

**By** the Committees on Agriculture; and 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 effective dates.

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 the restoration and protection  
130 of 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) Poe Spring;

299 (d) Rock Springs;

300 (e) Wekiwa Spring; and

301 (f) Gemini Spring.

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

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

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

317 (8) "Springshed" means the areas within the groundwater and  
318 surface water basins which contribute, based upon all relevant  
319 facts, circumstances, and data, to the discharge of a spring as

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320 defined by potentiometric surface maps and surface watershed  
321 boundaries.

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

325 Section 7. Section 373.803, Florida Statutes, is created to  
326 read:

327 373.803 Delineation of spring protection and management  
328 zones for Outstanding Florida Springs.-Using the best data  
329 available from the water management districts and other credible  
330 sources, the department, in consultation with the water  
331 management districts, shall delineate one or more spring  
332 protection and management zones for each Outstanding Florida  
333 Spring. In delineating spring protection and management zones,  
334 the department shall consider groundwater travel time to the  
335 spring, hydrogeology, and nutrient load. The delineation of  
336 spring protection and management zones must be completed by July  
337 1, 2015. In conjunction with delineating a spring protection and  
338 management zone for an Outstanding Florida Spring, the  
339 department shall adopt by rule, pursuant to ss. 120.536(1) and  
340 120.54, maps and legal descriptions that depict the delineated  
341 spring protection and management zone or zones for that spring.

342 Section 8. Section 373.805, Florida Statutes, is created to  
343 read:

344 373.805 Minimum flow and minimum water level for  
345 Outstanding Florida Springs.-

346 (1) Each water management district shall establish a  
347 minimum flow and minimum water level for each Outstanding  
348 Florida Spring within its jurisdiction by July 1, 2015, in

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349 accordance with ss. 373.042 and 373.0421. The deadline may be  
350 extended each year until July 1, 2020, if a water management  
351 district provides sufficient evidence to the department that an  
352 extension is in the best interest of the public. This subsection  
353 does not apply to minimum flows and minimum water levels adopted  
354 before July 1, 2014, for a spring included in the definition of  
355 Outstanding Florida Springs in s. 373.802, until such time as  
356 the minimum flow or minimum water level is revised, or otherwise  
357 amended.

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

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

369 (b) A priority listing of each project.

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

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

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378 required to provide matching funds pursuant to this paragraph.

379 Section 9. Section 373.807, Florida Statutes, is created to  
380 read:

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

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

390 (2) (a) SPRING ACTION PLAN.—By July 1, 2014, the department  
391 shall begin preparation of a spring action plan for each  
392 Outstanding Florida Spring that has an adopted basin management  
393 action plan or an implemented recovery or prevention strategy,  
394 or as soon as a basin management action plan is adopted, a  
395 recovery or prevention strategy is implemented, or the  
396 department projects the Outstanding Florida Spring will be  
397 impaired by nutrients within 20 years. Each initial spring  
398 action plan shall be adopted within one year of when the  
399 department begins preparation of the spring action plan.

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

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 fully or partially within a spring protection and  
405 management zone.

406 2. All projects in the regional water supply plan which are

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407 located fully or partially within a spring protection and  
408 management zone.

409 3. All projects included in a recovery or prevention  
410 strategy which are located fully or partially within a spring  
411 protection and management zone.

412 4. All projects proposed to or by the department that will  
413 prevent or stop potential nutrient impairment.

414 5. An estimate of each listed project's reduction of  
415 nutrient loading.

416 6. A map and legal descriptions depicting the spring  
417 protection and management zones established pursuant to s.  
418 373.803.

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

426 (3) REQUIREMENTS.-

427 (a) Within 6 months of the delineation of a spring  
428 protection and management zone or zones of an Outstanding  
429 Florida Spring that is fully or partially within the  
430 jurisdiction of a local government, a local government must  
431 develop, enact, and implement an ordinance that meets or exceeds  
432 the requirements of the department's Model Ordinance for  
433 Florida-Friendly Fertilizer Use on Urban Landscapes. Such  
434 ordinance must require that, within a spring protection and  
435 management zone of an Outstanding Florida Spring impaired by

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436 nutrients, the nitrogen content of any fertilizer applied to  
437 turf or landscape plants may not exceed the lowest, basic  
438 maintenance rate of the most recent recommendations by the  
439 Institute of Food and Agricultural Sciences. The department  
440 shall adopt rules to implement this paragraph which establish  
441 reasonable minimum standards and reflect advancements or  
442 improvements regarding nutrient load reductions.

443 (b) By July 1, 2016, the owner or operator of each existing  
444 wastewater treatment facility in a spring protection and  
445 management zone shall file for approval by the department a plan  
446 for complying with this paragraph. Upon a showing to the  
447 department of inordinate expense or that a delay is in the best  
448 interest of the public, the department may grant a local  
449 government or wastewater treatment facility an extension of up  
450 to 2 years to implement the plan. The owner and operator shall  
451 submit a proposal for funding at least once every 2 years until  
452 the plan is fully implemented.

453 (c) By July 1, 2016, the department, in consultation with  
454 the Department of Health and local governments, must identify  
455 onsite sewage treatment and disposal systems within a spring  
456 protection and management zone. Within 60 days of the  
457 department's completion of the identification of these systems,  
458 the department shall provide the location of these systems to  
459 the local governments in which these systems are located. Within  
460 1 year of identification of these systems, and in consultation  
461 with the department, the local governments in which they are  
462 located shall develop an onsite sewage treatment and disposal  
463 system remediation plan. For each onsite sewage treatment and  
464 disposal system or group of systems, the plan must include



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465 whether the systems require upgrading, connection to a central  
466 sewerage system, or no action. The plan must also include a  
467 priority ranking for each system or group of systems that  
468 require remediation. Each remediation plan must be submitted to  
469 the department for approval. In reviewing and approving the  
470 remediation plans, the department shall consider, at a minimum,  
471 all of the following:

472 1. The density of the onsite sewage treatment and disposal  
473 systems.

474 2. The number of onsite sewage treatment and disposal  
475 systems.

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

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

480 5. The cost of the proposed remedial action.

481 (d) Remedial actions required under this paragraph are not  
482 required until adequate funding for the specific project is  
483 provided pursuant to s. 373.808. As used in this paragraph, the  
484 term "adequate funding" means that the department has agreed to  
485 provide 100 percent of the state's portion of funding requested  
486 for the project under s. 373.808. The provisions of this  
487 paragraph are supplemental to any other specific requirements or  
488 authority provided by law.

489 1. By July 1, 2021, the owner or operator of each existing  
490 wastewater treatment facility in a spring protection and  
491 management zone shall meet a standard of no more than 3 mg/L  
492 Total Nitrogen, expressed as N, on an annual permitted basis,  
493 unless granted a variance or exemption pursuant to s. 373.813.

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494 2. By July 1, 2019, each agricultural producer in a spring  
495 protection and management zone must implement best management  
496 practices or other measures necessary to achieve pollution  
497 reduction levels established by the department. The Department  
498 of Agriculture and Consumers Services, in consultation with the  
499 department, shall adopt rules to implement this subparagraph.

500 3. Within 6 months after approval of the onsite sewage  
501 treatment and disposal system remediation plan by the  
502 department, the local government shall begin implementing the  
503 approved remediation plan by making proposals to the department  
504 for funding pursuant to s. 373.808. The costs of connection to a  
505 central sewerage system or upgrading the onsite sewage treatment  
506 and disposal systems are eligible for funding of up to 100  
507 percent of the total project cost. Further, the costs of  
508 connection to a central sewerage system or upgrading the onsite  
509 sewage treatment and disposal system may not be imposed on the  
510 property owner. The local government shall submit a proposal for  
511 funding at least every two years until the remediation plan is  
512 fully implemented.

513 Section 10. Section 373.808, Florida Statutes, is created  
514 to read:

515 373.808 Funding for the restoration of Outstanding Florida  
516 Springs.—

517 (1) In order to satisfy the requirements under this part,  
518 state agencies, water management districts, local governments,  
519 special districts, utilities, and regional management entities,  
520 if applicable, shall cooperate with property owners and  
521 agricultural producers to submit project proposals to the  
522 department in order to receive funding for up to 75 percent of

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523 the total project cost. Project submittals for upgrades or  
524 connections of onsite sewage treatment and disposal systems, and  
525 those submitted by a fiscally constrained county as described in  
526 s. 218.67(1) or in a municipality located therein, are eligible  
527 for funding of up to 100 percent of the total project cost.

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

534 (3) The department may distribute moneys deposited into the  
535 Ecosystem Management and Restoration Trust Fund pursuant to  
536 subsection (2) to any person who submits a project proposal  
537 application to the department for which funding is approved. The  
538 department shall distribute moneys to state agencies and water  
539 management districts for all reasonable administrative costs  
540 related to implementing this part. In addition, the department  
541 may adopt rules to develop grant application procedures to cover  
542 reasonable administrative costs of a fiscally constrained county  
543 as described in s. 218.67(1) or a municipality located therein.

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

550 (5) By December 31, 2014, the department shall adopt rules  
551 to fund pilot projects that test the effectiveness of innovative

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552 or existing nutrient reduction or water conservation  
553 technologies or practices designed to minimize nutrient  
554 pollution in the springs of this state. The department must  
555 approve funding for at least two pilot projects in each project  
556 selection cycle if the department determines that the project  
557 will not be harmful to the ecological resources in the study  
558 area.

559 (6) By December 31, 2014, the department shall develop and  
560 recommend rules to competitively evaluate, select, and rank  
561 projects eligible for partial or complete funding under this  
562 section. In developing these rules, the department shall give  
563 preference to the projects that it estimates will result in the  
564 greatest improvement to water quality and water quantity for the  
565 dollars to be expended for the project. At a minimum, the  
566 department shall consider the following criteria:

567 (a) Whether the project is within a spring protection and  
568 management zone of an Outstanding Florida Spring impaired by  
569 nutrients.

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

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

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

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

580 (f) The anticipated impact the project will have on

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581 restoring or increasing water flow or water level.

582 (g) Whether the project facilitates or enhances an existing  
583 basin management action plan adopted by the department to  
584 address pollutant loadings.

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

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

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

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

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

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

604 Section 11. Section 373.809, Florida Statutes, is created  
605 to read:

606 373.809 Prohibited activities within a spring protection  
607 and management zone of an Outstanding Florida Spring.—The  
608 following activities are prohibited within a spring protection  
609 and management zone of an Outstanding Florida Spring:

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610 (1) New municipal or industrial wastewater disposal  
611 systems, including rapid infiltration basins, except those  
612 systems that meet an advanced wastewater treatment standard of  
613 no more than 3 mg/L Total Nitrogen, expressed as N, on an annual  
614 permitted basis, or a higher treatment standard if the  
615 department determines the higher standard is necessary to  
616 prevent impairment or aid in the recovery of an Outstanding  
617 Florida Spring.

618 (2) New onsite sewage treatment and disposal systems on  
619 lots less than 1 acre, except for active or passive nitrogen  
620 removing onsite sewage treatment and disposal systems approved  
621 by the Department of Health. This subsection shall take effect  
622 July 1, 2015.

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

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

626 (5) Concentrated animal feeding operations or intense  
627 cattle finishing and slaughter operations. This subsection does  
628 not apply to operations permitted by July 1, 2014, or the future  
629 expansion of livestock or poultry operations engaged in the  
630 occupation of bona fide agriculture as of July 1, 2014.

631 Section 12. Section 373.811, Florida Statutes, is created  
632 to read:

633 373.811 Rules.—

634 (1) The department shall adopt rules to create a program to  
635 improve water quantity and water quality pursuant to ss.  
636 120.536(1) and 120.54 to administer this part, as applicable. In  
637 developing rules to administer s. 373.808, the department shall  
638 use the Total Maximum Daily Load Water Quality Restoration

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639 Grants rule as guidance to develop a comparable program for the  
640 restoration and protection of the water quality and water  
641 quantity for Outstanding Florida Springs.

642 (2) The Department of Health, the Department of Agriculture  
643 and Consumer Services, the water management districts, and  
644 responsible management entities may adopt rules pursuant to ss.  
645 120.536(1) and 120.54 to administer this part, as applicable.

646 (3) (a) The Department of Agriculture and Consumer Services  
647 is the lead agency coordinating the reduction of agricultural  
648 nonpoint sources of pollution for the protection of Outstanding  
649 Florida Springs. The Department of Agriculture and Consumer  
650 Services and the department, pursuant to s. 403.067(7)(c)4.,  
651 shall study new or revised best management practices for  
652 improving and protecting Outstanding Florida Springs and, if  
653 necessary, in cooperation with applicable local governments and  
654 stakeholders, initiate rulemaking to require the implementation  
655 of such practices within a reasonable time period.

656 (b) The department, the Department of Agriculture and  
657 Consumer Services, and the University of Florida's Institute of  
658 Food and Agricultural Sciences shall cooperate in conducting the  
659 necessary research and demonstration projects to develop  
660 improved or additional nutrient management tools, including the  
661 use of controlled release fertilizer that can be used by  
662 agricultural producers as part of an agricultural best  
663 management practices program. The development of such tools must  
664 reflect a balance between water quality improvement and  
665 agricultural productivity and, when applicable, must be  
666 incorporated into the revised best management practices adopted  
667 by rule of the Department of Agriculture and Consumer Services.

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668 Section 13. Section 373.813, Florida Statutes, is created  
669 to read:

670 373.813 Variances and exemptions.—A person may apply to the  
671 appropriate agency or a water management district for a variance  
672 or exemption from any requirement in this part. An agency or a  
673 water management district may approve the application upon  
674 receiving reasonable assurance that the applicant's proposed  
675 activity, evaluated individually and as part of cumulative  
676 impacts, will not cause or contribute to violations of water  
677 quality standards, minimum flows, or minimum water levels in an  
678 Outstanding Florida Spring.

679 Section 14. Present paragraphs (n) through (q) of  
680 subsection (2) of section 381.0065, Florida Statutes, are  
681 redesignated as paragraphs (o) through (r), respectively, a new  
682 paragraph (n) is added to that subsection, and subsection (7) is  
683 added to that section, to read:

684 381.0065 Onsite sewage treatment and disposal systems;  
685 regulation.—

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

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

690 (7) RESPONSIBLE MANAGEMENT ENTITIES.—

691 (a) By March 1, 2015, the department and the Department of  
692 Environmental Protection shall submit a report and  
693 recommendations to the Governor, the President of the Senate,  
694 and the Speaker of the House of Representatives on the creation  
695 and operation of responsible management entities within spring  
696 protection and management zones of Outstanding Florida Springs,



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697 as defined in s. 373.802. The report must focus on the  
698 feasibility of different management models to prevent, reduce,  
699 and control nutrient pollution from onsite sewage treatment and  
700 disposal systems, including the costs associated with each  
701 model. In addition, the report must compare the results of the  
702 differing management models to a mandatory onsite sewage  
703 treatment and disposal system evaluation and assessment program  
704 or any other option that would achieve similar nutrient  
705 pollution reductions in the short and long term.

706 (b) A local government may not create a responsible  
707 management entity without the prior approval of the department,  
708 in consultation with the Department of Environmental Protection.  
709 In reviewing requests for the creation of a responsible  
710 management entity, the local government must demonstrate to the  
711 department, in consultation with the Department of Environmental  
712 Protection, that it has the management skills, personnel,  
713 financial capacity, and technical expertise to properly operate  
714 and maintain such an entity.

715 (c) The department shall ensure that responsible management  
716 entities adopt rules and policies that are at least as  
717 restrictive as state law.

718 Section 15. Section 381.00651, Florida Statutes, is  
719 repealed.

720 Section 16. Comprehensive study on nutrient reduction  
721 improvements and the beneficial use of reclaimed water,  
722 stormwater, and excess surface water.-

723 (1) The Department of Agriculture and Consumer Services and  
724 the Department of Environmental Protection, in cooperation with  
725 the five water management districts, shall conduct a

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726 comprehensive study on the expansion of the beneficial use of  
727 reclaimed water, stormwater, and excess surface water in this  
728 state. The final report of the study must:

729 (a) Describe factors that currently prohibit or otherwise  
730 complicate the expansion of the beneficial use of reclaimed  
731 water and include recommendations for the mitigation or  
732 elimination of such factors.

733 (b) Identify environmental, public health, public  
734 perception, engineering, and fiscal issues, and user fee  
735 amounts, including utility rate structures for potable and  
736 reclaimed water.

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

741 (d) Evaluate the costs to users of reclaimed water compared  
742 to the cost associated with traditional water sources, including  
743 an examination of the nutrient concentrations in reclaimed water  
744 and the necessity for additional fertilizer supplementation.

745 (e) Evaluate permitting incentives, such as further  
746 extending current authorization for long-term consumptive use  
747 permits to all entities substituting reclaimed water for  
748 traditional water sources or including in such permits a  
749 provision that authorizes conversion to traditional water  
750 sources if reclaimed water becomes unavailable or cost  
751 prohibitive.

752 (f) Describe the basic feasibility, benefit, and cost  
753 estimates for the infrastructure needed to construct regional  
754 storage features on public or private lands for reclaimed water,

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755 stormwater, or excess surface water, including collection and  
756 delivery mechanisms for beneficial uses rather than discharge to  
757 tide, such as agricultural irrigation, power generation, public  
758 water supply, wetland restoration, groundwater recharge, and  
759 water body base flow augmentation.

760 (g) Describe any other alternative processes, systems, or  
761 technology that may be comparable or preferable to a regional  
762 storage system or that may effectively complement or be a  
763 substitute for a regional storage system.

764 (h) Evaluate the impact of implementation of a  
765 comprehensive reclaimed water plan on traditional water sources  
766 and aquifer levels.

767 (2) The Department of Agriculture and Consumer Services and  
768 the Department of Environmental Protection shall jointly hold a  
769 public meeting to gather input on the design of the  
770 comprehensive study and to provide an opportunity for public  
771 comment before publishing the final report of the study.

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

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

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