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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/PD/3R	.	
04/30/2009 02:43 PM	.	
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Senator Lawson moved the following:

Senate Amendment (with title amendment)

Delete lines 211 - 685

and insert:

(2) Agricultural operations must implement applicable best-management practices, including nutrient management, adopted by the Department of Agriculture and Consumer Services to reduce nitrogen impacts to groundwater. By December 31, 2009, the Department of Agriculture and Consumer Services, in cooperation with the other cooperating entities and stakeholders, must develop and propose for adoption by rule equine, and cow and calf best-management practices pursuant to this subsection.

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Implementation must be in accordance with s. 403.067(7)(b).

(3) Stormwater systems must comply with the requirements of this section. The department is directed to adopt rules to implement the requirements of this subsection by July 1, 2010.

(a) Local governments, in cooperation with the water management districts, must develop and implement a remediation plan for all existing drainage wells containing strategies to reduce nitrogen loading to groundwater to the maximum extent practicable. The department shall review and approve the remediation plan prior to implementation. All new drainage wells must comply with the department's underground injection control rules.

(b) Local governments must develop and implement a remediation plan for all stormwater management systems constructed before 1982 which have not been modified to provide stormwater treatment containing strategies to reduce nitrogen loading to groundwater to the maximum extent practicable.

(c) Local governments, in cooperation with the water management districts, must develop and implement a remediation plan to reduce nitrogen loading to groundwater, including reducing existing direct discharges of stormwater into groundwater through karst features, to the maximum extent practicable. The department shall review and approve the remediation plan prior to implementation.

(d) The Department of Transportation must identify any untreated stormwater discharges into groundwater through natural subterranean drainages such as sinkholes and develop and implement a remediation plan to reduce nitrogen loading to groundwater, including reducing existing groundwater discharges

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to the maximum extent practicable. The department shall review and approve the remediation plan prior to implementation.

(4) This section does not limit the department's authority to require additional treatment or other actions pursuant to chapter 403, as necessary, to meet surface and groundwater quality standards.

369.406 Additional requirements for all spring protection zones.—

(1) All newly constructed or expanded domestic wastewater facilities operational after July 1, 2012, must meet the advanced wastewater treatment requirements of s. 403.086(4).

(2) For all development not permitted as of July 1, 2009, which has septic system densities equal to or greater than 640 systems per square mile, connection to a central wastewater treatment facility or other centralized collection and treatment system is required. For the purposes of this subsection, density must be calculated using the largest number of systems possible within a square mile.

(3) All new septic systems installed on or after January 1, 2010, that are located on properties abutting a water body or water segment that is listed as impaired pursuant to s. 403.067, or properties within a designated spring protection zone pursuant to s. 369.404, must be designed to meet a target annual average groundwater concentration of no more than 3 milligrams per liter total nitrogen at the owner's property line. Compliance with these requirements does not require groundwater monitoring. The department must initiate and develop by rule design standards for achieving the target annual average groundwater concentration. At a minimum, the standard must take

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into consideration the relationship between the treatment level achieved by the septic system and the area of usable property available for rainwater dilution. Such design standards adopted by the department must provide multiple options that may be used to meet the standards established in s. 369.406(3).

(4) Prior to adoption of the design standards by the department, compliance with the requirements in subsection (3) is presumed if one of the following conditions is met:

(a) The lot associated with the establishment or single-family home is served by a septic system meeting the baseline system standards set forth in rules of the Department of Health, and the ratio of estimated sewage flow in gallons per day to acres of usable property is 100 to 1 or less.

(b) The lot associated with the establishment or single-family home is served by a septic system meeting at least the advanced secondary treatment standards for nitrogen as set forth in rules of the Department of Health.

(c) The lot associated with the establishment or single-family home is scheduled to connect to a central wastewater treatment facility within 6 months after the application for the permit.

(5) Subsection (4) does not supersede the jurisdictional flow limits established in s. 381.0065(3)(b).

(6) Land application of septage is prohibited and subject to a $250 fine for a first offense and $500 fine for a second or subsequent offense pursuant to the authority granted to the Department of Health in s. 381.0065(3)(h).

(7) Any septic system, when requiring repair, modification, or reapproval, must meet a 24-inch separation from the wet

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season water table and the surface water setback requirements in s. 381.0065(4). All treatment receptacles must be within one size of the requirements in rules of the Department of Health and must be tested for watertightness by a state-licensed septic tank contractor or plumber.

(8) Each owner of a publicly owned or investor-owned sewerage system must notify all owners of septic systems, excluding approved graywater systems, of the availability of central sewerage facilities for purposes of connection pursuant to s. 381.00655(1) within 60 days after receipt of notification from the Department of Health that collection facilities for the central sewerage system have been cleared for use.

(a) Notwithstanding s. 381.00655(2)(b), a publicly owned or investor-owned sewerage system may not waive the requirement for mandatory onsite sewage disposal connection to an available publicly owned or investor-owned sewerage system, except as provided in paragraph (b).

(b) With the approval of the Department of Health, a publicly owned or investor-owned sewerage system may waive the requirement for mandatory onsite sewage disposal connection for a sewage treatment system that meets or exceeds standards established for septic systems if it determines that such connection is not required in the public interest due to water quality or public health considerations.

(9) In hardship cases the Department of Health may grant variances to the provisions of this section and any rules adopted under this section in accordance with s. 381.0065(4)(h).

(10) After July 1, 2010, land application of Class A, Class B, or Class AA wastewater residuals, as defined by department

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rule, is prohibited. This prohibition does not apply to Class AA residuals that are marketed and distributed as fertilizer products in accordance with department rule.

(11) Animal feeding operations must implement the requirements of rules adopted by the department to reduce nitrogen impacts to groundwater. By December 31, 2009, the department, in cooperation with the other cooperating entities and stakeholders, must develop and propose for adoption, revised rules for animal feeding operations which address requirements for lined wastewater storage ponds and the development and implementation of nutrient management plans, including the land spreading of animal waste not treated and packaged as fertilizer.

(12) All county and municipal governments must, at a minimum, adopt the department's model ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes located in the Florida-Friendly Landscape Guidance Models for Ordinances, Covenants and Restrictions (2009) by December 31, 2010.

(13) The department and the water management districts shall adopt design criteria for stormwater treatment systems located within spring protection zones to minimize the movement of nitrogen into the groundwater and to prevent the formation of sinkholes within stormwater systems.

(14) This subsection does not limit the department's authority to require additional treatment or other actions pursuant to chapter 403, as necessary, to meet surface and groundwater quality standards.

369.407 Florida Springs Onsite Sewage Treatment and Disposal System Compliance Grant Program.—


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(1) The Florida Springs Onsite Sewage Treatment and Disposal System Compliance Grant Program is established in the department and shall be administered by it. The purpose of the program is to provide grants to low-income property owners in spring protection zones using septic systems to assist the property owners in complying with rules for these systems developed by the department or the water management districts, or to connect to a central wastewater treatment facility or other centralized collection and treatment system pursuant to s. 381.00655(1). The grant program is effective upon final adoption of department rules and may be applied to costs incurred on or after such date.

(2) Any property owner in a spring protection zone having an income less than or equal to 200 percent of the federal poverty level who is required by rule of the department or the water management districts to alter, repair, or modify any existing septic system to a nitrate-reducing system pursuant to s. 369.406(3), or to assist property owners with connecting to available publicly owned or investor-owned sewerage system pursuant to s. 381.00655(1), may apply to the department for a grant to assist the owner with the costs of compliance or connection.

(3) The amount of the grant is limited to the cost differential between the replacement of a comparable existing septic system and that of an upgraded nitrate-reducing treatment system pursuant to s. 369.406(3), or to the actual costs incurred from connection to a central wastewater treatment facility or other centralized collection and treatment system pursuant to s. 385.00655(1), but may not exceed $5,000 per

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property.

(4) The grant must be in the form of a rebate to the property owner for costs incurred in complying with the requirements for septic systems under s. 369.406(3), or incurred from connection to a central wastewater treatment facility or other centralized collection and treatment system pursuant to s. 381.00655(1). The property owner must provide documentation of those costs in the grant application to the department.

(5) The department shall adopt rules providing forms, procedures, and requirements for applying for and disbursing grants, including bid requirements, and for documenting compliance or connection costs incurred.

(6) The department, in coordination with the water management districts, shall continue to evaluate, by any means it deems appropriate, the level of nitrate deposited in state springs by septic systems.

369.408 Rules.—

(1) The department, the Department of Health, and the Department of Agriculture and Consumer Services may adopt rules to administer the provisions of this part, as applicable.

(2) The Department of Agriculture and Consumer Services shall be the lead agency coordinating the reduction of agricultural nonpoint sources of pollution for springs protection.

(a) 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 the other cooperating entities, applicable county and municipal governments, and stakeholders, initiate rulemaking to implement new or revised

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best-management practices for improving and protecting springs. As needed to implement the new or revised practices, the Department of Agriculture and Consumer Services, shall revise its best-management practices rules to require implementation of the modified practice within a reasonable time period as specified in the rule.

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

(3) The department shall as a part of the rules developed for this part include provisions that allow for the variance of the compliance deadlines provided for in paragraph (b) of s. 369.404(2). Such variance must, at a minimum, be based on the financial ability of the responsible county or municipality to meet the requirements of this part.

(4) The department must initiate and develop rules to implement subsections (3), (4), and (5) of s.369.406, in conjunction with the Department of Health.

Section 2. Subsection (7) of section 403.1835, Florida Statutes, is amended to read:


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403.1835 Water pollution control financial assistance.—

(7) Eligible projects must be given priority according to the extent each project is intended to remove, mitigate, or prevent adverse effects on surface or groundwater ~~ground water~~ quality and public health. The relative costs of achieving environmental and public health benefits must be taken into consideration during the department's assignment of project priorities. The department shall adopt a priority system by rule. In developing the priority system, the department shall give priority to projects that:

(a) Eliminate public health hazards;

(b) Enable compliance with laws requiring the elimination of discharges to specific water bodies, including the requirements of s. 403.086(9) regarding domestic wastewater ocean outfalls;

(c) Assist in the implementation of total maximum daily loads and basin management action plans adopted under s. 403.067;

(d) Enable compliance with other pollution control requirements, including, but not limited to, toxics control, wastewater residuals management, and reduction of nutrients and bacteria;

(e) Assist in the implementation of surface water improvement and management plans and pollutant load reduction goals developed under state water policy;

(f) Promote reclaimed water reuse;

(g) Eliminate environmental damage caused by failing onsite sewage treatment and disposal systems, with priority given to systems located within an area designated as an area of critical

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state concern under s. 380.05 or located in a spring protection zone designated pursuant to s. 369.404 ~~or those that are causing environmental damage~~; or

(h) Reduce pollutants to and otherwise promote the restoration of state ~~Florida's~~ surface waters and groundwaters ~~ground waters~~.

Section 3. All state agencies and water management districts shall asses nitrogen loading from all publically owned buildings and facilities owned or managed by each respective agency or district located within a spring protection zone using a consistent methodology, evaluate existing management activities, and develop and begin implementing management plans to reduce adverse impacts to the springs by December 31, 2011.

Section 4. Section 403.093, Florida Statutes, is created to read:

403.093 Onsite sewage treatment and disposal systems; inspection.—

(1) In order to increase protection of state water bodies and provide for potential cost savings to the people of this state, it is the intent of the Legislature to consider creation of a statewide onsite sewage treatment and disposal system inspection program.

(2) The department shall produce a report that details the process to be used and resources needed. The report shall be provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 15, 2011. The report must, at a minimum:

a. Provide a method to ensure that each onsite sewage treatment and disposal system be inspected at least once every 5

303 years.
304 b. Recommend exemptions from the inspection requirement for
305 onsite sewage treatment and disposal systems. In identifying
306 systems for potential exemption, the department shall consider
307 the risk a system or a certain density of systems poses to water
308 bodies. Such evaluation shall also account for the proximity of
309 the system or systems to a water body or water segment that is
310 listed as impaired pursuant to s. 403.067 or is within a spring
311 protection zone designated pursuant to s. 369.404.
312 c. Identify the appropriate mechanism for tracking
313 inspections and providing notification to the owner of an onsite
314 sewage treatment and disposal system that requires repairs or
315 modifications.
316 d. A projection of the revenues that may be generated and
317 expenses that may be needed to administer an inspection program.
318 These projections are to be based on an inspection fee that
319 covers the full costs of the proposed program.
320 (3) It is the intent of the Legislature that revenues
321 derived from an inspection program be used to fund the
322 administrative costs of the program and the remaining revenues
323 be used to fund the grant program created pursuant to s.
324 369.407.
325 Section 5. Paragraph (m) is added to subsection (9) of
326 section 259.105, Florida Statutes, to read:
327 259.105 The Florida Forever Act.—
328 (9) The Acquisition and Restoration Council shall recommend
329 rules for adoption by the board of trustees to competitively
330 evaluate, select, and rank projects eligible for Florida Forever
331 funds pursuant to paragraph (3)(b) and for additions to the

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Conservation and Recreation Lands list pursuant to ss. 259.032 and 259.101(4). In developing these proposed rules, the Acquisition and Restoration Council shall give weight to the following criteria:

(m) Any part of the project area falls within a springs protection zone as defined by ss. 369.401-369.407.

Section 6. Section 403.9335, Florida Statutes, is created to read:

403.9335 Protection of urban and residential environments and water.—

(1) The Legislature finds that the implementation of the department's Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes located in the Florida-Friendly Landscape Guidance Models for Ordinances, Covenants, and Restrictions (2009) manual, which was developed consistent with the recommendations of the Florida Consumer Fertilizer Task Force, in concert with the provisions of the Labeling Requirements for Urban Turf Fertilizers found in chapter 5E-1 Florida Administrative Code, will assist in protecting the quality of Florida's surface water and groundwater resources. The Legislature further finds that local circumstances, including the varying types and conditions of water bodies, site-specific soils and geology, and urban or rural densities and characteristics, necessitates that additional or more stringent fertilizer-management practices may be needed at the local government level.

(2) All county and municipal governments are encouraged to adopt and enforce the provisions in the department's Model Ordinance for Florida-Friendly Fertilizer Use on Urban

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Landscapes as a mechanism for better protecting local surface water and groundwater quality.

(3) Each county and municipal government located within the watershed of a water body or water segment that is listed by the department as impaired by nutrients pursuant to s. 403.067, or designated as a spring protection zone pursuant to 369.404, shall adopt, at a minimum, the provisions of the department's Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes. A county or municipal government may adopt additional or more stringent provisions than the model ordinance if the following criteria are met:

(a) The county or municipal government has demonstrated, as part of a comprehensive program to address nonpoint sources of nutrient pollution which is science-based, economically and technically feasible, that additional or more stringent provisions to the model ordinance are necessary to adequately address urban fertilizer contributions to nonpoint source nutrient loading to a water body.

(b) The county or municipal government documents consideration of all relevant scientific information including input from the department, the Department of Agriculture and Consumer Services and the University of Florida Institute of Food and Agricultural Sciences, if provided, on the need for additional or more stringent provisions to address fertilizer use as a contributor to water quality degradation. All documentation shall be made part of the public record prior to adoption of the additional or more stringent criteria.

(4) Any county or municipal government that has adopted its own fertilizer use ordinance before January 1, 2009, is exempt

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from the provisions of this section. Ordinances adopted or amended after January 1, 2009, must adopt the provisions in the most recent version of the model fertilizer ordinance and are subject to the criteria described in subsections (1) and (2) above.

(5) Nothing herein shall be construed to regulate the use of fertilizer on farm operations as defined in s. 823.14 or on lands classified as agricultural lands pursuant to s. 193.461.

Section 7. Section 403.9337, Florida Statutes, is created to read:

403.9337 Urban turf fertilizers.—

(1) As used in this section, the term:

(a) "No-phosphate fertilizer" or "no-phosphorus fertilizer" means fertilizer that contains less than 0.5 percent phosphate by weight.

(b) "Urban turf" means noncropland planted, mowed, and managed grasses, including, but not limited to, residential lawns; turf on commercial property; filter strips; and turf on property owned by federal, state, or local governments and other public lands, including roadways, roadsides, parks, campsites, recreation areas, school grounds, and other public grounds. The term does not include pastures, hay production and grazing land, turf grown on sod farms, or any other form of agricultural production; golf courses or sports turf fields; or garden fruits, flowers, or vegetables.

(c) "Soil test" means a test performed on soil planted or sodded, or that will be planted or sodded, by a laboratory approved by the Department of Agriculture and Consumer Services and performed within the last 2 years to indicate if the level

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of available phosphorus in the soil is sufficient to support healthy turf growth.

(d) "Tissue test" means a test performed on plant tissue growing in the soil planted or sodded, or that will be planted or sodded, by a laboratory approved by the Department of Agriculture and Consumer Services and performed within the last 2 years to indicate if the level of available phosphorus in the soil is sufficient to support healthy turf.

(2) Other than no-phosphate and no-phosphorus fertilizers, fertilizer containing phosphorus may not be applied to urban turf anywhere in this state on or after July 1, 2011, unless a soil or tissue test that is conducted pursuant to a method approved by the Department of Agriculture and Consumer Services indicates:

(a) For turf that is being initially established by seed or sod, the level of available phosphorus is insufficient to establish new turf growth and a root system. However, during the first year, a one-time application only of up to 1 pound of phosphate per 1,000 square feet of area may be applied.

(b) For established turf, the level of available phosphorus is insufficient to support healthy turf growth. However, no more than 0.25 pound of phosphate per 1,000 square feet of area per each application may be applied, not to exceed 0.5 pound of phosphate per 1,000 square feet of area per year.

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

And the title is amended as follows:

Delete lines 51 - 53

and insert:


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448 exemptions;