

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

27 Florida Spring; requiring each water management
28 district to adopt by rule maps that depict the
29 delineation of each spring protection and management
30 zone for each Outstanding Florida Spring within its
31 jurisdiction; creating s. 373.805, F.S.; requiring the
32 water management districts to adopt minimum flows and
33 levels for Outstanding Florida Springs; requiring a
34 water management district to implement a recovery or
35 prevention strategy under certain circumstances;
36 authorizing the water management districts to adopt
37 rules; creating s. 373.807, F.S.; providing procedures
38 for improving water quality in Outstanding Florida
39 Springs; providing a funding mechanism; creating s.
40 373.809, F.S.; specifying prohibited activities within
41 a spring protection and management zone of an
42 Outstanding Florida Spring; requiring local
43 governments to ensure that their comprehensive plans
44 and ordinances reflect such prohibitions; creating s.
45 373.811, F.S.; providing rulemaking authority;
46 creating s. 373.813, F.S.; providing for variances and
47 exemptions under certain circumstances; amending s.
48 381.0065, F.S.; defining the term "responsible
49 management entity"; requiring the Department of Health
50 to submit a report to the Governor and the Legislature
51 on responsible management entities; authorizing the
52 establishment of responsible management entities;

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53 amending s. 403.067, F.S.; specifying criteria for
54 development of a basin management action plan for an
55 Outstanding Florida Spring; conforming provisions to
56 changes made by the act; conforming cross-references;
57 repealing s. 381.00651, F.S., relating to periodic
58 evaluation and assessment of onsite sewage treatment
59 and disposal systems; requiring the Department of
60 Agriculture and Consumer Services and the Department
61 of Environmental Protection to conduct a comprehensive
62 study on nutrient reduction improvements and the
63 expansion of the beneficial use of reclaimed water;
64 requiring the departments to jointly hold a public
65 meeting to gather input on the design of the
66 comprehensive study and provide an opportunity for
67 public comment; requiring the final report to be
68 submitted to the Governor and the Legislature by a
69 certain date; providing an effective date.

70
71 Be It Enacted by the Legislature of the State of Florida:

72
73 Section 1. Paragraph (c) of subsection (1) of section
74 201.15, Florida Statutes, is amended to read:

75 201.15 Distribution of taxes collected.—All taxes
76 collected under this chapter are subject to the service charge
77 imposed in s. 215.20(1). Prior to distribution under this
78 section, the Department of Revenue shall deduct amounts

79 necessary to pay the costs of the collection and enforcement of
80 the tax levied by this chapter. Such costs and the service
81 charge may not be levied against any portion of taxes pledged to
82 debt service on bonds to the extent that the costs and service
83 charge are required to pay any amounts relating to the bonds.
84 After distributions are made pursuant to subsection (1), all of
85 the costs of the collection and enforcement of the tax levied by
86 this chapter and the service charge shall be available and
87 transferred to the extent necessary to pay debt service and any
88 other amounts payable with respect to bonds authorized before
89 January 1, 2013, secured by revenues distributed pursuant to
90 subsection (1). All taxes remaining after deduction of costs and
91 the service charge shall be distributed as follows:

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

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

97 1. The State Transportation Trust Fund in the Department
98 of Transportation in the amount of the lesser of 38.2 percent of
99 the remainder or \$541.75 million in each fiscal year. Out of
100 such funds, the first \$50 million for the 2012-2013 fiscal year;
101 \$65 million for the 2013-2014 fiscal year; and \$75 million for
102 the 2014-2015 fiscal year and all subsequent years, shall be
103 transferred to the State Economic Enhancement and Development
104 Trust Fund within the Department of Economic Opportunity. The

105 remainder shall ~~is to~~ be used for the following specified
 106 purposes, notwithstanding any other law ~~to the contrary~~:

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

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

114 c. For the purposes of the Strategic Intermodal System
 115 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent
 116 of these funds after allocating for the New Starts Transit
 117 Program described in sub-subparagraph a. and the Small County
 118 Outreach Program described in sub-subparagraph b.; and

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

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

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

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

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

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

150
 151 Moneys distributed pursuant to this paragraph may not be pledged
 152 for debt service unless such pledge is approved by referendum of
 153 the voters.

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

156 259.035 Acquisition and Restoration Council.—

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

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

173 (b) ~~The Four~~ members ~~remaining appointees~~ shall be
174 ~~composed of~~ the Secretary of Environmental Protection, the
175 director of the Florida Forest Service of the Department of
176 Agriculture and Consumer Services, the executive director of the
177 Fish and Wildlife Conservation Commission, and the director of
178 the Division of Historical Resources of the Department of State,
179 or their respective designees.

180 (c) One member shall be appointed by the Commissioner of
181 Agriculture representing ~~with~~ a discipline related to
182 agriculture, including silviculture;- one member shall be

183 appointed by the Fish and Wildlife Conservation Commission
184 representing ~~with~~ a discipline related to wildlife management or
185 wildlife ecology; and one member shall be appointed by the
186 Secretary of Environmental Protection representing a discipline
187 related to water quality management which includes the study of
188 dissolved oxygen levels and nutrient pollution of groundwater
189 and surface water.

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

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

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

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

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

207 (3) The council shall provide assistance to the board of
208 trustees in reviewing the recommendations and plans for state-

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

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

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

233 (c) By December 31, 2014, the council shall develop and
234 recommend rules to fund pilot projects that test the

235 effectiveness of innovative or existing nutrient reduction
236 technologies designed to minimize nutrient pollution in the
237 springs of this state. The council must approve funding for at
238 least two pilot projects in each project selection cycle if the
239 department determines that there are at least two projects that
240 will not be harmful to the ecological resources in the study
241 area.

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

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

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

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

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

260 5. The flow necessary to restore the Outstanding Florida

261 Spring to its adopted minimum flow or level.

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

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

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

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

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

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

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

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

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

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

313 applicable.

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

316 373.042 Minimum flows and levels.—

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

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

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

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

333
 334 The minimum flow and minimum water level shall be calculated by
 335 the department and the governing board using the best
 336 information available. When appropriate, minimum flows and
 337 levels may be calculated to reflect seasonal variations. The
 338 department and the governing board shall ~~also~~ consider, and at

339 their discretion may provide for, the protection of
 340 nonconsumptive uses in the establishment of minimum flows and
 341 levels.

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

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

346 (1) ESTABLISHMENT.—

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

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

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

363 373.801 Legislative findings and intent.—

364 (1) Springs are a unique part of this state's scenic

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

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

391 Springs.

392 (3) The Legislature recognizes that:

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

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

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

416 (d) Springshed boundaries and areas of high vulnerability

417 within a springshed need to be identified and delineated using
418 the best available data.

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

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

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

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

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

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

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

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

452 (c) Is located along an exterior wall;

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

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

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

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

466 (3) "Local government" means a county or municipal
467 government the jurisdictional boundaries of which include an
468 Outstanding Florida Spring, or any part of a delineated

469 springshed or spring protection and management zone for an
470 Outstanding Florida Spring.

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

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

- 489 (a) DeLeon Spring;
490 (b) Peacock Spring;
491 (c) Rock Springs;
492 (d) Wekiwa Spring; and
493 (e) Gemini Spring.

494 (6) "Responsible management entity" means a legal entity

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

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

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

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

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

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

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

518 (1) Using the best data available from the water
 519 management districts and other credible sources, the department,
 520 in consultation with the water management districts, shall

521 delineate the spring protection and management zone for each
 522 Outstanding Florida Spring. The delineation of spring protection
 523 and management zones must be completed by July 1, 2015, unless a
 524 water management district provides sufficient and appropriate
 525 evidence to the department that it is in the best interest of
 526 the public to justify extending the deadline for up to 1 year.

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

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

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

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

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

547 Outstanding Florida Spring.

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

- 554 (a) A listing of all specific projects identified for
 555 implementation to achieve the recovery or prevention strategy;
- 556 (b) A priority listing of each project;
- 557 (c) The estimated cost for each listed project; and
- 558 (d) The source and amount of financial assistance from the
 559 water management district for each project, which may not be
 560 less than 25 percent of the total project cost.

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

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

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

570 (1) BASIN MANAGEMENT ACTION PLAN.—

571 (a) By July 1, 2017, the department shall develop a basin
 572 management action plan as specified in s. 403.067(7) for each

573 Outstanding Florida Spring impaired by nutrients. A plan for
574 such spring completed prior to July 1, 2014, must be revised to
575 meet the requirements of this section by July 1, 2017.

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

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

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

592 1. Develop and implement an ordinance that meets the
593 minimum requirements of the department's Model Ordinance for
594 Florida-Friendly Fertilizer Use on Urban Landscapes. Such
595 ordinance must require that, within a spring protection and
596 management zone of an Outstanding Florida Spring impaired by
597 nutrients, the nitrogen content of any fertilizer applied to
598 turf or landscape plants must contain at least 50 percent slow-

599 release nitrogen per guaranteed analysis label and that annual
600 application rates of total nitrogen may not exceed the lowest,
601 basic maintenance rate recommended by the Institute of Food and
602 Agricultural Sciences as of August 2013. The department shall
603 adopt rules to implement this subparagraph which set reasonable
604 minimum standards that local governments must impose and reflect
605 advancements or improvements regarding best management
606 practices.

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

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

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

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

625 the applicable water management district.

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

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

636 (3) CENTRAL SEWERAGE SYSTEMS AND ONSITE SEWAGE TREATMENT
637 AND DISPOSAL SYSTEMS.—In developing a basin management action
638 plan for an Outstanding Florida Spring, the department, in
639 consultation with the Department of Health and local
640 governments, must identify onsite sewage treatment and disposal
641 systems serving single-family residential properties of less
642 than 1 acre and multi-family residential, commercial, and
643 industrial properties located within a spring protection and
644 management zone. Within 1 year of identification of these
645 systems, and in consultation with the department, the local
646 governments in which they are located shall develop an onsite
647 sewage treatment and disposal system remediation plan. For each
648 onsite sewage treatment and disposal system, the plan must
649 include whether the system requires upgrading, connection to a
650 central sewerage system, or no action. The plan must also

651 include a priority ranking for each system or group of systems
652 that requires remediation. Each remediation plan must be
653 submitted to the department for approval. Following approval of
654 the remediation plan, the local government shall begin
655 implementing the approved remediation plan. The costs of
656 connection to or upgrading the onsite sewage treatment and
657 disposal systems may not be imposed upon the property owner.

658 (4) FUNDING.—

659 (a) In order to satisfy the requirements under this
660 section, state agencies, water management districts, local
661 governments, special districts, utilities, regional management
662 entities, and agricultural producers, in cooperation with
663 property owners and agricultural producers, may submit a project
664 proposal to the Acquisition and Restoration Council, pursuant to
665 s. 259.035, in order to receive funding for up to 75 percent of
666 the total project cost, except for projects to upgrade or
667 connect onsite sewage treatment and disposal systems. Projects
668 submitted by a fiscally constrained county, as described in s.
669 218.67(1), or a municipality located therein, are eligible for
670 funding for up to 100 percent of the total project cost.

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

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

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

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

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

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

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

703 the recovery of an Outstanding Florida Spring.

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

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

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

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

716 373.811 Rules.—

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

723 (2) (a) The Department of Agriculture and Consumer Services
724 is the lead agency coordinating the reduction of agricultural
725 nonpoint sources of pollution for Outstanding Florida Springs
726 protection. The Department of Agriculture and Consumer Services
727 and the department, pursuant to s. 403.067(7)(c)4., shall study
728 and, if necessary, in cooperation with applicable county and

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729 municipal governments, and stakeholders, initiate rulemaking to
730 implement new or revised best management practices for improving
731 and protecting Outstanding Florida Springs and for requiring the
732 implementation of such practices within a reasonable time period
733 as specified by rule.

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

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

748 373.813 Variances and exemptions.—

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

755 contribute to violations of water quality standards or minimum
 756 flows or levels in an Outstanding Florida Spring.

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

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

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

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

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

776 (7) RESPONSIBLE MANAGEMENT ENTITIES.—

777 (a) By March 1, 2015, the department and the Department of
 778 Environmental Protection shall submit a report and
 779 recommendations to the Governor, the President of the Senate,
 780 and the Speaker of the House of Representatives on the creation

781 and operation of responsible management entities within spring
782 protection and management zones of Outstanding Florida Springs,
783 as defined in s. 373.802, which are impaired by nutrients. The
784 report must focus on the feasibility of different management
785 models to prevent, reduce, and control nutrient pollution from
786 onsite sewage treatment and disposal systems, including the
787 costs associated with each model. In addition, the report must
788 compare the results of the differing management models to a
789 mandatory onsite sewage treatment and disposal system evaluation
790 and assessment program or any other option that would achieve
791 similar nutrient pollution reductions in the short and long
792 term.

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

807 single project proposal for submission to the Acquisition and
 808 Restoration Council pursuant to s. 373.807.

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

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

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

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

818 (a) Basin management action plans.—

819 1. ~~In developing and implementing the total maximum daily~~
 820 ~~load for a water body,~~ The department, or the department in
 821 conjunction with a water management district, if not otherwise
 822 required to do so under applicable law, may develop a basin
 823 management action plan that addresses some or all of the
 824 watersheds and basins tributary to the water body. Such plan
 825 must integrate the appropriate management strategies available
 826 to the state through existing water quality protection programs
 827 to achieve compliance or to prevent noncompliance with water
 828 quality standards ~~the total maximum daily loads~~ and may provide
 829 for phased implementation of these management strategies to
 830 promote timely, cost-effective actions as provided for in s.
 831 403.151. The plan must establish a schedule implementing the
 832 management strategies, establish a basis for evaluating the

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833 plan's effectiveness, and identify feasible funding strategies
834 for implementing the plan's management strategies. The
835 management strategies may include regional treatment systems or
836 other public works, where appropriate, and voluntary trading of
837 water quality credits to achieve the needed pollutant load
838 reductions.

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

857 3. The basin management action planning process is
858 intended to involve the broadest possible range of interested

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

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

883 5. The basin management action plan must include
884 milestones for implementation and water quality improvement, and

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

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

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911 permits whose owner voluntarily elects to obtain department
912 authorization for the generation and sale of credits.

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

918 (c) Best management practices.—

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

930 2. The Department of Agriculture and Consumer Services may
931 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54
932 suitable interim measures, best management practices, or other
933 measures necessary to achieve the level of pollution reduction
934 established by the department for agricultural pollutant sources
935 in allocations developed pursuant to subsection (6) and this
936 subsection or for programs implemented pursuant to paragraph

937 (12) (b) ~~(13) (b)~~. These practices and measures may be implemented
938 by those parties responsible for agricultural pollutant sources
939 and the department, the water management districts, and the
940 Department of Agriculture and Consumer Services shall assist
941 with implementation. In the process of developing and adopting
942 rules for interim measures, best management practices, or other
943 measures, the Department of Agriculture and Consumer Services
944 shall consult with the department, the Department of Health, the
945 water management districts, representatives from affected
946 farming groups, and environmental group representatives. Such
947 rules must also incorporate provisions for a notice of intent to
948 implement the practices and a system to assure the
949 implementation of the practices, including recordkeeping
950 requirements.

951 3. Where interim measures, best management practices, or
952 other measures are adopted by rule, the effectiveness of such
953 practices in achieving the levels of pollution reduction
954 established in allocations developed by the department pursuant
955 to subsection (6) and this subsection or in programs implemented
956 pursuant to paragraph (12) (b) ~~(13) (b)~~ must be verified at
957 representative sites by the department. The department shall use
958 best professional judgment in making the initial verification
959 that the best management practices are reasonably expected to be
960 effective and, if ~~where~~ applicable, must notify the appropriate
961 water management district or the Department of Agriculture and
962 Consumer Services of its initial verification before the

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

989 a schedule that details the beginning and ending dates of the
990 project.

991 4. Where water quality problems are demonstrated, despite
992 the appropriate implementation, operation, and maintenance of
993 best management practices and other measures required by rules
994 adopted under this paragraph, the department, a water management
995 district, or the Department of Agriculture and Consumer
996 Services, in consultation with the department, shall institute a
997 reevaluation of the best management practice or other measure.
998 If ~~Should~~ the reevaluation determines ~~determine~~ that the best
999 management practice or other measure requires modification, the
1000 department, a water management district, or the Department of
1001 Agriculture and Consumer Services, as appropriate, shall revise
1002 the rule to require implementation of the modified practice
1003 within a reasonable time period as specified in the rule.

1004 5. Agricultural records relating to processes or methods
1005 of production, costs of production, profits, or other financial
1006 information held by the Department of Agriculture and Consumer
1007 Services pursuant to subparagraphs 3. and 4. or pursuant to any
1008 rule adopted pursuant to subparagraph 2. are confidential and
1009 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
1010 Constitution. Upon request, records made confidential and exempt
1011 pursuant to this subparagraph shall be released to the
1012 department or any water management district provided that the
1013 confidentiality specified by this subparagraph for such records
1014 is maintained.

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1015 6. ~~The provisions of~~ Subparagraphs 1. and 2. do not
1016 preclude the department or water management district from
1017 requiring compliance with water quality standards or with
1018 current best management practice requirements set forth in any
1019 applicable regulatory program authorized by law for the purpose
1020 of protecting water quality. Additionally, subparagraphs 1. and
1021 2. are applicable only to the extent that they do not conflict
1022 with ~~any~~ rules adopted by the department which ~~that~~ are
1023 necessary to maintain a federally delegated or approved program.

1024 Section 16. Section 381.00651, Florida Statutes, is
1025 repealed.

1026 Section 17. Comprehensive study on nutrient reduction
1027 improvements and the beneficial use of reclaimed water,
1028 stormwater, and excess surface water.-

1029 (1) The Department of Agriculture and Consumer Services
1030 and the Department of Environmental Protection, in cooperation
1031 with the five water management districts, shall conduct a
1032 comprehensive study on nutrient reduction improvements for row
1033 crops and for the expansion of the beneficial use of reclaimed
1034 water, stormwater, and excess surface water in this state. The
1035 final report of the study must:

1036 (a) Describe factors that currently prohibit or otherwise
1037 complicate the expansion of the beneficial use of reclaimed
1038 water and include recommendations for the mitigation or
1039 elimination of such factors.

1040 (b) Identify environmental, public health, public

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1041 perception, engineering, and fiscal issues, and user fee
1042 amounts, including utility rate structures for potable and
1043 reclaimed water.

1044 (c) Identify areas in the state where making reclaimed
1045 water available for irrigation or other uses is necessary
1046 because the use of traditional water supply sources is
1047 constrained by limitations on availability.

1048 (d) Evaluate the costs to users of reclaimed water
1049 compared to the cost associated with traditional water sources,
1050 including an examination of the nutrient concentrations in
1051 reclaimed water and the necessity for additional fertilizer
1052 supplementation.

1053 (e) Evaluate permitting incentives, such as further
1054 extending current authorization for long-term consumptive
1055 permits to all entities substituting reclaimed water for
1056 traditional water sources or including in such permits a
1057 provision that authorizes conversion to traditional water
1058 sources if reclaimed water becomes unavailable or cost
1059 prohibitive.

1060 (f) Describe the basic feasibility, benefit, and cost
1061 estimates for the infrastructure needed to construct regional
1062 storage features on public or private lands for reclaimed water,
1063 stormwater, or excess surface water, including collection and
1064 delivery mechanisms for beneficial uses rather than discharge to
1065 tide, such as agricultural irrigation, power generation, public
1066 water supply, wetland restoration, groundwater recharge, and

1067 water body base flow augmentation.

1068 (g) Describe any other alternative processes, systems, or
 1069 technology that may be comparable or preferable to a regional
 1070 storage system or that may effectively complement or be a
 1071 substitute for a regional storage system.

1072 (h) Evaluate the impact of implementation of a
 1073 comprehensive reclaimed water plan on traditional water sources
 1074 and aquifer levels.

1075 (i) Evaluate strategies to reduce nutrient loading from
 1076 row crops in areas sensitive to nutrient pollution, including
 1077 the application of organic fertilizers, or provide incentives
 1078 for agricultural producers to plant crops that require less
 1079 fertilization.

1080 (2) The Department of Agriculture and Consumer Services
 1081 and the Department of Environmental Protection shall jointly
 1082 hold a public meeting to gather input on the design of the
 1083 comprehensive study and to provide an opportunity for public
 1084 comment before publishing the final report of the study.

1085 (3) The final report shall be submitted to the Governor,
 1086 the President of the Senate, and the Speaker of the House of
 1087 Representatives by December 1, 2015.

1088 (4) This section expires on December 1, 2015.

1089 Section 18. This act shall take effect July 1, 2014.