A bill to be entitled
An act relating to springs; amending s. 201.15, F.S.;
specifying distributions to the Ecosystem Management
and Restoration Trust Fund; amending s. 259.035, F.S.;
adding a member to the Acquisition and Restoration
Council to be appointed by the Secretary of
Environmental Protection; expanding duties to include
the ranking of spring protection projects; requiring
the council to develop and recommend rules for the
competitive evaluation, selection, and ranking of
projects eligible for partial or complete funding to
protect the water quality of an Outstanding Florida
Spring; amending s. 373.042, F.S.; requiring the
Department of Environmental Protection or the
governing board of a water management district to
establish the minimum flow and water level for an
Outstanding Florida Spring; specifying minimum flows
and water levels for an Outstanding Florida Spring;
amending s. 373.0421, F.S.; conforming a cross-
reference; creating part VIII of chapter 373, F.S.;
entitled “Florida Springs and Aquifer Act”; creating
s. 373.801, F.S.; providing legislative findings and
intent; creating s. 373.802, F.S.; defining terms;
creating s. 373.803, F.S.; requiring the Department of
Environmental Protection to delineate the spring
protection and management zone for each Outstanding
Florida Spring; requiring each water management
district to adopt by rule maps that depict the
delineation of each spring protection and management zone for each Outstanding Florida Spring within its jurisdiction; creating s. 373.805, F.S.; requiring the water management districts to adopt minimum flows and levels for Outstanding Florida Springs; requiring a water management district to implement a recovery or prevention strategy under certain circumstances; authorizing the water management districts to adopt rules; creating s. 373.807, F.S.; providing procedures for improving water quality in Outstanding Florida Springs; providing a funding mechanism; creating s. 373.809, F.S.; specifying prohibited activities within a spring protection and management zone of an Outstanding Florida Spring; requiring local governments to ensure that their comprehensive plans and ordinances reflect such prohibitions; creating s. 373.811, F.S.; providing rulemaking authority; creating s. 373.813, F.S.; providing for variances and exemptions under certain circumstances; amending s. 381.0065, F.S.; defining the term “responsible management entity”; requiring the Department of Health to submit a report to the Governor and the Legislature on responsible management entities; authorizing the establishment of responsible management entities; amending s. 403.067, F.S.; specifying criteria for development of a basin management action plan for an Outstanding Florida Spring; conforming provisions to changes made by the act; conforming cross-references; repealing s. 381.00651, F.S., relating to periodic
evaluation and assessment of onsite sewage treatment and disposal systems; requiring the Department of Agriculture and Consumer Services and the Department of Environmental Protection to conduct a comprehensive study on nutrient reduction improvements and the expansion of the beneficial use of reclaimed water; requiring the departments to jointly hold a public meeting to gather input on the design of the comprehensive study and provide an opportunity for public comment; requiring the final report to be submitted to the Governor and the Legislature by a certain date; providing an effective date.

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

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

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

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

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

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

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

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

c. For the purposes of the Strategic Intermodal System specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent
of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b.; and
d. For the purposes of the Transportation Regional Incentive Program specified in s. 339.2819, 25 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b. Effective July 1, 2014, the first $60 million of the funds allocated pursuant to this sub-subparagraph shall be allocated annually to the Florida Rail Enterprise for the purposes established in s. 341.303(5).

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

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

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

b. Thirty-six and nine-tenths percent of the remainder in each fiscal year to be used for restoration and protection of Outstanding Florida Springs, as defined in s. 373.802, and for the acquisition of lands identified on the most current Board of Trustees Florida Forever Priority List, or by a water management district, which protect the essential parcels of the named spring projects that improve water quality or conserve water use and are located partially or fully within a spring protection
4. General Inspection Trust Fund in the amount of the lesser of 0.02\_\_\_02 percent of the remainder or $300,000 in each fiscal year to be used to fund oyster management and restoration programs as provided in s. 379.362(3).

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

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

259.035 Acquisition and Restoration Council.—

(1) There is created the Acquisition and Restoration Council is created and is composed of 11 voting members, as follows:

(a) Four members. The council shall be composed of 10 voting members, 4 of whom shall be appointed by the Governor to serve 4-year terms. Of these four appointees, three must be from scientific disciplines related to land, water, or environmental sciences and the fourth must have at least 5 years of experience in managing lands for both active and passive types of recreation. They shall serve 4-year terms, except that, initially, to provide for staggered terms, two of the appointees shall serve 2-year terms. All subsequent appointments shall be for 4-year terms. An appointee may not serve more than 6 years.

The Governor may at any time fill a vacancy for the unexpired term of a member appointed under this paragraph.

(b) The remaining appointees shall be composed of the Secretary of Environmental Protection, the director of the Secretary of Management and Budget, and 3 members of the Executive Council of the Silver Springs State Recreation Area, appointed by the Governor.
the Florida Forest Service of the Department of Agriculture and
Consumer Services, the executive director of the Fish and
Wildlife Conservation Commission, and the director of the
Division of Historical Resources of the Department of State, or
their respective designees.

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

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

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

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

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

(2) The four members of the council appointed pursuant to
paragraph (a) and the three two members of the council appointed
pursuant to paragraph (c) shall receive reimbursement for
expenses and per diem for travel to attend council meetings as provided in allowed state officers and employees while in the performance of their duties, pursuant to s. 112.061.

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

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

(b) By December 1, 2009, the Acquisition and Restoration council shall develop rules defining specific criteria and numeric performance measures needed for lands that are to be acquired for public purpose under the Florida Forever program pursuant to s. 259.105. Each recipient of Florida Forever funds shall assist the council in the development of such rules. These rules shall be reviewed and adopted by the board and, then, submitted to the Legislature for consideration by February 1, 2010. The Legislature may reject, modify, or take no action relative to the proposed rules. If no action is taken, the rules shall be implemented. Subsequent to their approval, each recipient of Florida Forever funds shall annually report to the Division of State Lands on each of the numeric performance measures accomplished during the previous fiscal year.
(c) By December 31, 2014, the council shall develop and recommend rules to fund pilot projects that test the effectiveness of innovative or existing nutrient reduction technologies designed to minimize nutrient pollution in the springs of this state. The council must approve funding for at least two pilot projects in each project selection cycle if the department determines that there are at least two projects that will not be harmful to the ecological resources in the study area.

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

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

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

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

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

5. The flow necessary to restore the Outstanding Florida Spring to its adopted minimum flow or level.
6. The anticipated impact the project will have on restoring or increasing water flow or level.

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

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

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

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

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

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

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

(5) An affirmative vote of six members of the council is required in order to change a project boundary or to place a proposed project on a list developed pursuant to subsection (4). Any member of the council who by family or a business
relationship has a connection with all or a portion of any proposed project shall declare the interest before voting on its inclusion on a list.

(6) The proposal for a project pursuant to this section, or s. 259.105(3)(b), or s. 373.807 may be implemented only if adopted by the council and approved by the board of trustees. The council shall consider and evaluate in writing the merits and demerits of each project that is proposed for Conservation and Recreation Lands, Florida Preservation 2000, or Florida Forever funding, or the protection of water quality in Outstanding Florida Springs and shall ensure that each proposed project meets a stated public purpose for the restoration, conservation, or preservation of environmentally sensitive lands and water areas or for providing outdoor recreational opportunities. The council shall determine whether the project conforms, if applicable, with the comprehensive plan developed pursuant to s. 259.04(1)(a), the comprehensive multipurpose outdoor recreation plan developed pursuant to s. 375.021, the state lands management plan adopted pursuant to s. 253.03(7), the water resources work plans developed pursuant to s. 373.199, and the provisions of s. 259.032, s. 259.101, or s. 259.105, or s. 373.807 whichever is applicable.

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

373.042 Minimum flows and levels.—

(1) Within each section, or within the water management district as a whole, the department or the governing board shall establish the following:
Section 4. Paragraph (a) of subsection (1) of section 373.0421, Florida Statutes, is amended to read:

373.0421 Establishment and implementation of minimum flows and levels.—

(1) ESTABLISHMENT.—

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

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

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

373.801 Legislative findings and intent.—

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

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

(3) The Legislature recognizes that:

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

(b) Springs, whether found in urban or rural settings, or on public or private lands, are threatened by actual or potential flow reductions and declining water quality. Many of
this state’s springs are demonstrating signs of significant ecological imbalance, increased nutrient loading, and declining water flow. Without effective remedial action, a further decline in water quality and quantity is expected.

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

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

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

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

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

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

373.802 Definitions.—As used in this part, the term:
(1) “Bedroom” means a room that can be used for sleeping
and that:
(a) For site-built dwellings, has a minimum of 70 square
feet of conditioned space;
(b) For manufactured homes, is constructed according to the
standards of the United States Department of Housing and Urban
Development and has a minimum of 50 square feet of floor area;
(c) Is located along an exterior wall;
(d) Has a closet and a door or an entrance where a door
could be reasonably installed; and
(e) Has an emergency means of escape and a rescue opening
in accordance with the Florida Building Code.

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

(2) “Department” means the Department of Environmental
Protection, which includes the Florida Geological Survey or its
successor agency or agencies.
(3) “Local government” means a county or municipal
government the jurisdictional boundaries of which include an
Outstanding Florida Spring, or any part of a delineated
springshed or spring protection and management zone for an
Outstanding Florida Spring.

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

(5) “Outstanding Florida Spring” includes all historic
first magnitude springs, as determined by the department using
the most recent version of the Florida Geological Survey’s
springs bulletin, and the following springs and their associated
spring runs:

(a) DeLeon Spring;
(b) Peacock Spring;
(c) Rock Springs;
(d) Wekiwa Spring; and
(e) Gemini Spring.

(6) “Responsible management entity” means a legal entity
established for the purpose of providing localized management
services with the requisite managerial, financial, and technical
capacity to ensure long-term management of an onsite sewage
treatment and disposal system within its jurisdiction.

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

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

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

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

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

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

(1) Using the best data available from the water management
districts and other credible sources, the department, in
consultation with the water management districts, shall
delineate the spring protection and management zone for each
Outstanding Florida Spring. The delineation of spring protection
and management zones must be completed by July 1, 2015, unless a
Each water management district shall adopt by rule, pursuant to ss. 120.536(1) and 120.54, maps that depict the delineated spring protection and management zones for each Outstanding Florida Spring within its jurisdiction.

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

373.805 Minimum flow and level for Outstanding Florida Springs.—

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

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

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

CODING: Words stricken are deletions; words underlined are additions.
Outstanding Florida Spring must include, at a minimum:

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

(b) A priority listing of each project;

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

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

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

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

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

(1) BASIN MANAGEMENT ACTION PLAN.—

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

(b) Each basin management action plan required under this subsection must consider the spring protection and management zone delineations established pursuant to s. 373.803 and include a detailed allocation of the pollutant load to each identified point source or category of nonpoint sources, including, but not limited to, agricultural fertilizer, onsite treatment and...
(2) REQUIREMENTS.—Each local government, wastewater treatment facility, and agricultural producer located partially or fully within a spring protection and management zone of an Outstanding Florida Spring impaired by nutrients are required to abide by the following provisions, as applicable:

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

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

2. Create or revise its stormwater management plan to address nutrient pollution from point sources and nonpoint sources of stormwater in accordance with s. 403.0891. Notwithstanding s. 403.0891(3)(b), a local government must
consult with the appropriate water management district, the
Department of Transportation, and the department before adopting
or updating its local government comprehensive plan or public
facilities report, as applicable, as required under s. 189.415.

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

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

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

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

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

(3) CENTRAL SEWERAGE SYSTEMS AND ONSITE SEWAGE TREATMENT
AND DISPOSAL SYSTEMS.—In developing a basin management action
plan for an Outstanding Florida Spring, the department, in
consultation with the Department of Health and local
governments, must identify onsite sewage treatment and disposal systems serving single-family residential properties of less than 1 acre and multi-family residential, commercial, and industrial properties located within a spring protection and management zone. Within 1 year of identification of these systems, and in consultation with the department, the local governments in which they are located shall develop an onsite sewage treatment and disposal system remediation plan. For each onsite sewage treatment and disposal system, the plan must include whether the system requires upgrading, connection to a central sewerage system, or no action. The plan must also include a priority ranking for each system or group of systems that requires remediation. Each remediation plan must be submitted to the department for approval. Following approval of the remediation plan, the local government shall begin implementing the approved remediation plan. The costs of connection to or upgrading the onsite sewage treatment and disposal systems may not be imposed upon the property owner.

(4) FUNDING.—
(a) In order to satisfy the requirements under this section, state agencies, water management districts, local governments, special districts, utilities, regional management entities, and agricultural producers, in cooperation with property owners and agricultural producers, may submit a project proposal to the Acquisition and Restoration Council, pursuant to s. 259.035, in order to receive funding for up to 75 percent of the total project cost, except for projects to upgrade or connect onsite sewage treatment and disposal systems. Projects submitted by a fiscally constrained county, as described in s.
218.67(1), or a municipality located therein, are eligible for funding for up to 100 percent of the total project cost.

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

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

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

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

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

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

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

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

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

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

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

373.811 Rules.—

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

(2)(a) The Department of Agriculture and Consumer Services is the lead agency coordinating the reduction of agricultural nonpoint sources of pollution for Outstanding Florida Springs protection. The Department of Agriculture and Consumer Services
and the department, pursuant to s. 403.067(7)(c)4., shall study
and, if necessary, in cooperation with applicable county and
municipal governments, and stakeholders, initiate rulemaking to
implement new or revised best management practices for improving
and protecting Outstanding Florida Springs and for requiring the
implementation of such practices within a reasonable time period
as specified by rule.

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

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

373.813 Variances and exemptions.—

(1) A person may apply to the appropriate agency or a water
management district for a variance or an exemption from any
requirement in this part. An agency or a water management
district may approve the application upon receiving reasonable
assurance that the applicant’s proposed activity, evaluated
individually or as part of cumulative impacts, will not cause or
contribute to violations of water quality standards or minimum
flows or levels in an Outstanding Florida Spring.

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

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

381.0065 Onsite sewage treatment and disposal systems; regulation.—

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

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

(7) RESPONSIBLE MANAGEMENT ENTITIES.—

(a) By March 1, 2015, the department and the Department of Environmental Protection shall submit a report and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the creation and operation of responsible management entities within spring protection and management zones of Outstanding Florida Springs, as defined in s. 373.802, which are impaired by nutrients. The report must focus on the feasibility of different management
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Section 15. Paragraphs (a) and (c) of subsection (7) of section 403.067, Florida Statutes, are amended to read:

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

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

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

CODING: Words stricken are deletions; words underlined are additions.
403.067 Establishment and implementation of total maximum daily loads.—

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

(a) Basin management action plans.—

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

2. A basin management action plan must equitably allocate, pursuant to paragraph (6)(b), pollutant reductions to individual basins, as a whole to all basins, or to each identified point source or category of nonpoint sources, as appropriate. If the
water body is an Outstanding Florida Spring, the plan must allocate pollutant reductions, including loads to groundwater, to each identified point source or category of nonpoint sources within a spring protection and management zone delineated pursuant to s. 373.803. For nonpoint sources for which best management practices have been adopted, the initial requirement specified by the plan must be those practices developed pursuant to paragraph (c). If appropriate, the plan may take into account the benefits of pollutant load reduction achieved by point or nonpoint sources that have implemented management strategies to reduce pollutant loads, including best management practices, before the development of the basin management action plan. The plan must also identify the mechanisms that will prevent address potential future increases in pollutant loading.

3. The basin management action planning process is intended to involve the broadest possible range of interested parties, with the objective of encouraging the greatest amount of cooperation and consensus possible. In developing a basin management action plan, the department shall assure that key stakeholders, including, but not limited to, applicable local governments, water management districts, the Department of Agriculture and Consumer Services, other appropriate state agencies, local soil and water conservation districts, environmental groups, regulated interests, and affected pollution sources, are invited to participate in the process. The department shall hold at least one public meeting in the vicinity of the watershed or basin to discuss and receive comments during the planning process and shall otherwise encourage public participation to the greatest practicable
extent. Notice of the public meeting must be published in a
newspaper of general circulation in each county in which the
watershed or basin lies not less than 5 days nor more than 15
days before the public meeting. A basin management action plan
does not supplant or otherwise alter any assessment made under
subsection (3) or subsection (4) or any calculation or initial
allocation.

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

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

6. In accordance with procedures adopted by rule under
paragraph (9)(c), basin management action plans, and other
pollution control programs under local, state, or federal
authority as provided in subsection (4), may allow point or
nonpoint sources that will achieve greater pollutant reductions
than required by an adopted total maximum load or wasteload allocation to generate, register, and trade water quality credits for the excess reductions to enable other sources to achieve their allocation; however, the generation of water quality credits does not remove the obligation of a source or activity to meet applicable technology requirements or adopted best management practices. Such plans must allow trading between NPDES permittees, and trading that may or may not involve NPDES permittees, where the generation or use of the credits involve an entity or activity not subject to department water discharge permits whose owner voluntarily elects to obtain department authorization for the generation and sale of credits.

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

(c) Best management practices.—

1. The department, in cooperation with the water management districts and other interested parties, as appropriate, may develop suitable interim measures, best management practices, or other measures necessary to achieve the level of pollution reduction established by the department for nonagricultural nonpoint pollutant sources in allocations developed pursuant to subsection (6) and this subsection. These practices and measures may be adopted by rule by the department and the water management districts and, if where adopted by rule, shall be implemented by those parties responsible for nonagricultural nonpoint source pollution.
2. The Department of Agriculture and Consumer Services may develop and adopt by rule pursuant to ss. 120.536(1) and 120.54 suitable interim measures, best management practices, or other measures necessary to achieve the level of pollution reduction established by the department for agricultural pollutant sources in allocations developed pursuant to subsection (6) and this subsection or for programs implemented pursuant to paragraph (12)(b) (13)(b). These practices and measures may be implemented by those parties responsible for agricultural pollutant sources and the department, the water management districts, and the Department of Agriculture and Consumer Services shall assist with implementation. In the process of developing and adopting rules for interim measures, best management practices, or other measures, the Department of Agriculture and Consumer Services shall consult with the department, the Department of Health, the water management districts, representatives from affected farming groups, and environmental group representatives. Such rules must also incorporate provisions for a notice of intent to implement the practices and a system to assure the implementation of the practices, including recordkeeping requirements.

3. Where interim measures, best management practices, or other measures are adopted by rule, the effectiveness of such practices in achieving the levels of pollution reduction established in allocations developed by the department pursuant to subsection (6) and this subsection or in programs implemented pursuant to paragraph (12)(b) (13)(b) must be verified at representative sites by the department. The department shall use best professional judgment in making the initial verification.
that the best management practices are reasonably expected to be effective and, if applicable, must notify the appropriate water management district or the Department of Agriculture and Consumer Services of its initial verification before the adoption of a rule proposed pursuant to this paragraph. Implementation, in accordance with rules adopted under this paragraph, of practices that have been initially verified to be effective, or verified to be effective by monitoring at representative sites, by the department, shall provide a presumption of compliance with state water quality standards and release from the provisions of s. 376.307(5) for those pollutants addressed by the practices, and the department is not authorized to institute proceedings against the owner of the source of pollution to recover costs or damages associated with the contamination of surface water or groundwater caused by those pollutants. Research projects funded by the department, a water management district, or the Department of Agriculture and Consumer Services to develop or demonstrate interim measures or best management practices shall be granted a presumption of compliance with state water quality standards and a release from the provisions of s. 376.307(5). The presumption of compliance and release is limited to the research site and applies only for those pollutants addressed by the interim measures or best management practices. Eligibility for the presumption of compliance and release is limited to research projects on sites where the owner or operator of the research site and the department, a water management district, or the Department of Agriculture and Consumer Services have entered into a contract or other agreement that, at a minimum, specifies the research...
objectives, the cost-share responsibilities of the parties, and a schedule that details the beginning and ending dates of the project.

4. Where water quality problems are demonstrated, despite the appropriate implementation, operation, and maintenance of best management practices and other measures required by rules adopted under this paragraph, the department, a water management district, or the Department of Agriculture and Consumer Services, in consultation with the department, shall institute a reevaluation of the best management practice or other measure. If the reevaluation determines that the best management practice or other measure requires modification, the department, a water management district, or the Department of Agriculture and Consumer Services, as appropriate, shall revise the rule to require implementation of the modified practice within a reasonable time period as specified in the rule.

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

6. The provisions of Subparagraphs 1. and 2. do not preclude the department or water management district from
requiring compliance with water quality standards or with current best management practice requirements set forth in any applicable regulatory program authorized by law for the purpose of protecting water quality. Additionally, subparagraphs 1. and 2. are applicable only to the extent that they do not conflict with any rules adopted by the department which are necessary to maintain a federally delegated or approved program.

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

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

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

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

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

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

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

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

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

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

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

(i) Evaluate strategies to reduce nutrient loading from row
crops in areas sensitive to nutrient pollution, including the
application of organic fertilizers, or provide incentives for
agricultural producers to plant crops that require less
fertilization.

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

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

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

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