. Section 381.00651, Florida Statutes, is
694 repealed.

695 Section 16. Comprehensive study on nutrient reduction
696 improvements and the beneficial use of reclaimed water,

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697 stormwater, and excess surface water.-

698 (1) The Department of Agriculture and Consumer Services and
699 the Department of Environmental Protection, in cooperation with
700 the five water management districts, shall conduct a
701 comprehensive study on the expansion of the beneficial use of
702 reclaimed water, stormwater, and excess surface water in this
703 state. The final report of the study must:

704 (a) Describe factors that currently prohibit or otherwise
705 complicate the expansion of the beneficial use of reclaimed
706 water and include recommendations for the mitigation or
707 elimination of such factors.

708 (b) Identify environmental, public health, public
709 perception, engineering, and fiscal issues, and user fee
710 amounts, including utility rate structures for potable and
711 reclaimed water.

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

716 (d) Evaluate the costs to users of reclaimed water compared
717 to the cost associated with traditional water sources, including
718 an examination of the nutrient concentrations in reclaimed water
719 and the necessity for additional fertilizer supplementation.

720 (e) Evaluate permitting incentives, such as further
721 extending current authorization for long-term consumptive use
722 permits to all entities substituting reclaimed water for
723 traditional water sources or including in such permits a
724 provision that authorizes conversion to traditional water
725 sources if reclaimed water becomes unavailable or cost

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726 prohibitive.

727 (f) Describe the basic feasibility, benefit, and cost
728 estimates for the infrastructure needed to construct regional
729 storage features on public or private lands for reclaimed water,
730 stormwater, or excess surface water, including collection and
731 delivery mechanisms for beneficial uses rather than discharge to
732 tide, such as agricultural irrigation, power generation, public
733 water supply, wetland restoration, groundwater recharge, and
734 water body base flow augmentation.

735 (g) Describe any other alternative processes, systems, or
736 technology that may be comparable or preferable to a regional
737 storage system or that may effectively complement or be a
738 substitute for a regional storage system.

739 (h) Evaluate the impact of implementation of a
740 comprehensive reclaimed water plan on traditional water sources
741 and aquifer levels.

742 (2) The Department of Agriculture and Consumer Services and
743 the Department of Environmental Protection shall jointly hold a
744 public meeting to gather input on the design of the
745 comprehensive study and to provide an opportunity for public
746 comment before publishing the final report of the study.

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

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

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