

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

ENVIRONMENTAL PRESERVATION AND CONSERVATION

Senator Dean, Chair
Senator Simpson, Vice Chair

MEETING DATE: Tuesday, March 24, 2015

TIME: 1:30 —3:30 p.m.

PLACE: *Mallory Horne Committee Room, 37 Senate Office Building*

MEMBERS: Senator Dean, Chair; Senator Simpson, Vice Chair; Senators Altman, Evers, Hays, Simmons, Smith, and Soto

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 284 Diaz de la Portilla	Permitting; Specifying additional issues that may be reviewed by circuit courts with respect to certain permits issued by state agencies and water management districts; providing additional remedies in the event of an exactions taking, etc. EP 03/24/2015 Fav/CS AGG AP	Fav/CS Yeas 8 Nays 0
2	SB 510 Garcia (Similar CS/H 359)	Miami-Dade County Lake Belt Area; Requiring amendments to local zoning and subdivision regulations concerning properties located within a certain area to be compatible with limestone mining activities; including monitoring as an environmental purpose for which the per-ton mitigation fee may be applied; decreasing the amount of the per-ton mitigation fee for limerock and sand sold after certain dates; imposing an environmentally endangered lands fee; rescinding the water treatment plant upgrade fee, etc. EP 03/24/2015 Fav/CS CA AGG AP	Fav/CS Yeas 8 Nays 0
3	SB 918 Dean (Compare CS/H 7003, CS/S 1186, CS/S 1554, S 7054)	Environmental Resources; Requiring the Department of Environmental Protection to publish, update, and maintain a database of conservation lands; creating the Florida Shared-Use Nonmotorized Trail Network; requiring a project constructed as part of the network to be included in the Department of Transportation's work program; requiring certain information to be included in the consolidated annual report for each project related to water quality or water quantity; creating part VIII of ch. 373, F.S., entitled the "Florida Springs and Aquifer Protection Act", etc. EP 03/04/2015 Workshop-Discussed EP 03/24/2015 Fav/CS AGG AP	Fav/CS Yeas 8 Nays 0

Consideration of proposed bill:

COMMITTEE MEETING EXPANDED AGENDA

Environmental Preservation and Conservation

Tuesday, March 24, 2015, 1:30 —3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SPB 7060	Ratification of Department of Environmental Protection Rules; Ratifying a specified rule relating to liners and leachate collection systems for construction and demolition debris disposal facilities, for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule meeting any specified thresholds of likely adverse impact or increase in regulatory costs, etc.	Submitted as Committee Bill Yeas 8 Nays 0
Consideration of proposed bill:			
5	SPB 7062	Ratification of Department of Environmental Protection Rules; Ratifying a specified rule relating to minimum flows and levels and recovery and prevention strategies, for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule meeting any specified thresholds for likely adverse impact or increase in regulatory costs, etc.	Submitted as Committee Bill Yeas 8 Nays 0
Other Related Meeting Documents			



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Judiciary, *Chair*
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Community Affairs
Finance and Tax
Regulated Industries
Rules

SENATOR MIGUEL DIAZ de la PORTILLA

40th District

January 20, 2015

The Honorable Charlie Dean
Chairman
Environmental and Preservation

Via Email

Dear Chairman Dean:

Please agenda my Senate Bill 284 at the next available Committee meeting.

The House Bill is HB 383.

Thank you for your consideration.

Sincerely,

Miguel Diaz de la Portilla
Senator, District 40

Cc: Mr. Pepper Uchino, Staff Director; Ms. Kim Bonn, Committee Administrative Assistant

REPLY TO:

- ☐ 2100 Coral Way, Suite 505, Miami, Florida 33145 (305) 643-7200
- ☐ 406 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5040

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Senate
State Senator René García
38th District

Please reply to:
District Office:
1490 West 68 Street
Suite # 201
Hialeah, FL. 33014
Phone# (305) 364-3100

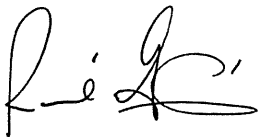
February 17, 2015

The Honorable Charles Dean Sr.
Chair, Environmental Preservation and Conservation Committee
325 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman Dean:

This letter should serve as a request to have my bill SB 510: Miami-Dade County Lake Belt Area heard at the next possible committee meeting. If there is any other information needed please do not hesitate to contact me. Thank you.

Sincerely,



State Senator René García
District 38
RG:JT

CC: Pepper Uchino, Staff Director

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Environmental Preservation and Conservation

BILL: CS/SB 284

INTRODUCER: Environmental Conservation and Preservation Committee and Senator Diaz de la Portilla

SUBJECT: Permitting

DATE: March 26, 2015 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hinton	Uchino	EP	Fav/CS
2.			AGG	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 284 clarifies the terms “property owner” and “real property” and provides definitions for “damages,” “governmental entity,” “prohibited exaction,” “property owner,” and “real property” under ch. 70, F.S. It provides circumstances when a governmental entity may treat a claim as pending litigation and clarifies when a settlement offer may be accepted. It provides an exception for counties under certain circumstances. The bill creates a cause of action under ch. 70, F.S., and when claims may be brought and procedures for those claims. The bill provides that a governmental agency defending the claim has the burden of proof to defend the agency exaction. It authorizes awards of attorney fees and costs under certain circumstances. The bill provides that the state, its agencies, and political subdivisions waive sovereign immunity for causes of action under s. 70.45, F.S., which is created by the bill. Lastly, the bill prohibits ss. 70.001, 70.45, and 70.51, F.S., from being construed together as parts of a common subject.

II. Present Situation:

Takings

The Fifth Amendment to the U.S. Constitution guarantees that citizens’ private property will not be taken for public use without just compensation. The Takings Clause of the Fifth Amendment is applicable to the states through the Fourteenth Amendment to the U.S. Constitution, which provides, “[n]o State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty,

or property, without due process of law...” The government may acquire private property through the power of eminent domain, provided the property owner is compensated.¹

Article I, section 2 of the Florida Constitution also guarantees all natural persons the right to “acquire, possess and protect property” and further provides that no person will be deprived of property without due process of law.² Article X, section 6 of the Florida Constitution, which provides that private property cannot be taken except for a public purpose and with full compensation paid to each owner, is complimentary to the Fifth and Fourteenth Amendments to the U. S. Constitution.

In addition to physical infringement by a governmental entity upon a property, certain regulations on property can constitute a taking. When a governmental regulation results in a permanent, physical occupation of a property or deprives an owner of “all economically productive or beneficial uses” of the property, a “per se” taking is deemed to have occurred. Such actions require full compensation for the property.³ Additionally, when the regulation does not substantially advance a legitimate state interest, it is invalid⁴ and the property owner may recover compensation for the period during which the invalid regulation deprived all use of the property.⁵

In other takings cases, courts have used a multi-factor, “ad hoc” analysis to determine whether a regulation has adversely affected the property to such an extent as to require government compensation. The factors considered by the courts include:

- The economic impact of the regulation on the property owner;
- The extent to which the regulation interferes with the property owner's investment-backed expectations;
- Whether the regulation confers a public benefit or prevents a public harm, i.e., the nature of the regulation;
- Whether the regulation is arbitrarily and capriciously applied; and
- The history of the property, history of the development, and history of the zoning and regulation.⁶

The U.S. Supreme Court, in *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency*, rejected property owners' contentions that a three-year moratorium on development constituted a per se taking of property requiring compensation under the Takings Clause.⁷ The Court recognized that there are a wide range of moratoria that occur as a regular part of land use regulation such as “normal delays in obtaining building permits, changes in zoning ordinances, variances, and the like.”⁸ The Court determined that the length of time a

¹ Chapters 73 and 74, F.S.

² FLA. CONST. art. I, s. 9.

³ *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992).

⁴ *See Nollan v. California Coastal Comm'n*, 483 U.S. 825 (1987).

⁵ *See First English Evangelical Lutheran Church of Glendale v. County of Los Angeles*, 482 U.S. 304 (1987).

⁶ *See Reahard v. Lee County*, 968 F.2d 1131, 1136 (11th Cir. 1992). *See also Keystone Bituminous Coal Assn. v. DeBenedictis*, 480 U.S. 470 (1987); *Penn Central Transportation Co. v. New York City*, 438 U.S. 104 (1978); *Graham v. Estuary Properties*, 399 So. 2d 1374 (Fla. 1981).

⁷ *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency*, 535 U.S. 302 (2002).

⁸ *See id.* (quoting *First English Evangelical Lutheran Church of Glendale v. County of Los Angeles*, 482 U.S. 304 (1987)).

parcel of property was undevelopable was one of the many factors to be considered when determining whether a taking occurred.

Regulatory Takings Requiring Compensation

Nollan v. California Coastal Comm'n, 483 U.S. 825, and *Dolan v. City of Tigard*, 512 U.S. 374, established a two-prong test to determine if a landowner should receive compensation under a takings claim. In *Nollan*, the U.S. Supreme Court held that permit conditions that do not demonstrate an essential nexus between the conditions and the purpose served by those conditions constituted a regulatory taking. In *Dolan*, the Court adopted a “rough proportionality” test, requiring that a dedication of private property must also be roughly proportional in nature and extent to the impact, or social costs, of the proposed development.⁹

Lingle v. Chevron U.S.A., Inc., 544 U.S. 528, further clarified regulatory takings by limiting them to four situations:

- When there is a permanent physical invasion of property, however slight;
- When the regulation eliminates all economic value in the property;
- When the action is the imposition of a condition on the grant of a permit that does not serve a purpose related to the permitted activity or the condition was not roughly proportional to the impact of the development; and
- When the regulation involves a substantial economic impact on the owner and interferes with the owner’s investment-backed expectations or imposes an undue burden on the owner.¹⁰

This line of jurisprudence concerns permits that have been granted. However, it does not address conditions imposed on permits that have been denied.

Unconstitutional Exactions

In *Koontz v. St. Johns River Water Management District*, 133 S.Ct 2586 (2013), the U.S. Supreme Court held that a government cannot deny a land-use permit based on the landowner’s refusal to accede to the government’s demands to either turn over property or pay money to the government unless there is a nexus and rough proportionality between the government’s demand on the landowner and the effect of the proposed land use.¹¹

The *Koontz* case arose from the denial of a permit by the St. Johns River Water Management District (district). Coy Koontz, Sr., sought to develop part of his property and applied for the necessary permit from the district, which was required due to the effect the development would have on wetlands. Mr. Koontz wanted to develop 3.7 acres of a 14.9 acre tract of land and offered to grant a conservation easement on most of the rest of the parcel. The district considered the conservation easement inadequate and, along with offering to entertain any other suggestions, gave Mr. Koontz two choices:

- He could reduce the size of the development to one acre and grant a conservation easement on the rest of the property and make other changes to his proposed development; or

⁹ See *Dolan v. City of Tigard*, 512 U.S. 374 (1994).

¹⁰ See *Lingle v. Chevron U.S.A., Inc.*, 544 U.S. 528 (2005).

¹¹ *Koontz v. St. Johns River Water Management District*, 133 S.Ct. 2586 (2013).

- He could build on the full 3.7 acres if he deeded to the district a conservation easement on the rest of the property, and pay to enhance approximately 50 acres of district-owned wetlands, or an equivalent project proposed by Mr. Koontz.¹²

The U.S. Supreme Court heard the case in 2013 and decided later that year in favor of Mr. Koontz. The Court's decision was based on violation of the unconstitutional condition doctrine. The doctrine precludes the government from burdening the Constitution's enumerated rights by coercively withholding benefits from those who exercise them. The constitutional right burdened under the doctrine is the right to compensation when private property is taken for public use.¹³ As explained by the Court, "[e]xtortionate demands for property in the land-use permitting context run afoul of the Takings Clause not because they take property but because they impermissibly burden the right not to have property taken without just compensation."¹⁴

The Court did not rule on state or federal remedies for violating the holdings of the case. "In cases where there is an excessive demand but no taking, whether money damages are available is not a question of federal constitutional law but of the cause of action – whether state or federal – on which the landowner relies."¹⁵ The Court left unanswered the question of whether the landowner in *Koontz* could recover damages for unconstitutional conditions claims based on the Takings Clause because the landowner's claim was based on s. 373.617, F.S.¹⁶ Because s. 373.617, F.S., allows for damages when a state agency's action is "an unreasonable exercise of the state's police power constituting a taking without just compensation," it is a question of state law as to whether that provision covers an unconstitutional conditions claim.¹⁷

Remedies for Unconstitutional Conditions Claims

Federal law provides a cause of action for unconstitutional conditions claims.¹⁸ However, it is unclear what type of damages would be recoverable under federal law. Section 373.617, F.S., allows for monetary damages to be awarded to a landowner when a circuit court determines a state agency's action is "an unreasonable exercise of the State's police power constituting a taking without just compensation." However, because this provision applies to takings, it is unclear whether it provides a cause of action for monetary damages for unconstitutional conditions claims based on the Takings Clause where no taking has occurred.

Bert J. Harris, Jr., Private Property Rights Protection Act

Limitation of Application of the Bert J. Harris, Jr., Private Property Rights Protection Act

In 1995, the Legislature enacted the Bert J. Harris, Jr., Private Property Rights Protection Act (Bert Harris Act)¹⁹ to provide a new cause of action for private property owners whose real

¹² *Id.* at 2593.

¹³ U.S. CONST. amend. V.

¹⁴ *Supra* note 11, at 2596.

¹⁵ *Supra* note 11, at 2597.

¹⁶ *Supra* note 11, at 2597.

¹⁷ *Royal World Metropolitan, Inc. v. The City of Miami Beach*, 863 So. 2d 320 (Fla. 3d DCA 2003).

¹⁸ See *O'Hare Truck Serv., Inc. v. City of Northlake*, 518 U.S. 712 (1996).

¹⁹ Chapter. 95-181, Laws of Fla.

property has been inordinately burdened by a specific action of a governmental entity that may not rise to the level of a taking under the Florida or U.S. Constitutions.²⁰ The inordinate burden can apply to either an existing use of real property or a vested right to a specific use.²¹

For the purposes of the Bert Harris Act, the term “property owner” is defined as “the person who holds legal title to the real property at issue,” but does not include a governmental entity. “Real property” is defined as “land and includes any appurtenances and improvements to the land, including any other relevant real property in which the property owner had a relevant interest.”²²

Safe Harbor Provisions for Settlement Agreements

The Bert Harris Act provides for a mandatory presuit procedure in which a property owner must present written notice of the claim to the governmental entity at least 150 days, or 90 days if the property in question is classified as agricultural, prior to filing a lawsuit. During that period, unless it is extended by agreement of the parties, the governmental entity must make a written settlement offer.²³

If the parties enter into a settlement agreement that would have the effect of a modification, variance, or special exception to the application of a rule, regulation, or ordinance that would otherwise apply to the property, the agreement must protect the public interest served by the regulation at issue and be the appropriate relief necessary to prevent the regulation from inordinately burdening the property. If the settlement agreement would have the effect of contravening the application of a statute that would otherwise apply to the property, the parties must file an action in the circuit court seeking approval of the settlement agreement, “to ensure that the relief granted protects the public interest served by the statute...and is the appropriate relief necessary to prevent the governmental regulatory effort from inordinately burdening the real property.” These safe harbor provisions allow settlement terms that provide for the property to be immune from the application of contrary statutes and local regulations.²⁴

Recently, a Florida appellate court affirmed the denial of a settlement agreement between a property owner and a governmental entity on the grounds that the parties failed to enter into the settlement agreement within the period provided in the Bert Harris Act and after the property owner had filed a lawsuit under the Bert Harris Act.²⁵ The court’s ruling, in effect, limits the safe harbor provision in the Bert Harris Act to only those settlement agreements made within the time-frame specified in the Bert Harris Act.

²⁰ Section 70.001, F.S.

²¹ Section 70.001(2), F.S.

²² Section 70.001(2), F.S. As recently noted by a Florida appellate court, “[t]he expressed legislative intent, as well as numerous other sections of the Act, indicate the Harris Act only applies when rules, ordinances, or regulations are actually applied to the property in question.” *City of Jacksonville v. R. Lee Smith and Christy Smith*, Fla. 1st DCA, Case No. 1D14-2192 (Feb. 26, 2015). See also Op. Att’y Gen. Fla. 95-78 (1985), stating that the act “does not provide recovery of damages to property that is not the subject of governmental action or regulation, but which may have incidentally suffered a diminution in value or other loss as a result of the regulation of the subject property.”

²³ Section 70.001(4)(c), F.S.

²⁴ Section 70.001(4)(d), F.S.

²⁵ *Collier County v. Hussey*, 147 So. 3d 35 (Fla. 2d DCA 2014).

The National Flood Insurance Program

The National Flood Insurance Program (NFIP) is a federal program created by Congress with the passage of the National Flood Insurance Act of 1968.²⁶ The NFIP was created to mitigate future flood losses nationwide through sound, community-enforced building and zoning ordinances and to provide access to affordable, federally-backed flood insurance protection for property owners. The NFIP is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods.²⁷ Community participation in the NFIP is voluntary, although some states require NFIP participation as part of their floodplain management program. Each identified flood-prone community must assess its flood hazard and determine whether flood insurance and floodplain management would benefit the community's residents and economy.²⁸ Participation in the NFIP is based on an agreement between local communities and the federal government, which states if a community will adopt and enforce a floodplain management ordinance to reduce future flood risks to new construction in Special Flood Hazard Areas, the federal government will make flood insurance available within the community as a financial protection against flood losses.²⁹ The Federal Emergency Management Agency (FEMA) identifies flood hazard areas throughout the United States and its territories. Areas of flood hazard are commonly identified on an official map of a community, referred to as a Flood Insurance Rate Map.³⁰

Some Florida counties implementing updated Flood Insurance Rate Maps required by FEMA have received claims under the Bert Harris Act for the alleged impacts to property caused by the maps. For example, Lee County's 2015 State Legislative Agenda indicates the county has received 18 claims under the Bert Harris Act due to adopting Flood Insurance Rate Maps.³¹

III. Effect of Proposed Changes:

Section 1 amends s. 70.001, F.S., to clarify that the term "property owner" means the person who holds legal title to the real property that is the subject of and directly impacted by the action of a governmental entity.

The bill clarifies that the term "real property" includes only parcels that are the subject of and directly impacted by the action of a governmental entity.

The bill allows a governmental entity to treat a claim as pending litigation for the purposes of s. 286.011(8), F.S., which concerns discussions between a governmental entity and a private entity's attorney.

²⁶ Federal Emergency Management Agency, *National Flood Insurance Program – Answers to Questions About the NFIP*, FEMA F-084, 1 (Mar. 2011), available at http://www.fema.gov/media-library-data/20130726-1438-20490-1905/f084_atq_11aug11.pdf (last visited Mar. 25, 2015).

²⁷ *Id.*

²⁸ *Id.* at 4.

²⁹ *Id.* at 4.

³⁰ *Id.* at 2.

³¹ Lee County, *State Legislative Agenda*, (Dec. 16, 2014), available at http://www.leegov.com/gov/BoardofCountyCommissioners/Documents/2015%20State%20Agenda_7JAN2015.pdf (last visited Mar. 25, 2015).

The bill allows a settlement agreement to be reached between a property owner and a governmental entity regardless of when the settlement agreement is entered into if the agreement fully resolves all claims.

The bill exempts counties from claims regarding the adoption of a Flood Insurance Rate Map issued by FEMA for the purpose of participating in the NFIP, unless the map incorrectly applies an aspect of the map to the property in such a way, but not limited to, incorrectly assessing the elevation of the property.

Section 2 creates s. 70.45, F.S. regarding governmental exactions.

The bill defines “damages” as “the monetary amount necessary to fully and fairly compensate the property owner for harm caused by an exaction prohibited by the section.” It also provides that “the term includes a reduction in the fair market value of the real property, a refund of excessive fees charged, or infrastructure costs incurred, or such other actual damages as may be proven at trial.”

The bill defines “prohibited exaction” as any condition imposed by a governmental entity on a property owner’s proposed use of real property which lacks an essential nexus to a legitimate public purpose and is not roughly proportionate to the impacts of the proposed use that the governmental entity is seeking to avoid, minimize, or mitigate.

The bill defines “governmental entity,” “property owner,” and “real property” as having the same meaning as provided in s. 70.001(3), F.S.

The bill provides that a property owner may bring an action for injunctive relief or to recover damages caused by a prohibited exaction. Further, it provides that the action may not be brought until a prohibited exaction is actually imposed or required in written form as a final condition of approval for the requested use of real property, and that the right to bring the action may not be waived.

The bill requires a property owner to provide written notice of the action to the relevant governmental entity at least 90 days before filing the action. The notice must identify the exaction the property owner believes is prohibited and include a brief explanation of why the property owner believes the exaction is prohibited and include an estimate of the damages. When the governmental entity receives the notice, it may treat the claim as pending litigation for the purposes of s. 286.011(8), F.S., which allows for a governmental entity or its representative to discuss pending litigation with the affected party and its representative.

The bill requires the governmental entity to prove an exaction at issue has an essential nexus to a legitimate public purpose and is roughly proportionate to the impacts of the proposed use that the governmental entity is seeking to avoid, minimize, or mitigate. It requires the property owner to prove damages resulting from a prohibited exaction.

The bill requires a court to award prejudgment interest and reasonable attorney fees and costs to a property owner who prevails. It also allows the court to award reasonable attorney fees and

costs to the governmental entity if the court finds that the property owner filed an action in bad faith and without a colorable basis for relief.

The bill waives sovereign immunity for causes of action brought under this section of the bill. It limits the waiver to claims brought under this section.

Section 3 amends s. 70.80, F.S., to clarify that s. 70.45, F.S., has a separate and distinct basis, objective, application, and process from ss. 70.001 and 70.51, F.S., and that it may not be construed in pari materia with those two sections, meaning that it may not be interpreted in light of those sections though they have a common purpose.

The bill provides an effective date of October 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues

The bill waives sovereign immunity protection for the state, its agencies, and political subdivisions for causes of action based on governmental exactions. The bill provides no limitation on the liability of political entities found to be in violation of the provisions of the bill.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill could potentially limit expenditures required of people or entities seeking a permit by preventing a governmental entity from imposing any conditions that are deemed to be prohibited exactions.

It could have a negative impact on private property owners who are found to have brought suits in bad faith.

C. Government Sector Impact:

This bill could have an indeterminate negative effect due to limitations on conditions that might otherwise have been imposed by governmental entities.

The bill could have a positive impact on counties that would otherwise be subject to suits based on the effects of adopting required Flood Insurance Rate Map.

This bill could result in an increase in legal costs for governmental entities due to the potential for increased litigation under the new cause of action provided for in the bill. However, legal costs are likely to be minimal since claims may be settled prior to a suit being brought by a private property owner.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 70.001 and 70.80.

The bill creates section 70.45 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Environmental Preservation and Conservation on March 24, 2015:

- Deletes references to ss. 253.763, 373.617, and 403.90, F.S., which were amended by the original bill to provide a cause of action for exactions takings as a result of extortionate demands as conditions of permits;
- Clarifies terms for “property owner,” “real property,” and “governmental entity” under ch. 70, F.S.;
- Defines “damages” and “prohibited exaction”;
- Clarifies that upon receipt of a written claim, a governmental entity may treat the claim as pending litigation for the purposes of s. 286.011(8), F.S.;
- Clarifies that a settlement offer may be accepted either before or after filing an action so long as it fully resolves all claims;
- Exempts claims under the Bert Harris Act against a county for adopting a Flood Insurance Rate Map issued by FEMA for the purpose of participating in the NFIP, unless the adoption incorrectly applies an aspect of the Flood Insurance Rate Map;
- Provides a cause of action under ch. 70, F.S., for a property owner for injunctive relief or to recover damages caused by a prohibited exaction;

- Provides the cause of action may not be brought until a prohibited exaction is actually imposed or required in written form as a final condition of approval for the requested use of real property, and that the right to bring such an action may not be waived;
- Provides that a property owner must provide a written notice of the action 90 days before filing the action;
- Provides that the notice must identify the exaction the property owner believes is prohibited and include a brief explanation of why the owner believes the exaction is prohibited and an estimate of the damages;
- Provides that upon receipt of the property owner's notice, the governmental entity may treat the claim as pending litigation;
- Assigns the burden of proof to the governmental entity that the exaction has an essential nexus to a legitimate public purpose and is roughly proportionate to the impacts of the proposed use that the governmental entity is seeking to avoid, minimize, or mitigate;
- Assigns the burden of proving damages resulting from a prohibited exaction on the property owner;
- Requires the court to award prejudgment interest and reasonable attorney fees and costs to a prevailing property owner;
- Provides the court with the option of awarding reasonable attorney fees and costs to the governmental entity if the court finds that the property owner filed the action in bad faith and absent a colorable basis for relief;
- Waives sovereign immunity for the state and its agencies or political subdivisions for causes of action brought under s. 70.45, F.S., created by the bill; and
- Provides that s. 70.45, F.S., has separate and distinct bases, objectives, applications, and processes from ss. 70.001 and 70.51, F.S.

B. Amendments:

None.



788846

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2015	.	
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	.	
	.	

The Committee on Environmental Preservation and Conservation
(Simpson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraphs (f) and (g) of subsection (3),
paragraphs (b), (c), and (d) of subsection (4), and subsection
(10) of section 70.001, Florida Statutes, are amended, and a new
paragraph (b) is added to subsection (4) of that section, to
read:

70.001 Private property rights protection.—



788846

(3) For purposes of this section:

(f) The term "property owner" means the person who holds legal title to the real property that is the subject of and directly impacted by the action of a governmental entity ~~at issue~~. The term does not include a governmental entity.

(g) The term "real property" means land and includes any appurtenances and improvements to the land, including any other relevant real property in which the property owner has ~~had~~ a relevant interest. The term includes only parcels that are the subject of and directly impacted by the action of a governmental entity.

(4)

(b) Upon receipt of a written claim, a governmental entity may treat the claim as pending litigation for purposes of s. 286.011(8).

(c) ~~(b)~~ The governmental entity shall provide written notice of the claim to all parties to any administrative action that gave rise to the claim, and to owners of real property contiguous to the owner's property at the addresses listed on the most recent county tax rolls. Within 15 days after the claim is being ~~is being~~ presented, the governmental entity shall report the claim in writing to the Department of Legal Affairs, and shall provide the department with the name, address, and telephone number of the employee of the governmental entity from whom additional information may be obtained about the claim during the pendency of the claim and any subsequent judicial action.

(d) ~~(e)~~ During the 90-day-notice period or the 150-day-notice period, unless extended by agreement of the parties, the governmental entity shall make a written settlement offer to



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effectuate:

1. An adjustment of land development or permit standards or other provisions controlling the development or use of land.

2. Increases or modifications in the density, intensity, or use of areas of development.

3. The transfer of developmental rights.

4. Land swaps or exchanges.

5. Mitigation, including payments in lieu of onsite mitigation.

6. Location on the least sensitive portion of the property.

7. Conditioning the amount of development or use permitted.

8. A requirement that issues be addressed on a more comprehensive basis than a single proposed use or development.

9. Issuance of the development order, a variance, special exception, or other extraordinary relief.

10. Purchase of the real property, or an interest therein, by an appropriate governmental entity or payment of compensation.

11. No changes to the action of the governmental entity.

If the property owner accepts a ~~the~~ settlement offer either before or after filing an action, the governmental entity may implement the settlement offer by appropriate development agreement; by issuing a variance, special exception, or other extraordinary relief; or by other appropriate method, subject to paragraph (e) ~~(d)~~.

(e) ~~(d)~~ 1. When ~~Whenever~~ a governmental entity enters into a settlement agreement under this section which would have the effect of a modification, variance, or a special exception to



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the application of a rule, regulation, or ordinance as it would otherwise apply to the subject real property, the relief granted shall protect the public interest served by the regulations at issue and be the appropriate relief necessary to prevent the governmental regulatory effort from inordinately burdening the real property.

2. When ~~Whenever~~ a governmental entity enters into a settlement agreement under this section which would have the effect of contravening the application of a statute as it would otherwise apply to the subject real property, the governmental entity and the property owner shall jointly file an action in the circuit court where the real property is located for approval of the settlement agreement by the court to ensure that the relief granted protects the public interest served by the statute at issue and is the appropriate relief necessary to prevent the governmental regulatory effort from inordinately burdening the real property.

This paragraph applies to any settlement agreement reached between a property owner and a governmental entity regardless of when the settlement agreement was entered into so long as the agreement fully resolves all claims asserted under this section.

(10) (a) This section does not apply to any actions taken by a governmental entity which relate to the operation, maintenance, or expansion of transportation facilities, and this section does not affect existing law regarding eminent domain relating to transportation.

(b) This section does not apply to any actions taken by a county with respect to the adoption of a Flood Insurance Rate



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Map issued by the Federal Emergency Management Agency for the purpose of participating in the National Flood Insurance Program, unless such adoption incorrectly applies an aspect of the Flood Insurance Rate Map to the property in such a way as to, but not limited to, incorrectly assess the elevation of the property.

Section 2. Section 70.45, Florida Statutes, is created to read:

70.45 Governmental exactions.—

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

(a) "Damages" means the monetary amount necessary to fully and fairly compensate the property owner for harm caused by an exaction prohibited by this section. The term includes a reduction in the fair market value of the real property, a refund of excessive fees charged or infrastructure costs incurred, or such other actual damages as may be proven at trial.

(b) "Governmental entity" has the same meaning as in s. 70.001(3)(c).

(c) "Prohibited exaction" means any condition imposed by a governmental entity on a property owner's proposed use of real property which lacks an essential nexus to a legitimate public purpose and is not roughly proportionate to the impacts of the proposed use that the governmental entity is seeking to avoid, minimize, or mitigate.

(d) "Property owner" has the same meaning as in s. 70.001(3)(f).

(e) "Real property" has the same meaning as in s. 70.001(3)(g).



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(2) In addition to other remedies available in law or equity, a property owner may bring an action in a court of competent jurisdiction under this section for injunctive relief or to recover damages caused by a prohibited exaction. Such action may not be brought until a prohibited exaction is actually imposed or required in written form as a final condition of approval for the requested use of real property. The right to bring an action under this section may not be waived.

(3) At least 90 days before filing an action under this section, a property owner shall provide to the relevant governmental entity written notice of the action. This written notice must identify the exaction that the property owner believes is prohibited and include a brief explanation of why the property owner believes the exaction is prohibited and an estimate of the damages. Upon receipt of the property owner's written notice, the governmental entity may treat the claim as pending litigation for purposes of s. 286.011(8).

(4) For each claim filed under this section, the governmental entity has the burden of proving that the exaction at issue has an essential nexus to a legitimate public purpose and is roughly proportionate to the impacts of the proposed use that the governmental entity is seeking to avoid, minimize or mitigate. The property owner has the burden of proving damages that result from a prohibited exaction.

(5) In addition to the damages provided for in this section, the court shall award prejudgment interest and reasonable attorney fees and costs to a property owner who prevails in an action under this section. The court may award



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reasonable attorney fees and costs to the governmental entity if
the court finds that the property owner filed the action in bad
faith and absent a colorable basis for relief.

(6) To ensure that courts may assess damages for claims
filed under this section, in accordance with s. 13, Art. X of
the State Constitution, the state for itself and for its
agencies or political subdivisions waives sovereign immunity for
causes of action based upon the application of this section. The
waiver is limited only to claims brought under this section.

Section 3. Section 70.80, Florida Statutes, is amended to
read:

70.80 Construction of ss. 70.001, 70.45, and 70.51.—It is
the express declaration of the Legislature that ss. 70.001,
70.45, and 70.51 have separate and distinct bases, objectives,
applications, and processes. It is therefore the intent of the
Legislature that ss. 70.001, 70.45, and 70.51 are not to be
construed in pari materia.

Section 4. This act shall take effect October 1, 2015.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to private property rights; amending
s. 70.001, F.S.; revising the terms "property owner"
and "real property"; authorizing a governmental entity
to treat a written claim as pending litigation for
purposes of holding certain meetings privately;



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providing that any settlement agreement reached between an owner and a governmental entity applies so long as the agreement resolves all issues; providing exceptions to the applicability of the Bert J. Harris, Jr., Private Property Rights Protection Act; creating s. 70.45, F.S.; defining terms; authorizing a property owner to bring an action for injunctive relief or the recovery of damages caused by a prohibited exaction; requiring a property owner to provide written notice of such action to the relevant governmental entity; authorizing the governmental entity to treat such claim as pending litigation for purposes of holding certain meetings privately; specifying the burdens of proof imposed on the governmental entity and the property owner in such action; authorizing the award of prejudgment interest and reasonable attorney fees and costs under specified circumstances; waiving the state's sovereign immunity for certain causes of action; amending s. 70.80, F.S.; specifying that an action for a prohibited exaction is not to be construed in pari materia with certain other actions; providing an effective date.

By Senator Diaz de la Portilla

40-00331-15

2015284__

A bill to be entitled

An act relating to permitting; amending ss. 253.763, 373.617, and 403.90, F.S.; specifying additional issues that may be reviewed by circuit courts with respect to certain permits issued by state agencies and water management districts; providing additional remedies in the event of an exactions taking; providing an effective date.

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

Section 1. Subsections (2) and (3) of section 253.763, Florida Statutes, are amended to read:

253.763 Judicial review relating to permits and licenses.—

(2) Any person substantially affected by a final action of any agency with respect to a permit may seek review within 90 days of the rendering of such decision and request monetary damages and other relief in the circuit court in the judicial circuit in which the affected property is located; however, circuit court review shall be confined solely to determining whether final agency action is an unreasonable exercise of the state's police power constituting a taking without just compensation or is an unreasonable exercise of the state's police power constituting an exactions taking as a result of extortionate demands that impermissibly burden the constitutional right not to have the property taken without just compensation. Review of final agency action for the purpose of determining whether the action is in accordance with existing statutes or rules and based on competent substantial evidence

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shall proceed in accordance with chapter 120.

(3) If the circuit court determines the decision reviewed is an unreasonable exercise of the state's police power constituting a taking without just compensation or is an unreasonable exercise of the state's police power constituting an exactions taking as a result of extortionate demands that impermissibly burden the constitutional right not to have the property taken without just compensation, the court shall remand the matter to the agency which shall, within a reasonable time:

(a) Agree to issue the permit;

(b) Agree to pay appropriate monetary damages for having imposed such improper condition; however, in determining the amount of compensation to be paid, consideration shall be given by the court to any enhancement to the value of the land attributable to governmental action; or

(c) Agree to modify its decision to avoid an unreasonable exercise of police power.

Section 2. Subsections (2) and (3) of section 373.617, Florida Statutes, are amended to read:

373.617 Judicial review relating to permits and licenses.—

(2) Any person substantially affected by a final action of any agency with respect to a permit may seek review under chapter 120 within 90 days of the rendering of such decision and request monetary damages and other relief in the circuit court in the judicial circuit in which the affected property is located; however, circuit court review shall be confined solely to determining whether final agency action is an unreasonable exercise of the state's police power constituting a taking without just compensation or is an unreasonable exercise of the

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59 state's police power constituting an exactions taking as a
60 result of extortionate demands that impermissibly burden the
61 constitutional right not to have the property taken without just
62 compensation. Review of final agency action for the purpose of
63 determining whether the action is in accordance with existing
64 statutes or rules and based on competent substantial evidence
65 shall proceed in accordance with chapter 120.

66 (3) If the circuit court determines the decision reviewed
67 is an unreasonable exercise of the state's police power
68 constituting a taking without just compensation or constituting
69 an exactions taking as a result of extortionate demands that
70 impermissibly burden the constitutional right not to have the
71 property taken without just compensation, the court shall remand
72 the matter to the agency which shall, within a reasonable time:

73 (a) Agree to issue the permit;

74 (b) Agree to pay appropriate monetary damages for having
75 imposed such improper condition; however, in determining the
76 amount of compensation to be paid, consideration shall be given
77 by the court to any enhancement to the value of the land
78 attributable to governmental action; or

79 (c) Agree to modify its decision to avoid an unreasonable
80 exercise of police power.

81 Section 3. Subsections (2) and (3) of section 403.90,
82 Florida Statutes, are amended to read:

83 403.90 Judicial review relating to permits and licenses.—

84 (2) Any person substantially affected by a final action of
85 any agency with respect to a permit may seek review within 90
86 days of the rendering of such decision and request monetary
87 damages and other relief in the circuit court in the judicial

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88 circuit in which the affected property is located; however,
89 circuit court review shall be confined solely to determining
90 whether final agency action is an unreasonable exercise of the
91 state's police power constituting a taking without just
92 compensation or is an unreasonable exercise of the state's
93 police power constituting an exactions taking as a result of
94 extortionate demands that impermissibly burden the
95 constitutional right not to have the property taken without just
96 compensation. Review of final agency action for the purpose of
97 determining whether the action is in accordance with existing
98 statutes or rules and based on competent substantial evidence
99 shall proceed in accordance with chapter 120.

100 (3) If the court determines the decision reviewed is an
101 unreasonable exercise of the state's police power constituting a
102 taking without just compensation, the court shall remand the
103 matter to the agency which shall, within a reasonable time:

104 (a) Agree to issue the permit;

105 (b) Agree to pay appropriate monetary damages for having
106 imposed such improper condition; however, in determining the
107 amount of compensation to be paid, consideration shall be given
108 by the court to any enhancement to the value of the land
109 attributable to governmental action; or

110 (c) Agree to modify its decision to avoid an unreasonable
111 exercise of police power.

112 Section 4. This act shall take effect July 1, 2015.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Environmental Preservation and Conservation

BILL: CS/SB 510

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Garcia

SUBJECT: Miami-Dade County Lake Belt Area

DATE: March 25, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Gudeman	Uchino	EP	Fav/CS
2.			CA	
3.			AGG	
4.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 510 specifies that amendments to local zoning and subdivision regulations must be compatible with limestone mining activities. It prohibits amending zoning and subdivision regulations that increase residential density in the vicinity of mining activities. The bill allows the proceeds from mitigation funds to be used for water quality monitoring, incrementally reduces the mitigation fee, and directs proceeds from the mitigation fee to be used for additional mitigation projects instead of seepage mitigation projects. The bill also replaces the water treatment plant upgrade fee with a 5 cent per ton fee to be used for Miami-Dade County environmental programs. The proceeds from this fee are to be used for the water treatment plant upgrade if contamination is detected in the water supply as a result of mining activities. The bill repeals obsolete language, makes conforming changes, and reenacts provisions related to the Lake Belt Mitigation Trust Fund.

II. Present Situation:

The Miami-Dade Lake Belt Area

The Miami-Dade Lake Belt Area (Lake Belt) in northern Miami-Dade County is an 89 square mile site that has been actively mined since 1955. The region provides the largest source of high

quality limestone in Florida, supplying 35 to 40 million tons of rock annually.¹ The limestone mined from the Lake Belt area provides the base material needed for concrete, asphalt, and road construction.² The term “Lake Belt” originates from the lakes that are formed in the limestone excavation pits as groundwater fills the void. The mining activities in the Lake Belt area have created approximately 40 quarry lakes encompassing 9,100 acres.³

The Lake Belt area is an environmentally sensitive region as the majority of the area consists of wetlands that were once part of the historical Everglades watershed. The area also overlays the Biscayne aquifer, which is designated a sole source aquifer by the Environmental Protection Agency (EPA).⁴ The EPA defines a “sole source aquifer” as, “an aquifer which is needed to supply 50 percent or more of the drinking water for a given aquifer service area for which there are no reasonably available alternative sources should the aquifer become contaminated.”⁵

The Northwest Wellfield

The Miami-Dade Northwest Wellfield (NWWF) is located along the eastern edge of the Lake Belt area and has been in operation since 1984. The NWWF is comprised of 15 water supply wells that withdraw water from the Biscayne Aquifer and is classified as a public water supply in which the groundwater is not under the influence of surface water.⁶ The NWWF is the major source of drinking water for Miami-Dade County, supplying approximately 40 percent of the county’s requirements. The NWWF Protection Area, established by the Miami-Dade County Department of Environmental Resource Management (DERM), is the delineated zone of protection around the NWWF and minimizes the potential for contamination of the drinking water supply.⁷

Regulation of Mining Activities Within the Lake Belt Area

In 1978, the U.S. Army Corps of Engineers (Corps) assumed jurisdiction over the limestone mining activities under the Clean Water Act of 1972. In 1979, the Corps issued the first rock mining permits for the region and Miami-Dade County issued zoning approvals for the mining activities.⁸

In 1984, the Legislature passed the Warren S. Henderson Wetlands Act, which was the first law to specifically protect and preserve the ecological functions of wetlands. The law required state

¹ Northwest Dade County Freshwater Lake Plan Implementation Committee, *Northwest Dade County Freshwater Lake Belt Plan, Making a Whole, Not Just Holes*, 1, 5 (1997), available at

http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/phs1plan.pdf (last visited Mar. 22, 2015).

² Miami-Dade County Lake Belt Plan Implementation Committee, *Phase II Plan*, 7 (2001), available at http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/phs2plan.pdf (last visited Mar. 22, 2015).

³ U.S. Army Corps of Engineers, *Draft Supplemental Environmental Impact Statement on Rock Mining in the Lake Belt Region of Miami-Dade County, FL*, 3–41 (2007) (on file with the Senate Committee on Environmental Preservation and Conservation).

⁴ *Id.* at 3–39.

⁵ EPA, *Appendix A, Sole Source Aquifer Definitions*, <http://www.epa.gov/region02/water/aquifer/petition/app-a.htm> (last visited Mar. 22, 2015).

⁶ *Supra* note 2, at 5–7.

⁷ *Supra* note 3, at 47.

⁸ Wallace Roberts and Todd, LLC., *Lake Belt Phase II Plan Companion Documents*, 7 (2001), available at http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/comprops.pdf (last visited Mar. 22, 2015).

authorization for dredge and fill activities beyond what was required by the federal government under the Clean Water Act.⁹ Although the Legislature recognized the importance of protecting wetlands with the passage of the act, it also recognized the economic significance of the limestone mines and provided an exemption from state permitting for mining activities in the Lake Belt for 10 years.¹⁰ The exemption was subsequently extended to October 1, 1997,¹¹ then to October 1, 2000.¹²

In 1992, the Legislature created the Northwest Dade County Freshwater Lake Plan Implementation Committee. The committee was responsible for developing a plan to:

- Enhance the water supply for Miami-Dade County and the Everglades;
- Provide appropriate groundwater protection measures;
- Maximize the efficient recovery of limestone while promoting the social and economic welfare of the community and protecting the environment; and
- Educate the public on the benefits of the committee's plan.¹³

In 1997, the Legislature renamed the committee to the Miami-Dade County Lake Belt Plan Implementation Committee and adopted the "Dade County Lake Plan." The committee was tasked with developing a Phase II Plan to further address the compatible land uses, opportunities, and potential conflicts of the Lake Belt area, provide additional NWWF protection, provide protective measures to prevent the reclassification of the NWWF as groundwater under the direct influence of surface water (GWUDI),¹⁴ secure additional funding sources, and consider the need to establish a land use authority.¹⁵

Section 373.41492, F.S., was created in 1999 to implement a comprehensive mitigation plan to offset the impact of mining activity in the region. The law required a mitigation fee of 5 cents per ton, increasing 2.1 percentage points, plus a cost growth index, each year after January 2001, for limestone and sand extracted and sold from the Lake Belt area. The proceeds from the mitigation fee were used to purchase, enhance, restore, and manage wetlands, as well as purchase mitigation credits from a permitted mitigation bank or to fund structural modifications to the existing drainage systems of the Lake Belt area. Mitigation funds were also authorized to reimburse funds provided from other sources used to purchase lands for mitigation.

In 2006, s. 373.41492, F.S., was amended to incrementally increase the mitigation fee to 12 cents per ton in January 2007, 18 cents per ton in January 2008, and 24 cents per ton in January 2009. A water treatment plant facility upgrade fee of 15 cents per ton, beginning January 2007, was

⁹ Chapter 84-79, Laws of Fla.

¹⁰ South Florida Water Management District, *The 1980s-Water Quality and Natural Systems*, <https://www.swfwmd.state.fl.us/documents/publications/watermatters/oct-2011/4.html> (last visited Mar. 22, 2015).

¹¹ Chapter 93-213, s. 30, Laws of Fla.

¹² Chapter 97-222, s. 5, Laws of Fla.

¹³ Chapter 92-132, s. 21, Laws of Fla.

¹⁴ "GWUDI" is defined in 40 CFR 141.2 as, "any water beneath the surface of the ground with significant occurrence of insects or other macroorganisms, algae, or large-diameter pathogens such as *Giardia lamblia* or *Cryptosporidium*, or significant and relatively rapid shifts in water characteristics such as turbidity, temperatures, conductivity, or pH, which closely correlate to climatological or surface water conditions. Direct influence must be determined for individual sources in accordance with criteria established by the State. The State determination of direct influence may be based on site-specific measurements of water quality and/or documentation of well construction characteristics and geology with field evaluation."

¹⁵ Chapter 97-222, s. 10, Laws of Fla.

also established. The proceeds of the water treatment plant upgrade fee were to be used solely for the purpose of upgrading the water treatment plant that treats water from the NWWF. The law required the water treatment plant upgrade fee to be collected until the total amount necessary to design and construct the upgrade was achieved. Section 373.41492, F.S., was amended again in 2010 to increase the mitigation fee to 45 cents per ton starting in January 2011.

In 2012, s. 373.41492, F.S., was amended to allow proceeds from the water treatment plant upgrade fee to be used for seepage mitigation projects designed to improve wetland habitat. The law required that, beginning July 1, 2012, the proceeds of the water treatment plant upgrade fee be deposited into the Lake Belt Mitigation Trust Fund until it reached \$20 million, or pathogen sampling demonstrated that the water in any quarry lake in the vicinity of the NWWF is in need of additional treatment as required by the EPA Long Term 2 Enhanced Surface Water Treatment Rule.¹⁶ Once either of these qualifications is triggered, the proceeds are to be diverted back to Miami-Dade County to be used solely for the purpose of upgrading the water treatment plant that treats water from the NWWF. The law also allows the mitigation fees to be used for modifications to the hydrology of the Everglades watershed.

Northwest Wellfield Water Quality Monitoring

The permits issued by the Corps required a three year water quality monitoring program from 2002 to 2005 to ensure the water quality in the NWWF was not degraded as a result of the mining activities. The water quality monitoring program required by the Corps and the continuous monitoring conducted by DERM have revealed no incidences of contamination as a result of mining activities. Additionally, surface water quality data for the Lake Belt area collected by the EPA and DERM reveal that the water quality in the lakes is not expected to adversely impact water quality in the aquifer and provides suitable conditions for wildlife.¹⁷

Lake Belt Mitigation Projects

The Pennsuco Mitigation Area

The Pennsuco wetland is a 13,000 acre wetland located immediately west of the Lake Belt area. The South Florida Water Management District (SFWMD) began purchasing parcels in the wetland in 1995 for mitigation purposes. The land was offered by the SFWMD to permit applicants to make mitigation contributions for the acquisition, enhancement, and long-term management of the wetlands.¹⁸ The Lake Belt area Phase I and Phase II plans identified the Pennsuco wetlands as the primary location for off-site mitigation.¹⁹ Land acquisition costs have varied from \$8,000 to \$13,000 per acre. The cost per mitigation credit is \$48,828, which is based on an average land price of \$10,000 per acre. The mitigation fee has funded the restoration of

¹⁶ 40 CFR 141-142.

¹⁷ *Supra* note 3, at 68.

¹⁸ SFWMD, *Mitigation Program, Regional Areas, Pennsuco Regional Mitigation Area, 1*, available at http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/pennsuco_overview.pdf (last visited Mar. 22, 2015).

¹⁹ *Supra* note 2, at 20.

almost 8,000 acres in the Pennsuco wetland and the remaining available acreage only satisfies a portion of the Lake Belt mitigation requirements.²⁰

Everglades National Park Seepage Management

The Everglades National Park (ENP) Seepage Management project is part of the Comprehensive Everglades Restoration Plan. The goal of the project is to restore wetland function in the ENP by reducing levee and groundwater seepage and increasing sheetflow.²¹ The construction of phase I of the L-31 Seepage Management Project, which includes a two-mile seepage barrier to reduce groundwater flow out of the ENP, was completed in 2012 and cost \$52,000 per mitigation credit. The remaining three miles, scheduled for completion in 2016, will enhance the wetland over a much larger area in the ENP, therefore the mitigation cost per credit was reduced to \$22,400.²²

C-139 Annex Project

The C-139 Annex project is a 15,000-acre project located in Hendry County, in the northern Everglades watershed. The project will restore a citrus grove to a transitional wet prairie, which is the native habitat for the area. The location provides greater ecological enhancement, according to Corps mitigation calculations, than what is required to offset the mining impacts in the Lake Belt area. The scale of the project, the degree of enhancement per acre, and the location of the restoration opportunity reduces the mitigation cost to \$15,248 per credit.²³

Environmentally Endangered Lands Program

Miami-Dade County's Environmentally Endangered Lands (EEL) Program was created in 1990 to protect and conserve endangered lands in Miami-Dade County. The program has purchased more than 20,700 acres of land and manages 2,800 acres of natural areas.²⁴

III. Effect of Proposed Changes:

Section 1 amends s. 373.4149, F.S., to require amendments to local zoning and subdivision regulations located within one mile of the Lake Belt area be compatible with limestone mining activities. The bill prohibits amendments to local zoning and subdivision regulations that increase residential density within two miles of active mining. The bill enforces existing provisions that provide Miami-Dade County with the ability to manage growth while considering the impacts of mining activities to surrounding communities.

Section 2 amends s. 373.41492, F.S., to allow the use of proceeds from the mitigation fees to be used for water quality monitoring, which is necessary to ensure water from the NWWF complies with groundwater quality criteria.

²⁰ MacVicar Consulting Inc., *Lake Belt Wetland Mitigation Projects* (Mar. 3, 2015) (on file with the Senate Committee on Environmental Preservation and Conservation).

²¹ CERP, *Everglades National Park Seepage Management Project* (Mar. 2006), available at http://74.223.38.247/docs/fs_enp.pdf (last visited Mar. 22, 2015).

²² MacVicar Consulting Inc., *Lake Belt Wetland Mitigation Projects* (Mar. 3, 2015) (on file with the Senate Committee on Environmental Preservation and Conservation).

²³ *Id.*

²⁴ Miami-Dade County, *Regulatory and Economic Resources, Environmentally Endangered Lands Program* <http://www.miamidade.gov/environment/endangered-lands.asp> (last visited Mar. 22, 2015).

The bill incrementally reduces the mitigation fee from 45 cents per ton to 25 cents per ton beginning January 1, 2016; 15 cents per ton beginning January 1, 2017; and 5 cents per ton beginning January 1, 2018, for the duration of mining activities. The fee will be transferred from the seepage mitigation projects, which are nearing completion, to Miami-Dade County and used to reimburse the SFWMD for the C-139 Annex land purchase.²⁵ Funding at the current level is more than what is needed for the remaining mitigation expenses.²⁶

The bill replaces the 15 cents per ton water treatment plant upgrade fee with a 5 cent per ton fee to be used for Miami-Dade County EEL programs. The bill makes conforming changes to replace the water treatment plant upgrade fee with the EEL fee. The bill specifies the EEL fee may only be used for the acquisition, preservation, enhancement, restoration, conservation, and maintenance of wetland and threatened forest communities in Miami-Dade County. The proceeds from this fee must be used for the water treatment plant upgrade if water quality sampling results reveal water from the NWWF needs additional treatment as required by the EPA Long Term 2 Enhanced Surface Water Treatment Rule.

The bill deletes s. 373.41492(8), F.S., which is an outdated provision specifying the mitigation fee must be suspended until revived by the Legislature if the Corps does not issue a permit for mining in the Lake Belt area by September 30, 2000.

Section 3 reenacts s. 373.41495(1), (2), and (3), F.S., relating to the Lake Belt Mitigation Trust Fund, to incorporate the amendments to s. 373.41492, F.S.

Section 4 provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

²⁵ Lake Belt Mitigation Committee, Meeting Summary, 5 (Nov. 20, 2013), *available at* http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/lbmc_meeting_summary_11_20_13.pdf (last visited Mar. 20, 2015).

²⁶ DEP, *Senate Bill 510 Agency Analysis*, 5 (Feb. 2015) (on file with the Senate Committee on Environmental Preservation and Conservation).

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The reduction of the mitigation fee will have a positive fiscal impact on the private sector, including the construction industry and the mining industry.

C. Government Sector Impact:

The reduction of the mitigation fee over the next three years from 45 cents per ton to 5 cents per ton will reduce annual revenues paid to the state from \$13.5 million to \$1.5 million. The DEP estimates that by 2040, the additional revenue generated from the mitigation fee will be approximately \$64.5 million.²⁷

The bill removes the water treatment facility upgrade fee, which eliminates approximately \$4.5 million per year of proceeds that were paid to Miami-Dade County for the facility upgrade.²⁸ In the event contamination is detected in the NWWF, these proceeds must first be used for the water treatment plant upgrade.

The creation of the 5 cent per ton EEL fee will have a positive fiscal impact on the EEL program. The Department of Revenue estimates that \$1.5 million per year will be transferred to the EEL program.

State and local expenditures on all state roads and construction requiring limestone products from the Lake Belt area will be reduced. Construction costs in South Florida may be reduced by \$15 million per year.²⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill references mitigation fees may be used for “threatened forest communities.” The DEP states that this is an unclear term when describing the proper uses for Miami-Dade County’s EEL fee.³⁰

²⁷ *Id.*

²⁸ *Id.* at 4.

²⁹ *Id.*

³⁰ *Id.* at 6.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 373.4149 and 373.41492.

This bill reenacts subsections 373.41495(1), (2), and (3) of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/SB 510 Environmental Preservation and Conservation on March 24, 2015:

The CS fixes the technical error regarding “water quality monitoring” to ensure the proceeds from the mitigation fee may be used for water quality monitoring. The CS also directs the EEL program fee to be used for the water treatment plant upgrade if quarterly water quality sampling results from the NWWF indicate mining activities directly or indirectly impact water quality. Additional treatment is needed as required by the EPA Long Term 2 Enhanced Surface Water Treatment Rule if the water supply gets contaminated.

- B. **Amendments:**

None.



487604

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2015	.	
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	.	
	.	

The Committee on Environmental Preservation and Conservation
(Simpson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 76 - 244
and insert:
sensitive lands and for restoration, water quality monitoring,
maintenance, and other environmental purposes. It is the intent
of the Legislature that the per-ton mitigation fee not be a
revenue source for purposes other than enumerated in this
section. Further, the Legislature finds that the public benefit
of a sustainable supply of limestone construction materials for



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public and private projects requires a coordinated approach to permitting activities on wetlands within Miami-Dade County in order to provide the certainty necessary to encourage substantial and continued investment in the limestone processing plant and equipment required to efficiently extract the limestone resource. It is the intent of the Legislature that the Lake Belt Mitigation Plan satisfy all local, state, and federal requirements for mining activity within the rock mining supported and allowable areas.

(2) To provide for the mitigation of wetland resources lost to mining activities within the Miami-Dade County Lake Belt Plan, effective October 1, 1999, a mitigation fee is imposed on each ton of limerock and sand extracted by any person who engages in the business of extracting limerock or sand from within the Miami-Dade County Lake Belt Area and the east one-half of sections 24 and 25 and all of sections 35 and 36, Township 53 South, Range 39 East. The mitigation fee is imposed for each ton of limerock and sand sold from within the properties where the fee applies in raw, processed, or manufactured form, including, but not limited to, sized aggregate, asphalt, cement, concrete, and other limerock and concrete products. The mitigation fee imposed by this subsection for each ton of limerock and sand sold shall be 25 45 cents per ton, beginning on January 1, 2016; 15 cents per ton beginning on January 1, 2017; and 5 cents per ton beginning on January 1, 2018, and thereafter. To pay for Miami-Dade County ~~seepage~~ mitigation projects, an environmentally endangered lands ~~including groundwater and surface water management structures designed to improve wetland habitat and approved by the Lake~~



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~~Belt Mitigation Committee, and to upgrade a water treatment plant that treats water coming from the Northwest Wellfield in Miami-Dade County, a water treatment plant upgrade fee is imposed within the same Lake Belt Area subject to the mitigation fee and upon the same kind of mined limerock and sand subject to the mitigation fee. The environmentally endangered lands ~~water treatment plant upgrade~~ fee imposed by this section ~~subsection~~ for each ton of limerock and sand sold shall be 5 ~~15~~ cents per ton, and the collection of this fee shall cease once the total amount of proceeds collected for this fee reaches the amount of the actual moneys necessary to design and construct the water treatment plant upgrade, as determined in an open, public solicitation process.~~ Any limerock or sand that is used within the mine from which the limerock or sand is extracted is exempt from the fees. The amount of the mitigation fee and the environmentally endangered lands ~~water treatment plant upgrade~~ fee imposed under this section must be stated separately on the invoice provided to the purchaser of the limerock or sand product from the limerock or sand miner, or its subsidiary or affiliate, for which the fee or fees apply. The limerock or sand miner, or its subsidiary or affiliate, who sells the limerock or sand product shall collect the mitigation fee and the water treatment plant upgrade fee and forward the proceeds of the fees to the Department of Revenue on or before the 20th day of the month following the calendar month in which the sale occurs. The proceeds of a fee imposed by this section include all funds collected and received by the Department of Revenue relating to the fee, including interest and penalties on a delinquent fee. The amount deducted for administrative costs may not exceed 3



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percent of the total revenues collected under this section and may equal only those administrative costs reasonably attributable to the fee.

(3) The mitigation fee and the environmentally endangered lands ~~water treatment plant upgrade~~ fee imposed by this section must be reported to the Department of Revenue. Payment of the mitigation and the environmentally endangered lands ~~water treatment plant upgrade~~ fees must be accompanied by a form prescribed by the Department of Revenue.

(a) The proceeds of the mitigation fee, less administrative costs, must be transferred by the Department of Revenue to the South Florida Water Management District and deposited into the Lake Belt Mitigation Trust Fund.

(b) Beginning July 1, 2015 ~~2012~~, ~~the proceeds of the water treatment plant upgrade fee previously imposed by this section is rescinded and is no longer imposed on the sale of mined limerock and sand, less administrative costs, must be transferred by the Department of Revenue to the South Florida Water Management District and deposited into the Lake Belt Mitigation Trust Fund until:~~

~~1. A total of \$20 million from the proceeds of the water treatment plant upgrade fee, less administrative costs, is deposited into the Lake Belt Mitigation Trust Fund; or~~

~~2. The quarterly pathogen sampling conducted as a condition of the permits issued by the department for rock mining activities in the Miami-Dade County Lake Belt Area demonstrates that the water in any quarry lake in the vicinity of the Northwest Wellfield would be classified as being in Bin 2 or higher as defined in the Environmental Protection Agency's Long~~



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~~Term 2 Enhanced Surface Water Treatment Rule.~~

(c) The proceeds of the environmentally endangered lands
~~fee~~ ~~Upon the earliest occurrence of the criterion under~~
~~subparagraph (b)1. or subparagraph (b)2., the proceeds of the~~
~~water treatment plant upgrade fee,~~ less administrative costs,
must be transferred by the Department of Revenue to a trust fund
established by Miami-Dade County, for the sole purpose
authorized by paragraph (6)(a).

(4)(a) The Department of Revenue shall administer, collect,
and enforce the mitigation and environmentally endangered lands
~~treatment plant upgrade~~ fees authorized under this section in
accordance with the procedures used to administer, collect, and
enforce the general sales tax imposed under chapter 212. The
provisions of chapter 212 with respect to the authority of the
Department of Revenue to audit and make assessments, the keeping
of books and records, and the interest and penalties imposed on
delinquent fees apply to this section. The fees may not be
included in computing estimated taxes under s. 212.11, and the
dealer's credit for collecting taxes or fees provided for in s.
212.12 does not apply to the fees imposed by this section.

(b) In administering this section, the Department of
Revenue may employ persons and incur expenses for which funds
are appropriated by the Legislature. The Department of Revenue
shall adopt rules and prescribe and publish forms necessary to
administer this section. The Department of Revenue shall
establish audit procedures and may assess delinquent fees.

(5) Each January 1, beginning January 1, 2010, through
December 31, 2011, the per-ton mitigation fee shall be increased
by 2.1 percentage points, plus a cost growth index. The cost



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growth index shall be the percentage change in the weighted average of the Employment Cost Index for All Civilian Workers (ecu 10001I), issued by the United States Department of Labor for the most recent 12-month period ending on September 30, and the percentage change in the Producer Price Index for All Commodities (WPU 00000000), issued by the United States Department of Labor for the most recent 12-month period ending on September 30, compared to the weighted average of these indices for the previous year. The weighted average shall be calculated as 0.6 times the percentage change in the Employment Cost Index for All Civilian Workers (ecu 10001I), plus 0.4 times the percentage change in the Producer Price Index for All Commodities (WPU 00000000). If either index is discontinued, it shall be replaced by its successor index, as identified by the United States Department of Labor.

(6)(a) The proceeds of the mitigation fee must be used to conduct mitigation activities that are appropriate to offset the loss of the value and functions of wetlands as a result of mining activities and to conduct water quality monitoring to ensure the protection of water resources within the Lake Belt Area ~~and be approved by the Miami-Dade County Lake Belt Mitigation Committee~~. Such mitigation may include the purchase, enhancement, restoration, and management of wetlands and uplands in the Everglades watershed, the purchase of mitigation credit from a permitted mitigation bank, and any structural modifications to the existing drainage system to enhance the hydrology of the Miami-Dade County Lake Belt Area or the Everglades watershed. Funds may also be used to reimburse other funding sources, including the Save Our Rivers Land Acquisition



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Program, the Internal Improvement Trust Fund, the South Florida Water Management District, and Miami-Dade County, for the purchase of lands that were acquired in areas appropriate for mitigation due to rock mining and to reimburse governmental agencies that exchanged land under s. 373.4149 for mitigation due to rock mining. ~~The proceeds of the water treatment plant upgrade fee deposited into the Lake Belt Mitigation Trust Fund shall be used solely to pay for seepage mitigation projects, including groundwater or surface water management structures designed to improve wetland habitat and approved by the Lake Belt Mitigation Committee.~~ The proceeds of the environmentally endangered lands ~~water treatment plant upgrade~~ fee which are transmitted to a trust fund established by Miami-Dade County shall be used solely for the acquisition, preservation, enhancement, restoration, conservation, and maintenance of wetland and threatened forest communities located to upgrade a water treatment plant that treats water coming from the Northwest Wellfield in Miami-Dade County. However, the proceeds of the environmentally endangered lands fee must first be used to upgrade a water treatment plant that treats water coming from the Northwest Wellfield in Miami-Dade County if, following a formal determination by the department that, due to the direct or indirect result of rock mining activities within the Lake Belt Area, the quarterly pathogen sampling conducted as a condition of the permits issued by the department for rock mining activities in the Miami-Dade County Lake Belt Area demonstrates that the water in any quarry lake monitored pursuant to the monitoring plan would be classified as being in Bin 2 or higher as defined in the United States Environmental



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Protection Agency's Long Term 2 Enhanced Surface Water Treatment
Rule. As used in this

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

And the title is amended as follows:

Delete lines 22 - 25

and insert:

removing a requirement that such uses be approved by
the Miami-Dade County Lake Belt Mitigation Committee;
requiring the environmentally endangered lands fee to
be used solely for purposes related to wetland and
threatened forest communities located in Miami-Dade
County after proceeds are used for water treatment
plant upgrades under certain conditions; reenacting s.
373.41495(1), (2), and (3), F.S.,

By Senator Garcia

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A bill to be entitled

An act relating to the Miami-Dade County Lake Belt Area; amending s. 373.4149, F.S.; requiring amendments to local zoning and subdivision regulations concerning properties located within a certain area to be compatible with limestone mining activities; prohibiting amendments to local zoning and subdivision regulations which would result in an increase in residential density for certain property until there is no mining activity within a certain distance; amending s. 373.41492, F.S.; conforming a cross-reference; including monitoring as an environmental purpose for which the per-ton mitigation fee may be applied; decreasing the amount of the per-ton mitigation fee for limerock and sand sold after certain dates; imposing an environmentally endangered lands fee; rescinding the water treatment plant upgrade fee; requiring the Department of Revenue to administer, enforce, and collect the environmentally endangered lands fee; adding water quality monitoring to the required uses for mitigation fee proceeds; requiring the environmentally endangered lands fee to be used solely for purposes related to wetland and threatened forest communities located in Miami-Dade County; reenacting s. 373.41495(1), (2), and (3), F.S., relating to the Lake Belt Mitigation Trust Fund to incorporate the amendment made to s. 373.41492, F.S., in reference thereto; providing an effective date.

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

Section 1. Subsection (4) of section 373.4149, Florida Statutes, is amended to read:

373.4149 Miami-Dade County Lake Belt Plan.—

(4) The identification of the Miami-Dade County Lake Belt Area shall not preempt local land use jurisdiction, planning, or regulatory authority in regard to the use of land by private land owners. When amending local comprehensive plans, or implementing zoning regulations, development regulations, or other local regulations, Miami-Dade County shall strongly consider limestone mining activities and ancillary operations, such as lake excavation, including use of explosives, rock processing, cement, concrete and asphalt products manufacturing, and ancillary activities, within the rock mining supported and allowable areas of the Miami-Dade County Lake Plan adopted by subsection (1); provided, however, that limerock mining activities are consistent with wellfield protection. Rezoning~~s~~, or amendments to local zoning and subdivision regulations, and amendments to local comprehensive plans concerning properties that are located within 1 mile of the Miami-Dade Lake Belt Area shall be compatible with limestone mining activities. No rezonings, variances, amendments to local zoning and subdivision regulations which would result in an increase in residential density, or amendments to local comprehensive plans for any residential purpose may be approved for any property located in sections 35 and 36 and the east one-half of sections 24 and 25, Township 53 South, Range 39 East until such time as there is no active mining within 2 miles of the property. This section does

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not preclude residential development that complies with current regulations.

Section 2. Section 373.41492, Florida Statutes, is amended to read:

373.41492 Miami-Dade County Lake Belt Mitigation Plan; mitigation for mining activities within the Miami-Dade County Lake Belt.—

(1) The Legislature finds that the impact of mining within the rock mining supported and allowable areas of the Miami-Dade County Lake Belt Plan adopted by s. 373.4149(1) can best be offset by the implementation of a comprehensive mitigation plan. The Lake Belt Mitigation Plan consists of those provisions contained in subsections (2)-(8) ~~(2)-(9)~~. The per-ton mitigation fee assessed on limestone sold from the Miami-Dade County Lake Belt Area and sections 10, 11, 13, 14, Township 52 South, Range 39 East, and sections 24, 25, 35, and 36, Township 53 South, Range 39 East, shall be used for acquiring environmentally sensitive lands and for restoration, monitoring, maintenance, and other environmental purposes. It is the intent of the Legislature that the per-ton mitigation fee not be a revenue source for purposes other than enumerated in this section. Further, the Legislature finds that the public benefit of a sustainable supply of limestone construction materials for public and private projects requires a coordinated approach to permitting activities on wetlands within Miami-Dade County in order to provide the certainty necessary to encourage substantial and continued investment in the limestone processing plant and equipment required to efficiently extract the limestone resource. It is the intent of the Legislature that the

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Lake Belt Mitigation Plan satisfy all local, state, and federal requirements for mining activity within the rock mining supported and allowable areas.

(2) To provide for the mitigation of wetland resources lost to mining activities within the Miami-Dade County Lake Belt Plan, effective October 1, 1999, a mitigation fee is imposed on each ton of limerock and sand extracted by any person who engages in the business of extracting limerock or sand from within the Miami-Dade County Lake Belt Area and the east one-half of sections 24 and 25 and all of sections 35 and 36, Township 53 South, Range 39 East. The mitigation fee is imposed for each ton of limerock and sand sold from within the properties where the fee applies in raw, processed, or manufactured form, including, but not limited to, sized aggregate, asphalt, cement, concrete, and other limerock and concrete products. The mitigation fee imposed by this subsection for each ton of limerock and sand sold shall be 25 45 cents per ton, beginning on January 1, 2016; 15 cents per ton beginning on January 1, 2017; and 5 cents per ton beginning on January 1, 2018, and thereafter. To pay for Miami-Dade County seepage ~~mitigation~~ projects, an environmentally endangered lands ~~including groundwater and surface water management structures designed to improve wetland habitat and approved by the Lake Belt Mitigation Committee, and to upgrade a water treatment plant that treats water coming from the Northwest Wellfield in Miami-Dade County, a water treatment plant upgrade fee is imposed within the same Lake Belt Area subject to the mitigation fee and upon the same kind of mined limerock and sand subject to the mitigation fee. The environmentally endangered lands ~~water~~~~

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~~treatment plant upgrade~~ fee imposed by this section ~~subsection~~
for each ton of limerock and sand sold shall be 5 ~~15~~ cents per
ton, ~~and the collection of this fee shall cease once the total~~
~~amount of proceeds collected for this fee reaches the amount of~~
~~the actual moneys necessary to design and construct the water~~
~~treatment plant upgrade, as determined in an open, public~~
~~solicitation process.~~ Any limerock or sand that is used within
the mine from which the limerock or sand is extracted is exempt
from the fees. The amount of the mitigation fee and the
environmentally endangered lands ~~water treatment plant upgrade~~
fee imposed under this section must be stated separately on the
invoice provided to the purchaser of the limerock or sand
product from the limerock or sand miner, or its subsidiary or
affiliate, for which the fee or fees apply. The limerock or sand
miner, or its subsidiary or affiliate, who sells the limerock or
sand product shall collect the mitigation fee and the water
treatment plant upgrade fee and forward the proceeds of the fees
to the Department of Revenue on or before the 20th day of the
month following the calendar month in which the sale occurs. The
proceeds of a fee imposed by this section include all funds
collected and received by the Department of Revenue relating to
the fee, including interest and penalties on a delinquent fee.
The amount deducted for administrative costs may not exceed 3
percent of the total revenues collected under this section and
may equal only those administrative costs reasonably
attributable to the fee.

(3) The mitigation fee and the environmentally endangered
lands ~~water treatment plant upgrade~~ fee imposed by this section
must be reported to the Department of Revenue. Payment of the

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mitigation and the environmentally endangered lands ~~water~~
~~treatment plant upgrade~~ fees must be accompanied by a form
prescribed by the Department of Revenue.

(a) The proceeds of the mitigation fee, less administrative
costs, must be transferred by the Department of Revenue to the
South Florida Water Management District and deposited into the
Lake Belt Mitigation Trust Fund.

(b) Beginning July 1, 2015 ~~2012~~, ~~the proceeds of the water~~
~~treatment plant upgrade fee~~ previously imposed by this section
is rescinded and is no longer imposed on the sale of mined
limerock and sand, ~~less administrative costs, must be~~
~~transferred by the Department of Revenue to the South Florida~~
~~Water Management District and deposited into the Lake Belt~~
~~Mitigation Trust Fund until:~~

1. ~~A total of \$20 million from the proceeds of the water~~
~~treatment plant upgrade fee, less administrative costs, is~~
~~deposited into the Lake Belt Mitigation Trust Fund; or~~

2. ~~The quarterly pathogen sampling conducted as a condition~~
~~of the permits issued by the department for rock mining~~
~~activities in the Miami-Dade County Lake Belt Area demonstrates~~
~~that the water in any quarry lake in the vicinity of the~~
~~Northwest Wellfield would be classified as being in Bin 2 or~~
~~higher as defined in the Environmental Protection Agency's Long~~
~~Term 2 Enhanced Surface Water Treatment Rule.~~

(c) The proceeds of the environmentally endangered lands
fee ~~Upon the earliest occurrence of the criterion under~~
~~subparagraph (b)1. or subparagraph (b)2., the proceeds of the~~
~~water treatment plant upgrade fee, less administrative costs,~~
must be transferred by the Department of Revenue to a trust fund

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established by Miami-Dade County, for the sole purpose
authorized by paragraph (6)(a).

(4)(a) The Department of Revenue shall administer, collect,
and enforce the mitigation and environmentally endangered lands
~~treatment plant upgrade~~ fees authorized under this section in
accordance with the procedures used to administer, collect, and
enforce the general sales tax imposed under chapter 212. The
provisions of chapter 212 with respect to the authority of the
Department of Revenue to audit and make assessments, the keeping
of books and records, and the interest and penalties imposed on
delinquent fees apply to this section. The fees may not be
included in computing estimated taxes under s. 212.11, and the
dealer's credit for collecting taxes or fees provided for in s.
212.12 does not apply to the fees imposed by this section.

(b) In administering this section, the Department of
Revenue may employ persons and incur expenses for which funds
are appropriated by the Legislature. The Department of Revenue
shall adopt rules and prescribe and publish forms necessary to
administer this section. The Department of Revenue shall
establish audit procedures and may assess delinquent fees.

(5) Each January 1, beginning January 1, 2010, through
December 31, 2011, the per-ton mitigation fee shall be increased
by 2.1 percentage points, plus a cost growth index. The cost
growth index shall be the percentage change in the weighted
average of the Employment Cost Index for All Civilian Workers
(ecu 10001I), issued by the United States Department of Labor
for the most recent 12-month period ending on September 30, and
the percentage change in the Producer Price Index for All
Commodities (WPU 00000000), issued by the United States

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Department of Labor for the most recent 12-month period ending on September 30, compared to the weighted average of these indices for the previous year. The weighted average shall be calculated as 0.6 times the percentage change in the Employment Cost Index for All Civilian Workers (ecu 10001I), plus 0.4 times the percentage change in the Producer Price Index for All Commodities (WPU 00000000). If either index is discontinued, it shall be replaced by its successor index, as identified by the United States Department of Labor.

(6) (a) The proceeds of the mitigation fee must be used to conduct mitigation activities that are appropriate to offset the loss of the value and functions of wetlands as a result of mining activities and to conduct water quality monitoring to ensure the protection of water resources within the Lake Belt Area ~~and be approved by the Miami-Dade County Lake Belt Mitigation Committee~~. Such mitigation may include the purchase, enhancement, restoration, and management of wetlands and uplands in the Everglades watershed, the purchase of mitigation credit from a permitted mitigation bank, and any structural modifications to the existing drainage system to enhance the hydrology of the Miami-Dade County Lake Belt Area or the Everglades watershed. Funds may also be used to reimburse other funding sources, including the Save Our Rivers Land Acquisition Program, the Internal Improvement Trust Fund, the South Florida Water Management District, and Miami-Dade County, for the purchase of lands that were acquired in areas appropriate for mitigation due to rock mining and to reimburse governmental agencies that exchanged land under s. 373.4149 for mitigation due to rock mining. ~~The proceeds of the water treatment plant~~

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~~upgrade fee deposited into the Lake Belt Mitigation Trust Fund shall be used solely to pay for seepage mitigation projects, including groundwater or surface water management structures designed to improve wetland habitat and approved by the Lake Belt Mitigation Committee. The proceeds of the environmentally endangered lands water treatment plant upgrade fee which are transmitted to a trust fund established by Miami-Dade County shall be used solely for the acquisition, preservation, enhancement, restoration, conservation, and maintenance of wetland and threatened forest communities located to upgrade a water treatment plant that treats water coming from the Northwest Wellfield in Miami-Dade County. As used in this section, the terms "upgrade a water treatment plant" or "treatment plant upgrade" mean those works necessary to treat or filter a surface water source or supply or both.~~

(b) Expenditures of the mitigation fee must be approved by an interagency committee consisting of representatives from each of the following: the Miami-Dade County Department of Environmental Resource Management, the Department of Environmental Protection, the South Florida Water Management District, and the Fish and Wildlife Conservation Commission. In addition, the limerock mining industry shall select a representative to serve as a nonvoting member of the interagency committee. At the discretion of the committee, additional members may be added to represent federal regulatory, environmental, and fish and wildlife agencies.

(7) Payment of the mitigation fee imposed by this section satisfies the mitigation requirements imposed under ss. 373.403-373.439 and any applicable county ordinance for loss of the

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value and functions from mining of the wetlands identified as rock mining supported and allowable areas of the Miami-Dade County Lake Plan adopted by s. 373.4149(1). In addition, it is the intent of the Legislature that the payment of the mitigation fee imposed by this section satisfy all federal mitigation requirements for the wetlands mined.

~~(8) If a general permit by the United States Army Corps of Engineers, or an appropriate long-term permit for mining, consistent with the Miami-Dade County Lake Belt Plan, this section, and ss. 373.4149, 373.4415, and 378.4115 is not issued on or before September 30, 2000, the fee imposed by this section is suspended until revived by the Legislature.~~

(8) ~~(9)~~ (a) The interagency committee established in this section shall annually prepare and submit to the governing board of the South Florida Water Management District a report evaluating the mitigation costs and revenues generated by the mitigation fee.

(b) No sooner than January 31, 2010, and no more frequently than every 2 years thereafter, the interagency committee shall submit to the Legislature a report recommending any needed adjustments to the mitigation fee, including the annual escalator provided for in subsection (5), to ensure that the revenue generated reflects the actual costs of the mitigation.

Section 3. For the purpose of incorporating the amendment made by this act to section 373.41492, Florida Statutes, in a reference thereto, subsections (1), (2), and (3) of section 373.41495, Florida Statutes, are reenacted to read:

373.41495 Lake Belt Mitigation Trust Fund; bonds.—

(1) The Lake Belt Mitigation Trust Fund is hereby created,

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to be administered by the South Florida Water Management District. Funds shall be credited to the trust fund as provided in s. 373.41492, to be used for the purposes set forth therein.

(2) The South Florida Water Management District may issue revenue bonds pursuant to s. 373.584, payable from revenues from the Lake Belt Mitigation fee imposed under s. 373.41492.

(3) Net proceeds from the Lake Belt Mitigation fee and any revenue bonds issued under subsection (2) shall be deposited into the trust fund and, together with any interest earned on such moneys, shall be applied to Lake Belt mitigation projects as provided in s. 373.41492.

Section 4. This act shall take effect July 1, 2015.

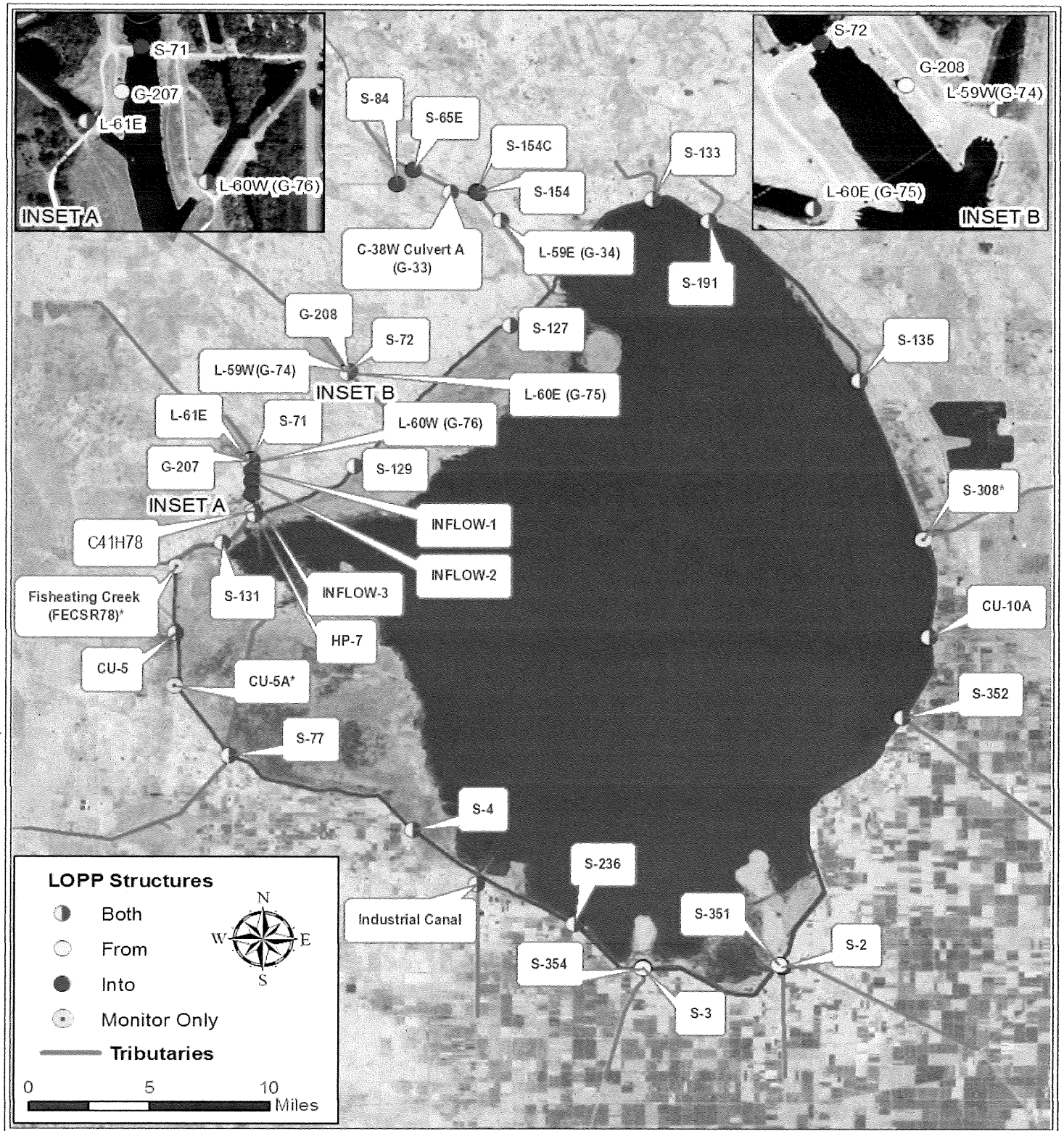


Figure 1. Structures included in the Lake Okeechobee Operating Permit.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Environmental Preservation and Conservation

BILL: CS/SB 918

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Dean

SUBJECT: Environmental Resources

DATE: March 26, 2015

REVISED: 03/27/15

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hinton	Uchino	EP	Fav/CS
2.			AGG	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 918 directs the Department of Environmental Protection (DEP) to promote access to conservation lands using an online database and mobile application. The bill requires the DEP to submit a yearly report to the Governor, the President of the Senate, and the Speaker of the House of Representatives describing the percentage of public lands open to the public that were acquired under s. 259.032, F.S., and efforts taken by the DEP to increase public access to such lands.

The bill creates the Shared-Use Nonmotorized Trail (SunTrail) network and directs the Florida Department of Transportation (FDOT) to create a SunTrail plan and include the SunTrail in the FDOT work program. The bill also provides for sponsorship of the SunTrail network.

The bill provides for the protection of springs and other water resources in Florida, creates a council to provide recommendations for funding water projects throughout the state, provides transparency for the process by which projects are submitted and selected, and provides for statewide consistency in data collection and analysis.

The bill codifies the Central Florida Water Initiative (CFWI), which is a collaborative process designed to plan for future water needs in central Florida.

The bill makes extensive revisions to the Northern Everglades and Estuaries Protection Program (NEEPP).

Specifically, the bill:

- Specifies additional information to be included in the Consolidated Water Management District Annual Report;
- Changes the standard for minimum flows and levels (MFLs) in Outstanding Florida Springs (OFSs);
- Provides requirements for setting interim MFLs;
- Provides for the application of MFLs in other water management districts when withdrawals in those other districts affect an MFL outside of those districts;
- Creates the Florida Springs and Aquifer Protection Act;
- Provides findings, intent, and definitions;
- Directs the DEP, in coordination with the water management districts (WMDs), to delineate priority focus areas and provides deadlines and considerations;
- Provides requirements for the DEP or a WMD to establish interim MFLs or adopt MFLs and recovery or prevention strategies, as necessary, and provides deadlines;
- Provides requirements for revising MFLs under certain circumstances and provides deadlines;
- Provides minimum requirements for recovery or prevention strategies for OFSs;
- Provides for extensions for local government projects included in a recovery or prevention strategy;
- Directs the DEP to assess OFSs for impairment and provides requirements and deadlines;
- Provides for the adoption of basin management action plans (BMAPs), includes requirements for BMAPs for OFSs, and provides deadlines;
- Provides for the enforcement of BMAPs;
- Requires the adoption of fertilizer use ordinances by local governments under certain circumstances;
- Provides for the identification and assessment of onsite sewage treatment and disposal systems (OSTDSs) in OFSs and directs the development of OSTDS remediation plans as necessary;
- Directs the DEP to develop rules to fund pilot projects that address nutrient pollution or flows in Florida springs and provides deadlines;
- Directs the DEP to develop rules to evaluate, select, and rank projects for environmental improvement, and provides considerations and deadlines;
- Prohibits certain activities within priority focus areas;
- Directs the DEP to develop rules to create a program to improve water quantity and quality to administer the Florida Springs and Aquifer Protection Act;
- Codifies the Central Florida Water Initiative in statute;
- Provides considerations related to preferred water supply sources for entities applying for a water use permit;
- Removes references to the Works of the District program in the Northern Everglades and Estuaries Protection Program;
- Amends provisions related to NEEPP;
- Directs the South Florida Water Management District (SFWMD) to revise Rule 40E-61, F.A.C., to be consistent with NEEPP and s. 403.067, F.S., concerning Total Maximum Daily Loads (TMDLs);

- Provides for changes to the Caloosahatchee and St. Lucie River Watershed Protection Programs;
- Provides considerations and funding for water supply development and alternative water supply projects;
- Provides requirements for regional water supply planning;
- Provides for the study and possible revision or creation of best management practices (BMPs) that reduce pollution;
- Requires a report by the DEP on the status of TMDLs, BMAPs, MFLs, and recovery and prevention strategies under Part VIII of ch. 373, F.S., and provides for milestones, goals, and corrective actions, as necessary;
- Requires the DEP to create a consolidated water resources work plan that covers all water resource projects in the state and provides requirements for the information provided;
- Directs the DEP to create a web-based, interactive map that provides information to the public on water projects being performed throughout the state, and provides requirements for the information to be provided;
- Creates the Florida Water Resources Advisory Council within the DEP to evaluate and rank water resource projects and provide recommendations to the Legislature for funding projects. The bill provides considerations for ranking projects and rulemaking authority to the DEP to implement the program;
- Requires the DEP to establish statewide standards for the collection of water quantity, water quality, and related data to ensure quality, reliability, and validity of the data and testing results;
- Requires the DEP to adopt rules concerning the reclassification of surface waters used for potable water supply; and
- Requires the DEP to adopt rules concerning projects focused on innovative nutrient and sediment reduction and conservation pilot projects.

II. Present Situation:

State Lands Database

Section 253.0325, F.S., was created in 1990 to require the DEP to establish a computerized system for state lands records. The DEP contracted with a company to create the mainframe-based land record system for documents related to lands where title is vested in the Board of Trustees of the Internal Improvement Trust Fund. In 1999, the system was updated to include new technologies and integration components and referred to as the Board of Trustees Land Document System (BTLDS). The law requires the program to include, at a minimum, a document management component, a lands and records management component, an evaluation component, and a mapping component. The DEP is responsible for ensuring the information system is compatible within the DEP and other state, local, and regional government agencies.

In 2008, s. 253.0325, F.S., was amended to require the DEP to include all lands purchased with Preservation 2000 funds and Florida Forever funds. To comply with the requirement, the DEP contracted with an outside vendor to conduct a BTLDS Feasibility Study. The study determined the DEP Division of State Lands would be the clearinghouse for all of the state lands data and solely responsible for maintaining the database.

In 2010, s. 216.0153, F.S., directed the DEP to create, administer, operate, and maintain a comprehensive system and automated inventory of all state lands and real property leased, owned, rented, occupied, or maintained by a state agency, judicial branch, or WMD. In order to meet the requirement, the DEP created the Florida State Owned Lands and Records Information System (FL-SOLARIS). The database includes all state owned lands in which the state has a fee interest, including a conservation easement acquired through a formal acquisition process for conservation.

The FL-SOLARIS system has been implemented by the DEP and the Department of Management Services (DMS) to include two main components. The Facility Information Tracking System includes 332 users and 65 different agencies, and the Lands Information Tracking System includes 140 users and 50 different agencies.¹

Trail Development

The development of Florida's bicycle and pedestrian infrastructure did not begin in earnest until the late 20th century. The American railroad industry was deregulated by the Staggers Rail Act of 1980, providing Florida with an immediate abundance of abandoned rail corridors.² Organizations such as The Rails-to-Trails Conservancy and The Trust for Public Land, the FDOT, and the DEP coordinated to develop numerous abandoned rail corridors as shared-use "rail-trails" for nonmotorized transportation and recreation. Many of Florida's premier nonmotorized trails, including the Pinellas Trail, the Tallahassee-St. Marks Trail, and the West Orange Trail, are a result of rail-trail conversions.

The second major thrust in trail development came in 1991 when Congress shifted surface transportation policy through passage of the Intermodal Surface Transportation Efficiency Act.³ For the first time, pedestrian and bicycle facilities were identified as components of the nation's transportation infrastructure, and a dedicated funding source was created for multiuse trails and paths with local governments serving as project sponsors.⁴ Many of the resulting projects are community-centric, short-distance trails, initiated by local governments and other governmental entities not traditionally associated with transportation development, such as water management districts and school districts.

Trail Connectivity

While many locales have benefited from federal trail funding, an unintended consequence of trail development being initiated by numerous state entities and local governments is a collection of random trails rather than a statewide system. As a result, many trails lack connectivity with other trails and often serve no meaningful origins and destinations. Trail users are often required to use roads, sidewalks, and highways to connect trails or to complete a trip. Many trail trips are "out-and-back" trips in which the origin and destination are the same location. Such trips serve little to no transportation function and do not realize the full economic potential of a trail network.

¹ State of Florida Lands and Facilities Inventory Search, <http://webapps.dep.state.fl.us/DslPi/splash?Create=new> (last visited Mar. 6, 2015).

² Pub. Law No. 96-448, H.R. 72365, 96th Cong. (Oct. 14, 1980).

³ Pub. Law No. 102-240, H.R. 2950, 102nd Cong. (Dec. 18, 1991).

⁴ Joe Maher, *Federal Funding for Conservation and Recreation Trails*, 1 (Feb. 2009), available at http://www.rff.org/RFF/Documents/RFF-BCK-ORRG_DOT.pdf (last visited Mar. 11, 2015).

In 1995, the Legislature recognized the benefits of an expanded greenways and trails network and created the Florida Greenways Coordinating Council (FGCC).⁵ The Legislature tasked the FGCC with promoting the creation of a statewide greenways and trails system and designated the DEP as the lead agency of the system.⁶ The FGCC published the Connecting Florida Communities with Greenways and Trails Plan in 1998. The plan contains a multiuse recreational Opportunity Trail Map and is considered the first visioning document for connecting Florida's greenways and trails. The plan provides a comprehensive approach to the Florida Greenways and Trails System (FGTS) by providing a review of existing greenways and trails and recommendations to complete the system. The plan recommends:

- The DEP establish a process to prioritize greenways and trails for ecological, recreational, and cultural significance;
- The DEP identify the critical linkages in the statewide greenways and trails system;
- The FGCC evaluate and prioritize greenways and trails proposed by the DEP based on:
 - Willingness of the landowner;
 - Ecological, recreational, and cultural significance;
 - Acquisition considerations;
 - Management considerations;
 - Community support; and
 - Identification of critical linkages.
- The DEP develop a process for designating lands for the statewide greenways and trails system;
- The FGCC promote awareness and generate support of the greenways and trails system;
- Encouraging landowners to voluntarily sell or donate conservation easements or fee simple title to land;
- Coordinating with owners to acquire linear facilities;
- Encouraging developers to include trails in residential areas and to link residential trails with the statewide system;
- Identifying a funding mechanism for the creation and maintenance of trail systems;
- Directing the Legislature to create the Florida Greenways and Trails Council; and
- Measuring the success of the statewide trails system by:
 - Tracking the current trail system and new land designations in a database;
 - Maintaining natural areas so they may be considered for designation or remain designated;
 - Creating a system that provides public access to a trail within 15 minutes of every Floridian; and
 - Ensuring a 95 percent satisfaction rate for visitors to greenways and trails facilities.⁷

In 1999, the Legislature created the Florida Greenways and Trails Council as recommended by the 1998 Connecting Communities with Greenways and Trails Plan. Section 260.0142(4), F.S., directs the council to:

⁵ Chapter 95-260, Laws of Fla.

⁶ *Id.*

⁷ DEP, Florida Greenways Coordinating Council, *Connecting Florida's Communities with Greenways and Trails*, 11-35 (1998), available at http://www.dep.state.fl.us/gwt/FGTS_Plan/PDF/1998FGTSPlanConnectingFlorida'sCommunities.pdf (last visited Mar. 5, 2015).

- Facilitate a statewide system of interconnected landscape linkages, conservation corridors, greenbelts, recreational corridors and trails, scenic corridors, utilitarian corridors, reserves, regional parks and preserves, ecological sites, and cultural/historic/recreational sites using land-based trails that connect, urban, suburban, and rural areas of the state;
- Recommend priorities for critical links in the FGTS;
- Review recommendations for acquisition funding;
- Review designation proposals to be include in the FGTS;
- Encourage public-private partnerships;
- Review the established benchmarks and make recommendations for appropriate action;
- Recommend updates to the implementation plan for the FGTS;
- Promote greenways and trails support organizations; and
- Support the FGTS through intergovernmental coordination, budget recommendations, and any other appropriate way.

In 2008, Florida was recognized as a leader in greenways and trails and awarded the Best Trails State Award by American Trail. Although the statewide system of trails had expanded to include thousands of miles of paved, unpaved, and paddling trails to accommodate hikers, bikers, equestrians, and paddlers, many gaps to the trail system remain.⁸

In 2013, the DEP published the 2013-2017 Florida Greenways and Trails System Plan. The 2013-2017 plan was the first update to the FGTS since the Connecting Florida Communities with Greenways and Trails Plan was published in 1998. The updated plan provides goals for the FGTS to advance Florida's economy, tourism, health, transportation, recreation, conservation, and quality of life. Specifically, the plan:

- Establishes priorities for coordinating, directing, and focusing resources;
- Provides a new framework for systematically closing the gaps in trails and connecting priority corridors within the FGTS to establish a fully connected and integrated statewide trail network; and
- Provides linkages between additional state planning efforts and the FGTS. The additional state planning efforts include:
 - The Florida Five-year Strategic Plan for Economic Development;
 - The VISIT FLORIDA Marketing Plan;
 - The Florida State Health Improvement Plan;
 - The Florida Transportation Plan 2060;
 - The Florida Statewide Comprehensive Outdoor Recreation Plan; and
 - The Cooperative Conservation Blueprint and Wildlife Action Plan.⁹

The Coast-to-Coast Connector (C2C) is an essential component of the 2013-2017 FGTS plan and the Florida Greenways and Trails Foundation "Close the Gaps" campaign.¹⁰ The C2C is an

⁸ DEP, *Coast to Coast Connector, Status Report: July 1, 2014 to December 31, 2014*, 3 (2014), available at http://www.dep.state.fl.us/gwt/FGTS_Plan/Long%20Distance%20Corridors/1st%20Edition%20Jan%202015.pdf (last visited Mar. 5, 2015).

⁹ DEP, *Florida Greenways & Trails System Plan, 2013-2017*, 1 (2013), available at http://www.dep.state.fl.us/gwt/FGTS_Plan/PDF/FGTS_Plan_2013-17_publication.pdf (last visited Mar. 19, 2015).

¹⁰ The Florida Greenways and Trails Foundation is a non-profit organization that supports the mission and programs of the DEP Office of Greenways and Trails.

approximately 275-mile system of local, regional, state, and federal trails crossing nine counties from Titusville to St. Petersburg. Approximately 200 miles of the corridor are developed or funded for completion. The remaining portion of the C2C will cost an estimated \$42 million to complete.¹¹

Once complete, the C2C will link communities and provide a year-round ecotourism engine throughout the region. The C2C includes two of the state's most popular trails, the Pinellas Trail and the West Orange Trail, each of which have served approximately 1 million users per year and fueled the economic transformation of trail communities, particularly Dunedin and Winter Garden.¹² Components of the C2C will also serve other planned trails including multi-day loop trails such as the 250-mile Heart of Florida Greenway¹³ and the 300-mile St. Johns River-to-Sea Loop.¹⁴

Interagency Coordination

The FDOT created the Florida Bicycle and Pedestrian Partnership Council in 2010, which includes representatives from the FDOT, state agencies, local governments, and non-profit organizations. The council provides policy recommendations for the state's walking, biking, and trail facilities to the FDOT and its partners. The primary focus of the council is to implement bicycle and pedestrian connections, promote bicycle and pedestrian safety, promote the use of design discretion to accommodate bicycle and pedestrian needs, and to promote the State Health Improvement Plan.¹⁵

The council has directed the FDOT to partner with the DEP to pursue opportunities that contribute to the full implementation of the FGTS Priority Network including:

- Considering additional right of ways for separate shared-use paths during all transportation corridor planning;
- Expanding the limited access pilot-projects;
- Developing an interagency Memoranda of Agreements to promote cooperation; and
- Working with metropolitan planning organizations and other regional entities.¹⁶

Although both the DEP and the FDOT are tasked with creating a network of connected trails and to coordinate efforts to accomplish each agency's goals, there is no legislation requiring interagency coordination to create a statewide system of shared-use transportation trails.

¹¹ DEP, *The Coast to Coast Connector*, http://www.dep.state.fl.us/gwt/FGTS_Plan/Long%20Distance%20Corridors/Coast_to_Coast_Connector.htm (last visited Mar. 19, 2015).

¹² *Id.*

¹³ The Florida Greenways and Trails Foundation, *Close the Gaps: Heart of Florida Greenway Map* (May 29, 2012), available at <http://fgtf.org/maps/hof/overview.pdf> (last visited Mar. 11, 2015).

¹⁴ See ETM, *St. Johns River-to-Sea Loop Trail Status Update* (Sept. 2011), available at http://www.etmnc.com/SJR2C/sg_userfiles/SJR2C_Summary_Report_09-19-11.pdf (last visited Mar. 11, 2015).

¹⁵ DOT, *The Florida Bicycle and Pedestrian Partnership Council: 2012/2013 Annual Progress Report*, iii (Oct. 2013), available at <http://www.dot.state.fl.us/planning/policy/bikeped/Annualrpt2012-13.pdf> (last visited Mar. 11, 2015).

¹⁶ *Id.* at 7

Trail Benefits

In addition to the intrinsic value nonmotorized travel brings to community mobility, sustainable transportation, and personal health, trails provide access to conservation lands and create wildlife corridors. Trails also produce numerous quantifiable economic benefits, including increasing the value of nearby properties, increasing spending at local businesses, influencing business location and relocation decisions, revitalizing depressed areas, providing sustainable tourism opportunities, and creating jobs.

Property Values

Based on an analysis of comparable trails from across the country, the construction of Miami-Dade County's Ludlam Trail will increase property values within a half mile of the trail 0.32 to 0.73 percent faster than other properties throughout the county. This translates into a total property value increase over a 25-year period of \$121 million to \$282 million.¹⁷ A study of property values near trails in Delaware found that properties within 50 meters of the bike paths sell for \$8,800 more than similar homes.¹⁸ A survey co-sponsored by the National Association of Home Builders and the National Association of Realtors found that proximity to nonmotorized trails came in second only to highway access when recent home buyers were asked about the "importance of community amenities."¹⁹

Local Businesses and Economic Development

An economic impact analysis of trails in Orange County, Florida, found in 2010 average spending per trail user was \$20 per visit, representing food and beverages, transportation, books and maps, bike maintenance, rentals, and more. The West Orange Trail supports 61 jobs and represents an estimated economic impact of \$5 million for downtown Winter Garden. Longer destination trails increase spending and benefit hotels, bed and breakfasts, and outdoor outfitters.²⁰ A study of the Great Allegheny Passage, a 132-mile corridor in Pennsylvania, found that users reporting longer average travel distances to the trail were more likely to spend successive days on or near the trail. Those who reported an overnight stay in conjunction with their trips averaged spending \$203 per person.²¹ A survey on the Greenbrier River Trail, an 81-mile corridor in West Virginia, found an overwhelming majority of trail users were highly educated professionals with high income levels, two-thirds were from outside of West Virginia,

¹⁷ Miami-Dade County, Park and Recreation Department, *Miami-Dade County Trail Benefits Study: Ludlam Trail Case Study*, 57 (Jan. 2011), available at <http://atfiles.org/files/pdf/Miami-Dade-Ludlam-Trail-Benefits.pdf> (last visited Mar. 11, 2015).

¹⁸ David P. Racca and Amardeep Dhanju, *Project Report for Property Value/Desirability Effects of Bike Paths Adjacent to Residential Areas*, 30 (Nov. 2006), available at <http://128.175.63.72/projects/DOCUMENTS/bikepathfinal.pdf> (last visited Mar. 19, 2015).

¹⁹ National Trails Training Partnership, *Benefits of Trails and Greenways*, <http://www.americantrails.org/resources/benefits/homebuyers02.html> (last visited Mar. 11, 2015).

²⁰ East Central Florida Regional Planning Council, *Economic Impact Analysis of Orange County Trails*, ii (2011), available at http://www.dep.state.fl.us/gwt/economic/PDF/Orange_County_Trail_Report_final_May2011.pdf (last visited Mar. 11, 2015).

²¹ Compos, Inc., *The Great Allegheny Passage Economic Impact Study (2007-2008)*, 91 (2009), available at <http://www.atatrail.org/docs/GAPEconomicImpactStudy200809.pdf> (last visited Mar. 11, 2015).

93 percent were staying in the area from one to four days, 58 percent spent between \$100 and \$500 in the area, and 93 percent indicated that they were highly likely to plan a return trip.²²

Revitalization of Depressed Areas.

Companies often choose locations in communities that offer a high level of amenities to employees as a means of attracting and retaining top-level workers. Trails can make communities attractive to businesses looking to expand or relocate both because of the amenities they offer to employees and the opportunities they offer to trail visitors.²³

In Dunedin, Florida, after the abandoned CSX railroad was transformed into the Pinellas Trail, the downtown went from 70 percent storefront occupancy to 95 percent occupancy.²⁴

Tourism Opportunities.

The Outer Banks of North Carolina generates \$60 million in economic activity through bicycle tourism. The one-time investment of \$6.7 million on bicycle infrastructure has resulted in an annual nine-to-one return. Analysis of Outer Banks trail amenities shows bicycle tourists tend to be affluent and educated. More than half of survey respondents said bicycling had a strong influence on their decision to return to the area. Two-thirds of respondents said that riding on bike facilities made them feel safer and three-quarters said that more paths, shoulders, and lanes should be built.²⁵

A widely accepted tenet in trail development holds that the longer a given trail is, the greater its propensity for becoming a “destination trail,” and the greater distance users will travel to use the trail. Users traveling farther stay in the area longer and, consequently, increase spending in the area. Users of the Great Allegheny Passage/C&O Canal Towpath, a 335-mile system of biking and hiking trails that connects Pittsburgh to Washington, DC, travel an average of 131 miles to the trailhead. Those that traveled 50 miles or more had daily expenditures approximately two times that of users that traveled less.²⁶

Trail development creates more jobs than road development.

A national comparison of the number of jobs created per \$1 million spent on various types of transportation projects found that for every \$1 million spent on the development of multiuse trails, 9.57 jobs were created while road-only development yields 7.75 jobs.²⁷

²² ATI, *Maximizing Economic Benefits from a Rails-to-Trails Project in Southern West Virginia – A Case Study of the Greenbrier River Trail*, 11 (May 2001), available at <http://atfiles.org/files/pdf/greenbrierecon.pdf> (last visited Mar. 11, 2015).

²³ See NPS, *Economic Impacts of Protecting Rivers, Trails, and Greenway Corridors: Corporate Relocation and Retention. Rivers, Trails and Conservation Assistance Program* (1995), available at http://www.nps.gov/pwro/rtca/econ_all.pdf (last visited Mar. 11, 2015).

²⁴ DEP, *The Impact of Trails on Communities*, 34 (2010), available at <http://www.opportunityflorida.com/pdf/Jim%20Wood%20-%20Trails%20and%20Economic%20Impact%20-%20Rural%20Summit.pdf> (last visited Mar. 11, 2015).

²⁵ NCDOT, *Pathways to Prosperity: The Economic Impact of Investments in Bicycling Facilities*, vi-viii (July 2004), available at http://www.ncdot.gov/bikeped/download/bikeped_research_eiafulltechreport.pdf (last visited Mar. 5, 2015).

²⁶ *Supra* note 21, at 70.

²⁷ PERI, *Pedestrian and Bicycle Infrastructure: A National Study of Employment Impacts*, 11 (June 2011), available at <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.362.5819&rep=rep1&type=pdf> (last visited Mar. 11, 2015).

Sponsorship of Trails and Related Facilities

Section 335.065(3), F.S., authorizes the FDOT to enter into a concession agreement for commercial sponsorship displays, subject to the Highway Beautification Act of 1965 and all federal laws and agreements, on multiuse trails and related facilities with a not-for-profit entity or private sector business or entity. The revenues from the concession agreements may be used for trail maintenance.

In 2012, the Legislature created s. 260.0144, F.S., to authorize the DEP to enter into concession agreements for naming rights for the display of commercial sponsorship on certain state-owned greenway and trail facilities or properties. The DEP may establish the cost for entering into a concession agreement. The law specifies the commercial display contemplated by the concession agreement is for public relations or advertising purposes for the concessionaires and is not to be construed as having a relationship with the DEP other than what is set forth in the terms of the concession agreement. The law also does not grant a proprietary or compensable interest in any sign, or display site or location.

Section 260.0144, F.S., requires 85 percent of the proceeds from the concession agreement with the DEP to be distributed to the appropriate trust fund within the DEP to be used for management and operation of state greenway or trail facilities and properties. The remaining 15 percent goes to the State Transportation Trust Fund.

The signage and display requirements for ss. 335.065(3) and 260.0144, F.S., are as follows:

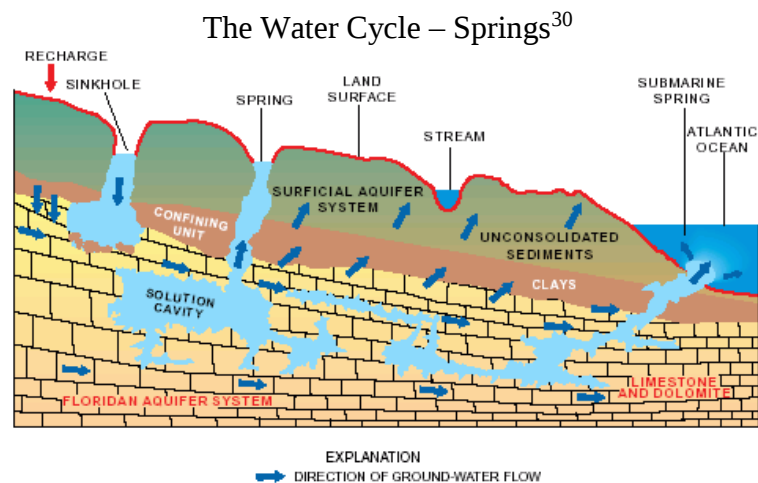
- The placement of signage or displays is limited to the provisions of s. 337.407, F.S., and ch. 479, F.S., and limited to trailheads, parking areas, or public access points;
- The size of the signage or display is limited to 16 square feet at trailheads and parking areas and four square feet at public access points;
- The FDOT or the DEP must approve the name or display before installation;
- The FDOT or the DEP must ensure:
 - The size, color, materials, construction, and location of the signs are consistent with the management plan of the property and the standards of the FDOT or the DEP;
 - The signs do not intrude on natural and historic settings; and
 - The signs only contain the logo selected by the sponsor and the wording: “(Name of the sponsor)...proudly sponsors the costs of maintaining the...(Name of the greenway or trail)”;
- All costs associated with the signage must be the responsibility of the concessionaire;
- The concession agreement is limited to one year unless extended by a multiyear agreement; and
- The FDOT or the DEP may terminate the agreement for just cause with 60 days advance notice to the concessionaire.

Florida’s Springs

Florida’s springs are unique and beautiful resources. The historically crystal clear waters provide not only a variety of recreational opportunities and habitats, but also great economic value for recreation and tourism. Springs are major sources of stream flow in a number of rivers such as

the Rainbow, Chassahowitzka, Homosassa, and Ichetucknee.²⁸ Additionally, Florida's springs provide a "window" into the Floridan aquifer system, which provides most of the state's drinking water.

The Floridan aquifer system is a limestone aquifer that has enormous freshwater storage and transmission capacity. The upper portion of the aquifer consists of thick carbonate rocks that have been heavily eroded and covered with unconsolidated sand and clay. The surficial aquifer is located within the sand deposits and forms the land surface that is present today. In portions of Florida, the surficial aquifer lies on top of deep layers of clay sediments that prevent the downward movement of water. Springs form when groundwater is forced out through natural openings in the ground.²⁹



Florida has more than 700 recognized springs. First magnitude springs are those that discharge 100 cubic feet of water per second or greater. Florida has 33 first magnitude springs in 18 counties that discharge more than 64 million gallons of water per day. Spring discharges, primarily from the Floridan aquifer, are used to determine ground water quality and the degree of human impact on a spring's recharge area. Rainfall, surface conditions, soil type, mineralogy, the composition and porous nature of the aquifer system, flow, and length of time in the aquifer all contribute to ground water chemistry.³¹

The springshed is the area within the groundwater and surface water basins that contributes to the discharge of the spring. The spring recharge basin consists of all areas where water can be shown to contribute to groundwater flow discharging from the spring.

Spring protection zones are sub-areas of the groundwater and surface water basins of each spring or spring system that supply water to the spring and within which human activities, such as waste disposal or water use, are most likely to have negative impacts on the water discharging from the

²⁸ Department of Community Affairs, *Protecting Florida's Springs: An Implementation Guidebook*, 3-1 (Feb. 2008), available at <http://www.dep.state.fl.us/springs/reports/files/springsimplementguide.pdf> (last visited Mar. 5, 2015).

²⁹ *Id.* at 3-1 to 3-2.

³⁰ U.S. Environmental Protection Agency, *The Water Cycle: Springs*, <http://water.usgs.gov/edu/watercyclesprings.html> (last visited Mar. 5, 2015).

³¹ Florida Geological Survey, *Springs of Florida Bulletin No. 66*, available at <http://www.dep.state.fl.us/geology/geologictopics/springs/bulletin66.htm> (last visited Mar. 5, 2015).

spring. When adverse conditions occur within a spring protection zone, the conditions can be minimized by:

- Land-use management and zoning by county or municipal government;
- Adoption of BMPs;
- Educating the public concerning environmental sensitivity; and
- Regulatory action, if necessary.³²

Nutrients

Phosphorus and nitrogen are essential nutrients for plants and animals and are the limiting nutrients in aquatic environments. The correct balance of both nutrients is necessary for a healthy ecosystem; however, excessive nitrogen and phosphorus can cause significant water quality problems. Typically, nitrogen is the limiting nutrient in spring systems. Therefore, even modest increases in nitrogen above optimum levels can accelerate algae growth, plant growth, and deplete oxygen levels.

Phosphorus and nitrogen are derived from natural and anthropogenic sources. Natural inputs include the atmosphere, soils, and the decay of plants and animals. Anthropogenic sources include sewage disposal systems (wastewater treatment facilities and septic tanks), overflows of storm and sanitary sewers (untreated sewage), agricultural production and irrigation practices, and stormwater runoff.

Excessive nutrients may result in harmful algal blooms, nuisance aquatic weeds, and alteration of the natural community of plants and animals. Dense, harmful algal blooms can also cause human health problems, fish kills, problems for water treatment plants, and generally impair the aesthetics and tastes of waters. Growth of nuisance aquatic weeds tends to increase in nutrient-enriched waters, which can impact recreational activities. Increased algae production, as a result of increased nutrients, can alter plant communities and affect natural systems.

In pristine conditions, spring water is high quality and lacks contaminants. It can be used directly for public water supplies or for irrigation. When pollutants are introduced to the land surface, some will be retained, but some will travel into the aquifer and later appear in spring flow. Often, nutrients introduced close to a spring will quickly reach the spring, especially in unconfined areas of the aquifer. While springs are valuable recreational and tourist attractions, they are also an indicator of reduced quality of the water in the aquifer.³³

Urban Fertilizer Usage and Florida's Model Ordinance

Application of fertilizer in urban areas impacts springsheds when it runs off lawns and impervious surfaces into stormwater collection systems or directly into the surface water. The DEP has provided guidelines to minimize the impact of urban fertilizer use and adopted the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes. The model ordinance

³² Upchurch, S.B. and Champion, K.M., *Delineation of Spring Protection Areas at Five, First-Magnitude Springs in North-Central Florida (Draft)*, 1 (Apr. 28, 2004), available at www.waterinstitute.ufl.edu/suwannee-hydro-observ/pdf/delineation-of-spring-protection-zones.pdf (last visited Mar. 5, 2015).

³³ *Supra* note 28, at 3-4.

provides counties and municipalities with a range of options to help minimize fertilizer inputs from urban applications. Some of the suggestions contained in the model ordinance are:

- Restricting the times fertilizer may be applied, such as restricting its application during the rainy season;
- Creating fertilizer free zones around sensitive waterbodies such as ponds, streams, watercourses, lakes, canals, or wetlands;
- Controlling application practices by, for example, restricting fertilizer application on impervious surfaces and requiring prompt cleanup of any fertilizer that is spilled on impervious surfaces; and
- Managing grass clipping and vegetative matter by disposing of such materials properly rather than simply blowing them into the street, ditches, stormwater drains, or waterbodies.³⁴

Water Pollution Control Programs

Total Maximum Daily Loads and Water Quality Standards

Under s. 303 of the federal Clean Water Act (CWA), states are incentivized to adopt water quality standards (WQSs) for their navigable waters and must review and update those standards at least once every three years. These standards include:

- Designation of a waterbody's beneficial uses, such as water supply, recreation, fish propagation, and navigation;
- Water quality criteria that define the amounts of pollutants, in either numeric or narrative standards, that the waterbody can contain without impairment of the designated beneficial uses; and
- Anti-degradation requirements.³⁵

In 1999, the Legislature passed the Florida Watershed Restoration Act,³⁶ which codified the establishment of TMDLs for pollutants of waterbodies as required by the CWA.³⁷ Each TMDL, which must be adopted by rule, is a scientific determination of the maximum amount of a given pollutant that can be absorbed by the waterbody while still meeting WQSs. Waterbodies that do not meet the established WQSs are deemed impaired and, pursuant to the CWA, the DEP establishes a TMDL for the waterbody or section of the waterbody that is impaired.³⁸ A TMDL for an impaired waterbody is defined as the sum of the individual waste load allocations for point sources and the load allocations for nonpoint sources and natural background. Waste load allocations are pollutant loads attributable to existing and future point sources, such as discharges from industry and sewage facilities. Load allocations are pollutant loads attributable to existing and future nonpoint sources such as the runoff from farms, forests, and urban areas.³⁹

³⁴ DEP, *Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes*, 6-9 (2010), available at <http://www.dep.state.fl.us/water/nonpoint/docs/nonpoint/dep-fert-modelord.pdf> (last visited Mar. 5, 2015).

³⁵ 33 U.S.C. s. 1313(c)(2)(A) (2014); 40 C.F.R. ss. 131.6 and 131.10-131.12.

³⁶ Chapter 99-223, Laws of Fla.

³⁷ Section 403.067, F.S.

³⁸ *Id.*

³⁹ Fla. Admin. Code R. 62-620.200(37) (2006). Point source means any discernible, confined, and discrete conveyance, including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. Nonpoint sources of pollution are essentially sources of pollution that are not point sources. They can include runoff from

The U.S. Environmental Protection Agency (EPA) and the DEP enforce WQSs through the implementation and enforcement of the National Pollutant Discharge Elimination System (NPDES) permitting program. Every point source that discharges a pollutant into waters of the United States must obtain an NPDES permit establishing the amount of a particular pollutant that an individual point source can discharge into a specific waterbody. The amount of the pollutant that a point source can discharge under a NPDES permit is determined through the establishment of a technology-based effluent limitation. If a waterbody fails to meet the applicable WQS through the application of a technology-based effluent limitation, a more stringent pollution control program called the water quality based effluent limitation is applied.

Basin Management Action Plans

The DEP is the lead agency in coordinating the implementation of TMDLs and BMAPs through existing water quality protection programs. Such programs include:

- Permitting and other existing regulatory programs, including water quality based effluent limitations;
- Non-regulatory and incentive-based programs, including BMPs, cost sharing, waste minimization, pollution prevention, agreements established pursuant to s. 403.061(21), F.S., and public education;⁴⁰
- Public works, including capital facilities; and
- Land acquisition.⁴¹

The DEP may establish a BMAP as part of the development and implementation of a TMDL for a specific water body. First, the BMAP equitably allocates pollutant reductions to individual basins, as a whole to all basins, or to each identified point source or category of nonpoint sources.⁴² Then the BMAP establishes the schedule for implementing projects and activities to meet the pollution reduction allocations. The BMAP process has the flexibility to allow for adaptive changes if necessary. The BMAP development process provides an opportunity for local stakeholders, local government and community leaders, and the general public to collectively determine and share water quality clean-up responsibilities. The DEP works with stakeholders to develop effective BMAPs.⁴³

BMAPs must include milestones for implementation and water quality improvement. They must also include an associated water quality monitoring component sufficient to evaluate whether reasonable progress in pollutant load reductions is being achieved over time. An assessment of

agricultural lands or residential areas; oil, grease and toxic materials from urban runoff; and sediment from improperly managed construction sites.

⁴⁰ Section 403.061, F.S., grants the DEP the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules adopted and promulgated by it. Furthermore, s. 403.061(21), F.S., allows the DEP to advise, consult, cooperate, and enter into agreements with other state agencies, the federal government, other states, interstate agencies, etc.

⁴¹ Section 403.067(7)(b), F.S.

⁴² Section 403.067(7), F.S.

⁴³ DEP, *Basin Management Action Plans (BMAPs)*, <http://www.dep.state.fl.us/central/Home/Watershed/BMAP.htm> (last visited Mar. 5, 2015).

progress toward these milestones must be conducted every five years and revisions to the plan must be made as appropriate.⁴⁴

Producers of nonpoint source pollution included in a BMAP must comply with the established pollutant reductions by either implementing the appropriate BMPs or by conducting water quality monitoring.⁴⁵ A nonpoint source discharger may be subject to enforcement action by the DEP or a WMD based upon a failure to implement these requirements.⁴⁶

Provisions of a BMAP must be included in subsequent NPDES permits. The DEP is prohibited from imposing limits or conditions associated with an adopted TMDL in an NPDES permit until the permit expires, the discharge is modified, or the permit is reopened pursuant to an adopted BMAP.⁴⁷

NPDES permits issued between the time a TMDL is established and a BMAP is adopted contain a compliance schedule allowing time for the BMAP to be developed. Once the BMAP is developed, a permit will be reopened and individual allocations consistent with the BMAP will be established in the permit. The timeframe for this to occur cannot exceed five years. NPDES permittees may request an individual allocation during the interim, and the DEP may include an individual allocation in the permit.⁴⁸

For an individual point source, reducing pollutant loads established under the TMDL and water quality based effluent limitation regulatory programs can be difficult to accomplish. It may require investment in expensive technology or other costly measures to reduce pollutant loads.⁴⁹

Agricultural Operations

Only lands that are used primarily for bona fide agricultural purposes are classified as agricultural in Florida.⁵⁰ The term “bona fide agricultural purposes” means good faith commercial agricultural use of the land. Certain factors may be taken into account in determining whether an agricultural operation is bona fide:

- The length of time the land has been used for agriculture;
- Whether the use has been continuous;
- The purchase price paid;
- Size, as it relates to specific agricultural use, but a minimum acreage may not be required for agricultural assessment;
- Whether an indicated effort has been made to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including fertilizing, liming, tilling, mowing, reforestation, and other accepted agricultural practices;

⁴⁴ Section 403.067(7)(a)5., F.S.

⁴⁵ BMPs for agriculture, for example, include activities such as managing irrigation water to minimize losses, limiting the use of fertilizers, and waste management.

⁴⁶ Section 403.067(7)(b)1.h., F.S.

⁴⁷ Florida Senate Committee on Environmental Preservation and Conservation, *CS/SB 754 Analysis* (Mar. 14, 2013), available at <http://flsenate.gov/Session/Bill/2013/0754/Analyses/2013s0754.pre.ep.PDF> (last visited Mar. 5, 2015).

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ Section 193.461(3)(b), F.S.

- Whether the land is under lease and, if so, the effective length, terms, and conditions of the lease; and
- Other factors as may be applicable.⁵¹

Industrial Wastewater Program

In Florida, all wastewater that is not defined as domestic wastewater is considered industrial wastewater. The DEP's Industrial Wastewater Program issues permits to facilities for activities that discharge to surface waters and ground waters of the state.⁵² Industrial wastewater that discharges to domestic wastewater treatment facilities, however, is regulated under a different program. The DEP is authorized by the EPA to issue permits for discharge to surface waters under the NPDES. Permits for discharge to ground waters are issued by the DEP under state statutes and rules. Industrial wastewater permits are issued by the district offices.

Two exceptions to the permits issued by the district offices are:

- NPDES permits for steam electric power plants, which are issued by the Industrial Wastewater Section in the Tallahassee office; and
- Industrial wastewater permitting for the phosphate industry, which is handled by the Phosphogypsum Management Section located in Tampa.⁵³

Best Management Practices on Agricultural Lands

Agricultural BMPs are guidelines advising producers how to manage the water, nutrients, and pesticides they use to minimize agricultural impacts on Florida's natural resources. Agricultural activity is dependent on the application of fertilizer and pesticides and is linked to the contamination of watersheds with nutrients such as nitrogen and phosphorus. BMPs tend to cover four major areas, which overlap: nutrient management, or how producers use fertilizers; pest management, or how they use pesticides; water management, or how they use and discard water; and sediment management, or how they affect the sediments on and around their properties.⁵⁴

BMPs reduce the amount of nutrients, sediments, and pesticides that enter the water system and help reduce water use. Because much of the state is built on limestone, which allows water to return relatively unfiltered to the aquifer, pollutants can enter the water supply quickly, endangering humans and ecosystems.⁵⁵

The DACS Office of Agricultural Water Policy is actively involved in developing BMPs. DACS works cooperatively with agricultural producers, industry groups, the DEP, the state university

⁵¹ *Id.*

⁵² DEP, *Wastewater Program: Industrial Wastewater*, <http://www.dep.state.fl.us/Water/wastewater/iw/index.htm> (last visited Mar. 5, 2015). Other operations that are considered sources of industrial wastewater include manufacturing, commercial businesses, mining, agricultural production and processing, and wastewater from cleanup of petroleum and chemical contaminated sites.

⁵³ *Id.*

⁵⁴ University of Florida Institute of Food and Agricultural Sciences, *Best Management Practices*, http://solutionsforyourlife.ufl.edu/hot_topics/agriculture/bmps.shtml (last visited Mar. 5, 2015).

⁵⁵ *Id.*

system, the WMDs, and other interested parties to develop and implement BMP programs that are economically and technically feasible.⁵⁶

Onsite Sewage Treatment and Disposal Systems

In Florida, septic systems are referred to as onsite sewage treatment and disposal systems. An OSTDS can contain any one of the following components: a septic tank; a subsurface drainfield; an aerobic treatment unit (ATU); a graywater tank; a laundry wastewater tank; a grease interceptor; a pump tank; a waterless, incinerating or organic waste-composting toilet; and a sanitary pit privy.⁵⁷ Septic systems are located underground and treat sewage without the presence of oxygen. Sewage flows from a home or business through a pipe into the first chamber, where solids settle out. The liquid then flows into the second chamber where anaerobic bacteria in the sewage break down the organic matter, allowing cleaner water to flow out of the second chamber into a drainfield.⁵⁸ Engineers licensed in Florida may specially design OSTDSs to meet the needs of individual property owners. Engineer-designed OSTDS plans are subject to review by the local county health department and must be certified by the engineer as complying with all requirements pertaining to such system.⁵⁹

The Department of Health (DOH) administers onsite sewage programs, develops statewide rules, and provides training and standardization for county health department employees responsible for issuing permits for the installation and repair of OSTDSs within the state.⁶⁰ The Bureau also licenses over 700 septic tank contractors and oversees 2.6 million onsite wastewater systems in Florida.⁶¹

The EPA concluded in its 1997 Report to Congress that “adequately managed decentralized wastewater systems are a cost-effective and long-term option for meeting public health and water quality goals, particularly in less densely populated areas.”⁶² In Florida, development is dependent on OSTDSs due to the cost and time it takes to install central sewer systems. In rural areas and low-density developments, central sewer is not cost effective. Less than one percent of Florida systems are actively managed. The remainder are generally serviced only when they fail, often leading to costly repairs that could have been avoided with routine maintenance.⁶³

⁵⁶ DACS, Office of Agricultural Water Policy, *Home Page* (Jan. 8, 2014), <http://www.freshfromflorida.com/Divisions-Offices/Agricultural-Water-Policy> (last visited Mar. 5, 2015).

⁵⁷ DEP, *Wastewater: Septic Systems*, <http://www.dep.state.fl.us/water/wastewater/dom/septic.htm> (last visited Mar. 5, 2015).

⁵⁸ EPA, *Primer for Municipal Wastewater Treatment Systems*, 22 (2004), available at http://water.epa.gov/aboutow/owm/upload/2005_08_19_primer.pdf (last visited Mar. 5, 2015).

⁵⁹ See Fla. Admin. Code R. 64E-6.003 (2013) and R. 64E-6.004 (2010).

⁶⁰ The DOH does not permit the use of onsite sewage treatment and disposal systems where the estimated domestic sewage flow from the establishment is over 10,000 gallons per day (gpd) or the commercial sewage flow is over 5,000 gpd; where there is a likelihood that the system will receive toxic, hazardous or industrial wastes; where a sewer system is available; or of any system or flow from the establishment is currently regulated by the DEP. The DEP issues the permits for systems that discharge more than 10,000 gpd.

⁶¹ Hall, P. and Clancy, S.J., *Statewide Inventory of Onsite Sewage Treatment and Disposal Systems in Florida, Final Report*, 6 (June 29, 2009), available at <http://www.floridahealth.gov/healthy-environments/onsite-sewage/research/documents/research-reports/documents/inventory-report.pdf> (last visited Mar. 5, 2015).

⁶² EPA, *Handbook for Managing Onsite and Clustered (Decentralized) Wastewater Treatment Systems*, 1 (Dec. 2005), available at http://water.epa.gov/infrastructure/septic/upload/onsite_handbook.pdf (last visited Mar. 26, 2015).

⁶³ DOH, *Report on Range of Costs to Implement a Mandatory Statewide 5-Year Septic Tank Inspection Program*, 1 (Oct. 2008) (on file with the Senate Committee on Environmental Preservation and Conservation).

Land Spreading of Septage

Septage is defined as a mixture of sludge, fatty materials, human feces, and wastewater removed during the pumping of an OSTDS.⁶⁴ Approximately 100,000 septic tanks are pumped each year, generating 100 million gallons of septage requiring treatment and disposal.⁶⁵ The septage is treated and disposed of at a number of septage treatment facilities regulated by the DOH. When used for land application, the septage is stabilized by raising the pH to 12 for at least two hours or to a pH of 12.5 for 30 minutes.⁶⁶ The treated septage is then spread over land at DOH-regulated land application sites.⁶⁷ In addition to septage, onsite systems serving restaurants include tanks that separate grease from the sewage stream. The grease is collected, hauled, treated, and land applied similarly to septage. In 2011, there were 92 DOH-regulated land application sites that receive treated septage from 108 DOH-regulated septage treatment facilities. Approximately 40 percent of septage removed from septic tanks is treated at septage treatment facilities and then land applied.⁶⁸

In 2010, the Legislature enacted ch. 2010-205, Laws of Fla., which prohibited the land application of septage from septic tanks effective January 1, 2016. In addition, the law required the DOH, in consultation with the DEP, to provide a report to the Governor and the Legislature recommending alternative methods to establish enhanced treatment levels for the land application of septage by February 1, 2011. The report provided several alternatives to the land application of septage as it is currently performed.⁶⁹

Treatment of septage at domestic wastewater treatment facilities

Treating septage takes advantage of available wastewater treatment facilities' capacity while at the same time centralizing waste treatment operations. However, not all wastewater treatment facilities accept septage because it is a high strength waste, which has the potential to upset facilities' processes and may result in increased operation and maintenance requirements and costs. Furthermore, the distance between central facilities with available treatment capacity and the locations where septage is collected in rural areas can make transport to such facilities cost prohibitive.⁷⁰

Disposal of septage at landfills

Acceptance of septage at Class I landfills has positive impacts to the landfills because it increases microbial activity within the landfills and results in increased waste decomposition and more rapid waste stabilization. However, landfill instability may result due to disposal of the wet waste stream. Increased difficulty in operating compaction equipment may result due to creation

⁶⁴ Section 381.0065(2)(n), F.S.

⁶⁵ DOH, *Report on Alternative Methods for the Treatment and Disposal of Septage*, 1 (Feb. 2011), available at [http://pk.b5z.net/i/u/6019781/f/FINAL_REPORT_ON_ALTERNATIVE_METHODS_FOR_THE_TREATMENT_AND DISPOSAL_OF_SEPTAGE_03282011_2_.pdf](http://pk.b5z.net/i/u/6019781/f/FINAL_REPORT_ON_ALTERNATIVE_METHODS_FOR_THE_TREATMENT_AND_DISPOSAL_OF_SEPTAGE_03282011_2_.pdf) (last visited Mar. 5, 2015).

⁶⁶ Fla. Admin. Code R. 64E-6.010(7)(a) (2013).

⁶⁷ See Fla. Admin. Code R. 64E-6.010 (2013).

⁶⁸ *Supra* note 65, at 2.

⁶⁹ *Supra* note 65, at 2.

⁷⁰ *Supra* note 65, at 2.

of a slick working surface. Many landfills choose not to accept loads of septage, making land application sites one of the only available options for the disposal of septage.⁷¹

Advanced Treatment

While most of Florida's OSTDSs are conventional OSTDSs, or passive septic systems, there are other advanced systems capable of providing additional or advanced treatment of wastewater prior to disposal in the drainfield. Advanced OSTDSs can utilize various approaches to improve treatment before discharge to a drainfield, or the drainfield itself can be modified. On occasion, engineers have included the drainfield as part of the treatment process, usually as a means to achieve fecal coliform reduction.⁷²

Advanced systems differ in three respects from conventional treatment systems that consist of a septic tank with a drainfield. First, the design of advanced systems is more variable than the approach for conventional systems. Second, they need more frequent checkups and maintenance, which is the reason they require operating permits. Third, the performance expectations are more specific, while failures for advanced systems are less defined.⁷³ Advanced systems are significantly more expensive to purchase, install, and operate.

ATUs offer advanced treatment for wastewater. ATUs force compressed air through the liquid effluent in the tank to create a highly oxygenated (aerobic) environment for bacteria. Bacteria that thrive in oxygen-rich environments work to break down and digest the wastewater inside the ATU. Aerobic units come in a variety of sizes and shapes and can be made of concrete, fiberglass or polyurethane. They are designed to collect and treat all the water from a home, including water from toilets, showers, bathtubs, sinks, and laundry. There are as many as three stages that ATUs take wastewater through before the effluent is dispersed into the drainfield.⁷⁴

Water Pollution Management

Urban Stormwater Management

Unmanaged urban stormwater creates a wide variety of effects on Florida's surface waters and groundwaters. Factors that exacerbate unmanaged runoff include:

- Compaction of soil;
- Impervious surfaces such as roads and parking lots;
- Alteration of natural landscape features such as natural depression areas that hold water, floodplains, and wetlands;
- Construction of highly efficient drainage systems that alter the ability of the land to assimilate precipitation; and

⁷¹ *Supra* note 65, at 3.

⁷² DOH, Assessment of Water Quality Protection, *Advanced Onsite Sewage Treatment and Disposal Systems: Performance, Management, Monitoring, Draft Final Report*, 14 (August 19, 2013), available at <http://www.floridahealth.gov/healthy-environments/onsite-sewage/research/advancedostdsfinalreportdraft.pdf> (last visited Mar. 5, 2015).

⁷³ Prepared for DEP by DOH, Bureau of Onsite Sewage Programs, *Revised Quality Assurance Project Plan Assessment of Water Quality Protection by Advanced Onsite Sewage Treatment and Disposal Systems (OSTDS): Performance, Management, Monitoring*, 8 (Aug. 22, 2011) available at <http://www.floridahealth.gov/healthy-environments/onsite-sewage/research/documents/final319qapp.pdf> (last visited Mar. 5, 2015).

⁷⁴ Florida Health, Lee County, *Aerobic Treatment Unit Homeowner Education*, <http://lee.floridahealth.gov/programs-and-services/environmental-health/onsite-sewage-disposal/permits/aerobic-treatment-units.html> (last visited Mar. 5, 2015).

- Pollutant loading of receiving water bodies from stormwater discharge.⁷⁵

Urbanization within a watershed decreases the amount of rainwater that seeps into the soil. Rainwater is critical for recharging aquifers, maintaining water levels in lakes and wetlands, and maintaining spring and stream flows. The increased volume, speed, and pollutant loading in stormwater discharged from developed areas leads to flooding, water quality problems, and loss of habitat.⁷⁶

In 1982, to manage urban stormwater and minimize impacts to natural systems, Florida adopted a technology-based rule requiring the treatment of stormwater to a specified level of pollutant load reduction for new development. The rule included a performance standard for the minimum level of treatment and design criteria for BMPs to achieve the performance standard. It also included a rebuttable presumption that discharges from a stormwater management system would meet WQSs when designed in accordance with the BMP design criteria.⁷⁷ The performance standard was to reduce post-development stormwater pollutant loading of total suspended solids⁷⁸ by 80 percent, or by 95 percent for Outstanding Florida Waters.⁷⁹

In 1990, the DEP developed and implemented the State Water Resource Implementation Rule (originally known as the State Water Policy rule).⁸⁰ This rule sets forth the broad guidelines for the implementation of Florida's stormwater program and describes the roles of the DEP, the WMDs, and local governments. One of the primary goals of the program is to maintain the predevelopment stormwater characteristics of a site. The rule sets a minimum performance standard for stormwater treatment systems to remove 80 percent of the post-development stormwater pollutants "that cause or contribute to violations of WQSs."⁸¹

The DEP and the WMDs jointly administer the Environmental Resource Permitting (ERP) program for activities that alter surface water flows.⁸² Alteration or construction of new stormwater management systems in urban redevelopment areas is regulated by the ERP program pursuant to s. 373.413, F.S., and must comply with all other relevant sections of Part IV of ch. 373, F.S.

Wastewater Treatment Plants

Wastewater treatment is one of the most common forms of pollution control in the United States. Sewerage system components include collection sewers, pumping stations, and treatment plants. Sewage is collected and sent to a treatment plant to remove solids and biological contaminants.

⁷⁵ DEP, *State Stormwater Treatment Rule Development Background*, <http://www.dep.state.fl.us/water/wetlands/erp/rules/stormwater/background.htm> (last visited Mar. 5, 2015).

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ Total Suspended Solids is listed as a conventional pollutant under s. 304(a)(4) of the CWA. A conventional pollutant is a water pollutant that is amenable to treatment by a municipal sewage treatment plant.

⁷⁹ Fla. Admin. Code R. 62-302.700 (2006), provides that an Outstanding Florida Water is a designated water body worthy of special protection because of its natural attributes. This special designation is applied to certain water bodies, and is intended to protect and preserve their existing states.

⁸⁰ *Supra* note 75. See generally Fla. Admin. Code R. 62-40.

⁸¹ *Supra* note 75.

⁸² Chapter 373, Part IV, F.S. See also DEP, *Environmental Resource Permitting (ERP) Program*, <http://www.dep.state.fl.us/water/wetlands/erp/index.htm> (last visited Mar. 5, 2015).

Once sewage has been treated, it is typically discharged into streams and other receiving waters, or reused.⁸³

The basic function of wastewater treatment is to speed up natural processes by which water is purified. Typically, sewage is treated by primary and secondary processes. In the primary stage, solids are allowed to settle and are removed from the wastewater. The secondary stage uses biological processes to further purify wastewater.⁸⁴

Limits in Florida for effluent to surface water from wastewater treatment plants are required to contain no more than 20 mg/L carbonaceous biochemical oxygen demand (CBOD5)⁸⁵ and 20 mg/L total suspended solids (TSS)⁸⁶, or 90 percent removal of each from the wastewater influent, whichever is more stringent.⁸⁷ There are other limits depending on where the effluent is being discharged.

Advanced Wastewater Treatment

Advanced wastewater treatment (AWT) systems perform additional treatment beyond secondary treatment. AWT can remove more than 99 percent of all impurities from sewage, producing an effluent that may be drinking-water quality. The related technology can be expensive, requiring a high level of technical expertise and well trained treatment plant operators, a steady energy supply, chemicals, and specific equipment that may not be readily available. An example of an AWT process is the modification of a conventional secondary treatment plant to remove additional phosphorus and nitrogen. The effluent standards for AWT on an annual average basis are:

- CBOD5 – 5 mg/L;
- Suspended solids – 5 mg/L;
- Total nitrogen – 3 mg/L;
- Total phosphorus – 1 mg/L; and
- High levels of disinfection.⁸⁸

Biosolids

Biosolids are the solid, semisolid, or liquid residue generated during the biological wastewater treatment process. Florida generates approximately 320,000 dry tons of biosolids annually. Biosolids are normally high in organic content and contain moderate amounts of nutrients such as nitrogen and phosphorus, making them valuable as a fertilizer or soil amendment.⁸⁹ They may be used beneficially or disposed of in landfills.⁹⁰

⁸³ U.S. Environmental Protection Agency, Office of Water, *How Wastewater Treatment Works: The Basics*, Report no. 833-F-98-002, 1 (May 1998), available at <http://www.epa.gov/npdes/pubs/bastre.pdf> (last visited Mar. 5, 2015).

⁸⁴ *Id.*

⁸⁵ For more information on CBOD5, see Fla. Admin. Code R. 62-601.200(5) (1996).

⁸⁶ For more information on TSS, see Fla. Admin. Code R. 62-601.200(54) (1996).

⁸⁷ Fla. Admin. Code R. 62-600.420 (1993).

⁸⁸ Section 403.086(4), F.S.

⁸⁹ DEP, *Biosolids in Florida: 2012 Summary*, 1 (Dec. 2013), available at <http://www.dep.state.fl.us/water/wastewater/dom/docs/BiosolidsFlorida-2012-Summary.pdf> (last accessed Mar. 5, 2015).

⁹⁰ *Id.*

Biosolids are classified as AA, A, or B. AA biosolids are considered the highest quality biosolids. They must be treated to a level that essentially eliminates pathogens and meets strict concentration limits for heavy metals. They may be used as fertilizer through commercial distribution and marketing.⁹¹ Class A biosolids are biosolids that meet the same pathogen reduction requirements as Class AA biosolids, meet the same vector attraction (meaning the attraction of disease spreading animals) requirements as Class B biosolids, and meet a series of concentration limits for nine different elements.⁹² Class B biosolids must be treated to significantly reduce pathogens and must meet certain concentration limits for heavy metals. Application rates are limited to crop nutrient needs. They are subject to site application restrictions and restrictions on harvesting, grazing, and public access. Also, cumulative heavy metals must be tracked for Class A and B biosolids; however, in Florida, land applied biosolids are almost exclusively Class B. In 2012, approximately 108,272 dry tons of Class B biosolids were land applied.⁹³

Minimum Flows and Levels

MFLs are established for water bodies in order to prevent significant harm to the water resources or ecology of an area as a result of water withdrawals. MFLs are typically determined based on evaluations of topography, soils, and vegetation data collected within plant communities and other pertinent information associated with the water resource. MFLs take into account the ability of wetlands and aquatic communities to adjust to changes in hydrologic conditions and allow for an acceptable level of hydrologic change to occur. When uses of water resources shift the hydrologic conditions below levels defined by MFLs, significant ecological harm can occur.⁹⁴ The goal of establishing an MFL is to ensure there is enough water to satisfy the consumptive use of the water resource without causing significant harm to the resource.⁹⁵ Consumptive uses of water draw down water levels and reduce pressure in the aquifer.⁹⁶ By establishing MFLs for non-consumptive uses, the WMDs are able to determine how much water is available for consumptive use. This is useful when evaluating a new consumptive use permit (CUP) application.⁹⁷

Section 373.042, F.S., requires the DEP or WMDs to establish MFLs for priority water bodies to prevent significant harm from water withdrawals. While the DEP has the authority to adopt MFLs under ch. 373, F.S., the WMDs have the primary responsibility for MFL adoption. The WMDs submit annual MFL priority lists and schedules to the DEP for review and approval. MFLs are considered rules by the WMDs and are subject to ch. 120, F.S., challenges. MFLs are established using the best available data and are subject to independent scientific peer review at the election of the WMD, or, if requested, by a third party.⁹⁸

⁹¹ *Id.*

⁹² Fla. Admin. Code R. 62-640.200(9) (2010).

⁹³ *Supra* note 89.

⁹⁴ SJRWMD, *Water Supply: An Overview of Minimum Flows and Levels*, <http://www.sjrwmd.com/minimumflowsandlevels/> (last visited Mar. 5, 2015).

⁹⁵ DEP, *Minimum Flows and Levels*, <http://www.dep.state.fl.us/water/waterpolicy/mfl.htm> (last visited Mar. 5, 2015).

⁹⁶ *Supra* note 28, at 3-5.

⁹⁷ Florida Senate Committee on Environmental Preservation and Conservation, *SB 244 Analysis*, 2 (Feb. 22, 2013), available at <http://flsenate.gov/Session/Bill/2013/0244/Analyses/2013s0244.ep.PDF> (last visited Mar. 5, 2015).

⁹⁸ *Id.*

MFLs apply to decisions affecting permit applications, declarations of water shortages, and assessments of water supply sources. Computer water budget models for surface waters and groundwater are used to evaluate the effects of existing and/or proposed consumptive uses and the likelihood they might cause significant harm. The WMD governing boards are required to develop recovery or prevention strategies in those cases where a water body or watercourse currently does not or is anticipated to not meet an established MFL. Water uses cannot be permitted that cause any MFL to be violated.⁹⁹

Prior to the passage of the Water Resources Act in 1972,¹⁰⁰ MFLs were defined in statute:

- Average minimum flow - the average of the five lowest monthly mean discharge for each month, January through December, occurring during the past twenty years of natural flow. The determination was based on available flow data or in the absence of such data, it was established by reasonable calculations; and
- Average minimum level - the average of the minimum thirty days lake water level occurring during each of the five years of lowest levels in the period of the preceding twenty consecutive years. The determination was based upon available lake level data, supplemented when available by reasonable calculations.¹⁰¹

The Water Resources Act of 1972 changed the way minimum flows and minimum levels were defined:

- The minimum flow for a given watercourse is the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area; and
- The minimum water level is the level of ground water in an aquifer and the level of surface water at which further withdrawals would be significantly harmful to the water resources of the area.¹⁰²

The ecology of groundwater resources was thought to be non-existent at the time of the 1972 act.

Consumptive Use Permits

A CUP establishes the duration and type of water use as well as the maximum amount of water that may be withdrawn daily. Pursuant to s. 373.219, F.S., each CUP must be consistent with the objectives of the issuing WMD or the DEP and may not be harmful to the water resources of the area. To obtain a CUP, an applicant must establish that the proposed use of water satisfies the statutory test, commonly referred to as “the three-prong test.” Specifically, the proposed water use must:

- Be a “reasonable-beneficial use” as defined in s. 373.019(16), F.S.;
- Not interfere with any presently existing legal use of water; and
- Be consistent with the public interest.

⁹⁹ *Supra* note 94.

¹⁰⁰ Chapter 72-299, Laws of Fla.

¹⁰¹ Section 373.081, F.S. (1971).

¹⁰² *Supra* note 100.

Consolidated Water Management District Annual Reports

Each WMD must prepare and submit to the DEP, the Governor, the President of the Senate, and the Speaker of the House of Representatives a consolidated water management district annual report on the management of water resources. Copies of the report are available to the public.¹⁰³

The report must contain:

- A district water management plan annual report. Alternatively, it may contain the annual work plan report,¹⁰⁴ which details the implementation of the strategic plan for the previous fiscal year, addressing success indicators, deliverables, and milestones;¹⁰⁵
- The DEP approved MFLs annual priority list and schedule;
- The annual five-year capital improvements plan;
- The alternative water supplies annual report;
- The final annual five-year water resource development work program;
- The Florida Forever Water Management District Work Plan annual report;
- The mitigation donation annual report; and
- Any additional information the WMD deems appropriate.

Additionally, the South Florida WMD must include the:

- Lake Okeechobee Protection Program annual progress report;
- Everglades annual progress reports;
- Everglades restoration annual report; and
- Everglades Trust Fund annual expenditure report.¹⁰⁶

Rural Areas of Opportunity

Rural areas of opportunity are rural communities and regions composed of rural communities designated by the Governor that have been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster, or that presents a unique economic development opportunity of regional impact.¹⁰⁷

Rural communities are defined as:

- Counties with a population of 75,000 or fewer;
- Counties with a population of 125,000 or fewer that are contiguous to a county with a population of 75,000 or fewer;
- Designated municipalities within a county that meet the thresholds of the two previous criteria; or
- An unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or less and an employment base focused on traditional agricultural or

¹⁰³ Section 373.036(7)(a), F.S.

¹⁰⁴ Section 373.036(7)(b)1., F.S.

¹⁰⁵ Section 373.036(2)(e)4., F.S.

¹⁰⁶ Section 373.036(7), F.S.

¹⁰⁷ Section 288.0656(2)(d), F.S.

resource-based industries, located in a county not defined as rural, which has at least three or more of the economic distress factors identified below:¹⁰⁸

- Low per capita income;
- Low per capita taxable values;
- High unemployment;
- High underemployment;
- Low weekly earned wages compared to the state average;
- Low housing values compared to the state average;
- High percentages of the population receiving public assistance;
- High poverty levels compared to the state average; and
- A lack of year-round stable employment opportunities.¹⁰⁹

Northern Everglades and Estuaries Protection Program

In 2000, the Legislature passed the Lake Okeechobee Protection Act (LOPA), which established a restoration and protection program for the lake. In 2007, the Legislature amended the LOPA,¹¹⁰ which is now known as the Northern Everglades and Estuaries Protection Program. NEEPP promotes a comprehensive, interconnected watershed approach to protect Lake Okeechobee and the Caloosahatchee and St. Lucie Rivers. It includes the Lake Okeechobee, Caloosahatchee River, and the St. Lucie River Watershed Protection Programs.¹¹¹

The plans developed under NEEPP for each of the three Northern Everglades watersheds identify actions to help achieve water quality and water quantity objectives for the watersheds and to restore habitat. Water quality objectives are based on TMDLs developed by the DEP. The TMDL for Lake Okeechobee is 140 metric tons of total phosphorus per year, of which 105 metric tons can come from the watershed tributaries and 35 metric tons can come from atmospheric deposition.¹¹²

The SFWMD, in cooperation with DACS and the DEP, collectively known as the coordinating agencies, developed the Lake Okeechobee Watershed Protection Plan (LOWPP), which is reevaluated every three years pursuant to NEEPP. The LOWPP's three main components are the:

- Lake Okeechobee Watershed Construction Project, which includes the Phase I and Phase II Technical Plans;
- Lake Okeechobee Watershed Phosphorus Control Program; and
- Lake Okeechobee Watershed Research and Water Quality Monitoring Program.

It also includes the Lake Okeechobee Exotic Species Control Program and the Lake Okeechobee Internal Phosphorus Management Program.¹¹³

¹⁰⁸ Section 288.0656(2)(e), F.S.

¹⁰⁹ Section 288.0656(2)(c), F.S.

¹¹⁰ Chapter 2007-253, LAWS of Fla.

¹¹¹ SFWMD, *2014 South Florida Environmental Report: Lake Okeechobee Watershed Protection Program Annual and Three-Year Update*, 8-2 (2014), available at http://my.sfwmd.gov/portal/page/portal/pg_grp_sfwmd_sfer/portlet_prevreport/2014_sfer/v1/chapters/v1_ch8.pdf (last visited Mar. 26, 2015).

¹¹² *Id.* at 8-10.

¹¹³ *Id.* at 8-10.

Section 373.4595, F.S., describes the purposes of the five programs. The Lake Okeechobee Watershed Construction Project improves the hydrology and water quality of Lake Okeechobee and downstream receiving waters, including the Caloosahatchee and St. Lucie Rivers and Estuaries. The Lake Okeechobee Phosphorus Control Program is designed to be a multifaceted approach to reducing phosphorus loads by improving the management of phosphorus sources within the Lake Okeechobee watershed. The Lake Okeechobee Watershed Research and Water Quality Monitoring Program assesses sources of phosphorus, evaluates the feasibility of alternative nutrient reduction technologies, and evaluates water quality data. The Lake Okeechobee Internal Phosphorus Management Program addresses phosphorus removal. Lastly, the Lake Okeechobee Watershed Research and Water Quality Monitoring Program assesses sources of phosphorus, evaluates the feasibility of alternative nutrient reduction technologies, and evaluates water quality data.

Lake Okeechobee Basin Management Action Plan

The Lake Okeechobee BMAP was adopted in December 2014. For the first phase of the BMAP, the DEP is focusing on project implementation in the following six sub-watersheds north of the lake:

- The Upper Kissimmee;
- The Lower Kissimmee;
- Taylor Creek/Nubbin Slough;
- Lake Istokpoga;
- Indian Prairie; and
- Fisheating Creek.¹¹⁴

The anticipated outcomes of the BMAP's implementation are:

- Improvements in water quality trends in the Lake Okeechobee Watershed;
- Decreased loading of total phosphorus and total nitrogen;
- Decreased loading of total phosphorus and total nitrogen to the St. Lucie and Caloosahatchee Estuaries;
- Increased coordination between state and local governments to achieve surface water quality restoration;
- Determination of effective projects through the stakeholder decision-making and priority-setting processes;
- Enhanced public awareness of stormwater runoff, pollutant sources, pollutant impacts on water quality, and corresponding corrective actions; and
- Enhanced understanding of basin hydrology, water quality, pollutant sources, and legacy loads.

¹¹⁴ DEP, *Basin Management Action Plan for the Implementation of Total Maximum Daily Loads for Total Phosphorus*, xii (Dec. 2014), available at <http://www.dep.state.fl.us/water/watersheds/docs/bmap/LakeOkeechobeeBMAP.pdf> (last accessed Mar. 26, 2015).

The DEP states the plan will reduce total phosphorus entering the lake by 33 percent over the next 10 years.¹¹⁵

The Caloosahatchee and St. Lucie River Watershed Protection Programs

The Caloosahatchee and St. Lucie River Watershed Protection Programs are designed to protect and restore surface water resources by addressing the reduction of pollutant loadings, restoration of natural hydrology, and compliance with applicable state water quality standards through a phased program. The program objective is to reduce pollutant loads based upon adopted TMDLs. Both the Caloosahatchee and St. Lucie River Watershed Protection Plans consist of a river watershed construction project, a watershed pollutant control program, and watershed research and water quality monitoring program.¹¹⁶ To address nutrient pollution in the Caloosahatchee and St. Lucie Watersheds, the DEP adopted the Caloosahatchee Estuary BMAP in November 2012 and the St. Lucie River and Estuary BMAP in May 2013. The BMAP for the upper Caloosahatchee River watershed is under development.

Central Florida Water Initiative

The areas encompassed by the CFWI Planning Area, which consists of all of Orange, Osceola, Seminole, and Polk counties and southern Lake County, have traditionally relied on groundwater from the Floridan aquifer system as the primary source of water. The three WMDs serving the area are the SFWMD, the Southwest Florida Water Management District (SWFWMD), and the St. Johns River Water Management District (SJRWMD).¹¹⁷

In the past, the three WMDs worked independently to resolve water resource issues, but the decisions of one district can affect the water resources of another. Currently, the WMDs are working collaboratively with other agencies and stakeholders to implement consistent water resource planning, development, and management through the CFWI. However, each WMD currently relies on its own existing criteria to review CUP applications, which leads to inconsistencies and confusion as it relates to permit applications for projects that overlap multiple WMD boundaries.¹¹⁸

In 2006, the three WMDs agreed to a Central Florida Coordination Area Action Plan to address the near-term and long-term development of water supplies in the central Florida region.¹¹⁹ Phase I of the action plan created a framework to deal with the short-term water resource issues and concluded with interim water use regulations limiting groundwater withdrawals to projected

¹¹⁵ DEP, *DEP Adopts Restoration Plan for Lake Okeechobee*, (Dec. 16, 2014), <https://depnewsroom.wordpress.com/2014/12/24/dep-adopts-restoration-plan-for-lake-okeechobee/> (last visited Mar. 16, 2015).

¹¹⁶ SFWMD, *2014 South Florida Environmental Report: Lake Okeechobee Watershed Protection Program Annual and Three-Year Update*, App. 10-2-3 (2012), available at http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/crwpp_2012update_sfer_voli_app10_2.pdf (last visited Mar. 26, 2015).

¹¹⁷ Central Florida Water Initiative, *An Overview*, http://cfwiwater.com/pdfs/2012/06-28/CFWI_Overview_fact_sheet.pdf (last accessed Mar. 16, 2015).

¹¹⁸ *Id.*

¹¹⁹ Central Florida Water Initiative, *Central Florida Water Initiative Guiding Document*, 2 (Jan. 30, 2015), available at http://cfwiwater.com/pdfs/CFWI_Guiding_Document_2015-01-30.pdf (last visited Mar. 26, 2015).

2013 demands and required development of alternative water supplies for future needs. The interim Central Florida Coordination Area rules expired on December 31, 2013, and additional rules specific to the Central Florida Coordination Area have not been promulgated.¹²⁰

Phase II of the action plan began in 2009. The initial objective was to establish new rules prior to the December 31, 2013, sunset date and to implement a long-term approach to water resource management in central Florida. Phase II of the action plan involved coordinated activities on a variety of issues including:

- Regional water supply planning;
- Investigations and development of traditional and alternative water supply projects;
- Assessment of environmental impacts and groundwater sustainability; and
- Development of water use rules and permitting criteria.¹²¹

The main planning tool for the Phase II process was the development and calibration of the necessary hydrologic models to determine the sustainability of the groundwater supplies. The Phase II process was suspended, however, because of the complexity of the effort and the desire for consensus among stakeholders. Because of those problems, the Phase II effort did not meet the rulemaking deadlines prior to expiration of the interim rule. Additionally, because of the economic downturn in central Florida, the need for and use of permitted water demands in 2013 was lower than expected.¹²²

To address the limitations of the 2006 Central Florida Coordination Area Action Plan schedule and still fulfill the overarching objectives outlined in that plan, the CFWI was created in 2011. The CFWI builds on the work of the Central Florida Coordination Area. Both efforts focus on an area that includes all of Orange, Osceola, Seminole, and Polk counties, and southern Lake County. The three affected WMDs, along with the DEP, DACS, regional public water supply utilities, and other stakeholders are collaborating to develop a unified process to address central Florida's current and long-term water supply needs.¹²³ It is led by a steering committee comprised of:

- A public water supply utility representative;
- One designated governing board member from each of the WMDs;
- A representative from the DEP; and
- A representative from DACS.¹²⁴

The guiding principles of the CFWI are:

- Identify the sustainable quantities of traditional groundwater sources available for water supply that can be used without causing unacceptable harm to the water resources and associated natural systems;
- Develop strategies to meet water demands that are in excess of the sustainable yield of existing traditional groundwater sources, implement demand management, and identify

¹²⁰ *Id.*

¹²¹ *Id.*

¹²² *Id.* at 3.

¹²³ *Id.* at 3.

¹²⁴ *Id.* at 5.

alternative water supplies that can be permitted and will be implemented as demands approach the sustainable yield of existing sources; and

- Establish consistent rules and regulations for the three WMDs that meet the goals of the CFWI.¹²⁵

The goals of the CFWI are:

- One hydrologic model;
- A uniform definition of harm;
- One reference condition;
- A process for permit reviews;
- A consistent process, where appropriate, to set MFLs and reservations; and
- A coordinated regional water supply plan, including any needed recovery and prevention strategies.¹²⁶

Works of the District Permits

The Works of the District rule¹²⁷ was implemented in 1989. The scope of the original rule was to implement the Surface Water Improvement and Management Plan for Lake Okeechobee, which was designed to reduce loading to Lake Okeechobee to 397 tons of phosphorus per year. In 2000, the passage of the Lake Okeechobee Protection Act required landowners in the Lake Okeechobee watershed to either implement BMPs or monitor to demonstrate compliance with the Works of the District program.

In Lake Okeechobee, a Works of the District permit is required if an entity owns a parcel of land half an acre or greater within a Lake Okeechobee Drainage Basin that connects to or makes use of the Works of the District within the Lake Okeechobee Drainage Basin. The land areas and uses subject to the permits are described in Rules 40E-61.041 and 40E-61.042, F.A.C., both of which relate to permits required in the Lake Okeechobee Drainage Basin. Works of the District Permits are also required for activities in the Everglades Agricultural Area and the C-139 Basin. Rules concerning permits in the Everglades Agricultural Area may be found in Rule 40E-63, F.A.C.

III. Effect of Proposed Changes:

Section 1 amends s. 259.032, F.S., to require the DEP to develop, publish, update, and maintain a database of state conservation and recreation lands that allow public access. The bill requires the database to be available online by July 1, 2016. The database must include, at a minimum:

- The location of the lands;
- The types of allowable recreational opportunities;
- The points of public access;
- Facilities or other amenities; and
- Land use restrictions.

¹²⁵ *Id.* at 5

¹²⁶ *Id.* at 5

¹²⁷ Fla. Admin. Code R. 40E-61.

The DEP is to include any additional information that is appropriate to increase the public awareness of recreational opportunities on conservation lands. The database must be electronically accessible, searchable, and downloadable in a generally acceptable format.

The bill directs the DEP, through its own efforts or in partnership with a third party, to create a downloadable mobile application to locate state lands available for public access using the user's current location or activity of interest. The database and application must include information for all publicly accessible state conservation lands that serve a recreational purpose.

The bill requires that beginning January 1, 2018, to the greatest extent practicable, the database must include similar information for recreational lands with public access that are owned by the federal and local governments.

The bill requires the DEP to submit a report by January 1 of each year to the Governor, the President of the Senate, and the Speaker of the House of Representatives, describing the percentage of public lands with public access acquired under s. 259.032, F.S., and efforts taken by the DEP to increase public access to such lands.

Section 2 amends s. 260.0144 F.S., to specify the Shared-Use Nonmotorized Trail Network is not included in the sponsorship provisions of state greenways and trails under s. 260.0144, F.S.

The bill removes the Florida Keys Overseas Heritage Trail, the Blackwater Heritage Trail, the Tallahassee-St. Marks Historic Railroad State Trail, the Nature Coast State Trail, the Withlacoochee State Trail, the General James A. Van Fleet State Trail, and the Palatka-Lake Butler State Trail trails from the sponsorship provisions under s. 260.0144, F. S. They are addressed in section 6 of the bill.

Section 3 amends s. 335.065, F.S., to remove the FDOT's authority to enter contracts for commercial sponsorship of multiuse trails. The authority to enter into contracts for commercial sponsorship of multiuse trails is addressed in section 6 of the bill.

Section 4 creates s. 339.81, F.S., to establish the SunTrail as a component of the FGTS established in ch. 260, F.S. The network consists of multiuse trails or shared use paths that are independent of motor vehicle traffic.

The bill provides legislative findings:

- Increasing demands continue to be placed on the state's transportation system;
- Significant challenges exist in providing additional capacity to the conventional transportation system and require alternative travel modes; and
- Improving bicyclist and pedestrian safety for both residents and visitors remains a high priority.

Provides the Legislative declaration that the development of a nonmotorized trail network will increase mobility and recreational alternatives that enrich quality of life, enhance safety, and that reflect responsible environmental stewardship.

Provides the Legislative intent, that the FDOT should make use of its expertise to develop the SunTrail network to access a variety of origins and destinations with limited exposure to motorized vehicles.

The bill specifies that SunTrails are constructed with asphalt, concrete, or another hard surface, and by the virtue of the design, location, extent of connectivity or potential connectivity, and allowable uses, provide nonmotorized transportation opportunities for bicyclists and pedestrians between and within many points of origin and destinations including, but not limited to, communities, conservation areas, state parks, beaches, and other natural or cultural attractions for a variety of trip purposes including work, school, shopping, social, recreational, and personal fitness purposes.

The SunTrail components do not include sidewalks, nature trails, or loop trails in a single park or natural area, or on-road facilities, other than:

- On-road facilities that are no greater than one-half mile in length connecting two or more nonmotorized trails, if the provision of the non-road facility is unfeasible and if the on-road facility is signed and marked for nonmotorized use; and
- On-road components of the Florida Keys Overseas Heritage Trail.

The bill requires the FDOT to include SunTrail projects within the five-year work program. The FDOT and other agencies and units of government are authorized to expend funds and accept gifts and grants of funds, property, and property rights for the development of the SunTrail network. The FDOT is required to allocate \$50 million per year to fund and maintain projects within the network. The FDOT is authorized to enter into memoranda of agreement with other governmental entities and may contract with private entities to provide maintenance services on individual components of the network. The FDOT is authorized to adopt rules to assist in developing and maintaining the network.

Section 5 creates s. 339.82, F.S., to direct the FDOT to develop the SunTrail Network Plan in coordination with the DEP, metropolitan planning organizations, local governments, other public agencies, and the Florida Greenways and Trails Council. The plan must be consistent with the FGTS plan developed under s. 260.014, F.S., and be updated at least once every five years. The SunTrail plan must include:

- A needs assessment, including a comprehensive inventory of existing facilities;
- A process that prioritizes projects that:
 - Are identified by the Florida Greenways and Trails Council as priority projects under ch. 260, F.S.;
 - Connect components by closing gaps in the network; and
 - Maximize use of federal, local, and private funds.
- A map showing existing and planned facilities;
- A finance plan in five and 10-year cost-feasible increments;
- Performance measures focusing on trail access and connectivity;
- A timeline for completion of the base network; and
- A marketing plan prepared in conjunction with the Florida Tourism Industry Marketing Corporation.

Section 6 creates s. 339.83, F.S., to provide for sponsorship of SunTrail components by not-for-profit or private sector entities. The bill provides guidance on sponsor signs, pavement markings, and exhibits on nonmotorized trails and related facilities constructed as part of the SunTrail network.

The bill authorizes concession agreements to provide for recognition of trail sponsors in any brochure, map, or website providing trail information. The bill also allows trail websites to provide links to sponsors. Revenue from the agreements may be used for the maintenance of the nonmotorized trails and the related facilities.

The bill requires the concession agreements to be administered the FDOT. The signage, pavement markings, or exhibits must comply with s. 337.407, F.S., and ch. 479, F.S., and are limited as follows:

- A large sign, pavement marking, or exhibit may not be greater than 16 square feet in area and may be located at the trailhead or parking area;
- A small sign, pavement marking, or exhibit may not be greater than four square feet in area and may be located at the designated trail access point where parking is not provided;
- The pavement markings denoting specified distances must be located at least one mile apart;
- Prior to installation, the sign, pavement marking, or exhibit must be approved by the FDOT;
- The FDOT must ensure:
 - The size, color, materials, construction, and location of the signs are consistent with the management plan of the property and the standards of the DEP or the FDOT;
 - The signs do not intrude on natural and historic settings; and
 - The signs only contain the logo selected by the sponsor and the wording: “(Name of the sponsor)...proudly sponsors the costs of maintaining the ...(Name of the greenway or trail)”;
- Exhibits may provide additional information and materials including, but not limited to, maps and brochures for trail user services related to or in the vicinity of the trail;
- Pavement markings may display mile marker information; and
- All costs associated with a sign, pavement marking, or exhibit must be the responsibility of the concessionaire.

The bill limits the concession agreement to one year unless extended by a multiyear agreement and the FDOT may terminate the agreement for just cause with 60 days advance notice to the concessionaire.

The bill authorizes the FDOT to contract for the provision of services related to the trail sponsorship program including recruitment and qualifications of businesses, review of applications, permit issuance, and fabrication, installation, and maintenance of signs, pavement markings, and exhibits. The FDOT is authorized to reject proposals and to seek other requests for proposals or otherwise perform the work. The contract may allow the contractor to retain a portion of the annual fees as compensation for services.

The bill does not create a proprietary or compensable interest in any sponsorship site and the FDOT may terminate permits or change locations of sponsorship sites as it deems necessary.

The FDOT is authorized to adopt rules to establish the requirements for qualification of businesses, qualification and location of sponsorship sites, permit application and processing, and any rules necessary to implement the criteria of the section.

The bill allows the FDOT to provide variances when necessary to serve the interest of the public or when required to ensure equitable treatment of program participants.

Section 7 amends s. 373.019, F.S., to amend the definition of “Water Resource Development” to add “self-suppliers” to the list of entities that may receive technical assistance as long as such assistance is consistent with the declaration of policy in s. 373.016, F.S.

Section 8 amends s. 373.036, F.S., to provide additional information to be included in the Consolidated Water Management District Annual Report. The information required is related to all water quality or water quantity projects as part of a five-year work program. The following must be included:

- All projects identified to implement a BMAP or recovery or prevention strategy;
- A grade for each watershed, water body, or water segment where a project is located representing the level of impairment and violations of adopted or interim minimum flow or minimum water level. The system must reflect the severity of the impairment;
- Priority ranking of each listed project, for which state funding through the water resources work program is requested, which must be available for public comment at least 30 days before submission of the consolidated annual report;
- Estimated cost of each project;
- Estimated completion date for each project;
- Source and amount of financial assistance that will be made available by the DEP, a WMD, or some other entity for each project; and
- A quantitative estimate of each project’s benefit to the watershed, water body, or water segment in which it is located.

Section 9 amends s. 373.042, F.S., to define MFLs for OFSs to be the limit and level at which further withdrawals would be harmful to the water resources or ecology of the area. The current standard is “significantly harmful.”

The bill directs the DEP and WMDs to establish interim MFLs until MFLs are adopted for an OFS pursuant to s. 373.042, F.S. If an MFL has been established but not adopted, the established MFL is the interim MFL.

If an MFL has not been established or adopted, the interim values must be determined using the best existing available information. Upon analysis of estimated long term conditions, the bill defines the interim MFL as the flow or water level exceeded 67 percent of the time. The bill provides guidance for the analysis and a deadline of July 1, 2016, for determining interim MFLs for OFSs. Long-term or short-term seasonal or annual variations in flows or water levels of an OFS due to factors other than water withdrawals are not considered violations of an interim MFL.

For OFSs that are on a WMD's priority list for establishing MFLs that have the potential to be affected by withdrawals in any adjacent WMD, the interim MFL will also be applied to the other district or districts. The bill sets a deadline of July 1, 2017, for the DEP and WMDs to develop and implement a recovery or prevention strategy for an OFS not meeting its adopted or interim MFL.

The bill specifies that the Legislature finds the failure to adopt MFLs or recovery or prevention strategies for OFSs has resulted in an immediate danger to public health, safety, and welfare and immediate action must be taken.

The bill provides the DEP with emergency rulemaking authority to adopt interim MFLs and recovery or prevention strategies concurrent with an interim MFL. They will remain in effect until January 1, 2018, and may not be renewable except as otherwise provided.

Section 10 amends s. 373.0421, F.S., concerning the establishment of MFLs, by adding a cross-reference to incorporate the "harm" standard, as opposed to the "significant harm" standard when addressing MFLs for OFSs.

The bill provides that a recovery or prevention strategy must be adopted and implemented concurrent with the adoption of an MFL and that a recovery or prevention strategy may not depend solely on water shortage restrictions.

The bill requires applicable regional water supply plans developed by the WMDs to be amended to include any water supply and resource development projects identified in a recovery or prevention strategy. The amendment must be approved concurrently with the relevant portions of the recovery or prevention strategy.

The bill requires a WMD to notify the DEP if an application for a water use permit is denied based upon the impact that the use will have on an adopted MFL. If notified, the DEP, in cooperation with the WMD, must conduct a review of the regional water supply plan to determine the plan's adequacy to provide sufficient water for all current and future users and natural systems and to avoid competition. If needed, the WMD must immediately initiate an update of the plan.

Section 11 creates s. 373.0465, F.S., to codify the CFWI in statute.

It provides the following legislative findings:

- The Floridan aquifer has historically supplied the majority of the water used in the Central Florida Coordination Area;
- It has been determined that water supplies within the Central Florida Coordination Area is locally approaching the sustainable limits of use and the need to develop sources of water to meet long-term water needs of the area and are being explored by the DEP and the SFWMD, SWFWMD, and SJRWMD;
- The CFWI has developed an initial framework for a unified process to address the current and long-term water supply needs of central Florida without causing harm to the water resources and associated natural systems; and

- Developing water sources as an alternative to continued reliance on the Floridan aquifer will benefit existing and future water users and natural systems beyond the boundaries of the CFWI.

The bill defines the “Central Florida Water Initiative Area” as all of Orange, Osceola, Polk, and Seminole Counties, and southern Lake County, as designated by the CFWI Guiding Document of January 30, 2015.

It directs the DEP, the SFWMD, the SWFWMD, the SJRWMD, and DACS to:

- Provide for the continuation of the collaborative process in the CFWI area among the state agencies, affected WMDs, regional public water supply utilities, and other stakeholders;
- Build on the guiding principles and goals in the CFWI Guiding Document of January 30, 2015, and the work that has already been accomplished by the CFWI participants;
- Develop and implement a single multidistrict regional water supply plan, including any needed recovery or prevention strategies and a list of water resource or supply development projects; and
- Provide for a single hydrologic planning model to assess the availability of groundwater in the CFWI area.

The bill specifies that the water supply planning program must:

- Consider limitations on groundwater use together with opportunities for new, increased, or redistributed groundwater uses based on conditions established under s. 373.223, F.S.;
- Establish a coordinated process for identification of water resources requiring new or revised conditions established under s. 373.223, F.S.;
- Consider existing recovery or prevention strategies;
- Include a list of water supply options sufficient to meet the water needs of all existing and future reasonable-beneficial uses which meet conditions established under s. 373.223, F.S.; and
- Identify, as necessary, which of the water supply sources are preferred water supply sources pursuant to s. 373.2234, F.S.

The bill directs the DEP, in consultation with the SFWMD, SWFWMD, SJRWMD, and DACS to adopt uniform rules for the CFWI Area that include:

- A single, uniform definition of “harmful to the water resources” consistent with its usage in s. 373.219, F.S.;
- A single method for calculating residential per capita water use;
- A single process for permit reviews;
- A single, consistent process, as appropriate, to set MFLs and water reservations;
- A goal for residential per capita water use for each consumptive use permit; and
- An annual conservation goal for each CUP consistent with the regional water supply plan.

It further provides that the uniform rules must include existing recovery strategies within the CFWI Area adopted before July 1, 2015, and that the DEP may grant variances to the uniform rules if there are unique circumstances or hydrogeological factors that make application of the uniform rules unrealistic or impractical.

The DEP is required to initiate rulemaking for the uniform rules by December 31, 2015. Those rules must be applied by the WMDs only in the CFWI Area. The rules must be implemented by the WMDs without further rulemaking and will be considered WMD rules.

The planning programs developed under this section of the bill may not serve to modify planning programs in areas of the affected WMDs that are not within the CFWI Area, but may include interregional projects located outside the CFWI Area if they are consistent with the planning and regulatory programs in the area they are located.

Section 12 amends s. 373.1501, F.S., to provide that the SFWMD will exercise the authority of the state to allocate water within its jurisdiction, including water supply in relation to the Central and Southern Florida (C&SF) Project, and be responsible for allocating water and assigning priorities among the other water uses served by the project.

The bill requires the SFWMD to provide recommendations to the U.S. Army Corps of Engineers when developing or implementing water control plans or regulation schedules required for the operation of the C&SF Project.

Section 13 amends s. 373.223, F.S., to require a CUP authorizing more than 100,000 gallons per day to be monitored on a yearly basis with the cost to be borne by the permittee.

Section 14 amends s. 373.2234, F.S., to direct the governing boards of the WMDs to consider the identification of preferred water supply sources for water users for whom access to or development of new water supplies is not technically or financially feasible. The identification of preferred water supply sources for such water users must be consistent with s. 373.016, F.S., which concerns the policy of Florida with respect to water resources.

Section 15 amends s. 373.227, F.S., to prevent modifying a CUP during the term of the permit when actual water use is less than permitted water use due to documented implementation of water conservation measures. WMDs are required to adopt rules to provide water conservation incentives.

The bill also prevents modifying a permit if actual water use is less than the amount permitted due to:

- Weather events;
- Crop diseases;
- Nursery stock availability; or
- Changes in crop type.

Section 16 amends s. 373.233, F.S., to require a WMD or the DEP to give preference to the use closest to the preferred water source when deciding between two new applications that qualify equally.

Section 17 amends s. 373.4591, F.S., to provide that public-private partnerships may be entered into for groundwater recharge on private agricultural lands. It also provides that priority consideration will be given to public-private partnerships for such lands that:

- Store or treat water on private lands for purposes of enhancing hydrologic improvement, improving water quality, or assisting in water supply;
- Provide critical groundwater recharge; or
- Provide for changes in land use to activities that minimize nutrient loads and maximize water conservation.

Section 18 amends s. 373.4595, F.S., to make changes to the Northern Everglades and Estuaries Protection Program.

- The bill provides legislative intent that the Lake Okeechobee, the Caloosahatchee River, and the St. Lucie River Watershed Protection Programs should be expeditiously implemented.
- The bill defines the terms “biosolids” and “soil amendment” and removes the definitions of “District’s Works of the District Program” and the “Lake Okeechobee Watershed Phosphorous Control Program,” as all references to those programs are removed throughout this section of the bill.
- The definition of “Lake Okeechobee Watershed Protection Plan” (LOWPP) is amended to conform to other changes in the bill. The bill amends the definition to specify that the term means the Lake Okeechobee Watershed Construction Project and the Lake Okeechobee Watershed Research and Water Quality Monitoring Program.

The bill provides that the LOWPP consists of the:

- Lake Okeechobee Watershed Protection Plan;
- Lake Okeechobee Basin Management Action Plan;
- Lake Okeechobee Exotic Species Control Program; and
- Lake Okeechobee Internal Phosphorous Management Program.

The bill stipulates that the Lake Okeechobee BMAP is the component of the LOWPP that achieves phosphorus load reductions for the lake.

The bill amends s. 373.4595(3)(a), F.S., relating to the LOWPP, to:

- Require the SFWMD, beginning March 1, 2020, and every five years after, to update the LOWPP to ensure it is consistent with the Lake Okeechobee BMAP;
- Specify that the Lake Okeechobee Watershed Protection Plan includes the Lake Okeechobee Watershed Construction Project and the Lake Okeechobee Watershed Research and Water Quality Monitoring Program;
- Specify that the SFWMD is to cooperate with the other coordinating agencies when designing and constructing the Lake Okeechobee Watershed Construction Project;
- Specify that the Phase II technical plan of the Lake Okeechobee Watershed Construction Project provides the basis for the Lake Okeechobee BMAP and removes a requirement that it be ratified by the Legislature. According to the DEP, it was submitted for ratification on February 1, 2008;
- Direct the DEP, within five years after adoption of the Lake Okeechobee BMAP, and every five years thereafter, to evaluate the Lake Okeechobee Watershed Construction Project to identify any further load reductions needed to achieve compliance with the Lake Okeechobee TMDL. Any modification to the Lake Okeechobee Watershed Construction Project resulting from the evaluation must be incorporated into the Lake Okeechobee BMAP;

- Require the coordinating agencies to implement the Lake Okeechobee Watershed Research and Water Quality Monitoring Program and provide requirements for the program, and for the DEP to use the results, in cooperation with the coordinating agencies, to modify the Lake Okeechobee BMAP, as appropriate. In order to accomplish this, the program shall:
 - Evaluate all available existing water quality data concerning total phosphorus in the Lake Okeechobee watershed, develop a water quality baseline to represent existing conditions for total phosphorus, monitor long-term ecological changes, and measure compliance with WQSs for total phosphorus;
 - Require the DEP, beginning March 1, 2020, and every five years thereafter, to reevaluate water quality and quantity data to ensure the appropriate projects are being designated and incorporated into the Lake Okeechobee BMAP;
 - Require the SFWMD to implement a total phosphorus monitoring program at appropriate structures owned or operated by it within the Lake Okeechobee watershed;
 - Develop a Lake Okeechobee water quality model that reasonably represents the phosphorus dynamics of Lake Okeechobee and incorporate an uncertainty analysis associated with model predictions;
 - Determine the relative contribution of phosphorus from all identifiable sources and all primary and secondary land uses;
 - Conduct an assessment of the sources of phosphorus from the Upper Kissimmee Chain-of-Lakes and Lake Istokpoga, and their relative contributions to water quality in Lake Okeechobee. The results must be used as part of the Lake Okeechobee BMAP to develop interim measures, BMPs, or regulations, as applicable;
 - Assess current water management practices within the Lake Okeechobee watershed and develop recommendations for structural and operational improvements, which must balance water supply, flood control, estuarine salinity, maintenance of a healthy lake littoral zone, and water quality considerations;
 - Evaluate the feasibility of alternative nutrient reduction technologies and include those technologies determined to be feasible in the Lake Okeechobee BMAP; and
 - Conduct an assessment of the water volumes and timing from the Lake Okeechobee watershed and their relative contribution to the water level changes in Lake Okeechobee and to the timing and volume of water delivered to the estuaries.

The bill amends s. 373.4595(3)(b), F.S., to specify that the Lake Okeechobee BMAP is the watershed phosphorus control component for Lake Okeechobee. The bill requires the Lake Okeechobee BMAP to contain an implementation schedule for pollutant load reductions consistent with the adopted TMDL.

The coordinating agencies must develop an interagency agreement. The bill assigns responsibilities to the DEP, the SFWMD, and DACS. The interagency agreement must specify how BMPs for nonagricultural nonpoint sources are developed and how all BMPs are implemented and verified and must address measures to be taken by the coordinating agencies during any BMP reevaluation. The DEP is required to use best professional judgment in making the initial determination of a BMP's effectiveness. The coordinating agencies are authorized to develop an intergovernmental agreement with local governments to implement nonagricultural nonpoint source BMPs within their respective geographic boundaries.

The bill also:

- States that agricultural nonpoint source BMPs are part of a phased approach of management strategies within the Lake Okeechobee BMAP;
- Adds that where water quality problems are detected for agricultural nonpoint sources despite the appropriate implementation of adopted BMPs, BMPs may be revised and reevaluated;
- Specifies that the DEP, in consultation with the SFWMD and affected parties, shall develop nonagricultural nonpoint source interim measures, BMPs, or other measures necessary for Lake Okeechobee watershed TMDL reduction. It directs the DEP or the SFWMD to adopt new practices by rule;
- Provides that the requirements of the Lake Okeechobee BMAP and s. 403.067(7), F.S., for the Lake Okeechobee watershed are met through the implementation of agricultural BMPs set forth in a permit issued pursuant to Rule 40E-63, F.A.C., regarding the Everglades Program of the district. An entity in compliance with agricultural BMPs in Rule 40E-63, F.A.C., may elect to use the permit issued under Rule 40E-63, F.A.C., in lieu of the requirements of the Lake Okeechobee BMAP. The agricultural BMPs implemented through a permit issued under Rule 40E-63, F.A.C., are subject to reevaluation as provided for in s. 373.4595(3)(b)5., F.S.
- Requires DACS, in cooperation with the DEP and the SFWMD, to provide technical and financial assistance for implementation of agricultural and nonagricultural nonpoint source BMPs, subject to the availability of funds;
- Requires the DEP to require all entities disposing of biosolids within the Lake Okeechobee watershed and the remaining areas of Okeechobee, Glades, and Hendry Counties to develop and submit to the DEP an agricultural use plan that limits applications based upon phosphorus loading consistent with the Lake Okeechobee BMAP instead of the phosphorus limits established in the SFWMD's WOD program;
- Requires the SFWMD to revise Rule 40E-61, F.A.C., regarding the WOD program, to be consistent with the provisions of the Lake Okeechobee Watershed Protection Program and s. 403.067, F.S., and to provide for a monitoring program for nonpoint source dischargers required to monitor water quality by s. 403.067, F.S., and to provide the results to be reported to the coordinating agencies.
- Requires the SFWMD, in cooperation with the other coordinating agencies, to evaluate the feasibility of Lake Okeechobee internal phosphorous load removal projects. The evaluation must consider all reasonable methods of phosphorous removal.

The bill amends s. 373.4595(4), F.S., to include the following revisions to the Caloosahatchee and St. Lucie River Watershed Protection Programs:

- Regarding the Caloosahatchee Watershed Protection Program, the bill:
 - Specifies the Caloosahatchee River Watershed Protection Plan includes the Caloosahatchee River Watershed Construction Project and the Caloosahatchee River Watershed Research and Water Quality Monitoring Program;
 - Requires the SFWMD, in cooperation with other coordinating agencies and local governments, to implement a Caloosahatchee River Watershed Research and Water Quality Monitoring Program and provides requirements for the program; and
 - Specifies the Caloosahatchee River Watershed BMAPs make up the Caloosahatchee River Watershed Pollutant Control Program;

- Regarding the St. Lucie River Watershed Protection Program, the bill:
 - Specifies the St. Lucie River Watershed Protection Plan includes the St. Lucie River Watershed Construction project and the St. Lucie River Watershed Research and Water Quality Monitoring Programs;
 - Requires the SFWMD, in cooperation with other coordinating agencies and local governments, to establish a St. Lucie River Watershed Research and Water Quality Monitoring Program and provides requirements for the program;
 - Specifies the St. Lucie River Watershed BMAPs make up the St. Lucie River Watershed Pollutant Control Program.

For both programs, the bill requires the SFWMD to initiate rulemaking to provide for a monitoring program for nonpoint source dischargers required to monitor water quality and report the results to the coordinating agencies.

The bill requires evaluation of pollutant load reduction goals, and any other objectives and goals contained in the River Watershed Protection Programs beginning March 1, 2020, and every five years thereafter, concurrent with the updates to the BMAPs for both programs.

The bill amends s. 373.4595(5), F.S., to require the DEP to initiate development of BMAPs for the Lake Okeechobee watershed, the Caloosahatchee River watershed and estuary, and the St. Lucie River watershed and estuary, although all the BMAPs listed here are underway or already adopted.

It provides that management strategies and pollution reduction requirements set forth in a BMAP subject to permitting in s. 373.4595(7), F.S., must be completed pursuant to the schedule set forth in the BMAP, and specifies that the implementation schedule may extend beyond the five-year permit term.

The bill provides that management strategies and pollution reduction requirements set forth in a BMAP are not subject to challenge under ch. 120, F.S., at the time they are incorporated, in an identical form, into a DEP or SFWMD issued permit, or a permit modification issued in accordance s. 373.4595(7), F.S., regarding Lake Okeechobee Protection Permits.

The bill amends s. 373.4595(6), F.S., to require the DEP to report every year on March 1, on the status of the Lake Okeechobee, Caloosahatchee River Watershed, and St. Lucie River Watershed BMAPs. It also requires DACS to report on the status of the implementation of agricultural nonpoint source BMPs.

The bill amends s. 373.4596(7), F.S., to include the following changes to the permitting requirements in s. 373.4595, F.S.:

- Owners and operators of existing structures that discharge into or from Lake Okeechobee that were subject to certain DEP consent orders and are subject to requirements for the Everglades Construction Project do not require a permit under this section and must be governed by permits issued under ss. 373.413 and 373.416, F.S., and the Lake Okeechobee BMAP;
- Owners and operators of existing structures that are subject to s. 373.4592(4)(a), F.S., relating to the Everglades Construction Project, that discharge into or from Lake

Okeechobee, are considered in compliance with the requirements of s. 373.4596(7)(c), F.S., if they are fully compliant with the conditions of permits issued under Rule 40E-63, F.A.C., regarding the Everglades Program of the district;

- The SFWMD must obtain a permit modification from the DEP to the Lake Okeechobee structure permits to incorporate proposed changes necessary to ensure that discharges through the structures covered by the permit are consistent with the BMAP. It removes the provision stating that these changes must be designed to achieve compliance with WQSs by January 1, 2015;
- The DEP must require permits for SFWMD regional projects that are part of the Lake Okeechobee Watershed Construction Project. SFWMD regional projects that are part of the Lake Okeechobee Watershed Construction Project must achieve certain design objectives for phosphorus; and
- The SFWMD must demonstrate reasonable assurances that the regional projects will achieve the design objectives for phosphorus.

The bill provides that the BMAPs for Lake Okeechobee, the Caloosahatchee River watershed and estuary, and the St. Lucie River watershed and estuary are enforceable pursuant to ss. 403.067, 403.121, 403.141, and 403.161, F.S.

Section 19 amends s. 373.536, F.S., to require the WMDs to include an annual funding plan for each of the five years included in their plans for water resource and water supply development components.

The bill specifies that the plan must include the water supply projects proposed for funding and assistance. The plan will identify both anticipated available district funding and additional funding needs for the second through fifth years of the funding plan. Funding requests for projects submitted to the Florida Water Resources Advisory Council for consideration for state funding must be identified separately. Projects included in the work program must be shown how they support the implementation of MFLs and water reservations and how they help to avoid the adverse effects of competition for water supplies.

The bill requires the DEP to post the work program on its website.

Section 20 amends s. 373.703, F.S., regarding water production, to include private landowners on the list of entities that a WMD is authorized to join with in carrying out its duties.

Section 21 amends s. 373.705, F.S., to specify that it is the intent of the Legislature that WMDs identify and implement water resource development projects, and are responsible for securing necessary funding for regionally significant projects that prevent or limit adverse water resource impacts, avoid competition among water users, or support the provision of new water supplies in order to meet an MFL, implement a recovery or prevention strategy or water reservation.

It also requires the WMDs to include in their annual budget submittals the amount of funds for each project in the annual funding plan pursuant to s. 373.536(6)(a)4., F.S., (amended in section 19 of the bill) and the amount of funds requested for each project submitted for consideration for state funding to the Florida Water Resources Advisory Council.

The bill adds projects that reduce or eliminate the adverse effects of competition between legal users and the natural system to the list of projects that will be given first consideration for state or WMD funding assistance.

The bill adds “if the project reduces or eliminates the adverse effects of competition between legal users and the natural system,” to the list of considerations when choosing projects for state or WMD funding assistance.

The bill requires the WMDs to promote expanded cost-share criteria for additional conservation practices, such as soil and moisture sensors and other irrigation improvements, water-saving equipment, and water-saving household fixtures.

Section 22 amends s. 373.707, F.S., to include self-suppliers as entities that may receive technical and financial assistance from a WMD for alternative water supply projects if the projects reduce competition for limited water supplies and are in the public interest.

The bill provides that when state funds are provided through specific appropriation for a priority project of the water resource work program selected by the Water Resources Advisory Council, those funds serve to supplement existing WMD or basin board funding for alternative water supply development assistance and should not result in a reduction of such funding.

The bill replaces projects selected for inclusion in the Water Protection and Sustainability Program with projects identified in plans prepared pursuant to s. 373.536(6)(a)4., F.S., regarding projects included in the WMDs’ annual tentative and adopted budget submittals.

The bill expands the eligibility of local sponsors that a WMD may waive matching construction costs for an alternative water supply project for. Under existing law, only fiscally disadvantaged small local governments qualify. The bill authorizes the WMDs to waive the match requirement for any water user for projects determined by the WMD to be in the public interest and that are not otherwise financially feasible.

Section 23 amends s. 373.709, F.S., to require regional water supply plans to contain a list of water supply projects options that are technically and financially feasible.

It also requires the DEP report on the status of regional water supply planning in each WMD to include an analysis of the sufficiency of potential sources of funding from all sources for water resource development and water supply development projects. The report must also include an explanation of how each project identified in the five-year water resource development work program will contribute to additional water for MFLs or water reservations

Section 24 creates Part VIII of ch. 373, F.S., to consist of ss. 373.801, 373.802, 373.803, 373.805, 373.807, 373.811, 373.813, and 373.815, F.S., and provides the title, “Florida Springs and Aquifer Protection Act.”

Section 25 creates s. 373.801, F.S., to provide legislative findings and intent:

- Detailing the importance of Florida’s springs, and various benefits they provide to the state including providing critical habitat for plants and animals. They provide immeasurable

natural, recreational, economic, and inherent value. Water quality in springs is an indicator of local conditions of the Floridan Aquifer. Water flows in springs reflect regional aquifer conditions. They also provide recreational opportunities for Floridians and visitors to the state and economically benefit local and state economies;

- Stating that water quantity and water quality in springs may be related. It also specifies the primary responsibilities of the DEP, WMDs, DACS, and local governments;
- Recognizing that springs are only as healthy as their springsheds and identifying several of the problems affecting springs, including pollution runoff from urban and agricultural lands, stormwater runoff, and reduced water levels of the Floridan aquifer, which may have led to the degradation of many of Florida's springs;
- Recognizing that without significant action, the quality of Florida's springs will continue to degrade;
- Stating that springshed boundaries need to be delineated using the best available data;
- Recognizing that springsheds often cross WMD and local government jurisdictional boundaries, which requires a coordinated response;
- Recognizing that aquifers and springs are complex systems affected by many variables and influences; and
- Recognizing that action is urgently needed, and action can be continually modified as additional data is acquired.

Section 26 creates s. 373.802, F.S., to provide definitions for “department,” “local government,” “onsite sewage and treatment disposal system,” “spring run,” “springshed,” and “spring vent.”

The bill also defines:

- “Outstanding Florida Springs,” which includes all historic first magnitude springs, as determined by the DEP using the most recent version of the Florida Geological Survey's springs bulletin, excluding submarine springs. The following springs are also considered OFSs: Deleon Spring, Peacock Spring, Poe Spring Rock Springs, Wekiwa Spring, and Gemini Spring; and
- “Priority Focus Area,” meaning “the area or areas of a basin where the Floridan Aquifer is most vulnerable to groundwater withdrawals or pollutant inputs, where the groundwater travel times are the fastest, and where there is a known connectivity between groundwater pathways and an Outstanding Florida Spring, as determined by the department in consultation with the appropriate water management districts.”

Section 27 creates s. 373.803, F.S., to direct the DEP, in consultation with the WMDs, to delineate primary focus areas for each OFS or group of springs that contain one or more OFS, using the best available data. The bill requires the delineation of the priority focus areas to be completed by July 1, 2018. It directs the DEP to consider groundwater travel time, hydrogeology, and nutrient load when delineating the areas.

Section 28 creates s. 373.805, F.S., to direct either a WMD or the DEP to adopt a recovery or prevention strategy simultaneously with the adoption of an MFL for an OFS, if it is below, or projected within 20 years to fall below, an MFL.

If an interim MFL is established for an OFS, the WMD or DEP must adopt a recovery or prevention strategy by July 1, 2016, if the OFS is below, or projected within 20 years to fall below, the interim MFL.

For an OFS with an MFL adopted before July 1, 2015, the MFL must be revised by July 1, 2018, under the “harm” standard. When an MFL is revised, if the OFS is below, or projected within 20 years to fall below, the revised MFL, a WMD or the DEP must simultaneously adopt or modify a recovery or prevention strategy. The bill provides that a WMD or the DEP may adopt the revised MFL before the adoption of a recovery or prevention strategy if the revised MFL is less constraining on existing or projected future consumptive uses.

For any OFS without an adopted recovery or prevention strategy, a WMD or the DEP must expeditiously adopt a recovery or prevention strategy if the WMD or the DEP determines that the OFS has fallen below, or is projected within 20 years to fall below, the adopted or interim MFL.

The bill provides the following minimum requirements for a recovery or prevention strategy for OFSs:

- A list of all specific projects identified for implementation of the plan;
- A priority listing of each project;
- For each project, the estimated cost and date of completion;
- The source and amount of financial assistance from the WMD for each project. Except for the Northwest and Suwanee River WMDs, it may not be less than 25 percent of the total cost unless there are funding sources that provide more than 75 percent of the total cost of the project;
- An estimate of each project’s benefit to an OFS; and
- An implementation plan with a goal to achieve the adopted or interim MFL within 20 years or less after the adoption of a recovery or prevention strategy, with measurable interim milestones to be achieved within 5, 10, and 15 years, respectively, intended to achieve the adopted or interim MFL.

The bill also provides for extensions of up to five years for local governments for any project in an adopted recovery or prevention strategy, which may be granted if the local government provides sufficient evidence that an extension is in the best interest of the public. If the local government is in a rural area of opportunity, the DEP may grant an extension of up to 10 years.

Section 29 creates s. 373.807, F.S., to provide a deadline of July 1, 2015, for the DEP to initiate assessment of any OFS for which a determination of impairment has not been made and complete the assessment of them under the numeric nutrient standards for spring vents by July 1, 2018. The bill requires that:

- When a TMDL is adopted, the DEP, or the DEP in coordination with a WMD, will simultaneously initiate development of a BMAP;
- For an OFS that has an adopted nutrient TMDL before July 1, 2015, the DEP, or the DEP in coordination with a WMD, will initiate development of a BMAP by July 1, 2015; and
- As the BMAP is developed, if OSTDSs are identified as a significant source of pollution that needs to be addressed within a local government jurisdiction, the DEP must notify the local

government within 30 days. The local government must develop an OSTDS remediation plan for those systems identified as significant nonpoint sources of nutrient pollution for inclusion in the BMAP.

BMAPs for OFSs must be adopted within three years of their initiation and must include:

- A list of all projects for implementing a TMDL;
- A list of all projects in an OSTDS remediation plan, if applicable;
- A priority ranking of all projects;
- The estimated cost and completion date of each project;
- The source and amount of any financial assistance from the DEP, WMD, or other entity;
- The estimate of each project's nutrient load reduction;
- The identification of each point source or category of nonpoint sources with an estimated allocation of the pollutant load for each point source and category of nonpoint sources; and
- An implementation plan detailing how the TMDL is intended to be achieved within 20 years or less after the adoption of a BMAP along with interim milestones to be achieved at 5, 10, and 15 years, respectively, intended to achieve the adopted TMDL.

The bill requires BMAPs adopted by July 1, 2015, that affect an OFS to be revised by the DEP, or the DEP in conjunction with a WMD, by July 1, 2018. Any OSTDS remediation plans approved by the DEP will be considered incorporated in an existing BMAP until the BMAP is revised. Additionally, a local government may apply for an extension of up to five years, or 10 years in the case of a local government within a rural area of opportunity, for any project in an adopted BMAP upon showing that an extension is in the best interest of the public.

Within six months of delineating a priority focus area of an OFS located fully or partially within a local government's jurisdictional boundaries, the local government must adopt an ordinance that meets or exceeds the requirements of the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes. The ordinance must require that, within a priority focus area of an OFS with an adopted nutrient TMDL, the nitrogen application rate of fertilizer may not exceed the lowest, basic maintenance rate of the most recent recommendations by the University of Florida's Institute of Food and Agricultural Sciences (IFAS). The DEP must adopt rules to implement this provision that establish reasonable minimum standards and reflect advancements or improvements regarding nutrient load reduction.

Notwithstanding ss. 381.0064, 381.0065, 381.00651, 381.00655, 381.0066, 381.0067, and 381.0068, F.S., regarding OSTDSs, by July 1, 2017, the DEP, in conjunction with the DOH and local governments, must identify OSTDSs within each priority focus area and provide that information to the local governments where they are located within 60 days. If the DEP determines that OSTDSs within a priority focus area contribute at least 20 percent of nonpoint source nutrient pollution, it will notify the local government that it needs to develop an OSTDS remediation plan within 12 months of notification by the DEP. The plan must identify which systems require repair, upgrade, replacement, drainfield modification, connection to a central sewerage system, or no action. The plan must include a priority ranking of each system or group of systems that require remediation and each plan must be submitted to the DEP for approval. In reviewing and approving remediation plans, the DEP must consider, at a minimum:

- The density of OSTDSs;

- The number of OSTDSs;
- The proximity of the OSTDSs to an OFS;
- The estimated nutrient loading of the OSTDSs; and
- The cost of the proposed action.

In developing the OSTDS remediation plan, the local government must hold at least one public meeting in order to receive public comment on the plan. Approval of the plan by the DEP constitutes a final agency action.

Regarding implementation of the OSTDS remediation plan, a property owner with an OSTDS identified as requiring remediation by the plan is not required to pay the costs of a system inspection, upgrade or replacement, a drainfield modification, or any initial connection fees for connection to a sanitary sewer system. This does not apply to local government programs in existence before July 1, 2015, that conflict with these provisions. Local governments that do not substantially comply with the bill's requirement for OSTDS remediation plans may be ineligible for funding pursuant to s. 403.0617, F.S., regarding innovative pilot programs.

The bill requires the DEP to provide notice to local governments that have any jurisdiction in a priority focus area of an OFS of any permit applicants under s. 403.814(12), F.S., which relates to general permits for the construction, alteration, and maintenance of a stormwater management system serving a total project area of up to 10 acres.

Section 30 creates s. 373.811, F.S., to prohibit activities in a priority focus area of an Outstanding Florida Springs.

Activities prohibited within a priority focus area are:

- Construction of municipal or industrial wastewater disposal system with permitted capacities of 100,000 gallons per day or greater unless the system meets a treatment standard of 3 mg/L total nitrogen on an annual permitted basis, unless the DEP determines a higher standard is necessary;
- Construction of OSTDSs on lots less than one acre, except for those with passive nitrogen removing systems approved by the DOH. This prohibition will not take effect until six months after the DOH has approved such a system for use;
- Construction of facilities for the disposal of hazardous waste;
- Land application of class A or B domestic wastewater biosolids; and
- New agriculture operations that do not implement BMPs, measures necessary to achieve pollution reduction levels established by the DEP, or groundwater monitoring plans approved by a WMD or the DEP.

Section 31 creates s. 373.813, F.S., to direct the DEP to adopt rules to create a program to improve water quantity and quality to administer Part VIII of ch. 373, F.S. It allows the DOH, DACS, and the WMDs to adopt rules to administer Part VIII of ch. 373, F.S.

The bill specifies DACS is the lead agency for coordinating the reduction of agricultural nonpoint sources of pollution for the protection of OFSs. DACS and the DEP will study and, if

necessary, initiate rulemaking to implement new or revised agricultural BMPs, in cooperation with applicable local governments, and stakeholders, within a reasonable time.

The bill directs the DEP, DACS, and the Institute of Food and Agriculture Sciences to conduct research into improved or additional nutrient management tools, with a sensitivity to the necessary balance between water quality improvements and agricultural productivity. If necessary, the tools must be incorporated into revised agricultural BMPs adopted by rule by DACS.

Section 32 creates s. 373.815, F.S., to require a yearly progress report by the DEP, in conjunction with the WMDs, beginning July 1, 2016, to be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must detail the status of each TMDL, BMAP, MFL, and recovery or prevention strategies adopted pursuant to Part VIII of ch. 373, F.S. It must also include the status of each project identified to achieve an adopted TMDL and adopted or interim MFL, as applicable.

If the report states that any interim 5, 10, or 15 year milestone, or the 20 year goal, will not be met, the report must include specific corrective actions that will be taken to achieve these milestones and goals and, if necessary, executive and legislative recommendations.

Section 33 amends s. 403.061, F.S., to require the DEP to create a consolidated water resources work plan that provides a catalog of all water resource projects under construction, completed in the previous five years, or planned to begin construction in the next five years. The plan must be developed in consultation with state agencies, the WMDs, and local governments.

For each project in the plan, there must be:

- A description of the project;
- The total cost of the project; and
- The governmental entity financing the project.

The DEP must also create and maintain a web-based, interactive map that includes:

- All watersheds and each water body within them;
- The county or counties in which the watershed or water body is located;
- The WMD or districts in which the watershed or water body is located;
- Whether an MFL has been adopted for the water body and, if it has not been adopted, when it is anticipated to be adopted;
- Whether a recovery or prevention strategy has been adopted for the watershed or water body and, if it has not been adopted, when it is anticipated to be adopted;
- The impairment status of each watershed or water body;
- Whether a TMDL has been adopted, if necessary, and, if it has not been adopted, when it is anticipated to be adopted;
- Whether a BMAP has been adopted and, if it has not been adopted, when it is anticipated to be adopted;
- Each project listed on the five-year water resources work program pursuant to s. 373.036(7), F.S., (amended in section 8 of the bill);
- The agency or agencies and local sponsor, if any, responsible for overseeing the project;

- The estimated cost and completion date of each project and the financial contribution of each entity;
- The quantitative estimated benefit to the watershed or water body; and
- The water projects completed within the last five years within the watershed or water body.

The bill requires the DEP and the WMDs to prominently display a link on their websites to the interactive map required by the bill.

The information provided in the plan and the information used to develop the web-based interactive map is intended to help facilitate the ability of the Florida Water Resources Advisory Council (described in section 34 of the bill), the Legislature, and the public to consider the projects contained in the tentative water resources work program (also described in section 34 of the bill) in relation to all projects undertaken within a 10-year period and the existing condition of water resources in the project area and in the state as a whole. The bill provides rulemaking authority to the DEP to accomplish this purpose.

The bill also requires the DEP to adopt by rule a specific surface water classification to protect surface waters used for treated potable water supply and provides criteria. Notwithstanding this classification or the inclusion of treated water supply as a designated use of a surface water, a surface water used for treated potable water supply may be reclassified as waters designated for potable water supply.

Section 34 creates s. 403.0616, F.S., to create the Florida Water Resources Advisory Council within the DEP.

The advisory council's purpose is to evaluate water resource projects prioritized and submitted by state agencies, WMDs, or local governments. The council must evaluate and recommend projects eligible for state funding as priority projects of statewide, regional, or critical local importance under chs. 373 or 403, F.S.

The council must review and evaluate all water resource projects that are prioritized and reported by state agencies, local governments, or by the WMDs in the consolidated annual report (described in section 8 of the bill) for the purpose of providing the Legislature with recommendations for projects that improve or restore the water resources of the state. It is also responsible for submitting pilot projects that test the effectiveness of innovative or existing nutrient reduction or water conservation technologies or practices designed to minimize nutrient pollution or restore flows in the water bodies of the state.

The council is made up of five voting and five ex officio, nonvoting members. Those members are:

- The Secretary of Environmental Protection, who shall serve as chair of the council;
- The Commissioner of Agriculture;
- The executive director of the Fish and Wildlife Conservation Commission (FWC);
- Two members with expertise in a scientific discipline related to water resources, appointed by the President of the Senate and the Speaker of the House of Representatives, respectively; and

- The executive directors of the five WMDs, all of whom are non-voting members.

The appointed members serve two-year terms and may not serve more than a total of six years. The appointed members will receive reimbursement for expenses and per diem for travel. The President of the Senate and the Speaker of the House of Representatives may fill a vacancy at any time for an unexpired term of an appointed member.

If a member of the council no longer holds the position required to serve on the council, the interim agency head will represent the agency on the council.

The council is required to hold at least two separately noticed public meetings per year, with notice provided at least five days, but no more than 15 days before each meeting. The DEP will provide staff support.

By July 15 of each year, the council must release a tentative water resources work program with legislative recommendations for water resource projects. The bill provides for a 30-day period for the public to submit comments on the program.

By August 31 of each year, the council must adopt, by an affirmative vote of three of the council members, the tentative work program and submit it to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

The bill requires the council to recommend rules for adoption by the DEP to competitively evaluate, select, and rank projects for the tentative water resources work program. The council must develop specific criteria for the evaluation, selection, and ranking of projects. In ranking the projects, preference is given for projects:

- That will have a significant, measurable impact on improving water quantity or water quality;
- In areas of greatest impairment;
- Of state or regional significance;
- Recommended by multiple districts or multiple local governments cooperatively;
- With a significant monetary commitment by the local project sponsor or sponsors;
- In rural areas of opportunity;
- That may be funded through appropriate loan programs; and
- That have significant private contributions of time or money.

The section provides the DEP with rulemaking authority to implement this section of the bill in consultation with DACS, the FWC, and the WMDs.

Section 35 creates s. 403.0617, F.S., to implement an innovative nutrient and sediment reduction and conservation pilot project program.

The bill directs the DEP to adopt rules to competitively evaluate and rank projects for selection and prioritization by the Water Resources Advisory Council. The projects are intended to test the effectiveness of innovative or existing nutrient reduction or water conservation technologies or practices designed to minimize nutrient pollution or restore flows. The projects may not be harmful to the ecological resources in the study area.

The bill provides the following minimum considerations:

- Level of impairment of the waterbody, watershed, or water segment in which the project is located;
- Quantity of pollutants, especially nitrogen, the project is estimated to remove;
- The potential for the project to provide a cost effective solution to pollution caused by OSTDSs;
- The flow necessary to restore a water resource to its adopted or interim MFL;
- The anticipated impact the project will have on restoring or increasing water flow or water level;
- The amount of matching funds for the project which will be provided by the entities responsible for implementing the project;
- Whether the project is located in a rural area of opportunity, with preference given to the local government responsible for implementing the project;
- For multiple-year projects, whether the project has funding sources that are identified and assured through the expected completion date;
- The cost of the project and length of time it will take to complete relative to its expected benefits; and
- Whether the entities responsible for implementing the project have used their own funds for projects to improve water quality or conserve water use, with preference given to those entities that have expended such funds.

Section 36 amends s. 403.0623, F.S., to direct the DEP, in coordination with the WMDs, to establish statewide standards for the collection of water quantity, water quality, and related data to ensure quality, reliability, and validity of the data and testing results.

The bill requires the WMDs to submit data collected after June 30, 2015, to the DEP for analysis to ensure statewide consistency. The DEP is required to maintain a centralized database for all testing results and analyses, which must be accessible by the WMDs.

The bill directs the DEP to coordinate with federal agencies, to the extent practicable, to ensure its collection and analysis of data is consistent with this section.

The bill requires state agencies and WMDs to use the DEP's testing results and analysis, if available, in order to receive state funds for the acquisition of lands or the financing of a water resource projects.

The bill provides rulemaking authority to the DEP and the WMDs to implement this section of the bill.

Section 37 amends s. 403.861, F.S. to require the DEP to establish rules concerning the use of surface waters for treated potable public water supply.

The bill provides that when a construction permit is issued to construct a new public water system drinking water treatment facility to provide potable water using a surface water of the state that, at the time of the permit application, is not being used as a potable water supply, and

the classification of which does not include potable water supply as a designated use, the DEP must add treated potable water supply as a designated use of the surface water segment.

The bill provides that for existing public water system drinking water treatment facilities that use a surface water of the state as a treated potable water supply, and the surface water classification does not include potable water as a designated use, the DEP shall add treated potable water supply as a designated use of the surface water segment.

Section 38 provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Existing regulatory programs require local governments to expend funds to comply with MFLs, WQSS, and BMAPs. This bill requires additional expenditures for OSTDS remediation plans and implementation of those plans. A comprehensive fiscal analysis of the bill is required to determine the total impact and whether this bill is a mandate.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The exact impact of the bill on the private sector and individuals cannot be calculated because many of the costs are dependent on activities, such as delineation of priority focus areas that have not occurred. Some examples of potential private sector impacts are:

- Provisions that will require some property owners in priority focus areas to upgrade their OSTDSs or connect to a central sewerage system. This could result in higher rates for sewage disposal compared to the costs of using an OSTDS. ATUs are also more costly to operate than conventional OSTDSs;
- Rate payers may pay for ongoing operation and maintenance for advanced wastewater treatment plants through rate increases, in addition to costs associated with disposal of Class A and B biosolids in landfills;
- Property owners may have to pay more for passive nitrogen removing systems installed in OSTDSs to install in new developments with lots of less than one acre.

They may also face more expensive pump out costs as a result of more expensive disposal options;

- Urban fertilizer use may decrease because of ordinances causing a reduction in revenue for fertilizer companies;
- Septic tank contractors may benefit due to increased scrutiny and required upgrades to OSTDSs;
- An indeterminate positive fiscal impact to local business and real estate prices with the creation of the SunTrail;
- The cost of water monitoring, assuming it is for water quantity monitoring, could cost between \$300 to \$1,500 per well per year, though it depends heavily on how that monitoring is accomplished; and
- Significant cost savings for dischargers currently discharging into class III waters used for potable water supply.

C. Government Sector Impact:

The bill requires a number of activities that will result in increased costs for several governmental entities.

There may be a positive fiscal impact to the FDOT with an increase in concession agreements for displays at shared-use nonmotorized trail facilities.

Due to the increased workload related to this bill, the DEP would need additional positions and funding, though the exact need is indeterminate at this time.

The bill would require the WMDs and the DEP to establish MFLs by certain deadlines, which are expected to cost between \$280,000 and \$2.25 million per MFL, including agency costs for extensive data collection, analysis and modeling, stakeholder coordination, and rulemaking. Costs can vary widely depending on the complexity of the system and the amount and type of scientific and technical data that exists or must be collected. Revision of existing MFLs and modification of MFLs in rulemaking to comply with the “harm” standard will add additional costs that are indeterminate. Calculation of interim MFLs will be accomplished using existing staff and resources.

The bill requires the DEP to develop BMAPs by certain deadlines. The DEP estimates the need for one additional position for each spring and that six springs would need BMAPs. The estimated total cost for each BMAP is \$250,000 to \$340,000 per year which includes one position’s salary and benefits along with contracted service costs. It is difficult to estimate the level of work needed for each spring; however, the total estimates range from \$1.5 million to \$2 million.

The WMDs (excluding the Northwest Florida and Suwannee River WMDs) would be required to fund at least 25 percent of recovery or prevention strategies projects. However, the WMDs may provide less than a 25 percent match if another specific source(s) of funding will provide more than 75 percent of the project cost. Since the number of project applicants and project costs is unknown, the fiscal impact is indeterminate at this time.

The bill requires the creation of the Water Resources Advisory Council within, and staffed by, the DEP. This will result in indeterminate costs for the DEP.

Creation of the web-based, interactive map showing resource projects will incur costs associated with gathering information already collected as well as information that has not been compiled yet. This could result in indeterminate costs for the DEP.

Similarly, creating a database of lands where public access is available could incur significant costs for information collection and website and mobile application development. This could result in indeterminate costs for the DEP.

If water use permits have to be revised to include water use monitoring, the cost could be very substantial but indeterminate. It would also require significant staff resources to accomplish, though the cost is indeterminate.

WMDs that provide technical and financial assistance to self-suppliers for alternative water supply projects will result in a negative fiscal impact on those WMDs that provide such assistance. The actual cost is indeterminate.

VI. Technical Deficiencies:

The requirement to conduct water monitoring in section 13 of the bill does not specify what kind of monitoring is required or whether or not consumptive use permits must be revised to include monitoring.

In various sections of the bill, the terms “minimum flows and levels” and “minimum flows or levels” are used. In other sections of the bill, the term “minimum flows and minimum water levels” is used. The terms are synonymous but may be interpreted differently under the statutory construction rule that the Legislature is acting intentionally and purposefully when terms are amended in one statute but not another in the same bill.

VII. Related Issues:

The bill does not define “harm” with respect to MFLs for OFSs. Confusion over what constitutes “harm” could result in a standard that does not capture the intent of the bill sponsor.

The Florida Water Resources Advisory Council is required to release a tentative water resources work program by July 15 of each year. The bill should indicate what year the first work program must be released.

The bill defines Outstanding Florida Springs as all first magnitude springs in Florida, as defined in the most recent version of the Florida Geological Survey’s springs bulletin. A future bulletin could remove one of the first magnitude springs from its list, creating problems for ongoing projects by removing the regulatory structure established in this bill.

It is unclear what happens if the DEP determines that data submitted by a WMD is inconsistent with statewide standards established by the DEP in coordination with the WMDs.

It is unclear what the definition of “self-suppliers” is.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 259.032, 260.0144, 335.065, 373.019, 373.036, 373.042, 373.0421, 373.1501, 373.223, 373.2234, 373.227, 373.223, 373.2234, 373.227, 373.233, 373.4591, 373.4595, 373.536, 373.703, 373.705, 373.707, 373.709, 403.061, 403.0623, and 403.861.

This bill creates the following sections of the Florida Statutes: 339.81, 339.82, 339.83, 373.0465, 373.801, 373.802, 373.803, 373.805, 373.807, 373.811, 373.813, 373.815, 403.0616, and 403.0617.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes: (Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Environmental Preservation and Conservation on March 24, 2015:

- Changes the implementation date to create a database and website providing information on conservation lands the public may access from January 1, 2016, to July 1, 2016;
- Clarifies that the addition of local and federal land to the database is a continuing endeavor and should be accomplished to the extent practicable;
- Requires the FDOT to budget \$50 million yearly for SunTrails;
- Clarifies that the provision of technical assistance to self-suppliers (requiring the expenditure of public funds) must be consistent with the public policy of the state set forth in s. 373.016, F.S., related to water resources;
- Clarifies the grading system required for the status of water resources must reflect the severity of the impairment;
- Clarifies that the list of prioritized projects is for projects for which the water management district or local government are requesting state funding through the water resources work program;
- Changes the date for using an interim MFL from January 1, 2016, to July 1, 2016, to align the use of the interim MFL with the adoption of recovery or prevention strategies;
- Adds a provision to ensure natural weather variations do not trigger an interim MFL violation;
- Provides emergency rulemaking authority for the adoption of an interim MFL and recovery or prevention strategies;
- Allows interim MFLs and recovery or prevention strategies to remain in effect until January 1, 2018, and specifies they are renewable during any pending rule challenge or request for ratification;
- Defines the term “Central Florida Water Initiative”;

- Provides for an interagency agreement between the DEP, SFWMD, SWFWMD, SJRWMD, and DACS to develop and implement a multi-district regional water supply plan and provides plan criteria and requirements, including:
 - Uniform rules for regulatory programs;
 - Uniform rules to include a goal for residential per capita water use for each consumptive use permit;
 - A single definition of “harmful to the water course” as it relates to the issuance of CUPs;
 - Rules to include existing recovery strategies;
- Requires the DEP to initiate rulemaking by December 31, 2015 to be applied by the WMDs only within the CFWI;
- Allows the DEP to grant variances where there are unique circumstances or hydrogeological factors that make application of uniform rules unrealistic or impractical;
- Specifies the authority of the SFWMD as sponsor of the C&SF Project to allocate quantities of, and assign priorities for the use of, water within its jurisdiction;
- Directs the district to provide recommendations to the U.S. Army Corps of Engineers when developing or implementing certain water control plans or regulations schedules;
- Directs the WMD governing boards to give consideration to the identification of preferred water supply sources for water users for whom access to or development of new water supplies is not technically or financially feasible;
- Provides conditions under which the DEP and the WMD governing boards are directed to give preference to certain applications where the use of alternative water supply is not technically or financially feasible;
- Provides that when giving preference to new competing water use applicants for whom alternative water supplies are not technically or financially feasible, the preference must be given to the applicant for whom the water source is nearest;
- Provides priority consideration to certain public-private partnerships for water storage, groundwater recharge, water quality improvements, and water supply on private agricultural lands;
- Clarifies that the role of private land owners is in enhancing hydrologic improvement, improving water quality and assisting in water supply;
- Revises and provides definitions relating to the Northern Everglades and Estuaries Protection Program, including:
 - Deletes definition for “district WOD program”;
 - Clarifies provisions of the Lake Okeechobee Watershed Protection Program;
 - Provides requirements for the Lake Okeechobee BMAP;
 - Provides for technical and financial assistance for implementation of agricultural best management practices;
 - Directs the SFWMD to revise certain rules and provide for a water quality monitoring program;
 - Revises provisions for the Caloosahatchee River Watershed Protection Program and the St. Lucie River Watershed Protection Program;
 - Revises permitting and annual reporting requirements relating to NEEPP;

- Clarifies that reevaluation of agricultural best management practices include revision, if necessary, pursuant to s. 403.067(7)(c)4, F.S.;
- Changes reference to Rule 40E-63, F.A.C., to “the Everglades Program,”
- Adds provisions requiring the district to initiate rulemaking to provide for a monitoring program for nonpoint source discharges to monitor water quality in the Caloosahatchee Watershed;
- Adds provisions requiring the district to initiate rulemaking to provide for a monitoring program for nonpoint source dischargers required to monitor water quality in the St. Lucie watershed;
- Provides that the Basin Management Action Plans for Lake Okeechobee, the Caloosahatchee River watershed and estuary and The St. Lucie River watershed and estuary are enforceable pursuant to ss. 403.067, 403.121, 403.141 and 403.161, F.S.;
- Requires a WMD to include an annual funding plan in the water resource development work program;
- Directs the DEP to post the work program on its website;
- Requires the separate identification of projects submitted for state funding through the water resources work program pursuant to s. 403.0616, F.S.;
- Directs WMDs to consider funding assistance for certain water supply development projects;
- Requiring governing boards to include certain information in their annual budget submittals;
- Authorizes water management districts to provide technical and financial assistance to self-suppliers and to waive certain construction costs of alternative water supply development projects if they are in the public interest and not otherwise financially feasible;
- Clarifies that the provision of technical assistance to self-suppliers (requiring the expenditure of public funds) must be consistent with the public policy of the state set forth in s. 373.707(1)(f), F.S.;
- Includes reference to water resources work program in provisions related to state funding;
- Requires water supply plans to include traditional and alternative water supply project options that are technically and financially feasible;
- Directs the department to report certain funding analyses and project explanations in regional water supply planning reports;
- Revises language to replace “spring protection and management zones” with “priority focus areas”;
- Excludes “submarine springs” from definition of “Outstanding Florida Springs”;
- Recognizes that priority focus areas may encompass a spring or group of springs;
- Requires the delineation of priority focus areas by July 1, 2018;
- Removes the requirement for a map and legal description depicting spring protection and management zones;
- Revises language to make it clear that implementation plans are intended to achieve certain goals with respect to MFLs and TMDLs;
- Provides that requirements for local governments to create septic tank remediation plans are notwithstanding other conflicting provisions of law;

- Requires the identification of OSTDS contributing at least 20 percent of nonpoint source nutrient pollution to OFSs;
- Includes drainfield modification in the types of repairs and upgrades that can be identified for OSTDSs;
- Specifies the types of costs that a property owner is not required to pay if an OSTDS requires remediation;
- Requires the department notify local governments of all permit applicants under s. 403.814(12), F.S., in priority focus areas of OFSs;
- Removes the term “septage” from the types of prohibited land applications in priority focus areas;
- Directs the department to adopt by rule a specific surface water classification to protect surface waters used for treated potable water supply and provides criteria for the rule;
- Reduces the number of required meetings by the Water Resources Advisory Council from eight to two;
- Provides for the Innovative Nutrient and Sediment Reduction and Conservation Pilot Project Program;
- Requires the department to adopt rules to competitively evaluate and rank projects for selection and prioritization by the Water Resources Advisory Council pursuant to s. 403.0616, F.S., for submission to the Legislature for funding of pilot projects;
- Provides eligibility for projects that test the effectiveness of innovative or existing nutrient reduction or water conservation technologies or practices designed to minimize nutrient pollution or restore flows in the water bodies of the state;

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/24/2015	.	
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	.	
	.	

The Committee on Environmental Preservation and Conservation
(Dean) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (g) is added to subsection (11) of
section 259.032, Florida Statutes, to read:

259.032 Conservation and Recreation Lands Trust Fund;
purpose.—

(11)

(g) In order to ensure that the public has knowledge of and



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11 access to conservation lands, as defined in s. 253.034(2)(c),
12 the department shall publish, update, and maintain a database of
13 such lands where public access is compatible with conservation
14 and recreation purposes.

15 1. By July 1, 2016, the database must be available to the
16 public online and must include, at a minimum, the location,
17 types of allowable recreational opportunities, points of public
18 access, facilities or other amenities, restrictions, and any
19 other information the department deems appropriate to increase
20 public awareness of recreational opportunities on conservation
21 lands. Such data must be electronically accessible, searchable,
22 and downloadable in a generally acceptable format.

23 2. The department, through its own efforts or through
24 partnership with a third-party entity, shall create an
25 application downloadable on mobile devices to be used to locate
26 state lands available for public access using the user's
27 locational information or based upon an activity of interest.

28 3. The database and application must include information
29 for all state conservation lands to which the public has a right
30 of access for recreational purposes. Beginning January 1, 2018,
31 to the greatest extent practicable, the database shall include
32 similar information for lands owned by federal and local
33 government entities that allow access for recreational purposes.

34 4. By January 1 of each year, the department shall provide
35 a report to the Governor, the President of the Senate, and the
36 Speaker of the House of Representatives describing the
37 percentage of public lands acquired under this chapter to which
38 the public has access and efforts undertaken by the department
39 to increase public access to such lands.



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Section 2. Section 260.0144, Florida Statutes, is amended to read:

260.0144 Sponsorship of state greenways and trails.—The department may enter into a concession agreement with a not-for-profit entity or private sector business or entity for commercial sponsorship to be displayed on state greenway and trail facilities not included within the Shared-Use Nonmotorized Trail Network established in chapter 339 ~~or property specified in this section~~. The department may establish the cost for entering into a concession agreement.

(1) A concession agreement shall be administered by the department and must include the requirements found in this section.

(2)(a) Space for a commercial sponsorship display may be provided through a concession agreement on certain state-owned greenway or trail facilities or property.

(b) Signage or displays erected under this section shall comply with the provisions of s. 337.407 and chapter 479, and shall be limited as follows:

1. One large sign or display, not to exceed 16 square feet in area, may be located at each trailhead or parking area.

2. One small sign or display, not to exceed 4 square feet in area, may be located at each designated trail public access point.

(c) Before installation, each name or sponsorship display must be approved by the department.

(d) The department shall ensure that the size, color, materials, construction, and location of all signs are consistent with the management plan for the property and the



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standards of the department, do not intrude on natural and historic settings, and contain only a logo selected by the sponsor and the following sponsorship wording:

...(Name of the sponsor)... proudly sponsors the costs of maintaining the ...(Name of the greenway or trail)....

~~(e) Sponsored state greenways and trails are authorized at the following facilities or property:~~

- ~~1. Florida Keys Overseas Heritage Trail.~~
- ~~2. Blackwater Heritage Trail.~~
- ~~3. Tallahassee St. Marks Historic Railroad State Trail.~~
- ~~4. Nature Coast State Trail.~~
- ~~5. Withlacoochee State Trail.~~
- ~~6. General James A. Van Fleet State Trail.~~
- ~~7. Palatka-Lake Butler State Trail.~~

(e)~~(f)~~ The department may enter into commercial sponsorship agreements for other state greenways or trails as authorized in this section. A qualified entity that desires to enter into a commercial sponsorship agreement shall apply to the department on forms adopted by department rule.

(f)~~(g)~~ All costs of a display, including development, construction, installation, operation, maintenance, and removal costs, shall be paid by the concessionaire.

(3) A concession agreement shall be for a minimum of 1 year, but may be for a longer period under a multiyear agreement, and may be terminated for just cause by the department upon 60 days' advance notice. Just cause for



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98 termination of a concession agreement includes, but is not
99 limited to, violation of the terms of the concession agreement
100 or any provision of this section.

101 (4) Commercial sponsorship pursuant to a concession
102 agreement is for public relations or advertising purposes of the
103 not-for-profit entity or private sector business or entity, and
104 may not be construed by that not-for-profit entity or private
105 sector business or entity as having a relationship to any other
106 actions of the department.

107 (5) This section does not create a proprietary or
108 compensable interest in any sign, display site, or location.

109 (6) Proceeds from concession agreements shall be
110 distributed as follows:

111 (a) Eighty-five percent shall be deposited into the
112 appropriate department trust fund that is the source of funding
113 for management and operation of state greenway and trail
114 facilities and properties.

115 (b) Fifteen percent shall be deposited into the State
116 Transportation Trust Fund for use in the Traffic and Bicycle
117 Safety Education Program and the Safe Paths to School Program
118 administered by the Department of Transportation.

119 (7) The department may adopt rules to administer this
120 section.

121 Section 3. Subsections (3) and (4) of section 335.065,
122 Florida Statutes, are amended to read:

123 335.065 Bicycle and pedestrian ways along state roads and
124 transportation facilities.—

125 (3) The department, in cooperation with the Department of
126 Environmental Protection, shall establish a statewide integrated



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system of bicycle and pedestrian ways in such a manner as to take full advantage of any such ways which are maintained by any governmental entity. ~~The department may enter into a concession agreement with a not for profit entity or private sector business or entity for commercial sponsorship displays on multiuse trails and related facilities and use any concession agreement revenues for the maintenance of the multiuse trails and related facilities. Commercial sponsorship displays are subject to the requirements of the Highway Beautification Act of 1965 and all federal laws and agreements, when applicable. For the purposes of this section, bicycle facilities may be established as part of or separate from the actual roadway and may utilize existing road rights-of-way or other rights-of-way or easements acquired for public use.~~

~~(a) A concession agreement shall be administered by the department and must include the requirements of this section.~~

~~(b)1. Signage or displays erected under this section shall comply with s. 337.407 and chapter 479 and shall be limited as follows:~~

~~a. One large sign or display, not to exceed 16 square feet in area, may be located at each trailhead or parking area.~~

~~b. One small sign or display, not to exceed 4 square feet in area, may be located at each designated trail public access point.~~

~~2. Before installation, each name or sponsorship display must be approved by the department.~~

~~3. The department shall ensure that the size, color, materials, construction, and location of all signs are consistent with the management plan for the property and the~~



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~~standards of the department, do not intrude on natural and historic settings, and contain only a logo selected by the sponsor and the following sponsorship wording:~~

~~... (Name of the sponsor) ... proudly sponsors the costs of maintaining the ... (Name of the greenway or trail)~~

~~4. All costs of a display, including development, construction, installation, operation, maintenance, and removal costs, shall be paid by the concessionaire.~~

~~(c) A concession agreement shall be for a minimum of 1 year, but may be for a longer period under a multiyear agreement, and may be terminated for just cause by the department upon 60 days' advance notice. Just cause for termination of a concession agreement includes, but is not limited to, violation of the terms of the concession agreement or this section.~~

~~(4)(a) The department may use appropriated funds to support the establishment of a statewide system of interconnected multiuse trails and to pay the costs of planning, land acquisition, design, and construction of such trails and related facilities. The department shall give funding priority to projects that:~~

~~1. Are identified by the Florida Greenways and Trails Council as a priority within the Florida Greenways and Trails System under chapter 260.~~

~~2. Support the transportation needs of bicyclists and pedestrians.~~



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~~3. Have national, statewide, or regional importance.~~

~~4. Facilitate an interconnected system of trails by
completing gaps between existing trails.~~

~~(b) A project funded under this subsection shall:~~

~~1. Be included in the department's work program developed
in accordance with s. 339.135.~~

~~2. Be operated and maintained by an entity other than the
department upon completion of construction. The department is
not obligated to provide funds for the operation and maintenance
of the project.~~

Section 4. Section 339.81, Florida Statutes, is created to
read:

339.81 Florida Shared-Use Nonmotorized Trail Network.—

(1) The Legislature finds that increasing demands continue
to be placed on the state's transportation system by a growing
economy, continued population growth, and increasing tourism.
The Legislature also finds that significant challenges exist in
providing additional capacity to the conventional transportation
system and will require enhanced accommodation of alternative
travel modes to meet the needs of residents and visitors. The
Legislature further finds that improving bicyclist and
pedestrian safety for both residents and visitors remains a high
priority. Therefore, the Legislature declares that the
development of a nonmotorized trail network will increase
mobility and recreational alternatives for residents and
visitors of this state, enhance economic prosperity, enrich
quality of life, enhance safety, and reflect responsible
environmental stewardship. To that end, it is the intent of the
Legislature that the department make use of its expertise in



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efficiently providing transportation projects to develop the
Florida Shared-Use Nonmotorized Trail Network, consisting of a
statewide network of nonmotorized trails which allows
nonmotorized vehicles and pedestrians to access a variety of
origins and destinations with limited exposure to motorized
vehicles.

(2) The Florida Shared-Use Nonmotorized Trail Network is
created as a component of the Florida Greenways and Trails
System established in chapter 260. The statewide network
consists of multiuse trails or shared-use paths physically
separated from motor vehicle traffic and constructed with
asphalt, concrete, or another hard surface which, by virtue of
design, location, extent of connectivity or potential
connectivity, and allowable uses, provides nonmotorized
transportation opportunities for bicyclists and pedestrians
statewide between and within a wide range of points of origin
and destinations, including, but not limited to, communities,
conservation areas, state parks, beaches, and other natural or
cultural attractions for a variety of trip purposes, including
work, school, shopping, and other personal business, as well as
social, recreational, and personal fitness purposes.

(3) Network components do not include sidewalks, nature
trails, loop trails wholly within a single park or natural area,
or on-road facilities, such as bicycle lanes or routes other
than:

(a) On-road facilities that are no longer than one-half
mile connecting two or more nonmotorized trails, if the
provision of a non-motorized trail without the use of the on-
road facility is not feasible, and if such on-road facilities



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are signed and marked for nonmotorized use; or

(b) On-road components of the Florida Keys Overseas Heritage Trail.

(4) The planning, development, operation, and maintenance of the Florida Shared-Use Nonmotorized Trail Network is declared to be a public purpose, and the department, together with other agencies of this state and all counties, municipalities, and special districts of this state, may spend public funds for such purposes and accept gifts and grants of funds, property, or property rights from public or private sources to be used for such purposes.

(5) The department shall include the Florida Shared-Use Nonmotorized Trail Network in its work program developed pursuant to s. 339.135. For purposes of funding and maintaining projects within the network, the department shall allocate in its program and resource plan a minimum of \$50 million annually, beginning in the 2015-2016 fiscal year.

(6) The department may enter into a memorandum of agreement with a local government or other agency of the state to transfer maintenance responsibilities of an individual network component. The department may contract with a not-for-profit entity or private sector business or entity to provide maintenance services on an individual network component.

(7) The department may adopt rules to aid in the development and maintenance of components of the network.

Section 5. Section 339.82, Florida Statutes, is created to read:

339.82 Shared-Use Nonmotorized Trail Network Plan.—

(1) The department shall develop a Shared-Use Nonmotorized



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Trail Network Plan in coordination with the Department of Environmental Protection, metropolitan planning organizations, affected local governments and public agencies, and the Florida Greenways and Trails Council. The plan must be consistent with the Florida Greenways and Trails Plan developed under s. 260.014 and must be updated at least once every 5 years.

(2) The Shared-Use Nonmotorized Trail Network Plan must include all of the following:

(a) A needs assessment, including, but not limited to, a comprehensive inventory and analysis of existing trails that may be considered for inclusion in the Shared-Use Nonmotorized Trail Network.

(b) A project prioritization process that includes assigning funding priority to projects that:

1. Are identified by the Florida Greenways and Trails Council as a priority within the Florida Greenways and Trails System under chapter 260;

2. Facilitate an interconnected network of trails by completing gaps between existing facilities; and

3. Maximize use of federal, local, and private funding and support mechanisms, including, but not limited to, donation of funds, real property, and maintenance responsibilities.

(c) A map illustrating existing and planned facilities and identifying critical gaps between facilities.

(d) A finance plan based on reasonable projections of anticipated revenues, including both 5-year and 10-year cost-feasible components.

(e) Performance measures that include quantifiable increases in trail network access and connectivity.



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(f) A timeline for the completion of the base network using new and existing data from the department, the Department of Environmental Protection, and other sources.

(g) A marketing plan prepared in consultation with the Florida Tourism Industry Marketing Corporation.

Section 6. Section 339.83, Florida Statutes, is created to read:

339.83 Sponsorship of Shared-Use Nonmotorized Trails.—

(1) The department may enter into a concession agreement with a not-for-profit entity or private sector business or entity for commercial sponsorship signs, pavement markings, and exhibits on nonmotorized trails and related facilities constructed as part of the Shared-Use Nonmotorized Trail Network. The concession agreement may also provide for recognition of trail sponsors in any brochure, map, or website providing trail information. Trail websites may provide links to sponsors. Revenue from such agreements may be used for the maintenance of the nonmotorized trails and related facilities.

(a) A concession agreement shall be administered by the department.

(b)1. Signage, pavement markings, or exhibits erected pursuant to this section must comply with s. 337.407 and chapter 479 and are limited as follows:

a. One large sign, pavement marking, or exhibit, not to exceed 16 square feet in area, may be located at each trailhead or parking area.

b. One small sign, pavement marking, or exhibit, not to exceed 4 square feet in area, may be located at each designated trail public access point where parking is not provided.



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c. Pavement markings denoting specified distances must be located at least 1 mile apart.

2. Before installation, each sign, pavement marking, or exhibit must be approved by the department.

3. The department shall ensure that the size, color, materials, construction, and location of all signs, pavement markings, and exhibits are consistent with the management plan for the property and the standards of the department, do not intrude on natural and historic settings, and contain a logo selected by the sponsor and the following sponsorship wording:

...(Name of the sponsor)... proudly sponsors the costs of maintaining the ...(Name of the greenway or trail)....

4. Exhibits may provide additional information and materials, including, but not limited to, maps and brochures for trail user services related or proximate to the trail. Pavement markings may display mile marker information.

5. The costs of a sign, pavement marking, or exhibit, including development, construction, installation, operation, maintenance, and removal costs, shall be paid by the concessionaire.

(c) A concession agreement shall be for a minimum of 1 year, but may be for a longer period under a multiyear agreement, and may be terminated for just cause by the department upon 60 days' advance notice. Just cause for termination of a concession agreement includes, but is not limited to, violation of the terms of the concession agreement



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or this section.

(2) Pursuant to s. 287.057, the department may contract for the provision of services related to the trail sponsorship program, including recruitment and qualification of businesses, review of applications, permit issuance, and fabrication, installation, and maintenance of signs, pavement markings, and exhibits. The department may reject all proposals and seek another request for proposals or otherwise perform the work. The contract may allow the contractor to retain a portion of the annual fees as compensation for its services.

(3) This section does not create a proprietary or compensable interest in any sponsorship site or location for any permittee, and the department may terminate permits or change locations of sponsorship sites as it determines necessary for construction or improvement of facilities.

(4) The department may adopt rules to establish requirements for qualification of businesses, qualification and location of sponsorship sites, and permit applications and processing. The department may adopt rules to establish other criteria necessary to implement this section and to provide for variances when necessary to serve the interest of the public or when required to ensure equitable treatment of program participants.

Section 7. Subsection (24) of section 373.019, Florida Statutes, is amended to read:

373.019 Definitions.—When appearing in this chapter or in any rule, regulation, or order adopted pursuant thereto, the term:

(24) "Water resource development" means the formulation and



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implementation of regional water resource management strategies, including the collection and evaluation of surface water and groundwater data; structural and nonstructural programs to protect and manage water resources; the development of regional water resource implementation programs; the construction, operation, and maintenance of major public works facilities to provide for flood control, surface and underground water storage, and groundwater recharge augmentation; and related technical assistance to local governments, ~~and to government-owned and privately owned water utilities,~~ and self-suppliers to the extent assistance to self-suppliers promotes the policies as set forth in s. 373.016.

Section 8. Paragraph (b) of subsection (7) of section 373.036, Florida Statutes, is amended, present paragraphs (d) and (e) of subsection (7) are redesignated as paragraphs (e) and (f), respectively, and a new paragraph (d) is added to that subsection, to read:

373.036 Florida water plan; district water management plans.—

(7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.—

(b) The consolidated annual report shall contain the following elements, as appropriate to that water management district:

1. A district water management plan annual report or the annual work plan report allowed in subparagraph (2)(e)4.

2. The department-approved minimum flows and levels annual priority list and schedule required by s. 373.042(3) ~~s. 373.042(2)~~.

3. The annual 5-year capital improvements plan required by



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s. 373.536(6)(a)3.

4. The alternative water supplies annual report required by s. 373.707(8)(n).

5. The final annual 5-year water resource development work program required by s. 373.536(6)(a)4.

6. The Florida Forever Water Management District Work Plan annual report required by s. 373.199(7).

7. The mitigation donation annual report required by s. 373.414(1)(b)2.

(d) The consolidated annual report must contain information on all projects related to water quality or water quantity as part of a 5-year work program, including:

1. A list of all specific projects identified to implement a basin management action plan or a recovery or prevention strategy;

2. A grade for each watershed, water body, or water segment in which a project is located representing the level of impairment and violations of adopted or interim minimum flow or minimum water level. The grading system must reflect the severity of the impairment of the watershed, waterbody, or water segment;

3. A priority ranking for each listed project for which state funding through the water resources work program is requested, which must be made available to the public for comment at least 30 days before submission of the consolidated annual report;

4. The estimated cost for each listed project;

5. The estimated completion date for each listed project;

6. The source and amount of financial assistance to be made



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available by the department, a water management district, or
other entity for each listed project; and

7. A quantitative estimate of each listed project's benefit
to the watershed, water body, or water segment in which it is
located.

Section 9. Subsection (1) and present subsections (2) and
(6) of section 373.042, Florida Statutes, are amended, present
subsections (2) through (6) of that section are redesignated as
subsections (3) through (7), respectively, and a new subsection
(2) is added to that section, 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:

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

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

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



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

(2)(a) Until such time as a minimum flow or minimum water level is adopted for an Outstanding Florida Spring, the interim minimum flow or minimum water level for such spring shall be determined by using the best existing and available information. The interim minimum flow or minimum water level is the flow or water level exceeded 67 percent of the time based upon an analysis of estimated long-term conditions. By July 1, 2016, the districts shall use reasonable calculations to estimate the long-term median flow or water level and the flow or water level that would be exceeded 67 percent of the time. The analysis may include construction of a flow or water level duration curve, an analysis of the flow or water level at any point in the spring, and historic data to extrapolate the values or other statistical methods to estimate the long-term median flow or water level that would be exceeded 67 percent of the time.

(b) If a minimum flow or minimum water level has been established but not yet adopted for an Outstanding Florida Spring, a water management district shall use the established minimum flow or minimum water level, instead of the minimum flow or minimum water level established by the procedure in paragraph (a), as the interim minimum flow or minimum water level until



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the adoption of a minimum flow or minimum water level. Long-term or short-term seasonal or annual variations in flows or water levels of an Outstanding Florida Spring due to factors other than water withdrawals are not considered violations of an interim minimum flow or minimum water level.

(c) For Outstanding Florida Springs identified on a water management district's priority list developed pursuant to subsection (3) which have the potential to be affected by withdrawals in an adjacent district, the interim minimum flow or minimum water level shall be applied by the adjacent district or districts. By July 1, 2017, the adjacent districts and the department shall collaboratively develop and implement a recovery or prevention strategy for an Outstanding Florida Spring not meeting an adopted or interim minimum flow or minimum water level.

(d) The Legislature finds that the failure to adopt minimum flows and minimum water levels or recovery or prevention strategies for Outstanding Florida Springs has resulted in an immediate danger to the public health, safety, and welfare and that immediate action must be taken to address the condition of Outstanding Florida Springs. The department may use emergency rulemaking provisions pursuant to s. 120.54(4) to adopt interim minimum flows and minimum water levels under this subsection and recovery or prevention strategies concurrent with an interim minimum flow or minimum water level pursuant to s. 373.805(2)(b). For purposes of this section, an interim minimum flow or minimum water level and a recovery or prevention strategy shall remain in effect until January 1, 2018, and may not be renewable, except as otherwise provided in s.



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120.54(4)(c).

~~(3)(2)~~ By November 15, 1997, and annually thereafter, each water management district shall submit to the department for review and approval a priority list and schedule for the establishment of minimum flows and levels for surface watercourses, aquifers, and surface waters within the district. The priority list and schedule shall identify those listed water bodies for which the district will voluntarily undertake independent scientific peer review; any reservations proposed by the district to be established pursuant to s. 373.223(4); and those listed water bodies that have the potential to be affected by withdrawals in an adjacent district for which the department's adoption of a reservation pursuant to s. 373.223(4) or a minimum flow or level pursuant to subsection (1) may be appropriate. By March 1, 2006, and annually thereafter, each water management district shall include its approved priority list and schedule in the consolidated annual report required by s. 373.036(7). The priority list shall be based upon the importance of the waters to the state or region and the existence of or potential for significant harm to the water resources or ecology of the state or region, and shall include those waters which are experiencing or may reasonably be expected to experience adverse impacts. Each water management district's priority list and schedule shall include all first magnitude springs, and all second magnitude springs within state or federally owned lands purchased for conservation purposes. The specific schedule for establishment of spring minimum flows and levels shall be commensurate with the existing or potential threat to spring flow from consumptive uses. Springs within the



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Suwannee River Water Management District, or second magnitude springs in other areas of the state, need not be included on the priority list if the water management district submits a report to the Department of Environmental Protection demonstrating that adverse impacts are not now occurring nor are reasonably expected to occur from consumptive uses during the next 20 years. The priority list and schedule is not subject to any proceeding pursuant to chapter 120. Except as provided in subsection (4) ~~(3)~~, the development of a priority list and compliance with the schedule for the establishment of minimum flows and levels pursuant to this subsection satisfies the requirements of subsection (1).

(7) ~~(6)~~ If a petition for administrative hearing is filed under chapter 120 challenging the establishment of a minimum flow or level, the report of an independent scientific peer review conducted under subsection (5) ~~(4)~~ is admissible as evidence in the final hearing, and the administrative law judge must render the order within 120 days after the filing of the petition. The time limit for rendering the order shall not be extended except by agreement of all the parties. To the extent that the parties agree to the findings of the peer review, they may stipulate that those findings be incorporated as findings of fact in the final order.

Section 10. 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



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minimum water 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.

(b) *Exclusions.*—

1. The Legislature recognizes that certain water bodies no longer serve their historical hydrologic functions. The Legislature also recognizes that recovery of these water bodies to historical hydrologic conditions may not be economically or technically feasible, and that such recovery effort could cause adverse environmental or hydrologic impacts. Accordingly, the department or governing board may determine that setting a minimum flow or level for such a water body based on its historical condition is not appropriate.

2. The department or the governing board is not required to establish minimum flows or levels pursuant to s. 373.042 for surface water bodies less than 25 acres in area, unless the water body or bodies, individually or cumulatively, have significant economic, environmental, or hydrologic value.

3. The department or the governing board shall not set minimum flows or levels pursuant to s. 373.042 for surface water bodies constructed prior to the requirement for a permit, or pursuant to an exemption, a permit, or a reclamation plan which regulates the size, depth, or function of the surface water body



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under the provisions of this chapter, chapter 378, or chapter 403, unless the constructed surface water body is of significant hydrologic value or is an essential element of the water resources of the area.

The exclusions of this paragraph shall not apply to the Everglades Protection Area, as defined in s. 373.4592(2)(i).

(2) If the existing flow or level in a water body is below, or is projected to fall within 20 years below, the applicable minimum flow or level established pursuant to s. 373.042, the department or governing board, concurrent with the adoption of the minimum flow or level and as part of the regional water supply plan described in s. 373.709, shall adopt and ~~expeditiously~~ implement a recovery or prevention strategy, which includes the development of additional water supplies and other actions, consistent with the authority granted by this chapter, to:

(a) Achieve recovery to the established minimum flow or level as soon as practicable; or

(b) Prevent the existing flow or level from falling below the established minimum flow or level.

The recovery or prevention strategy shall include phasing or a timetable which will allow for the provision of sufficient water supplies for all existing and projected reasonable-beneficial uses, including development of additional water supplies and implementation of conservation and other efficiency measures concurrent with, to the maximum extent practical, and to offset, reductions in permitted withdrawals, consistent with ~~the~~



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provisions of this chapter. The recovery or prevention strategy may not depend solely on water shortage restrictions declared pursuant to s. 373.175 or s. 373.246.

(3) In order to ensure that sufficient water is available for all existing and future reasonable-beneficial uses and the natural systems, the applicable regional water supply plan prepared pursuant to s. 373.709 shall be amended to include any water supply development projects and water resource development projects identified in a recovery or prevention strategy. Such amendment shall be approved concurrently with relevant portions of the recovery or prevention strategy.

(4) The water management district shall notify the department if an application for a water use permit is denied based upon the impact that the use will have on an adopted minimum flow or minimum water level. Upon receipt of such notice, the department shall, as soon as practicable and in cooperation with the water management district, conduct a review of the applicable regional water supply plan prepared pursuant to s. 373.709. Such review shall include an assessment by the department of the adequacy of the plan to meet the legislative intent of s. 373.705(2)(b) that sufficient water be available for all existing and future reasonable-beneficial uses and the natural systems and that the adverse effects of competition for water supplies be avoided. If the department determines, based upon this review, that the regional water supply plan does not adequately address the legislative intent of s. 373.705(2)(b), the water management district shall immediately initiate an update of the plan consistent with s. 373.709.

(5) ~~(3)~~ The provisions of this section are supplemental to



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any other specific requirements or authority provided by law.
Minimum flows and levels shall be reevaluated periodically and
revised as needed.

Section 11. Section 373.0465, Florida Statutes, is created
to read:

373.0465 Central Florida Water Initiative.-

(1) FINDINGS.—The Legislature finds that:

(a) Historically, the Floridan Aquifer system has supplied
the vast majority of the water used in the Central Florida
Coordination Area.

(b) Because the boundaries of the St. Johns River Water
Management District, the South Florida Water Management
District, and the Southwest Florida Water Management District
meet within the Central Florida Coordination Area, the three
districts and the Department of Environmental Protection have
worked cooperatively to determine that the Floridan Aquifer
system is locally approaching the sustainable limits of use and
are exploring the need to develop sources of water to meet the
long-term water needs of the area.

(c) The Central Florida Water Initiative, a collaborative
process involving the Department of Environmental Protection,
the St. Johns River Water Management District, the South Florida
Water Management District, the Southwest Florida Water
Management District, the Department of Agriculture and Consumer
Services, regional public water supply utilities, and other
stakeholders, has developed an initial framework, as set forth
in the Central Florida Water Initiative Guiding Document of
January 30, 2015, for a unified process to address the current
and long-term water supply needs of Central Florida without



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causing harm to the water resources and associated natural systems.

(d) Developing water sources as an alternative to continued reliance on the Floridan Aquifer will benefit existing and future water users and natural systems beyond the boundaries of the Central Florida Water Initiative.

(2) (a) As used in this section, the term "Central Florida Water Initiative Area" means all of Orange, Osceola, Polk, and Seminole Counties, and southern Lake County, as designated by the Central Florida Water Initiative Guiding Document of January 30, 2015.

(b) The department, the St. Johns River Water Management District, the South Florida Water Management District, the Southwest Florida Water Management District, and the Department of Agriculture and Consumer Services shall:

1. Provide for a continuation of the collaborative process in the Central Florida Water Initiative Area among the state agencies, affected water management districts, regional public water supply utilities, and other stakeholders.

2. Build upon the guiding principles and goals set forth in the Central Florida Water Initiative Guiding Document of January 30, 2015, and the work that has already been accomplished by the Central Florida Water Initiative participants.

3. Develop and implement, as set forth in the Central Florida Water Initiative Guiding Document of January 30, 2015, a single multidistrict regional water supply plan, including any needed recovery or prevention strategies and a list of water resource or water supply development projects.

4. Provide for a single hydrologic planning model to assess



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the availability of groundwater in the Central Florida Water Initiative Area.

(c) In developing the water supply planning program consistent with the goals set forth in this subsection, the department, the South Florida Water Management District, the Southwest Florida Water Management District, the St. Johns River Water Management District, and the Department of Agriculture and Consumer Services shall:

1. Consider limitations on groundwater use together with opportunities for new, increased, or redistributed groundwater uses that are based on the conditions established under s. 373.223.

2. Establish a coordinated process for the identification of water resources requiring new or revised conditions established under s. 373.223.

3. Consider existing recovery or prevention strategies.

4. Include a list of water supply options sufficient to meet the water needs of all existing and future reasonable-beneficial uses which meet conditions established under s. 373.223.

5. Identify, as necessary, which of the water supply sources are preferred water supply sources pursuant to s. 373.2234.

(d) The department, in consultation with the St. Johns River Water Management District, the South Florida Water Management District, the Southwest Florida Water Management District, and the Department of Agriculture and Consumer Services, shall adopt uniform rules for application within the Central Florida Water Initiative Area that include:



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1. A single, uniform definition of "harmful to the water resources" consistent with the term's usage in s. 373.219;

2. A single method for calculating residential per capita water use;

3. A single process for permit reviews;

4. A single, consistent process, as appropriate, to set minimum flows and minimum water levels and water reservations;

5. A goal for residential per capita water use for each consumptive use permit; and

6. An annual conservation goal for each consumptive use permit consistent with the regional water supply plan.

The uniform rules shall include existing recovery strategies within the Central Florida Water Initiative Area adopted before July 1, 2015. The department may grant variances to the uniform rules if there are unique circumstances or hydrogeological factors that make application of the uniform rules unrealistic or impractical.

(e) The department shall initiate rulemaking for the uniform rules by December 31, 2015. The department's uniform rules shall be applied by the water management districts only within the Central Florida Water Initiative Area. Upon adoption of the rules, the water management districts shall implement the rules without further rulemaking pursuant to s. 120.54. The rules adopted by the department pursuant to this section are considered the rules of the water management districts.

(f) Water management district planning programs developed pursuant this subsection shall be approved or adopted as required under this chapter. However, such planning programs may



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not serve to modify planning programs in areas of the affected districts that are not within the Central Florida Water Initiative Area, but may include interregional projects located outside the Central Florida Water Initiative Area which are consistent with planning and regulatory programs in the areas in which they are located.

Section 12. Subsection (4) of section 373.1501, Florida Statutes, is amended, subsections (7) and (8) are renumbered as subsections (8) and (9), respectively, and a new subsection (7) is added to that section, to read:

373.1501 South Florida Water Management District as local sponsor.—

(4) The district is authorized to act as local sponsor of the project for those project features within the district as provided in this subsection and subject to the oversight of the department as further provided in s. 373.026. The district shall exercise the authority of the state to allocate quantities of water within its jurisdiction, including the water supply in relation to the project, and be responsible for allocating water and assigning priorities among the other water uses served by the project pursuant to state law. The district may:

(a) Act as local sponsor for all project features previously authorized by Congress.†

(b) Continue data gathering, analysis, research, and design of project components, participate in preconstruction engineering and design documents for project components, and further refine the Comprehensive Plan of the restudy as a guide and framework for identifying other project components.†

(c) Construct pilot projects that will assist in



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determining the feasibility of technology included in the
Comprehensive Plan of the restudy.~~;~~ ~~and~~

(d) Act as local sponsor for project components.

(7) When developing or implementing water control plans or
regulation schedules required for the operation of the project,
the district shall provide recommendations to the United States
Army Corps of Engineers which are consistent with all district
programs and plans.

Section 13. Section 373.2234, Florida Statutes, is amended
to read:

373.2234 Preferred water supply sources.—

(1) The governing board of a water management district is
authorized to adopt rules that identify preferred water supply
sources for consumptive uses for which there is sufficient data
to establish that a preferred source will provide a substantial
new water supply to meet the existing and projected reasonable-
beneficial uses of a water supply planning region identified
pursuant to s. 373.709(1), while sustaining existing water
resources and natural systems. At a minimum, such rules must
contain a description of the preferred water supply source and
an assessment of the water the preferred source is projected to
produce.

(2) (a) If an applicant proposes to use a preferred water
supply source, that applicant's proposed water use is subject to
s. 373.223(1), except that the proposed use of a preferred water
supply source must be considered by a water management district
when determining whether a permit applicant's proposed use of
water is consistent with the public interest pursuant to s.
373.223(1) (c).



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(b) The governing board of a water management district shall consider the identification of preferred water supply sources for water users for whom access to or development of new water supplies is not technically or financially feasible. Identification of preferred water supply sources for such water users must be consistent with s. 373.016.

(c) A consumptive use permit issued for the use of a preferred water supply source must be granted, when requested by the applicant, for at least a 20-year period and may be subject to the compliance reporting provisions of s. 373.236(4).

(3) (a) ~~Nothing in This section does not: shall be construed to~~

1. Exempt the use of preferred water supply sources from ~~the provisions of ss. 373.016(4) and 373.223(2) and (3); or be construed to~~

2. Provide that permits issued for the use of a nonpreferred water supply source must be issued for a duration of less than 20 years or that the use of a nonpreferred water supply source is not consistent with the public interest; ~~or.~~

3. ~~Additionally, nothing in this section shall be interpreted to~~ Require the use of a preferred water supply source or to restrict or prohibit the use of a nonpreferred water supply source.

(b) Rules adopted by the governing board of a water management district to implement this section shall specify that the use of a preferred water supply source is not required and that the use of a nonpreferred water supply source is not restricted or prohibited.

Section 14. Subsection (2) of section 373.233, Florida



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Statutes, is amended to read:

373.233 Competing applications.—

(2) (a) If ~~In the event that~~ two or more competing applications qualify equally under ~~the provisions of~~ subsection (1), the governing board or the department shall give preference to a renewal application over an initial application.

(b) If two or more competing applications qualify equally under subsection (1) and none of the competing applications is a renewal application, the governing board or the department shall give preference to the use where the source is nearest to the area of use or application in a manner consistent with s.

373.016(4) (a).

Section 15. Section 373.4591, Florida Statutes, is amended to read:

373.4591 Improvements on private agricultural lands.—

(1) The Legislature encourages public-private partnerships to accomplish water storage, groundwater recharge, and water quality improvements on private agricultural lands. Priority consideration shall be given to public-private partnerships that:

(a) Store or treat water on private lands for purposes of enhancing hydrologic improvement, improving water quality, or assisting in water supply;

(b) Provide critical ground water recharge; or

(c) Provide for changes in land use to activities that minimize nutrient loads and maximize water conservation.

(2) (a) When an agreement is entered into between the department, a water management district, or the Department of Agriculture and Consumer Services and a private landowner to



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establish ~~such~~ a public-private partnership that may create or
impact wetlands or other surface waters, a baseline condition
determining the extent of wetlands and other surface waters on
the property shall be established and documented in the
agreement before improvements are constructed.

(b) When an agreement is entered into between the
Department of Agriculture and Consumer Services and a private
landowner to implement best management practices pursuant to s.
403.067(7)(c), a baseline condition determining the extent of
wetlands and other surface water on the property may be
established at the option and expense of the private landowner
and documented in the agreement before improvements are
constructed. The Department of Agriculture and Consumer Services
shall submit the landowner's proposed baseline condition
documentation to the lead agency for review and approval, and
the agency shall use its best efforts to complete the review
within 45 days.

(3) The Department of Agriculture and Consumer Services,
the department, and the water management districts shall provide
a process for reviewing these requests in the timeframe
specified. The determination of a baseline condition shall be
conducted using the methods set forth in the rules adopted
pursuant to s. 373.421. The baseline condition documented in an
agreement shall be considered the extent of wetlands and other
surface waters on the property for the purpose of regulation
under this chapter for the duration of the agreement and after
its expiration.

Section 16. Paragraph (h) of subsection (1) and subsections
(2) through (7) of section 373.4595, Florida Statutes, are



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amended, and present subsections (8) through (13) are redesignated as subsections (9) through (14), respectively, and a new subsection (8) is added, to read:

373.4595 Northern Everglades and Estuaries Protection Program.—

(1) FINDINGS AND INTENT.—

(h) The Legislature finds that the expeditious implementation of the Lake Okeechobee Watershed Protection Program, the Caloosahatchee River Watershed Protection Program, ~~Plan~~ and the St. Lucie River Watershed Protection Program ~~Plans~~ is needed to improve the quality, quantity, timing, and distribution of water in the northern Everglades ecosystem and that this section, in conjunction with s. 403.067, including the implementation of the plans developed and approved pursuant to subsections (3) and (4), and any related basin management action plan developed and implemented pursuant to s. 403.067(7)(a), provide a reasonable means of achieving the total maximum daily load requirements and achieving and maintaining compliance with state water quality standards.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Best management practice" means a practice or combination of practices determined by the coordinating agencies, based on research, field-testing, and expert review, to be the most effective and practicable on-location means, including economic and technological considerations, for improving water quality in agricultural and urban discharges. Best management practices for agricultural discharges shall reflect a balance between water quality improvements and agricultural productivity.



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(b) "Biosolids" means the solid, semisolid, or liquid residue generated during the treatment of domestic wastewater in a domestic wastewater treatment facility, formerly known as "domestic wastewater residuals" or "residuals," and includes products and treated material from biosolids treatment facilities and septage management facilities regulated by the department. The term does not include the treated effluent or reclaimed water from a domestic wastewater treatment facility, solids removed from pump stations and lift stations, screenings and grit removed from the preliminary treatment components of domestic wastewater treatment facilities, or ash generated during the incineration of biosolids.

(c) ~~(b)~~ "Caloosahatchee River watershed" means the Caloosahatchee River, its tributaries, its estuary, and the area within Charlotte, Glades, Hendry, and Lee Counties from which surface water flow is directed or drains, naturally or by constructed works, to the river, its tributaries, or its estuary.

(d) ~~(e)~~ "Coordinating agencies" means the Department of Agriculture and Consumer Services, the Department of Environmental Protection, and the South Florida Water Management District.

(e) ~~(d)~~ "Corps of Engineers" means the United States Army Corps of Engineers.

(f) ~~(e)~~ "Department" means the Department of Environmental Protection.

(g) ~~(f)~~ "District" means the South Florida Water Management District.

~~(g) "District's WOD program" means the program implemented~~



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~~pursuant to rules adopted as authorized by this section and ss. 373.016, 373.044, 373.085, 373.086, 373.109, 373.113, 373.118, 373.451, and 373.453, entitled "Works of the District Basin."~~

(h) "Lake Okeechobee Watershed Construction Project" means the construction project developed pursuant to this section ~~paragraph (3)(b).~~

(i) "Lake Okeechobee Watershed Protection Plan" means the Lake Okeechobee Watershed Construction Project and the Lake Okeechobee Watershed Research and Water Quality Monitoring Program ~~plan developed pursuant to this section and ss. 373.451-373.459.~~

(j) "Lake Okeechobee watershed" means Lake Okeechobee, its tributaries, and the area within which surface water flow is directed or drains, naturally or by constructed works, to the lake or its tributaries.

~~(k) "Lake Okeechobee Watershed Phosphorus Control Program" means the program developed pursuant to paragraph (3)(c).~~

(k) ~~(l)~~ "Northern Everglades" means the Lake Okeechobee watershed, the Caloosahatchee River watershed, and the St. Lucie River watershed.

(l) ~~(m)~~ "Project component" means any structural or operational change, resulting from the Restudy, to the Central and Southern Florida Project as it existed and was operated as of January 1, 1999.

(m) ~~(n)~~ "Restudy" means the Comprehensive Review Study of the Central and Southern Florida Project, for which federal participation was authorized by the Federal Water Resources Development Acts of 1992 and 1996 together with related Congressional resolutions and for which participation by the



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South Florida Water Management District is authorized by s. 373.1501. The term includes all actions undertaken pursuant to the aforementioned authorizations which will result in recommendations for modifications or additions to the Central and Southern Florida Project.

(n)~~(e)~~ "River Watershed Protection Plans" means the Caloosahatchee River Watershed Protection Plan and the St. Lucie River Watershed Protection Plan developed pursuant to this section.

(o) "Soil amendment" means any substance or mixture of substances sold or offered for sale for soil enriching or corrective purposes, intended or claimed to be effective in promoting or stimulating plant growth, increasing soil or plant productivity, improving the quality of crops, or producing any chemical or physical change in the soil, except amendments, conditioners, additives, and related products that are derived solely from inorganic sources and that contain no recognized plant nutrients.

(p) "St. Lucie River watershed" means the St. Lucie River, its tributaries, its estuary, and the area within Martin, Okeechobee, and St. Lucie Counties from which surface water flow is directed or drains, naturally or by constructed works, to the river, its tributaries, or its estuary.

(q) "Total maximum daily load" means the sum of the individual wasteload allocations for point sources and the load allocations for nonpoint sources and natural background adopted pursuant to s. 403.067. Before ~~Prior to~~ determining individual wasteload allocations and load allocations, the maximum amount of a pollutant that a water body or water segment can assimilate



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from all sources without exceeding water quality standards must first be calculated.

(3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—The Lake Okeechobee Watershed Protection Program shall consist of the Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067, the Lake Okeechobee Exotic Species Control Program, and the Lake Okeechobee Internal Phosphorus Management Program. The Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067 shall be the component of the Lake Okeechobee Watershed Protection ~~A protection Program for Lake Okeechobee that achieves phosphorus load reductions for Lake Okeechobee shall be immediately implemented as specified in this subsection. The Lake Okeechobee Watershed Protection Program shall address the reduction of phosphorus loading to the lake from both internal and external sources. Phosphorus load reductions shall be achieved through a phased program of implementation. Initial implementation actions shall be technology-based, based upon a consideration of both the availability of appropriate technology and the cost of such technology, and shall include phosphorus reduction measures at both the source and the regional level. The initial phase of phosphorus load reductions shall be based upon the district's Technical Publication 81-2 and the district's WOD program, with subsequent phases of phosphorus load reductions based upon the total maximum daily loads established in accordance with s. 403.067.~~ In the development and administration of the Lake Okeechobee Watershed Protection Program, the coordinating agencies shall maximize opportunities provided by federal cost-sharing programs and opportunities for



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partnerships with the private sector.

(a) *Lake Okeechobee Watershed Protection Plan.*—In order to protect and restore surface water resources, the district, in cooperation with the other coordinating agencies, shall complete a Lake Okeechobee Watershed Protection Plan in accordance with this section and ss. 373.451-373.459. Beginning March 1, 2020, and every 5 years thereafter, the district shall update the Lake Okeechobee Watershed Protection Plan to ensure that it is consistent with the Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067. The Lake Okeechobee Watershed Protection Plan shall identify the geographic extent of the watershed, be coordinated with the plans developed pursuant to paragraphs (4) (a) and (c) ~~(b)~~, and include the Lake Okeechobee Watershed Construction Project and the Lake Okeechobee Watershed Research and Water Quality Monitoring Program ~~contain an implementation schedule for subsequent phases of phosphorus load reduction consistent with the total maximum daily loads established in accordance with s. 403.067.~~ The plan shall consider and build upon a review and analysis of ~~the following:~~

1. ~~the performance of projects constructed during Phase I and Phase II of the Lake Okeechobee Watershed Construction Project, pursuant to subparagraph 1.; paragraph (b).~~

2. ~~relevant information resulting from the Lake Okeechobee Basin Management Action Plan Watershed Phosphorus Control Program, pursuant to paragraph (b); (c).~~

3. ~~relevant information resulting from the Lake Okeechobee Watershed Research and Water Quality Monitoring Program, pursuant to subparagraph 2.; paragraph (d).~~

4. relevant information resulting from the Lake Okeechobee



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Exotic Species Control Program, pursuant to paragraph (c); and
~~(e)~~.

5. Relevant information resulting from the Lake Okeechobee
Internal Phosphorus Management Program, pursuant to paragraph
(d) ~~(f)~~.

1. ~~(b)~~ *Lake Okeechobee Watershed Construction Project.*—To
improve the hydrology and water quality of Lake Okeechobee and
downstream receiving waters, including the Caloosahatchee and
St. Lucie Rivers and their estuaries, the district, in
cooperation with the other coordinating agencies, shall design
and construct the Lake Okeechobee Watershed Construction
Project. The project shall include:

a. ~~1.~~ Phase I.—Phase I of the Lake Okeechobee Watershed
Construction Project shall consist of a series of project
features consistent with the recommendations of the South
Florida Ecosystem Restoration Working Group's Lake Okeechobee
Action Plan. Priority basins for such projects include S-191, S-
154, and Pools D and E in the Lower Kissimmee River. In order to
obtain phosphorus load reductions to Lake Okeechobee as soon as
possible, the following actions shall be implemented:

(I) ~~a.~~ The district shall serve as a full partner with the
Corps of Engineers in the design and construction of the Grassy
Island Ranch and New Palm Dairy stormwater treatment facilities
as components of the Lake Okeechobee Water Retention/Phosphorus
Removal Critical Project. The Corps of Engineers shall have the
lead in design and construction of these facilities. Should
delays be encountered in the implementation of either of these
facilities, the district shall notify the department and
recommend corrective actions.



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(II)~~b.~~ The district shall obtain permits and complete construction of two of the isolated wetland restoration projects that are part of the Lake Okeechobee Water Retention/Phosphorus Removal Critical Project. The additional isolated wetland projects included in this critical project shall further reduce phosphorus loading to Lake Okeechobee.

(III)~~e.~~ The district shall work with the Corps of Engineers to expedite initiation of the design process for the Taylor Creek/Nubbins Slough Reservoir Assisted Stormwater Treatment Area, a project component of the Comprehensive Everglades Restoration Plan. The district shall propose to the Corps of Engineers that the district take the lead in the design and construction of the Reservoir Assisted Stormwater Treatment Area and receive credit towards the local share of the total cost of the Comprehensive Everglades Restoration Plan.

~~b.2.~~ Phase II technical plan and construction. ~~By February 1, 2008,~~ The district, in cooperation with the other coordinating agencies, shall develop a detailed technical plan for Phase II of the Lake Okeechobee Watershed Construction Project which provides the basis for the Lake Okeechobee Basin Management Action Plan adopted by the department pursuant to s. 403.067. The detailed technical plan shall include measures for the improvement of the quality, quantity, timing, and distribution of water in the northern Everglades ecosystem, including the Lake Okeechobee watershed and the estuaries, and for facilitating the achievement of water quality standards. Use of cost-effective biologically based, hybrid wetland/chemical and other innovative nutrient control technologies shall be incorporated in the plan where appropriate. The detailed



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technical plan shall also include a Process Development and Engineering component to finalize the detail and design of Phase II projects and identify additional measures needed to increase the certainty that the overall objectives for improving water quality and quantity can be met. Based on information and recommendations from the Process Development and Engineering component, the Phase II detailed technical plan shall be periodically updated. Phase II shall include construction of additional facilities in the priority basins identified in sub-subparagraph a. subparagraph 1., as well as facilities for other basins in the Lake Okeechobee watershed. ~~This detailed technical plan will require legislative ratification pursuant to paragraph (i).~~ The technical plan shall:

(I)~~a.~~ Identify Lake Okeechobee Watershed Construction Project facilities designed to contribute to achieving all applicable total maximum daily loads established pursuant to s. 403.067 within the Lake Okeechobee watershed.

(II)~~b.~~ Identify the size and location of all such Lake Okeechobee Watershed Construction Project facilities.

(III)~~c.~~ Provide a construction schedule for all such Lake Okeechobee Watershed Construction Project facilities, including the sequencing and specific timeframe for construction of each Lake Okeechobee Watershed Construction Project facility.

(IV)~~d.~~ Provide a schedule for the acquisition of lands or sufficient interests necessary to achieve the construction schedule.

(V)~~e.~~ Provide a detailed schedule of costs associated with the construction schedule.

(VI)~~f.~~ Identify, to the maximum extent practicable, impacts



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on wetlands and state-listed species expected to be associated with construction of such facilities, including potential alternatives to minimize and mitigate such impacts, as appropriate.

(VII)~~g.~~ Provide for additional measures, including voluntary water storage and quality improvements on private land, to increase water storage and reduce excess water levels in Lake Okeechobee and to reduce excess discharges to the estuaries.

(VIII) ~~The technical plan shall also~~ Develop the appropriate water quantity storage goal to achieve the desired Lake Okeechobee range of lake levels and inflow volumes to the Caloosahatchee and St. Lucie estuaries while meeting the other water-related needs of the region, including water supply and flood protection.

(IX)~~h.~~ Provide for additional source controls needed to enhance performance of the Lake Okeechobee Watershed Construction Project facilities. Such additional source controls shall be incorporated into the Lake Okeechobee Basin Management Action Plan ~~Watershed Phosphorous Control Program~~ pursuant to paragraph (b) ~~(e)~~.

c.3. ~~Evaluation.~~ Within 5 years after the adoption of the Lake Okeechobee Basin Management Action Plan pursuant to s. 403.067 and every 5 ~~By January 1, 2004, and every 3~~ years thereafter, the department ~~district~~, in cooperation with the other coordinating agencies, shall conduct an evaluation of the Lake Okeechobee Watershed Construction Project and identify any further load reductions necessary to achieve compliance with the ~~all~~ Lake Okeechobee ~~watershed~~ total maximum daily loads



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established pursuant to s. 403.067. ~~Additionally,~~ The district shall identify modifications to facilities of the Lake Okeechobee Watershed Construction Project as appropriate to meet the total maximum daily loads. Modifications to the Lake Okeechobee Watershed Construction Project resulting from this evaluation shall be incorporated into the Lake Okeechobee Basin Management Action Plan and ~~The evaluation shall be included in~~ the applicable annual progress report submitted pursuant to subsection (6).

d.4. ~~Coordination and review.~~—To ensure the timely implementation of the Lake Okeechobee Watershed Construction Project, the design of project facilities shall be coordinated with the department and other interested parties, including affected local governments, to the maximum extent practicable. Lake Okeechobee Watershed Construction Project facilities shall be reviewed and commented upon by the department before ~~prior to~~ the execution of a construction contract by the district for that facility.

2. Lake Okeechobee Watershed Research and Water Quality Monitoring Program.—The coordinating agencies shall implement a Lake Okeechobee Watershed Research and Water Quality Monitoring Program. Results from the program shall be used by the department, in cooperation with the other coordinating agencies, to make modifications to the Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067, as appropriate. The program shall:

a. Evaluate all available existing water quality data concerning total phosphorus in the Lake Okeechobee watershed, develop a water quality baseline to represent existing



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conditions for total phosphorus, monitor long-term ecological changes, including water quality for total phosphorus, and measure compliance with water quality standards for total phosphorus, including any applicable total maximum daily load for the Lake Okeechobee watershed as established pursuant to s. 403.067. Beginning March 1, 2020, and every 5 years thereafter, the department shall reevaluate water quality and quantity data to ensure that the appropriate projects are being designated and incorporated into the Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067. The district shall implement a total phosphorus monitoring program at appropriate structures owned or operated by the district and within the Lake Okeechobee watershed.

b. Develop a Lake Okeechobee water quality model that reasonably represents the phosphorus dynamics of Lake Okeechobee and incorporates an uncertainty analysis associated with model predictions.

c. Determine the relative contribution of phosphorus from all identifiable sources and all primary and secondary land uses.

d. Conduct an assessment of the sources of phosphorus from the Upper Kissimmee Chain-of-Lakes and Lake Istokpoga, and their relative contribution to the water quality of Lake Okeechobee. The results of this assessment shall be used by the coordinating agencies as part of the Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067 to develop interim measures, best management practices, or regulations, as applicable.

e. Assess current water management practices within the Lake Okeechobee watershed and develop recommendations for



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structural and operational improvements. Such recommendations shall balance water supply, flood control, estuarine salinity, maintenance of a healthy lake littoral zone, and water quality considerations.

f. Evaluate the feasibility of alternative nutrient reduction technologies, including sediment traps, canal and ditch maintenance, fish production or other aquaculture, bioenergy conversion processes, and algal or other biological treatment technologies and include any alternative nutrient reduction technologies determined to be feasible in the Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067.

g. Conduct an assessment of the water volumes and timing from the Lake Okeechobee watershed and their relative contribution to the water level changes in Lake Okeechobee and to the timing and volume of water delivered to the estuaries.

(b)(c) Lake Okeechobee Basin Management Action Plan
~~Watershed Phosphorus Control Program.~~—The Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067 shall be the watershed phosphorus control component for Lake Okeechobee and shall be ~~Program is~~ designed to be a multifaceted approach to reducing phosphorus loads by improving the management of phosphorus sources within the Lake Okeechobee watershed through implementation of regulations and best management practices, continued development and continued implementation of improved best management practices, improvement and restoration of the hydrologic function of natural and managed systems, and use ~~utilization~~ of alternative technologies for nutrient reduction. The plan shall contain an implementation schedule for pollutant



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load reductions consistent with the adopted total maximum daily
load. The coordinating agencies shall develop an interagency
agreement pursuant to ss. 373.046 and 373.406 which is
consistent with the department taking the lead on water quality
protection measures through the Lake Okeechobee Basin Management
Action Plan adopted pursuant to s. 403.067; the district taking
the lead on hydrologic improvements pursuant to paragraph (a);
and the Department of Agriculture and Consumer Services taking
the lead on agricultural interim measures, best management
practices, and other measures adopted pursuant to s. 403.067.
The interagency agreement shall specify how best management
practices for nonagricultural nonpoint sources are developed and
how all best management practices are implemented and verified
consistent with s. 403.067 and this section. The interagency
agreement shall address measures to be taken by the coordinating
agencies during any best management practice reevaluation
performed pursuant to subparagraphs 5. and 10. The department
shall use best professional judgment in making the initial
determination of best management practice effectiveness. The
coordinating agencies may develop an intergovernmental agreement
with local governments to implement nonagricultural nonpoint
source best management practices within their respective
geographic boundaries. The coordinating agencies shall
facilitate the application of federal programs that offer
opportunities for water quality treatment, including
preservation, restoration, or creation of wetlands on
agricultural lands.

1. Agricultural nonpoint source best management practices,
developed in accordance with s. 403.067 and designed to achieve



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the objectives of the Lake Okeechobee Watershed Protection Program as part of a phased approach of management strategies within the Lake Okeechobee Basin Management Action Plan, shall be implemented on an expedited basis. ~~The coordinating agencies shall develop an interagency agreement pursuant to ss. 373.046 and 373.406(5) that assures the development of best management practices that complement existing regulatory programs and specifies how those best management practices are implemented and verified. The interagency agreement shall address measures to be taken by the coordinating agencies during any best management practice reevaluation performed pursuant to sub-subparagraph d. The department shall use best professional judgment in making the initial determination of best management practice effectiveness.~~

2.a. As provided in s. 403.067 ~~s. 403.067(7)(c)~~, the Department of Agriculture and Consumer Services, in consultation with the department, the district, and affected parties, shall initiate rule development for interim measures, best management practices, conservation plans, nutrient management plans, or other measures necessary for Lake Okeechobee watershed total maximum daily load reduction. The rule shall include thresholds for requiring conservation and nutrient management plans and criteria for the contents of such plans. Development of agricultural nonpoint source best management practices shall initially focus on those priority basins listed in sub-subparagraph (a)1.a. ~~subparagraph (b)1.~~ The Department of Agriculture and Consumer Services, in consultation with the department, the district, and affected parties, shall conduct an ongoing program for improvement of existing and development of



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new agricultural nonpoint source interim measures and ~~or~~ best management practices. The Department of Agriculture and Consumer Services shall adopt for the purpose of adoption of such practices by rule. The Department of Agriculture and Consumer Services shall work with the University of Florida ~~Florida's~~ Institute of Food and Agriculture Sciences to review and, where appropriate, develop revised nutrient application rates for all agricultural soil amendments in the watershed.

~~3.b.~~ As provided in s. 403.067, where agricultural nonpoint source best management practices or interim measures have been adopted by rule of the Department of Agriculture and Consumer Services, the owner or operator of an agricultural nonpoint source addressed by such rule shall either implement interim measures or best management practices or demonstrate compliance with state water quality standards addressed by the Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067 ~~the district's WOD program~~ by conducting monitoring prescribed by the department or the district. Owners or operators of agricultural nonpoint sources who implement interim measures or best management practices adopted by rule of the Department of Agriculture and Consumer Services shall be subject to ~~the provisions of s. 403.067(7). The Department of Agriculture and Consumer Services, in cooperation with the department and the district, shall provide technical and financial assistance for implementation of agricultural best management practices, subject to the availability of funds.~~

~~4.e.~~ The district or department shall conduct monitoring at representative sites to verify the effectiveness of agricultural nonpoint source best management practices.



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1403 5.d. Where water quality problems are detected for
1404 agricultural nonpoint sources despite the appropriate
1405 implementation of adopted best management practices, ~~the~~
1406 ~~Department of Agriculture and Consumer Services, in consultation~~
1407 ~~with the other coordinating agencies and affected parties, shall~~
1408 ~~institute~~ a reevaluation and revision of the best management
1409 practices shall be conducted pursuant to s. 403.067(7)(c)4. and
1410 ~~make appropriate changes to the rule adopting best management~~
1411 ~~practices.~~

1412 6.2. As provided in s. 403.067, nonagricultural nonpoint
1413 source best management practices, developed in accordance with
1414 s. 403.067 and designed to achieve the objectives of the Lake
1415 Okeechobee Watershed Protection Program as part of a phased
1416 approach of management strategies within the Lake Okeechobee
1417 Basin Management Action Plan, shall be implemented on an
1418 expedited basis. ~~The department and the district shall develop~~
1419 ~~an interagency agreement pursuant to ss. 373.046 and 373.406(5)~~
1420 ~~that assures the development of best management practices that~~
1421 ~~complement existing regulatory programs and specifies how those~~
1422 ~~best management practices are implemented and verified. The~~
1423 ~~interagency agreement shall address measures to be taken by the~~
1424 ~~department and the district during any best management practice~~
1425 ~~reevaluation performed pursuant to sub-subparagraph d.~~

1426 7.a. The department and the district are directed to work
1427 with the University of Florida ~~Florida's~~ Institute of Food and
1428 Agricultural Sciences to develop appropriate nutrient
1429 application rates for all nonagricultural soil amendments in the
1430 watershed. As provided in s. 403.067 ~~s. 403.067(7)(c)~~, the
1431 department, in consultation with the district and affected



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parties, shall develop nonagricultural nonpoint source interim measures, best management practices, or other measures necessary for Lake Okeechobee watershed total maximum daily load reduction. Development of nonagricultural nonpoint source best management practices shall initially focus on those priority basins listed in sub-subparagraph (a)1.a. ~~subparagraph (b)1.~~ The department, the district, and affected parties shall conduct an ongoing program for improvement of existing and development of new interim measures and ~~or~~ best management practices. The department or the district shall adopt such practices by rule ~~The district shall adopt technology-based standards under the district's WOD program for nonagricultural nonpoint sources of phosphorus. Nothing in this sub-subparagraph shall affect the authority of the department or the district to adopt basin-specific criteria under this part to prevent harm to the water resources of the district.~~

~~8.b.~~ Where nonagricultural nonpoint source best management practices or interim measures have been developed by the department and adopted by the district, the owner or operator of a nonagricultural nonpoint source shall implement interim measures or best management practices and be subject to ~~the provisions of s. 403.067(7).~~ ~~The department and district shall provide technical and financial assistance for implementation of nonagricultural nonpoint source best management practices, subject to the availability of funds.~~

~~9.e.~~ As provided in s. 403.067, the district or the department shall conduct monitoring at representative sites to verify the effectiveness of nonagricultural nonpoint source best management practices.



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10.~~4~~. Where water quality problems are detected for nonagricultural nonpoint sources despite the appropriate implementation of adopted best management practices, ~~the department and the district shall institute~~ a reevaluation and revision of the best management practices shall be conducted pursuant to s. 403.067(7)(c)4.

11.3. The provisions of Subparagraphs 1. and 2. and 7. do ~~may~~ not preclude the department or the district from requiring compliance with water quality standards or with current best management practices requirements set forth in any applicable regulatory program authorized by law for the purpose of protecting water quality. ~~Additionally,~~ Subparagraphs ~~1. and 2. and 7.~~ are applicable only to the extent that they do not conflict with any rules adopted by the department that are necessary to maintain a federally delegated or approved program.

12. The program of agricultural best management practices set forth in the Everglades Program of the district, meets the requirements of this paragraph and s. 403.067(7) for the Lake Okeechobee watershed. An entity in compliance with best management practices set forth in the Everglades Program of the district, may elect to use that permit in lieu of the requirements of this paragraph. The provisions of s. 373.4595(3)(b)5. apply to this subparagraph.

13. The Department of Agriculture and Consumer Services, in cooperation with the department and the district, shall provide technical and financial assistance for implementation of agricultural best management practices, subject to the availability of funds. The department and district shall provide technical and financial assistance for implementation of



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nonagricultural nonpoint source best management practices,
subject to the availability of funds.

14.4- Projects that reduce the phosphorus load originating from domestic wastewater systems within the Lake Okeechobee watershed shall be given funding priority in the department's revolving loan program under s. 403.1835. The department shall coordinate and provide assistance to those local governments seeking financial assistance for such priority projects.

15.5- Projects that make use of private lands, or lands held in trust for Indian tribes, to reduce nutrient loadings or concentrations within a basin by one or more of the following methods: restoring the natural hydrology of the basin, restoring wildlife habitat or impacted wetlands, reducing peak flows after storm events, increasing aquifer recharge, or protecting range and timberland from conversion to development, are eligible for grants available under this section from the coordinating agencies. For projects of otherwise equal priority, special funding priority will be given to those projects that make best use of the methods outlined above that involve public-private partnerships or that obtain federal match money. Preference ranking above the special funding priority will be given to projects located in a rural area of opportunity designated by the Governor. Grant applications may be submitted by any person or tribal entity, and eligible projects may include, but are not limited to, the purchase of conservation and flowage easements, hydrologic restoration of wetlands, creating treatment wetlands, development of a management plan for natural resources, and financial support to implement a management plan.

16.6-a- The department shall require all entities disposing



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of domestic wastewater biosolids ~~residuals~~ within the Lake Okeechobee watershed and the remaining areas of Okeechobee, Glades, and Hendry Counties to develop and submit to the department an agricultural use plan that limits applications based upon phosphorus loading consistent with the Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067. ~~By July 1, 2005, phosphorus concentrations originating from these application sites may not exceed the limits established in the district's WOD program. After December 31, 2007,~~ The department may not authorize the disposal of domestic wastewater biosolids ~~residuals~~ within the Lake Okeechobee watershed unless the applicant can affirmatively demonstrate that the phosphorus in the biosolids ~~residuals~~ will not add to phosphorus loadings in Lake Okeechobee or its tributaries. This demonstration shall be based on achieving a net balance between phosphorus imports relative to exports on the permitted application site. Exports shall include only phosphorus removed from the Lake Okeechobee watershed through products generated on the permitted application site. This prohibition does not apply to Class AA biosolids ~~residuals~~ that are marketed and distributed as fertilizer products in accordance with department rule.

~~17.b.~~ Private and government-owned utilities within Monroe, Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian River, Okeechobee, Highlands, Hendry, and Glades Counties that dispose of wastewater biosolids ~~residual~~ sludge from utility operations and septic removal by land spreading in the Lake Okeechobee watershed may use a line item on local sewer rates to cover wastewater biosolids ~~residual~~ treatment and disposal if



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such disposal and treatment is done by approved alternative treatment methodology at a facility located within the areas designated by the Governor as rural areas of opportunity pursuant to s. 288.0656. This additional line item is an environmental protection disposal fee above the present sewer rate and may not be considered a part of the present sewer rate to customers, notwithstanding provisions to the contrary in chapter 367. The fee shall be established by the county commission or its designated assignee in the county in which the alternative method treatment facility is located. The fee shall be calculated to be no higher than that necessary to recover the facility's prudent cost of providing the service. Upon request by an affected county commission, the Florida Public Service Commission will provide assistance in establishing the fee. Further, for utilities and utility authorities that use the additional line item environmental protection disposal fee, such fee may not be considered a rate increase under the rules of the Public Service Commission and shall be exempt from such rules. Utilities using ~~the provisions of~~ this section may immediately include in their sewer invoicing the new environmental protection disposal fee. Proceeds from this environmental protection disposal fee shall be used for treatment and disposal of wastewater biosolids ~~residuals~~, including any treatment technology that helps reduce the volume of biosolids ~~residuals~~ that require final disposal, but such proceeds may not be used for transportation or shipment costs for disposal or any costs relating to the land application of biosolids ~~residuals~~ in the Lake Okeechobee watershed.

18.e. No less frequently than once every 3 years, the



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Florida Public Service Commission or the county commission through the services of an independent auditor shall perform a financial audit of all facilities receiving compensation from an environmental protection disposal fee. The Florida Public Service Commission or the county commission through the services of an independent auditor shall also perform an audit of the methodology used in establishing the environmental protection disposal fee. The Florida Public Service Commission or the county commission shall, within 120 days after completion of an audit, file the audit report with the President of the Senate and the Speaker of the House of Representatives and shall provide copies to the county commissions of the counties set forth in subparagraph 17 ~~sub-subparagraph b.~~ The books and records of any facilities receiving compensation from an environmental protection disposal fee shall be open to the Florida Public Service Commission and the Auditor General for review upon request.

~~19.7.~~ The Department of Health shall require all entities disposing of septage within the Lake Okeechobee watershed to develop and submit to that agency an agricultural use plan that limits applications based upon phosphorus loading consistent with the Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067. ~~By July 1, 2005, phosphorus concentrations originating from these application sites may not exceed the limits established in the district's WOD program.~~

~~20.8.~~ The Department of Agriculture and Consumer Services shall initiate rulemaking requiring entities within the Lake Okeechobee watershed which land-apply animal manure to develop resource management system level conservation plans, according



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to United States Department of Agriculture criteria, which limit such application. Such rules may include criteria and thresholds for the requirement to develop a conservation or nutrient management plan, requirements for plan approval, and recordkeeping requirements.

21. The district shall revise chapter 40E-61, Florida Administrative Code, to be consistent with this section and s. 403.067; provide for a monitoring program for nonpoint source dischargers required to monitor water quality by s. 403.067; and provide for the results of such monitoring to be reported to the coordinating agencies.

~~9. The district, the department, or the Department of Agriculture and Consumer Services, as appropriate, shall implement those alternative nutrient reduction technologies determined to be feasible pursuant to subparagraph (d)6.~~

~~(d) Lake Okeechobee Watershed Research and Water Quality Monitoring Program. The district, in cooperation with the other coordinating agencies, shall establish a Lake Okeechobee Watershed Research and Water Quality Monitoring Program that builds upon the district's existing Lake Okeechobee research program. The program shall:~~

~~1. Evaluate all available existing water quality data concerning total phosphorus in the Lake Okeechobee watershed, develop a water quality baseline to represent existing conditions for total phosphorus, monitor long-term ecological changes, including water quality for total phosphorus, and measure compliance with water quality standards for total phosphorus, including any applicable total maximum daily load for the Lake Okeechobee watershed as established pursuant to s.~~



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~~403.067. Every 3 years, the district shall reevaluate water quality and quantity data to ensure that the appropriate projects are being designated and implemented to meet the water quality and storage goals of the plan. The district shall also implement a total phosphorus monitoring program at appropriate structures owned or operated by the South Florida Water Management District and within the Lake Okeechobee watershed.~~

~~2. Develop a Lake Okeechobee water quality model that reasonably represents phosphorus dynamics of the lake and incorporates an uncertainty analysis associated with model predictions.~~

~~3. Determine the relative contribution of phosphorus from all identifiable sources and all primary and secondary land uses.~~

~~4. Conduct an assessment of the sources of phosphorus from the Upper Kissimmee Chain of Lakes and Lake Istokpoga, and their relative contribution to the water quality of Lake Okeechobee. The results of this assessment shall be used by the coordinating agencies to develop interim measures, best management practices, or regulation, as applicable.~~

~~5. Assess current water management practices within the Lake Okeechobee watershed and develop recommendations for structural and operational improvements. Such recommendations shall balance water supply, flood control, estuarine salinity, maintenance of a healthy lake littoral zone, and water quality considerations.~~

~~6. Evaluate the feasibility of alternative nutrient reduction technologies, including sediment traps, canal and ditch maintenance, fish production or other aquaculture,~~



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~~bioenergy conversion processes, and algal or other biological treatment technologies.~~

~~7. Conduct an assessment of the water volumes and timing from the Lake Okeechobee watershed and their relative contribution to the water level changes in Lake Okeechobee and to the timing and volume of water delivered to the estuaries.~~

~~(c)(e)~~ *Lake Okeechobee Exotic Species Control Program.*—The coordinating agencies shall identify the exotic species that threaten the native flora and fauna within the Lake Okeechobee watershed and develop and implement measures to protect the native flora and fauna.

~~(d)(f)~~ *Lake Okeechobee Internal Phosphorus Management Program.*—The district, in cooperation with the other coordinating agencies and interested parties, shall evaluate the feasibility of ~~complete a~~ Lake Okeechobee internal phosphorus load removal projects feasibility study. The evaluation feasibility study shall be based on technical feasibility, as well as economic considerations, and shall consider ~~address~~ all reasonable methods of phosphorus removal. If projects methods are found to be feasible, the district shall immediately pursue the design, funding, and permitting for implementing such projects methods.

~~(e)(g)~~ *Lake Okeechobee Watershed Protection Program Plan implementation.*—The coordinating agencies shall be jointly responsible for implementing the Lake Okeechobee Watershed Protection Program Plan, consistent with the statutory authority and responsibility of each agency. Annual funding priorities shall be jointly established, and the highest priority shall be assigned to programs and projects that address sources that have



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the highest relative contribution to loading and the greatest potential for reductions needed to meet the total maximum daily loads. In determining funding priorities, the coordinating agencies shall also consider the need for regulatory compliance, the extent to which the program or project is ready to proceed, and the availability of federal matching funds or other nonstate funding, including public-private partnerships. Federal and other nonstate funding shall be maximized to the greatest extent practicable.

(f) ~~(h)~~ *Priorities and implementation schedules.*—The coordinating agencies are authorized and directed to establish priorities and implementation schedules for the achievement of total maximum daily loads, compliance with the requirements of s. 403.067, and compliance with applicable water quality standards within the waters and watersheds subject to this section.

~~(i) *Legislative ratification.*—The coordinating agencies shall submit the Phase II technical plan developed pursuant to paragraph (b) to the President of the Senate and the Speaker of the House of Representatives prior to the 2008 legislative session for review. If the Legislature takes no action on the plan during the 2008 legislative session, the plan is deemed approved and may be implemented.~~

(4) CALOOSA HATCHEE RIVER WATERSHED PROTECTION PROGRAM AND ST. LUCIE RIVER WATERSHED PROTECTION PROGRAM.—A protection program shall be developed and implemented as specified in this subsection. In order to protect and restore surface water resources, the program shall address the reduction of pollutant loadings, restoration of natural hydrology, and compliance with



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applicable state water quality standards. The program shall be achieved through a phased program of implementation. In addition, pollutant load reductions based upon adopted total maximum daily loads established in accordance with s. 403.067 shall serve as a program objective. In the development and administration of the program, the coordinating agencies shall maximize opportunities provided by federal and local government cost-sharing programs and opportunities for partnerships with the private sector and local government. The program plan shall include a goal for salinity envelopes and freshwater inflow targets for the estuaries based upon existing research and documentation. The goal may be revised as new information is available. This goal shall seek to reduce the frequency and duration of undesirable salinity ranges while meeting the other water-related needs of the region, including water supply and flood protection, while recognizing the extent to which water inflows are within the control and jurisdiction of the district.

(a) *Caloosahatchee River Watershed Protection Plan.* ~~No later than January 1, 2009, The district, in cooperation with the other coordinating agencies, Lee County, and affected counties and municipalities, shall complete a River Watershed Protection Plan in accordance with this subsection. The Caloosahatchee River Watershed Protection Plan shall identify the geographic extent of the watershed, be coordinated as needed with the plans developed pursuant to paragraph (3) (a) and paragraph (c) (b) of this subsection, and contain an implementation schedule for pollutant load reductions consistent with any adopted total maximum daily loads and compliance with applicable state water quality standards. The plan shall include~~



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the Caloosahatchee River Watershed Construction Project and the
Caloosahatchee River Watershed Research and Water Quality
Monitoring Program.÷

1. Caloosahatchee River Watershed Construction Project.—To
improve the hydrology, water quality, and aquatic habitats
within the watershed, the district shall, no later than January
1, 2012, plan, design, and construct the initial phase of the
Watershed Construction Project. In doing so, the district shall:

a. Develop and designate the facilities to be constructed
to achieve stated goals and objectives of the Caloosahatchee
River Watershed Protection Plan.

b. Conduct scientific studies that are necessary to support
the design of the Caloosahatchee River Watershed Construction
Project facilities.

c. Identify the size and location of all such facilities.

d. Provide a construction schedule for all such facilities,
including the sequencing and specific timeframe for construction
of each facility.

e. Provide a schedule for the acquisition of lands or
sufficient interests necessary to achieve the construction
schedule.

f. Provide a schedule of costs and benefits associated with
each construction project and identify funding sources.

g. To ensure timely implementation, coordinate the design,
scheduling, and sequencing of project facilities with the
coordinating agencies, Lee County, other affected counties and
municipalities, and other affected parties.

2. Caloosahatchee River Watershed Research and Water
Quality Monitoring Program.—The district, in cooperation with



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the other coordinating agencies and local governments, shall implement a Caloosahatchee River Watershed Research and Water Quality Monitoring Program that builds upon the district's existing research program and that is sufficient to carry out, comply with, or assess the plans, programs, and other responsibilities created by this subsection. The program shall also conduct an assessment of the water volumes and timing from Lake Okeechobee and the Caloosahatchee River watershed and their relative contributions to the timing and volume of water delivered to the estuary.

(b)2- Caloosahatchee River Watershed Basin Management Action Plans Pollutant Control Program.—The basin management action plans adopted pursuant to s. 403.067 for the Caloosahatchee River watershed shall be the Caloosahatchee River Watershed Pollutant Control Program. The plans shall be ~~is~~ designed to be a multifaceted approach to reducing pollutant loads by improving the management of pollutant sources within the Caloosahatchee River watershed through implementation of regulations and best management practices, development and implementation of improved best management practices, improvement and restoration of the hydrologic function of natural and managed systems, and utilization of alternative technologies for pollutant reduction, such as cost-effective biologically based, hybrid wetland/chemical and other innovative nutrient control technologies. The plans shall contain an implementation schedule for pollutant load reductions consistent with the adopted total maximum daily load. The coordinating agencies shall facilitate the use ~~utilization~~ of federal programs that offer opportunities for water quality treatment,



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including preservation, restoration, or creation of wetlands on agricultural lands.

~~1.a.~~ Nonpoint source best management practices consistent with s. 403.067 ~~paragraph (3)(c)~~, designed to achieve the objectives of the Caloosahatchee River Watershed Protection Program, shall be implemented on an expedited basis. The coordinating agencies may develop an intergovernmental agreement with local governments to implement the nonagricultural, nonpoint-source best management practices within their respective geographic boundaries.

~~2.b.~~ This subsection does not preclude the department or the district from requiring compliance with water quality standards, adopted total maximum daily loads, or current best management practices requirements set forth in any applicable regulatory program authorized by law for the purpose of protecting water quality. This subsection applies only to the extent that it does not conflict with any rules adopted by the department or district which are necessary to maintain a federally delegated or approved program.

~~3.e.~~ Projects that make use of private lands, or lands held in trust for Indian tribes, to reduce pollutant loadings or concentrations within a basin, or that reduce the volume of harmful discharges by one or more of the following methods: restoring the natural hydrology of the basin, restoring wildlife habitat or impacted wetlands, reducing peak flows after storm events, or increasing aquifer recharge, are eligible for grants available under this section from the coordinating agencies.

~~4.d.~~ The Caloosahatchee River Watershed Basin Management Action Plans ~~Pollutant Control Program~~ shall require assessment



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of current water management practices within the watershed and shall require development of recommendations for structural, nonstructural, and operational improvements. Such recommendations shall consider and balance water supply, flood control, estuarine salinity, aquatic habitat, and water quality considerations.

~~5.e. After December 31, 2007,~~ The department may not authorize the disposal of domestic wastewater biosolids ~~residuals~~ within the Caloosahatchee River watershed unless the applicant can affirmatively demonstrate that the nutrients in the biosolids ~~residuals~~ will not add to nutrient loadings in the watershed. This demonstration shall be based on achieving a net balance between nutrient imports relative to exports on the permitted application site. Exports shall include only nutrients removed from the watershed through products generated on the permitted application site. This prohibition does not apply to Class AA biosolids ~~residuals~~ that are marketed and distributed as fertilizer products in accordance with department rule.

~~6.f.~~ The Department of Health shall require all entities disposing of septage within the Caloosahatchee River watershed to develop and submit to that agency an agricultural use plan that limits applications based upon nutrient loading consistent with any basin management action plan adopted pursuant to s. 403.067. ~~By July 1, 2008, nutrient concentrations originating from these application sites may not exceed the limits established in the district's WOD program.~~

~~7.g.~~ The Department of Agriculture and Consumer Services shall require ~~initiate rulemaking requiring~~ entities within the Caloosahatchee River watershed which land-apply animal manure to



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develop a resource management system level conservation plan, according to United States Department of Agriculture criteria, which limit such application. Such rules may include criteria and thresholds for the requirement to develop a conservation or nutrient management plan, requirements for plan approval, and recordkeeping requirements.

8. The district shall initiate rulemaking to provide for a monitoring program for nonpoint source dischargers required to monitor water quality pursuant to s. 403.067(7)(b)2.g. or s. 403.067(7)(c)3. The results of such monitoring must be reported to the coordinating agencies.

~~3. Caloosahatchee River Watershed Research and Water Quality Monitoring Program. The district, in cooperation with the other coordinating agencies and local governments, shall establish a Caloosahatchee River Watershed Research and Water Quality Monitoring Program that builds upon the district's existing research program and that is sufficient to carry out, comply with, or assess the plans, programs, and other responsibilities created by this subsection. The program shall also conduct an assessment of the water volumes and timing from the Lake Okeechobee and Caloosahatchee River watersheds and their relative contributions to the timing and volume of water delivered to the estuary.~~

(c)(b) St. Lucie River Watershed Protection Plan. ~~No later than January 1, 2009,~~ The district, in cooperation with the other coordinating agencies, Martin County, and affected counties and municipalities shall complete a plan in accordance with this subsection. The St. Lucie River Watershed Protection Plan shall identify the geographic extent of the watershed, be



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coordinated as needed with the plans developed pursuant to paragraph (3)(a) and paragraph (a) of this subsection, and ~~contain an implementation schedule for pollutant load reductions consistent with any adopted total maximum daily loads and compliance with applicable state water quality standards. The plan shall~~ include the St. Lucie River Watershed Construction Project and St. Lucie River Watershed Research and Water Quality Monitoring Program.÷

1. St. Lucie River Watershed Construction Project.—To improve the hydrology, water quality, and aquatic habitats within the watershed, the district shall, no later than January 1, 2012, plan, design, and construct the initial phase of the Watershed Construction Project. In doing so, the district shall:

a. Develop and designate the facilities to be constructed to achieve stated goals and objectives of the St. Lucie River Watershed Protection Plan.

b. Identify the size and location of all such facilities.

c. Provide a construction schedule for all such facilities, including the sequencing and specific timeframe for construction of each facility.

d. Provide a schedule for the acquisition of lands or sufficient interests necessary to achieve the construction schedule.

e. Provide a schedule of costs and benefits associated with each construction project and identify funding sources.

f. To ensure timely implementation, coordinate the design, scheduling, and sequencing of project facilities with the coordinating agencies, Martin County, St. Lucie County, other interested parties, and other affected local governments.



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2. St. Lucie River Watershed Research and Water Quality Monitoring Program.—The district, in cooperation with the other coordinating agencies and local governments, shall establish a St. Lucie River Watershed Research and Water Quality Monitoring Program that builds upon the district's existing research program and that is sufficient to carry out, comply with, or assess the plans, programs, and other responsibilities created by this subsection. The program shall also conduct an assessment of the water volumes and timing from Lake Okeechobee and the St. Lucie River watershed and their relative contributions to the timing and volume of water delivered to the estuary.

(d)~~2~~. St. Lucie River Watershed Basin Management Action Plans ~~Pollutant Control Program~~.—Basin management action plans for the St. Lucie River watershed adopted pursuant to s. 403.067 shall be the St. Lucie River Watershed Pollutant Control Program and shall be ~~is~~ designed to be a multifaceted approach to reducing pollutant loads by improving the management of pollutant sources within the St. Lucie River watershed through implementation of regulations and best management practices, development and implementation of improved best management practices, improvement and restoration of the hydrologic function of natural and managed systems, and use ~~utilization~~ of alternative technologies for pollutant reduction, such as cost-effective biologically based, hybrid wetland/chemical and other innovative nutrient control technologies. The plan shall contain an implementation schedule for pollutant load reductions consistent with the adopted total maximum daily load. The coordinating agencies shall facilitate the use ~~utilization~~ of federal programs that offer opportunities for water quality



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treatment, including preservation, restoration, or creation of wetlands on agricultural lands.

~~1.a.~~ Nonpoint source best management practices consistent with s. 403.067 ~~paragraph (3)(c)~~, designed to achieve the objectives of the St. Lucie River Watershed Protection Program, shall be implemented on an expedited basis. The coordinating agencies may develop an intergovernmental agreement with local governments to implement the nonagricultural nonpoint source best management practices within their respective geographic boundaries.

~~2.b.~~ This subsection does not preclude the department or the district from requiring compliance with water quality standards, adopted total maximum daily loads, or current best management practices requirements set forth in any applicable regulatory program authorized by law for the purpose of protecting water quality. This subsection applies only to the extent that it does not conflict with any rules adopted by the department or district which are necessary to maintain a federally delegated or approved program.

~~3.c.~~ Projects that make use of private lands, or lands held in trust for Indian tribes, to reduce pollutant loadings or concentrations within a basin, or that reduce the volume of harmful discharges by one or more of the following methods: restoring the natural hydrology of the basin, restoring wildlife habitat or impacted wetlands, reducing peak flows after storm events, or increasing aquifer recharge, are eligible for grants available under this section from the coordinating agencies.

~~4.d.~~ The St. Lucie River Watershed Basin Management Action Plans ~~Pollutant Control Program~~ shall require assessment of



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current water management practices within the watershed and shall require development of recommendations for structural, nonstructural, and operational improvements. Such recommendations shall consider and balance water supply, flood control, estuarine salinity, aquatic habitat, and water quality considerations.

~~5.e. After December 31, 2007,~~ The department may not authorize the disposal of domestic wastewater biosolids ~~residuals~~ within the St. Lucie River watershed unless the applicant can affirmatively demonstrate that the nutrients in the biosolids ~~residuals~~ will not add to nutrient loadings in the watershed. This demonstration shall be based on achieving a net balance between nutrient imports relative to exports on the permitted application site. Exports shall include only nutrients removed from the St. Lucie River watershed through products generated on the permitted application site. This prohibition does not apply to Class AA biosolids ~~residuals~~ that are marketed and distributed as fertilizer products in accordance with department rule.

~~6.f.~~ The Department of Health shall require all entities disposing of septage within the St. Lucie River watershed to develop and submit to that agency an agricultural use plan that limits applications based upon nutrient loading consistent with any basin management action plan adopted pursuant to s. 403.067.
~~By July 1, 2008, nutrient concentrations originating from these application sites may not exceed the limits established in the district's WOD program.~~

~~7.g.~~ The Department of Agriculture and Consumer Services shall initiate rulemaking requiring entities within the St.



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Lucie River watershed which land-apply animal manure to develop a resource management system level conservation plan, according to United States Department of Agriculture criteria, which limit such application. Such rules may include criteria and thresholds for the requirement to develop a conservation or nutrient management plan, requirements for plan approval, and recordkeeping requirements.

8. The district shall initiate rulemaking to provide for a monitoring program for nonpoint source dischargers required to monitor water quality pursuant to s. 403.067(7)(b)2.g. or s. 403.067(7)(c)3. The results of such monitoring must be reported to the coordinating agencies.

~~3. St. Lucie River Watershed Research and Water Quality Monitoring Program. The district, in cooperation with the other coordinating agencies and local governments, shall establish a St. Lucie River Watershed Research and Water Quality Monitoring Program that builds upon the district's existing research program and that is sufficient to carry out, comply with, or assess the plans, programs, and other responsibilities created by this subsection. The program shall also conduct an assessment of the water volumes and timing from the Lake Okeechobee and St. Lucie River watersheds and their relative contributions to the timing and volume of water delivered to the estuary.~~

(e)-(e) River Watershed Protection Plan implementation.—The coordinating agencies shall be jointly responsible for implementing the River Watershed Protection Plans, consistent with the statutory authority and responsibility of each agency. Annual funding priorities shall be jointly established, and the highest priority shall be assigned to programs and projects that



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have the greatest potential for achieving the goals and objectives of the plans. In determining funding priorities, the coordinating agencies shall also consider the need for regulatory compliance, the extent to which the program or project is ready to proceed, and the availability of federal or local government matching funds. Federal and other nonstate funding shall be maximized to the greatest extent practicable.

(f)-(d) Evaluation.—Beginning By March 1, 2020 2012, and every 5 3 years thereafter concurrent with the updates of the basin management action plans adopted pursuant to s. 403.067, the district, in cooperation with the other coordinating agencies, shall conduct an evaluation of any pollutant load reduction goals, as well as any other specific objectives and goals, as stated in the River Watershed Protection Programs Plans. Additionally, The district shall identify modifications to facilities of the River Watershed Construction Projects, as appropriate, or any other elements of the River Watershed Protection Programs Plans. The evaluation shall be included in the annual progress report submitted pursuant to this section.

(g)-(e) Priorities and implementation schedules.—The coordinating agencies are authorized and directed to establish priorities and implementation schedules for the achievement of total maximum daily loads, the requirements of s. 403.067, and compliance with applicable water quality standards within the waters and watersheds subject to this section.

~~(f) Legislative ratification.—The coordinating agencies shall submit the River Watershed Protection Plans developed pursuant to paragraphs (a) and (b) to the President of the Senate and the Speaker of the House of Representatives prior to~~



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~~the 2009 legislative session for review. If the Legislature takes no action on the plan during the 2009 legislative session, the plan is deemed approved and may be implemented.~~

(5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.—The department is directed to expedite development and adoption of total maximum daily loads for the Caloosahatchee River and estuary. The department is further directed to, ~~no later than December 31, 2008,~~ propose for final agency action total maximum daily loads for nutrients in the tidal portions of the Caloosahatchee River and estuary. The department shall initiate development of basin management action plans for Lake Okeechobee, the Caloosahatchee River watershed and estuary, and the St. Lucie River watershed and estuary as provided in s. 403.067 ~~s. 403.067(7)(a)~~ as follows:

(a) Basin management action plans shall be developed as soon as practicable as determined necessary by the department to achieve the total maximum daily loads established for the Lake Okeechobee watershed and the estuaries.

(b) The Phase II technical plan development pursuant to paragraph (3)(a) ~~(3)(b)~~, and the River Watershed Protection Plans developed pursuant to paragraphs (4)(a) and (c)(b) ~~(b)~~, shall provide the basis for basin management action plans developed by the department.

(c) As determined necessary by the department in order to achieve the total maximum daily loads, additional or modified projects or programs that complement those in the legislatively ratified plans may be included during the development of the basin management action plan.



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(d) As provided in s. 403.067, management strategies and pollution reduction requirements set forth in a basin management action plan subject to permitting by the department under subsection (7) must be completed pursuant to the schedule set forth in the basin management action plan, as amended. The implementation schedule may extend beyond the 5-year permit term.

(e) As provided in s. 403.067, management strategies and pollution reduction requirements set forth in a basin management action plan for a specific pollutant of concern are not subject to challenge under chapter 120 at the time they are incorporated, in an identical form, into a department or district issued permit or a permit modification issued in accordance with subsection (7).

~~(d) Development of basin management action plans that implement the provisions of the legislatively ratified plans shall be initiated by the department no later than September 30 of the year in which the applicable plan is ratified. Where a total maximum daily load has not been established at the time of plan ratification, development of basin management action plans shall be initiated no later than 90 days following adoption of the applicable total maximum daily load.~~

(6) ANNUAL PROGRESS REPORT.—Each March 1 the district, in cooperation with the other coordinating agencies, shall report on implementation of this section as part of the consolidated annual report required in s. 373.036(7). The annual report shall include a summary of the conditions of the hydrology, water quality, and aquatic habitat in the northern Everglades based on the results of the Research and Water Quality Monitoring



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Programs, the status of the Lake Okeechobee Watershed Construction Project, the status of the Caloosahatchee River Watershed Construction Project, and the status of the St. Lucie River Watershed Construction Project. In addition, the report shall contain an annual accounting of the expenditure of funds from the Save Our Everglades Trust Fund. At a minimum, the annual report shall provide detail by program and plan, including specific information concerning the amount and use of funds from federal, state, or local government sources. In detailing the use of these funds, the district shall indicate those designated to meet requirements for matching funds. The district shall prepare the report in cooperation with the other coordinating agencies and affected local governments. The department shall report on the status of the Lake Okeechobee Basin Management Action Plan, the Caloosahatchee River Watershed Basin Management Action Plan, and the St. Lucie River Watershed Basin Management Action Plan. The Department of Agriculture and Consumer Services shall report on the status of the implementation of the agricultural nonpoint source best management practices.

(7) LAKE OKEECHOBEE PROTECTION PERMITS.—

(a) The Legislature finds that the Lake Okeechobee Watershed Protection Program will benefit Lake Okeechobee and downstream receiving waters and is in ~~consistent with~~ the public interest. The Lake Okeechobee Watershed Construction Project, and structures discharging into or from Lake Okeechobee shall be constructed, operated, and maintained in accordance with this section.

(b) Permits obtained pursuant to this section are in lieu



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of all other permits under this chapter or chapter 403, except those issued under s. 403.0885, if applicable. ~~No~~ Additional permits are not required for the Lake Okeechobee Watershed Construction Project, or structures discharging into or from Lake Okeechobee, if such project or structures are permitted under this section. Construction activities related to implementation of the Lake Okeechobee Watershed Construction Project may be initiated before ~~prior to~~ final agency action, or notice of intended agency action, on any permit from the department under this section.

(c) 1. Within 90 days of completion of the diversion plans set forth in Department Consent Orders 91-0694, 91-0707, 91-0706, 91-0705, and RT50-205564, Owners or operators of existing structures which discharge into or from Lake Okeechobee that were subject to Department Consent Orders 91-0694, 91-0705, 91-0706, 91-0707, and RT50-205564 and that are subject to the provisions of s. 373.4592(4) (a) do not require a permit under this section and shall be governed by permits issued under apply for a permit from the department to operate and maintain such structures. By September 1, 2000, owners or operators of all other existing structures which discharge into or from Lake Okeechobee shall apply for a permit from the department to operate and maintain such structures. The department shall issue one or more such permits for a term of 5 years upon the demonstration of reasonable assurance that schedules and strategies to achieve and maintain compliance with water quality standards have been provided for, to the maximum extent practicable, and that operation of the structures otherwise complies with provisions of ss. 373.413 and 373.416 and the Lake



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Okeechobee Basin Management Action Plan adopted pursuant to s.
403.067.

~~1. Permits issued under this paragraph shall also contain
reasonable conditions to ensure that discharges of waters
through structures:~~

~~a. Are adequately and accurately monitored;~~

~~b. Will not degrade existing Lake Okeechobee water quality
and will result in an overall reduction of phosphorus input into
Lake Okeechobee, as set forth in the district's Technical
Publication 81-2 and the total maximum daily load established in
accordance with s. 403.067, to the maximum extent practicable;
and~~

~~e. Do not pose a serious danger to public health, safety,
or welfare.~~

2. For the purposes of this paragraph, owners and operators
of existing structures which are subject to ~~the provisions of s.~~
373.4592(4) (a) and which discharge into or from Lake Okeechobee
shall be deemed in compliance with this paragraph ~~the term~~
~~"maximum extent practicable"~~ if they are in full compliance with
the conditions of permits under chapter ~~chapters 40E-61 and 40E-~~
63, Florida Administrative Code.

3. ~~By January 1, 2004,~~ The district shall obtain from
~~submit to~~ the department a permit modification to the Lake
Okeechobee structure permits to incorporate proposed changes
necessary to ensure that discharges through the structures
covered by this permit are consistent with the basin management
action plan adopted pursuant to ~~achieve state water quality~~
~~standards, including the total maximum daily load established in~~
~~accordance with s. 403.067. These changes shall be designed to~~



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~~achieve such compliance with state water quality standards no later than January 1, 2015.~~

(d) The department shall require permits for district regional projects that are part of the Lake Okeechobee Watershed Construction Project facilities. However, projects ~~identified in sub-subparagraph (3)(b)1.b.~~ that qualify as exempt pursuant to s. 373.406 ~~do shall~~ not require ~~need~~ permits under this section. Such permits shall be issued for a term of 5 years upon the demonstration of reasonable assurances that:

1. District regional projects that are part of the Lake Okeechobee Watershed Construction Project shall facility, ~~based upon the conceptual design documents and any subsequent detailed design documents developed by the district, will~~ achieve the design objectives for phosphorus required in subparagraph (3)(a)1. ~~paragraph (3)(b);~~

2. For water quality standards other than phosphorus, the quality of water discharged from the facility is of equal or better quality than the inflows;

3. Discharges from the facility do not pose a serious danger to public health, safety, or welfare; and

4. Any impacts on wetlands or state-listed species resulting from implementation of that facility of the Lake Okeechobee Construction Project are minimized and mitigated, as appropriate.

(e) At least 60 days before ~~prior to~~ the expiration of any permit issued under this section, the permittee may apply for a renewal thereof for a period of 5 years.

(f) Permits issued under this section may include any standard conditions provided by department rule which are



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appropriate and consistent with this section.

(g) Permits issued under ~~pursuant to~~ this section may be modified, as appropriate, upon review and approval by the department.

(8) ENFORCEMENT OF BASIN MANAGEMENT ACTION PLANS.—The basin management action plans for Lake Okeechobee, the Caloosahatchee River watershed and estuary, and the St. Lucie River watershed and estuary are enforceable pursuant to ss. 403.067, 403.121, 403.141, and 403.161.

Section 17. Paragraphs (a) and (b) of subsection (6) of section 373.536, Florida Statutes, are amended to read:

373.536 District budget and hearing thereon.—

(6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN; WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

(a) Each district must, by the date specified for each item, furnish copies of the following documents to the Governor, the President of the Senate, the Speaker of the House of Representatives, the chairs of all legislative committees and subcommittees having substantive or fiscal jurisdiction over the districts, as determined by the President of the Senate or the Speaker of the House of Representatives as applicable, the secretary of the department, and the governing board of each county in which the district has jurisdiction or derives any funds for the operations of the district:

1. The adopted budget, to be furnished within 10 days after its adoption.

2. A financial audit of its accounts and records, to be furnished within 10 days after its acceptance by the governing board. The audit must be conducted in accordance with s. 11.45



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and the rules adopted thereunder. In addition to the entities named above, the district must provide a copy of the audit to the Auditor General within 10 days after its acceptance by the governing board.

3. A 5-year capital improvements plan, to be included in the consolidated annual report required by s. 373.036(7). The plan must include expected sources of revenue for planned improvements and must be prepared in a manner comparable to the fixed capital outlay format set forth in s. 216.043.

4. A 5-year water resource development work program to be furnished within 30 days after the adoption of the final budget. The program must describe the district's implementation strategy and include an annual funding plan for each of the 5 years included in the plan for the water resource and ~~water supply~~ development components, including ~~and~~ alternative water supply development, components of each approved regional water supply plan developed or revised under s. 373.709. The work program must address all the elements of the water resource development component in the district's approved regional water supply plans, as well as the water supply projects proposed for district funding and assistance. The annual funding plan shall identify both anticipated available district funding and additional funding needs for the second through fifth years of the funding plan. Funding requests for projects submitted for consideration for state funding pursuant to s. 403.0616 shall be identified separately. The work program ~~and~~ must identify projects in the work program which will provide water; explain how each water resource ~~and water supply, and alternative water supply development~~ project will produce additional water



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available for consumptive uses; estimate the quantity of water to be produced by each project; ~~and~~ provide an assessment of the contribution of the district's regional water supply plans in supporting the implementation of minimum flows and levels and reservations; and ensure ~~providing~~ sufficient water is available ~~needed~~ to timely meet the water supply needs of existing and future reasonable-beneficial uses for a 1-in-10-year drought event and to avoid the adverse effects of competition for water supplies.

(b) Within 30 days after its submittal, the department shall review the proposed work program and submit its findings, questions, and comments to the district. The review must include a written evaluation of the program's consistency with the furtherance of the district's approved regional water supply plans, and the adequacy of proposed expenditures. As part of the review, the department shall post the work program on its website and give interested parties the opportunity to provide written comments on each district's proposed work program.

Within 45 days after receipt of the department's evaluation, the governing board shall state in writing to the department which of the changes recommended in the evaluation it will incorporate into its work program submitted as part of the March 1 consolidated annual report required by s. 373.036(7) or specify the reasons for not incorporating the changes. The department shall include the district's responses in a final evaluation report and shall submit a copy of the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 18. Subsection (9) of section 373.703, Florida



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Statutes, is amended to read:

373.703 Water production; general powers and duties.—In the performance of, and in conjunction with, its other powers and duties, the governing board of a water management district existing pursuant to this chapter:

(9) May join with one or more other water management districts, counties, municipalities, special districts, publicly owned or privately owned water utilities, multijurisdictional water supply entities, regional water supply authorities, private landowners, or self-suppliers for the purpose of carrying out its powers, and may contract with such other entities to finance acquisitions, construction, operation, and maintenance, provided that such contracts are consistent with the public interest. The contract may provide for contributions to be made by each party to the contract for the division and apportionment of the expenses of acquisitions, construction, operation, and maintenance, and for the division and apportionment of resulting benefits, services, and products. The contracts may contain other covenants and agreements necessary and appropriate to accomplish their purposes.

Section 19. Paragraph (b) of subsection (2), subsection (3), and paragraph (b) of subsection (4) of section 373.705, Florida Statutes, are amended to read:

373.705 Water resource development; water supply development.—

(2) It is the intent of the Legislature that:

(b) Water management districts take the lead in identifying and implementing water resource development projects, and be responsible for securing necessary funding for regionally



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significant water resource development projects, including regionally significant projects that prevent or limit adverse water resource impacts, avoid competition among water users, or support the provision of new water supplies in order to meet a minimum flow or minimum water level, implement a recovery or prevention strategy or water reservation.

(3) (a) The water management districts shall fund and implement water resource development as defined in s. 373.019. The water management districts are encouraged to implement water resource development as expeditiously as possible in areas subject to regional water supply plans.

(b) Each governing board shall include in its annual budget submittals required under this chapter:

1. The amount of funds for each project in the annual funding plan developed pursuant to s. 373.536(6) (a) 4.

2. The total amount needed for the fiscal year to implement water resource development projects, as prioritized in its regional water supply plans.

3. The amount of funds requested for each project submitted for consideration for state funding pursuant to s. 403.0616.

(4)

(b) Water supply development projects that meet the criteria in paragraph (a) and that meet one or more of the following additional criteria shall be given first consideration for state or water management district funding assistance:

1. The project brings about replacement of existing sources in order to help implement a minimum flow or level; ~~or~~

2. The project implements reuse that assists in the elimination of domestic wastewater ocean outfalls as provided in



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s. 403.086(9); or

3. The project reduces or eliminates the adverse effects of competition between legal users and the natural system.

Section 20. Paragraph (f) of subsection (3), paragraph (a) of subsection (6), and paragraph (e) of subsection (8) of section 373.707, Florida Statutes, are amended to read:

373.707 Alternative water supply development.—

(3) The primary roles of the water management districts in water resource development as it relates to supporting alternative water supply development are:

(f) The provision of technical and financial assistance to local governments and publicly owned and privately owned water utilities for alternative water supply projects and for self-suppliers for alternative water supply projects to the extent assistance for self-suppliers promotes the policies in paragraph (1) (f).

(6) (a) Where state ~~The statewide~~ funds are provided through specific appropriation for a priority project of the water resources work program pursuant to s. 403.0616, or pursuant to the Water Protection and Sustainability Program, such funds serve to supplement existing water management district or basin board funding for alternative water supply development assistance and should not result in a reduction of such funding. For each project identified in the plans prepared pursuant to s. 373.536(6) (a) 4. ~~Therefore,~~ the water management districts shall include in the annual tentative and adopted budget submittals required under this chapter the amount of funds allocated for water resource development that supports alternative water supply development and the funds allocated for alternative water



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supply projects ~~selected for inclusion in the Water Protection and Sustainability Program~~. It shall be the goal of each water management district and basin boards that the combined funds allocated annually for these purposes be, at a minimum, the equivalent of 100 percent of the state funding provided to the water management district for alternative water supply development. If this goal is not achieved, the water management district shall provide in the budget submittal an explanation of the reasons or constraints that prevent this goal from being met, an explanation of how the goal will be met in future years, and affirmation of match is required during the budget review process as established under s. 373.536(5). The Suwannee River Water Management District and the Northwest Florida Water Management District shall not be required to meet the match requirements of this paragraph; however, they shall try to achieve the match requirement to the greatest extent practicable.

(8)

(e) Applicants for projects that may receive funding assistance pursuant to the Water Protection and Sustainability Program shall, at a minimum, be required to pay 60 percent of the project's construction costs. The water management districts may, at their discretion, totally or partially waive this requirement for projects sponsored by:

1. Financially disadvantaged small local governments as defined in former s. 403.885(5); or

2. Water users for projects determined by a water management district governing board to be in the public interest pursuant to paragraph (1)(f), if the projects are not otherwise



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financially feasible.

The water management districts or basin boards may, at their discretion, use ad valorem or federal revenues to assist a project applicant in meeting the requirements of this paragraph.

Section 21. Paragraph (a) of subsection (2) and paragraphs (a) and (e) of subsection (6) of section 373.709, Florida Statutes, are amended to read:

373.709 Regional water supply planning.—

(2) Each regional water supply plan must be based on at least a 20-year planning period and must include, but need not be limited to:

(a) A water supply development component for each water supply planning region identified by the district which includes:

1. A quantification of the water supply needs for all existing and future reasonable-beneficial uses within the planning horizon. The level-of-certainty planning goal associated with identifying the water supply needs of existing and future reasonable-beneficial uses must be based upon meeting those needs for a 1-in-10-year drought event.

a. Population projections used for determining public water supply needs must be based upon the best available data. In determining the best available data, the district shall consider the University of Florida ~~Florida's~~ Bureau of Economic and Business Research (BEBR) medium population projections and population projection data and analysis submitted by a local government pursuant to the public workshop described in subsection (1) if the data and analysis support the local



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government's comprehensive plan. Any adjustment of or deviation from the BEBR projections must be fully described, and the original BEBR data must be presented along with the adjusted data.

b. Agricultural demand projections used for determining the needs of agricultural self-suppliers must be based upon the best available data. In determining the best available data for agricultural self-supplied water needs, the district shall consider the data indicative of future water supply demands provided by the Department of Agriculture and Consumer Services pursuant to s. 570.93 and agricultural demand projection data and analysis submitted by a local government pursuant to the public workshop described in subsection (1), if the data and analysis support the local government's comprehensive plan. Any adjustment of or deviation from the data provided by the Department of Agriculture and Consumer Services must be fully described, and the original data must be presented along with the adjusted data.

2. A list of water supply development project options, including traditional and alternative water supply project options that are technically and financially feasible, from which local government, government-owned and privately owned utilities, regional water supply authorities, multijurisdictional water supply entities, self-suppliers, and others may choose for water supply development. In addition to projects listed by the district, such users may propose specific projects for inclusion in the list of alternative water supply projects. If such users propose a project to be listed as an alternative water supply project, the district shall determine



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whether it meets the goals of the plan, and, if so, it shall be included in the list. The total capacity of the projects included in the plan must exceed the needs identified in subparagraph 1. and take into account water conservation and other demand management measures, as well as water resources constraints, including adopted minimum flows and levels and water reservations. Where the district determines it is appropriate, the plan should specifically identify the need for multijurisdictional approaches to project options that, based on planning level analysis, are appropriate to supply the intended uses and that, based on such analysis, appear to be permissible and financially and technically feasible. The list of water supply development options must contain provisions that recognize that alternative water supply options for agricultural self-suppliers are limited.

3. For each project option identified in subparagraph 2., the following must be provided:

a. An estimate of the amount of water to become available through the project.

b. The timeframe in which the project option should be implemented and the estimated planning-level costs for capital investment and operating and maintaining the project.

c. An analysis of funding needs and sources of possible funding options. For alternative water supply projects, the water management districts shall provide funding assistance pursuant to s. 373.707(8).

d. Identification of the entity that should implement each project option and the current status of project implementation.

(6) Annually and in conjunction with the reporting



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requirements of s. 373.536(6)(a)4., the department shall submit to the Governor and the Legislature a report on the status of regional water supply planning in each district. The report shall include:

(a) A compilation of the estimated costs ~~of~~ and an analysis of the sufficiency of potential sources of funding from all sources for water resource development and water supply development projects as identified in the water management district regional water supply plans.

(e) An overall assessment of the progress being made to develop water supply in each district, including, but not limited to, an explanation of how each project in the 5-year water resource development work program in s. 373.536(6)(a)4., either alternative or traditional, will produce, contribute to, or account for additional water being made available for consumptive uses, minimum flows and levels, or water reservations; an estimate of the quantity of water to be produced by each project;r and an assessment of the contribution of the district's regional water supply plan in providing sufficient water to meet the needs of existing and future reasonable-beneficial uses for a 1-in-10-year drought event, as well as the needs of the natural systems.

Section 22. Part VIII of chapter 373, Florida Statutes, consisting of sections 373.801, 373.802, 373.803, 373.805, 373.807, 373.811, 373.813, and 373.815, Florida Statutes, is created and entitled the "Florida Springs and Aquifer Protection Act."

Section 23. Section 373.801, Florida Statutes, is created to read:



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373.801 Legislative findings and intent.—

(1) The Legislature finds that springs are a unique part of this state's scenic beauty. Springs provide critical habitat for plants and animals, including many endangered or threatened species. Springs also provide immeasurable natural, recreational, economic, and inherent value. Springs are of great scientific importance in understanding the diverse functions of aquatic ecosystems. Water quality of springs is an indicator of local conditions of the Floridan Aquifer, which is a source of drinking water for many residents of this state. Water flows in springs reflect regional aquifer conditions. In addition, springs provide recreational opportunities for swimming, canoeing, wildlife watching, fishing, cave diving, and many other activities in this state. These recreational opportunities and the accompanying tourism they provide are a benefit to local economies and the economy of the state as a whole.

(2) Water quantity and water quality in springs may be related. For regulatory purposes, the department has primary responsibility for water quality; the water management districts have primary responsibility for water quantity; the Department of Agriculture and Consumer Services has primary responsibility for the development and implementation of agricultural best management practices; and the local governments have primary responsibility for providing wastewater and stormwater management. The foregoing responsible entities must coordinate to restore and maintain the water quantity and water quality of the Outstanding Florida Springs.

(3) The Legislature recognizes that:

(a) Springs are only as healthy as their springsheds. The



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groundwater that supplies springs is derived from water that recharges the aquifer system in the form of seepage from the land surface and through direct conduits, such as sinkholes. Springs may be adversely affected by polluted runoff from urban and agricultural lands; discharge resulting from inadequate wastewater and stormwater management practices; stormwater runoff; and 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, may be 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, further declines in water quality and water quantity may occur.

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

(d) Springsheds typically cross water management district boundaries and local government jurisdictional boundaries, so a coordinated statewide springs protection plan is needed.

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

(4) The Legislature recognizes that action is urgently needed and, as additional data is acquired, action must be continually modified.



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Section 24. Section 373.802, Florida Statutes, is created to read:

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

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

(2) "Local government" means a county or municipal government the jurisdictional boundaries of which include an Outstanding Florida Spring or any part of a springshed or delineated priority focus area of an Outstanding Florida Spring.

(3) "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 on which the owner has the legal right to install such 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.

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



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(a) De Leon Springs;

(b) Peacock Springs;

(c) Poe Springs;

(d) Rock Springs;

(e) Wekiwa Springs; and

(f) Gemini Springs.

(5) "Priority focus area" means the area or areas of a basin where the Floridan Aquifer is most vulnerable to groundwater withdrawals or pollutant inputs, where the groundwater travel times are the fastest, and where there is a known connectivity between groundwater pathways and an Outstanding Florida Spring, as determined by the department in consultation with the appropriate water management districts.

(6) "Springshed" means the areas within the groundwater and surface water basins which contribute, based upon all relevant facts, circumstances, and data, to the discharge of a spring as defined by potentiometric surface maps and surface watershed boundaries.

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

(8) "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 body.

Section 25. Section 373.803, Florida Statutes, is created to read:

373.803 Delineation of priority focus areas for Outstanding Florida Springs.—Using the best data available from the water management districts and other credible sources, the department,



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in coordination with the water management districts, shall delineate priority focus areas for each Outstanding Florida Spring or group of springs that contains one or more Outstanding Florida Springs. In delineating priority focus areas, the department shall consider groundwater travel time to the spring, hydrogeology, nutrient load, and any other factors that may lead to degradation of an Outstanding Florida Spring. The delineation of priority focus areas must be completed by July 1, 2018.

Section 26. Section 373.805, Florida Statutes, is created to read:

373.805 Minimum flows and minimum water levels for Outstanding Florida Springs.—

(1) (a) At the time a minimum flow or minimum water level is adopted for an Outstanding Florida Spring, if the spring is below or is projected within 20 years to fall below the minimum flow or minimum water level, a water management district or the department shall simultaneously adopt a recovery or prevention strategy.

(b) When an interim minimum flow or minimum water level is established pursuant to s. 373.042(2) for an Outstanding Florida Spring, the water management district or the department shall also adopt a recovery or prevention strategy by July 1, 2016, if the spring is below or is projected within 20 years to fall below the interim minimum flow or minimum water level.

(2) For an Outstanding Florida Spring, a minimum flow or minimum water level adopted before July 1, 2015, must be revised by July 1, 2018. When a minimum flow or minimum water level is revised, if the spring is below or is projected within 20 years to fall below the revised minimum flow or minimum water level, a



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water management district or the department shall simultaneously adopt a recovery or prevention strategy or modify an existing recovery or prevention strategy. A district or the department may adopt the revised minimum flow or minimum water level before the adoption of a recovery or prevention strategy if the revised minimum flow or minimum water level is less constraining on existing or projected future consumptive uses.

(3) For an Outstanding Florida Spring without an adopted recovery or prevention strategy, if a district or the department determines the spring has fallen below, or is projected within 20 years to fall below the adopted or interim minimum flow or minimum water level, a water management district or the department shall expeditiously adopt a recovery or prevention strategy.

(4) The recovery or prevention strategy for each Outstanding Florida Spring must, at a minimum, include:

(a) A listing of all specific projects identified for implementation of the plan;

(b) A priority listing of each project;

(c) For each listed project, the estimated cost of and the estimated date of completion;

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



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(e) An estimate of each listed project's benefit to an Outstanding Florida Spring; and

(f) An implementation plan with a goal to achieve the adopted or interim minimum flow or minimum water level no more than 20 years after the adoption of a recovery or prevention strategy. The implementation plan must include measureable interim milestones to be achieved within 5, 10, and 15 years, respectively, intended to achieve the adopted or interim minimum flow or minimum water level.

(5) A local government may apply to the department for an extension of up to 5 years for any project in an adopted recovery or prevention strategy. The department may grant the extension if the local government provides to the department sufficient evidence that an extension is in the best interest of the public. For a local government in a rural area of opportunity, as defined in s. 288.0656, the department may grant an extension of up to 10 years.

Section 27. 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 initiate assessment, pursuant to s. 403.067(3), of each Outstanding Florida Spring for which an impairment determination has not been made under the numeric nutrient standards in effect for spring vents. Assessments must be completed by July 1, 2018.

(1) (a) Simultaneously with the adoption of a nutrient total maximum daily load for an Outstanding Florida Spring, the department, or the department in conjunction with a water management district, shall initiate development of a basin



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management action plan, as specified in s. 403.067. For an Outstanding Florida Spring with a nutrient total maximum daily load adopted before July 1, 2015, the department, or the department in conjunction with a water management district, shall initiate development of a basin management action plan by July 1, 2015. During the development of a basin management action plan, if the department identifies onsite sewage treatment and disposal systems as significant nonpoint sources of nutrient pollution which need to be addressed within a local government jurisdiction, the department shall notify the local government within 30 days. The local government shall develop an onsite sewage treatment and disposal system remediation plan pursuant to subsection (3) for those systems identified as significant nonpoint sources of nutrient pollution for inclusion in the basin management action plan.

(b) A basin management action plan for an Outstanding Florida Spring shall be adopted within 3 years after its initiation and must include, at a minimum:

1. A list of all specific projects identified to implement a nutrient total maximum daily load;

2. A list of all specific projects identified in an onsite sewage treatment and disposal system remediation plan, if applicable;

3. A priority rank for each listed project;

4. For each listed project, the estimated cost of and the estimated date of completion;

5. The source and amount of financial assistance to be made available by the department, a water management district, or other entity for each listed project;



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6. An estimate of each listed project's nutrient load reduction;

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

8. An implementation plan intended to achieve the adopted nutrient total maximum daily load no more than 20 years after the adoption of a basin management action plan. The plan must include measureable interim milestones to be achieved within 5, 10, and 15 years, respectively, intended to achieve the adopted nutrient total maximum daily load.

(c) For a basin management action plan adopted before July 1, 2015, which addresses an Outstanding Florida Spring, the department or the department in conjunction with a water management district must revise the plan pursuant to this section by July 1, 2018.

(d) Upon approval of an onsite sewage treatment and disposal system remediation plan by the department, the plan shall be deemed incorporated as part of the appropriate basin management action plan pursuant to s. 403.067(7) until such time as the basin management action plan is revised.

(e) A local government may apply to the department for an extension of up to 5 years for any project in an adopted basin management action plan. A local government in a rural area of opportunity, as defined in s. 288.0656, may apply for an



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extension of up to 10 years for such a project. The department may grant the extension if the local government provides to the department sufficient evidence that an extension is in the best interest of the public.

(2) Within 6 months after the delineation of priority focus areas of an Outstanding Florida Spring that is fully or partially within the jurisdiction of a local government, a local government must develop, enact, and implement an ordinance that meets or exceeds the requirements of the department's Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes. Such ordinance must require that, within a priority focus area of an Outstanding Florida Spring with an adopted nutrient total maximum daily load, the nitrogen application rate of any fertilizer applied to turf or landscape plants may not exceed the lowest basic maintenance rate of the most recent recommendations by the Institute of Food and Agricultural Sciences. The department shall adopt rules to implement this subsection which establish reasonable minimum standards and reflect advancements or improvements regarding nutrient load reductions.

(3) Notwithstanding ss. 381.0064, 381.0065, 381.00651, 381.00655, 381.0066, 381.0067 and 381.0068, by July 1, 2017, the department, in conjunction with the Department of Health and local governments, must identify onsite sewage treatment and disposal systems within each priority focus area. Within 60 days after the department's completion of the identification of these systems, the department shall provide the location of the systems to the local governments in which they are located. If notified by the department pursuant to subsection (1), the local



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government, in consultation with the department, shall develop an onsite sewage treatment and disposal system remediation plan within 12 months after notification by the department. If the department determines onsite sewage treatment and disposal systems within a priority focus area contribute at least 20 percent of nonpoint source nutrient pollution, the plan must identify which systems require repair, upgrade, replacement, drainfield modification, connection to a central sewerage system, or no action. The plan must include a priority ranking for each system or group of systems that require remediation. Each remediation plan must be submitted to the department for approval.

(a) In reviewing and approving the remediation plans, the department shall consider, at a minimum:

1. The density of onsite sewage treatment and disposal systems;

2. The number of onsite sewage treatment and disposal systems;

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

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

5. The cost of the proposed remedial action.

(b) Before submitting an onsite sewage treatment and disposal system remediation plan to the department, the local government shall hold at least one public meeting to provide the public an opportunity to comment on the plan. The approval of an onsite sewage treatment and disposal system remediation plan by the department constitutes a final agency action.



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(c) If a local government does not substantially comply with this subsection, it may be ineligible for funding pursuant to s. 403.0617.

(d) With respect to implementation of an onsite sewage treatment and disposal system remediation plan, a property owner with an onsite sewage treatment and disposal system identified as requiring remediation by the plan may not be required to pay the cost of a system inspection, a system upgrade, a system replacement, a drainfield modification, or any initial connection fee for connecting to a sanitary sewer system. This paragraph does not apply to local government programs in existence before July 1, 2015, which are inconsistent with this paragraph.

(4) The department shall provide notice to a local government of all permit applicants under s. 403.814(12) in a priority focus area of an Outstanding Florida Spring over which the local government has full or partial jurisdiction.

Section 28. Section 373.811, Florida Statutes, is created to read:

373.811 Prohibited activities within a priority focus area.—The following activities are prohibited within a priority focus area of an Outstanding Florida Spring:

(1) New municipal or industrial wastewater disposal facilities, including rapid infiltration basins, with permitted capacities of 100,000 gallons per day or more, except for those facilities 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 more stringent treatment standard if the department determines the more stringent standard is



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necessary to prevent impairment or aid in the recovery of an
Outstanding Florida Spring.

(2) Beginning 6 months after the Department of Health
approves passive nitrogen removing onsite sewage treatment and
disposal systems, new onsite sewage treatment and disposal
systems on lots of less than 1 acre, except for passive nitrogen
removing onsite sewage treatment and disposal systems.

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

(4) The land application of Class A or Class B domestic
wastewater biosolids.

(5) New agriculture operations that do not implement best
management practices, measures necessary to achieve pollution
reduction levels established by the department, or groundwater
monitoring plans approved by a water management district or the
department.

Section 29. Section 373.813, Florida Statutes, is created
to read:

373.813 Rules.—

(1) The department shall adopt rules to create a program to
improve water quantity and water quality to administer this
part, as applicable.

(2) The Department of Health, the Department of Agriculture
and Consumer Services, and the water management districts, as
appropriate, may adopt rules to administer this part, as
applicable.

(3) (a) The Department of Agriculture and Consumer Services
is the lead agency coordinating the reduction of agricultural
nonpoint sources of pollution for the protection of Outstanding
Florida Springs. The Department of Agriculture and Consumer



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Services and the department, pursuant to s. 403.067(7)(c)4.,
shall study new or revised agricultural best management
practices for improving and protecting Outstanding Florida
Springs and, if necessary, in cooperation with applicable local
governments and stakeholders, initiate rulemaking to require the
implementation of such practices within a reasonable period.

(b) The department, the Department of Agriculture and
Consumer Services, and the University of Florida 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 improvement and
agricultural productivity and, if applicable, must be
incorporated into the revised agricultural best management
practices adopted by rule by the Department of Agriculture and
Consumer Services.

Section 30. Section 373.815, Florida Statutes, is created
to read:

373.815 Reports.—Each July 1, beginning July 1, 2016, the
department, in conjunction with the water management districts,
shall submit progress reports to the Governor, the President of
the Senate, and the Speaker of the House of Representatives on
the status of each total maximum daily load, basin management
action plan, minimum flow or minimum water level, and recovery
or prevention strategy adopted pursuant to this part. The report
must include the status of each project identified to achieve an



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adopted total maximum daily load or an adopted or interim minimum flow or minimum water level, as applicable. If a report indicates that any of the interim 5-, 10-, or 15-year milestones, or the 20-year goal will not be met, the report must include specific corrective actions that will be taken to achieve these milestones and goals, and, if necessary, executive and legislative recommendations to that end.

Section 31. Subsections (25) and (29) of section 403.061, Florida Statutes, are amended, and subsection (45) is added to that section, to read:

403.061 Department; powers and duties.—The department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules adopted and promulgated by it and, for this purpose, to:

(25) (a) Establish and administer a program for the restoration and preservation of bodies of water within the state. The department shall have the power to acquire lands, to cooperate with other applicable state or local agencies to enhance existing public access to such bodies of water, and to adopt all rules necessary to accomplish this purpose.

(b) Create a consolidated water resources work plan, in consultation with state agencies, water management districts, and local governments, which provides a geographic depiction of the total inventory of water resources projects currently under construction, completed in the previous 5 years, or planned to begin construction in the next 5 years. The consolidated work plan must include for each project a description of the project, the total cost of the project, and identification of the governmental entity financing the project. This information



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together with the information provided pursuant to paragraph (45) (a) is intended to facilitate the ability of the Florida Water Resources Advisory Council, the Legislature, and the public to consider the projects contained in the tentative water resources work program developed pursuant to s. 403.0616 in relation to all projects undertaken within a 10-year period and the existing condition of water resources in the project area and in the state as a whole. The department may adopt all rules necessary to accomplish this purpose.

(29) (a) Adopt by rule special criteria to protect Class II and Class III shellfish harvesting waters. Such rules may include special criteria for approving docking facilities that have 10 or fewer slips if the construction and operation of such facilities will not result in the closure of shellfish waters.

(b) Adopt by rule a specific surface water classification to protect surface waters used for treated potable water supply. These designated surface waters shall have the same water quality criteria protections as waters designated for fish consumption, recreation, and the propagation and maintenance of a healthy, well-balanced population of fish and wildlife, and shall be free from discharged substances at a concentration that, alone or in combination with other discharged substances, would require significant alteration of permitted treatment processes at the permitted treatment facility or that would otherwise prevent compliance with applicable state drinking water standards in the treated water. Notwithstanding this classification, a surface water used for treated potable water supply may be reclassified as waters designated for potable water supply.



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(45) (a) Create and maintain a web-based, interactive map that includes, at a minimum:

1. All watersheds and each water body within those watersheds;

2. The county or counties in which the watershed or water body is located;

3. The water management district or districts in which the watershed or water body is located;

4. Whether a minimum flow or minimum water level has been adopted for the water body, and if such minimum flow or minimum water level has not been adopted, the anticipated adoption date;

5. Whether a recovery or prevention strategy has been adopted for the watershed or water body and, if such a plan has not been adopted, the anticipated adoption date;

6. The impairment status of each watershed or water body;

7. Whether a total maximum daily load has been adopted if the watershed or water body is listed as impaired and, if such total maximum daily load has not been adopted, the anticipated adoption date;

8. Whether a basin management action plan has been adopted for the watershed and, if such a plan has not been adopted, the anticipated adoption date;

9. Each project listed on the 5-year water resources work program developed pursuant to s. 373.036(7);

10. The agency or agencies and local sponsor, if any, responsible for overseeing the project;

11. The estimated cost and completion date of each project and the financial contribution of each entity;

12. The quantitative estimated benefit to the watershed or



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water body; and

13. The water projects completed within the last 5 years within the watershed or water body.

(b) The department and each water management district shall prominently display on their respective websites a hyperlink to the interactive map required by this subsection.

The department shall implement such programs in conjunction with its other powers and duties and shall place special emphasis on reducing and eliminating contamination that presents a threat to humans, animals or plants, or to the environment.

Section 32. Section 403.0616, Florida Statutes, is created to read:

403.0616 Florida Water Resources Advisory Council.—

(1) The Florida Water Resources Advisory Council is hereby created within the department for the purpose of evaluating water resource projects prioritized and submitted by state agencies, water management districts, or local governments. The council shall evaluate and recommend projects that are eligible for state funding as priority projects of statewide, regional, or critical local importance under this chapter or chapter 373. The council must review and evaluate all water resource projects that are prioritized and reported by state agencies or water management districts pursuant to s. 373.036(7)(d)3., or by local governments, if applicable, in order to provide the Legislature with recommendations for projects that improve or restore the water resources of this state. The council is also responsible for submitting a prioritization of pilot projects that test the effectiveness of innovative or existing nutrient reduction or



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water conservation technologies or practices designed to
minimize nutrient pollution or restore flows in the water bodies
of the state as provided in s. 403.0617.

(2) The Florida Water Resources Advisory Council consists
of five voting members and five ex officio, nonvoting members as
follows:

(a) The Secretary of Environmental Protection, who shall
serve as chair of the council; the Commissioner of Agriculture;
the executive director of the Fish and Wildlife Conservation
Commission; one member with expertise in a scientific discipline
related to water resources, appointed by the President of the
Senate; and one member with expertise in a scientific discipline
related to water resources, appointed by the Speaker of the
House of Representatives, all of whom shall be voting members.

(b) The executive directors of each of the five water
management districts, all of whom shall be nonvoting members.

(3) Members appointed by the President of the Senate and
Speaker of the House of Representatives shall serve 2-year terms
but may not serve more than a total of 6 years. The President of
the Senate and Speaker of the House of Representatives may fill
a vacancy at any time for an unexpired term of an appointed
member.

(4) If a member of the council is disqualified from serving
because he or she no longer holds the position required to serve
under this section, the interim head of the agency shall serve
as the agency representative.

(5) The two appointed council members shall receive
reimbursement for expenses and per diem for travel to attend
council meetings authorized pursuant to s. 112.061 while in the



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performance of their duties.

(6) The council shall hold periodic meetings at the request of the chair but must hold at least two public meetings, separately noticed, each year in which the public has the opportunity to participate and comment. Unless otherwise provided by law, notice for each meeting must be published in a newspaper of general circulation in the area where the meeting is to be held at least 5 days but no more than 15 days before the meeting date.

(a) By July 15 of each year, the council shall release a tentative water resources work program containing legislative recommendations for water resource projects. The public has 30 days to submit comments regarding the tentative program.

(b) The council shall adopt the tentative work program containing its legislative recommendations and submit it to the Governor, the President of the Senate, and the Speaker of the House of Representatives by August 31 of each year. An affirmative vote of three members of the council is required to adopt the tentative work program.

(7) The department shall provide primary staff support to the council and shall ensure that council meetings are electronically recorded. Such recordings must be preserved pursuant to chapters 119 and 257.

(8) The council shall recommend rules for adoption by the department to competitively evaluate, select, and rank projects for the tentative water resources work program. The council shall develop specific criteria for the evaluation, selection, and ranking of projects, including a preference for projects that will have a significant, measurable impact on improving



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water quantity or water quality; projects in areas of greatest impairment; projects of state or regional significance; projects recommended by multiple districts or multiple local governments cooperatively; projects with a significant monetary commitment by the local project sponsor or sponsors; projects in rural areas of opportunity as defined in s. 288.0656; projects that may be funded through appropriate loan programs; and projects that have significant private contributions of time or money.

(9) The department, in consultation with the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, and the water management districts, shall adopt rules to implement this section.

Section 33. Section 403.0617, Florida Statutes, is created to read:

403.0617 Innovative nutrient and sediment reduction and conservation pilot project program.—

(1) By December 31, 2015, the department shall adopt rules to competitively evaluate and rank projects for selection and prioritization by the Water Resources Advisory Council, pursuant to s. 403.0616, for submission to the Legislature for funding. These pilot projects are intended to test the effectiveness of innovative or existing nutrient reduction or water conservation technologies or practices designed to minimize nutrient pollution or restore flows in the water bodies of the state. The department must include in the evaluation criteria a determination by the department that the pilot project will not be harmful to the ecological resources in the study area.

(2) In developing these rules, the council shall give preference to the projects that will result in the greatest



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improvement to water quality and water quantity for the dollars
to be expended for the project. At a minimum, the department
shall consider all of the following:

(a) The level of nutrient impairment of the waterbody,
watershed, or water segment in which the project is located.

(b) The quantity of pollutants, particularly total
nitrogen, which the project is estimated to remove from a water
body, watershed, or water segment with an adopted nutrient total
maximum daily load.

(c) The potential for the project to provide a cost
effective solution to pollution caused by onsite sewage
treatment and disposal systems.

(d) The flow necessary to restore a water resource to its
adopted or interim minimum flow or minimum water level.

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

(f) The amount of matching funds for the project which will
be provided by the entities responsible for implementing the
project.

(g) Whether the project is located in a rural area of
opportunity, as defined in s. 288.0656, with preference given to
the local government responsible for implementing the project.

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

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

(j) Whether the entities responsible for implementing the
project have used their own funds for projects to improve water



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quality or conserve water use with preference given to those entities that have expended such funds.

Section 34. Section 403.0623, Florida Statutes, is amended to read:

403.0623 Environmental data; quality assurance.—

(1) The department must establish, by rule, appropriate quality assurance requirements for environmental data submitted to the department and the criteria by which environmental data may be rejected by the department. The department may adopt and enforce rules to establish data quality objectives and specify requirements for training of laboratory and field staff, sample collection methodology, proficiency testing, and audits of laboratory and field sampling activities. Such rules may be in addition to any laboratory certification provisions under ss. 403.0625 and 403.863.

(2)(a) The department, in coordination with the water management districts, shall establish standards for the collection of water quantity, water quality, and related data to ensure quality, reliability, and validity of the data and testing results. The water management districts shall submit such data collected after June 30, 2015, to the department for analysis. The department shall analyze the data to ensure statewide consistency. The department shall maintain a centralized database for all testing results and analyses, which must be accessible by the water management districts.

(b) To the extent practicable, the department shall coordinate with federal agencies to ensure that its collection and analysis of water quality, water quantity, and related data, which may be used by any state agency, water management



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district, or local government, is consistent with this subsection.

(c) In order to receive state funds for the acquisition of lands or the financing of a water resource project, state agencies and water management districts must use the department's testing results and analysis, if available, as a prerequisite for any such request for funding.

(d) The department and the water management districts may adopt rules to implement this subsection.

Section 35. Subsection (21) is added to section 403.861, Florida Statutes, to read:

403.861 Department; powers and duties.—The department shall have the power and the duty to carry out the provisions and purposes of this act and, for this purpose, to:

(21) Establish rules in accordance with this subsection concerning the use of surface waters for public water supply.

(a) Any permit applicant applying to construct a public water system to provide potable public water supply using a surface water of the state which, at the time of the permit application, does not include potable water supply as a designated use by the department, shall petition to reclassify the surface water to include potable water supplies as a designated use or shall certify in the permit application that the public water supply utility will provide potable water to the public which, at a minimum, meets primary drinking water standards adopted in accordance with s. 403.853. An existing permittee may elect to file a certification in accordance with this paragraph.

(b) Upon receipt of the certification described in



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paragraph (a) from an existing permittee or, in the case of a
new permittee for surface water that does not include potable
use at the time of application, upon issuance of the permit, the
department shall act on the certification by adding treated
potable water supplies as a designated use of the surface water.

Section 36. This act shall take effect July 1, 2015.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to environmental resources; amending
s. 259.032, F.S.; requiring the Department of
Environmental Protection to publish, update, and
maintain a database of conservation lands; requiring
the department to submit a report to the Governor and
the Legislature identifying the percentage of such
lands which the public has access to and the efforts
the department has undertaken to increase public
access; amending ss. 260.0144 and 335.065, F.S.;
conforming provisions to changes made by the act;
creating s. 339.81, F.S.; creating the Florida Shared-
Use Nonmotorized Trail Network; specifying the
composition of the network; requiring a project
constructed as part of the network to be included in
the Department of Transportation's work program;
declaring the planning, development, operation, and
maintenance of the network to be a public purpose;



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3288 authorizing the spending of public funds and the
3289 acceptance of certain gifts and grants to be used for
3290 such purpose; authorizing the department to transfer
3291 maintenance responsibilities to certain state agencies
3292 and contract with not-for-profit or private sector
3293 entities to provide maintenance services; authorizing
3294 the department to adopt rules; creating s. 339.82,
3295 F.S.; requiring the department to develop a Shared-Use
3296 Nonmotorized Trail Network Plan; creating s. 339.83,
3297 F.S.; authorizing the department to enter into
3298 concession agreements with not-for-profit or private
3299 sector entities for certain commercial sponsorship
3300 signs, markings, and exhibits; authorizing the
3301 department to contract for the provision of certain
3302 services related to the trail sponsorship program;
3303 authorizing the department to reject proposals for
3304 such services, seek other proposals, or perform the
3305 services; authorizing the department to terminate
3306 permits or change locations of sponsorship sites for
3307 construction or improvement of facilities under
3308 certain circumstances; authorizing the department to
3309 adopt rules; amending s. 373.019, F.S.; revising the
3310 definition of the term "water resource development" to
3311 include self-suppliers; amending s. 373.036, F.S.;
3312 requiring certain information to be included in the
3313 consolidated annual report for each project related to
3314 water quality or water quantity; amending s. 373.042,
3315 F.S.; requiring the Department of Environmental
3316 Protection or the governing board of a water



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3317 management district to establish a minimum flow or
3318 minimum water level for an Outstanding Florida Spring;
3319 requiring the establishment of interim minimum flows
3320 or minimum water levels if minimum flows or minimum
3321 levels have not been adopted; requiring the
3322 application of interim minimum flows or minimum water
3323 levels in water management districts that may affect
3324 an interim minimum flow or minimum water level
3325 established in another water management district;
3326 providing a deadline for development and
3327 implementation of recovery or prevention strategies
3328 under certain circumstances; authorizing the
3329 department to use emergency rulemaking procedures
3330 under certain circumstances; amending s. 373.0421,
3331 F.S.; directing the Department of Environmental
3332 Protection and water management district governing
3333 boards to implement certain recovery or prevention
3334 strategies concurrent with the adoption of minimum
3335 flows and levels; providing criteria for such recovery
3336 or prevention strategies; requiring revisions to
3337 regional water supply plans to be concurrent with
3338 relevant portions of the recovery or prevention
3339 strategy; directing water management districts to
3340 notify the department when water use permit
3341 applications are denied for a specified reason;
3342 providing for the review and update of regional water
3343 supply plans in such cases; conforming cross-
3344 references; creating s. 373.0465, F.S.; providing
3345 legislative intent; defining the term "Central Florida



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3346 Water Initiative Area"; requiring the Department of
3347 Environmental Protection, the St. Johns River Water
3348 Management District, the South Florida Water
3349 Management District, the Southwest Florida Water
3350 Management District, and the Department of Agriculture
3351 and Consumer Services to develop and implement a
3352 multidistrict regional water supply plan; providing
3353 plan criteria and requirements; providing
3354 applicability; requiring the department to adopt
3355 rules; amending s. 373.1501, F.S.; specifying
3356 authority of the South Florida Water Management
3357 District to allocate quantities of, and assign
3358 priorities for the use of, water within its
3359 jurisdiction; directing the district to provide
3360 recommendations to the United States Army Corps of
3361 Engineers when developing or implementing certain
3362 water control plans or regulation schedules; amending
3363 s. 373.2234, F.S.; directing water management district
3364 governing boards to give priority consideration to the
3365 identification of preferred water supply sources for
3366 certain water users; amending s. 373.233, F.S.;
3367 providing conditions under which the department and
3368 water management district governing boards are
3369 directed to give preference to certain applications;
3370 amending s. 373.4591, F.S.; providing priority
3371 consideration to certain public-private partnerships
3372 for water storage, groundwater recharge, and water
3373 quality improvements on private agricultural lands;
3374 amending s. 373.4595, F.S.; revising and providing



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3375 definitions relating to the Northern Everglades and
3376 Estuaries Protection Program; clarifying provisions of
3377 the Lake Okeechobee Watershed Protection Program;
3378 directing the South Florida Water Management District
3379 to revise certain rules and provide for a water
3380 quality monitoring program; revising provisions for
3381 the Caloosahatchee River Watershed Protection Program
3382 and the St. Lucie River Watershed Protection Program;
3383 revising permitting and annual reporting requirements
3384 relating to the Northern Everglades and Estuaries
3385 Protection Program; providing enforcement provisions
3386 for certain basin management action plans; amending s.
3387 373.536, F.S.; requiring a water management district
3388 to include an annual funding plan in the water
3389 resource development work program; directing the
3390 department to post the work program on its website;
3391 amending s. 373.703, F.S.; authorizing water
3392 management districts to contract with private
3393 landowners for water production; amending s. 373.705,
3394 F.S.; providing first consideration for funding
3395 assistance to certain water supply development
3396 projects; requiring governing boards to include
3397 certain information in their annual budget submittals;
3398 amending s. 373.707, F.S.; authorizing water
3399 management districts to provide technical and
3400 financial assistance to self-suppliers and to waive
3401 certain construction costs of alternative water supply
3402 development projects by certain water users; amending
3403 s. 373.709, F.S.; requiring water supply plans to



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3404 include traditional and alternative water supply
3405 project options that are technically and financially
3406 feasible; directing the department to include certain
3407 funding analyses and project explanations in regional
3408 water supply planning reports; creating part VIII of
3409 ch. 373, F.S., entitled the "Florida Springs and
3410 Aquifer Protection Act"; creating s. 373.801, F.S.;
3411 providing legislative findings and intent; creating s.
3412 373.802, F.S.; defining terms; creating s. 373.803,
3413 F.S.; requiring the department to delineate a priority
3414 focus area for each Outstanding Florida Spring by a
3415 certain date; creating s. 373.805, F.S.; requiring the
3416 department or a water management district to adopt or
3417 revise various recovery or prevention strategies under
3418 certain circumstances by a certain date; providing
3419 minimum requirements for recovery or prevention
3420 strategies for Outstanding Florida Springs;
3421 authorizing local governments to apply for an
3422 extension for projects in an adopted recovery or
3423 prevention strategy; creating s. 373.807, F.S.;
3424 requiring the department to initiate assessments of
3425 Outstanding Florida Springs by a certain date;
3426 requiring the department to develop basin management
3427 action plans; authorizing local governments to apply
3428 for an extension for projects in an adopted basin
3429 management action plan; requiring local governments to
3430 adopt an urban fertilizer ordinance by a certain date;
3431 requiring the department, the Department of Health,
3432 and local governments to identify onsite sewage



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3433 treatment and disposal systems within each priority
3434 focus area; requiring local governments to develop
3435 onsite sewage treatment and disposal system
3436 remediation plans; prohibiting property owners with
3437 identified onsite sewage treatment and disposal
3438 systems from being required to pay certain costs;
3439 creating s. 373.811, F.S.; specifying prohibited
3440 activities within a priority focus area of an
3441 Outstanding Florida Spring; creating s. 373.813, F.S.;
3442 providing rulemaking authority; creating s. 373.815,
3443 F.S.; requiring the department to submit annual
3444 reports; amending s. 403.061, F.S.; requiring the
3445 department to create a consolidated water resources
3446 work plan; directing the department to adopt by rule a
3447 specific surface water classification to protect
3448 surface waters used for treated potable water supply;
3449 providing criteria for such rule; authorizing the
3450 reclassification of surface waters used for treated
3451 potable water supply notwithstanding such rule;
3452 requiring the department to create and maintain a web-
3453 based interactive map; creating s. 403.0616, F.S.;
3454 creating the Florida Water Resources Advisory Council
3455 to provide the Legislature with recommendations for
3456 projects submitted by governmental entities; requiring
3457 the council to consolidate various reports to enhance
3458 the water resources of this state; requiring the
3459 department to adopt rules; creating s. 403.0617, F.S.;
3460 requiring the department to adopt rules to fund
3461 certain pilot projects; amending s. 403.0623, F.S.;



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3462 requiring the department to establish certain
3463 standards to ensure statewide consistency; requiring
3464 the department to maintain a centralized database for
3465 testing results and analysis of water quantity and
3466 quality data; amending s. 403.861, F.S.; directing the
3467 department to establish rules concerning the use of
3468 surface waters for public water supply; requiring
3469 permit applicants using surface water to provide
3470 potable public water supply to petition the department
3471 to reclassify the surface water or to certify that the
3472 potable public water supply will meet certain drinking
3473 water standards; directing the department to designate
3474 treated potable water supplies as a use of surface
3475 water; providing an effective date.



877366

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/24/2015	.	
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The Committee on Environmental Preservation and Conservation
(Soto) recommended the following:

**Senate Amendment to Amendment (612098) (with title
amendment)**

Between lines 830 and 831
insert:

Section 13. Subsection (6) is added to section 373.223,
Florida Statutes, to read:

373.223 Conditions for a permit.—

(6) A consumptive use permit authorizing more than 100,000
gallons per day shall be monitored on a yearly basis, with the



877366

cost of such monitoring to be borne by the permittee.

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

And the title is amended as follows:

Delete line 3363

and insert:

s. 373.223, F.S.; requiring consumptive use permits
authorizing over a certain amount to be monitored on a
specified basis; requiring the costs of monitoring to
be borne by the permittee; amending s. 373.2234, F.S.;
directing water management district



574168

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/24/2015	.	
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The Committee on Environmental Preservation and Conservation
(Evers) recommended the following:

**Senate Amendment to Amendment (612098) (with title
amendment)**

Between lines 879 and 880
insert:

Section 14. Present subsection (5) of section 373.227,
Florida Statutes, is redesignated as subsection (7), and new
subsections (5) and (6) are added to that section, to read:

373.227 Water conservation; legislative findings and
intent; objectives; comprehensive statewide water conservation



574168

program requirements.—

(5) In order to incentivize water conservation, if actual water use is less than permitted water use due to documented implementation of water conservation measures, including, but not limited to, those measures identified in best management practices pursuant to s. 570.93, the permitted allocation may not be modified due to such water conservation during the term of the permit. In order to promote water conservation and the implementation of measures that produce significant water savings beyond that required in a consumptive use permit, each water management district shall adopt rules providing water conservation incentives, including permit extensions.

(6) For consumptive use permits for agricultural irrigation, if actual water use is less than permitted water use due to weather events, crop diseases, nursery stock availability, or changes in crop type, a district may not as a result reduce permitted allocation amounts during the term of the permit.

Section 15. Subsection (5) is added to section 373.705, Florida Statutes, to read:

373.705 Water resource development; water supply development.—

(5) The water management districts shall promote expanded cost-share criteria for additional conservation practices, such as soil and moisture sensors and other irrigation improvements, water-saving equipment, and water-saving household fixtures.

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

And the title is amended as follows:



574168

40 Delete line 3366
41 and insert:
42 certain water users; amending s. 373.227, F.S.;
43 prohibiting water management districts from modifying
44 permitted allocation amounts under certain
45 circumstances; requiring the water management
46 districts to adopt rules to promote water conservation
47 incentives; amending s. 373.705, F.S.; requiring water
48 management districts to promote expanded cost-share
49 criteria for additional conservation practices;
50 amending s. 373.233, F.S.;



669098

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/24/2015	.	
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The Committee on Environmental Preservation and Conservation
(Dean) recommended the following:

Senate Amendment to Amendment (612098)

Delete lines 3012 - 3026
and insert:

(b) Adopt by rule a specific surface water classification
to protect surface waters used for treated potable water supply.
These designated surface waters shall have the same water
quality criteria protections as waters designated for fish
consumption, recreation, and the propagation and maintenance of
a healthy, well-balanced population of fish and wildlife, and



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11 shall be free from discharged substances at a concentration
12 that, alone or in combination with other discharged substances,
13 would require significant alteration of permitted treatment
14 processes at the permitted treatment facility or that would
15 otherwise prevent compliance with applicable state drinking
16 water standards in the treated water. Notwithstanding this
17 classification or the inclusion of treated water supply as a
18 designated use of a surface water, a surface water used for
19 treated potable water supply may be reclassified to the potable
20 water supply classification.



647994

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/24/2015	.	
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The Committee on Environmental Preservation and Conservation
(Dean) recommended the following:

Senate Amendment to Amendment (612098)

Delete lines 3244 - 3263

and insert:

(21) (a) Upon issuance of a construction permit to construct a
new public water system drinking water treatment facility to
provide potable water supply using a surface water of the state
that, at the time of the permit application, is not being used
as a potable water supply, and the classification of which does
not include potable water supply as a designated use, the



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department shall add treated potable water supply as a
designated use of the surface water segment in accordance with
403.061(29)(b).

(b) For existing public water system drinking water
treatment facilities that use a surface water of the state as a
treated potable water supply, which surface water classification
does not include potable water as a designated use, the
department shall add treated potable water supply as a
designated use of the surface water segment in accordance with
403.061(29)(b).

By Senator Dean

5-00804D-15

2015918__

A bill to be entitled

An act relating to environmental resources; amending s. 259.032, F.S.; requiring the Department of Environmental Protection to publish, update, and maintain a database of conservation lands; requiring the department to submit a report to the Governor and the Legislature identifying the percentage of such lands which the public has access to and the efforts the department has undertaken to increase public access; amending ss. 260.0144 and 335.065, F.S.; conforming provisions to changes made by the act; creating s. 339.81, F.S.; creating the Florida Shared-Use Nonmotorized Trail Network; specifying the composition of the network; requiring a project constructed as part of the network to be included in the Department of Transportation's work program; declaring the planning, development, operation, and maintenance of the network to be a public purpose; authorizing the spending of public funds and the acceptance of certain gifts and grants to be used for such purpose; authorizing the department to transfer maintenance responsibilities to certain state agencies and contract with not-for-profit or private sector entities to provide maintenance services; authorizing the department to adopt rules; creating s. 339.82, F.S.; requiring the department to develop a Shared-Use Nonmotorized Trail Network Plan; creating s. 339.83, F.S.; authorizing the department to enter into concession agreements with not-for-profit or private

5-00804D-15

2015918__

sector entities for certain commercial sponsorship signs, markings, and exhibits; authorizing the department to contract for the provision of certain services related to the trail sponsorship program; authorizing the department to reject proposals for such services, seek other proposals, or perform the services; authorizing the department to terminate permits or change locations of sponsorship sites for construction or improvement of facilities under certain circumstances; authorizing the department to adopt rules; amending s. 373.036, F.S.; requiring certain information to be included in the consolidated annual report for each project related to water quality or water quantity; amending s. 373.042, F.S.; requiring the Department of Environmental Protection or the governing board of a water management district to establish a minimum flow or minimum water level for an Outstanding Florida Spring; requiring the establishment of interim minimum flows or minimum water levels if minimum flows or minimum levels have not been adopted; requiring the application of interim minimum flows or minimum water levels in water management districts that may affect an interim minimum flow or minimum water level established in another water management district; providing a deadline for development and implementation of recovery or prevention strategies under certain circumstances; amending s. 373.0421, F.S.; conforming cross-references; creating part VIII of ch. 373, F.S.,

5-00804D-15

2015918__

entitled the "Florida Springs and Aquifer Protection 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 to delineate a spring protection and management zone for each Outstanding Florida Spring by a certain date; requiring the department to adopt by rule maps and legal descriptions that depict the delineation of each spring protection and management zone by a certain date; creating s. 373.805, F.S.; requiring the department or a water management district to adopt or revise various recovery or prevention strategies under certain circumstances by a certain date; providing minimum requirements for recovery or prevention strategies for Outstanding Florida Springs; authorizing local governments to apply for an extension for projects in an adopted recovery or prevention strategy; creating s. 373.807, F.S.; requiring the department to initiate assessments of Outstanding Florida Springs by a certain date; requiring the department to develop basin management action plans; authorizing local governments to apply for an extension for projects in an adopted basin management action plan; requiring local governments to adopt an urban fertilizer ordinance by a certain date; requiring the department, the Department of Health, and local governments to identify onsite sewage treatment and disposal systems within each spring protection and management zone; requiring local

5-00804D-15

2015918__

governments to develop onsite sewage treatment and disposal system remediation plans; prohibiting property owners with identified onsite sewage treatment and disposal systems from being required to pay certain costs; creating s. 373.809, F.S.; requiring the department to adopt rules to fund certain pilot projects; creating s. 373.811, F.S.; specifying prohibited activities within a spring protection and management zone of an Outstanding Florida Spring; creating s. 373.813, F.S.; providing rulemaking authority; creating s. 373.815, F.S.; requiring the department to submit annual reports; amending s. 403.061, F.S.; requiring the department to create a consolidated water resources work plan; requiring the department to create and maintain a web-based interactive map; creating s. 403.0616, F.S.; creating the Florida Water Resources Advisory Council to provide the Legislature with recommendations for projects submitted by governmental entities; requiring the council to consolidate various reports to enhance the water resources of this state; requiring the department to adopt rules; amending s. 403.0623, F.S.; requiring the department to establish certain standards to ensure statewide consistency; requiring the department to maintain a centralized database for testing results and analysis of water quantity and quality data; providing an effective date.

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

5-00804D-15

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Section 1. Paragraph (g) is added to subsection (11) of section 259.032, Florida Statutes, to read:

259.032 Conservation and Recreation Lands Trust Fund; purpose.—

(11)

(g) In order to ensure that the public has knowledge of and access to conservation lands, as defined in s. 253.034(2)(c), the department shall publish, update, and maintain a database of such lands where public access is compatible with conservation and recreation purposes.

1. By January 1, 2016, the database must be available to the public online and must include, at a minimum, the location, types of allowable recreational opportunities, points of public access, facilities or other amenities, restrictions, and any other information the department deems appropriate to increase public awareness of recreational opportunities on conservation lands. Such data must be electronically accessible, searchable, and downloadable in a generally acceptable format.

2. The department, through its own efforts or through partnership with a third-party entity, shall facilitate the creation of an application downloadable on mobile devices to be used to locate state lands available for public access using the user's locational information or based upon an activity of interest.

3. The database and application must include information for all state conservation lands to which the public has a right of access for recreational purposes. By January 1, 2018, to the greatest extent practicable, the database shall include similar

5-00804D-15

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information for lands owned by federal and local government entities that allow access for recreational purposes.

4. By January 1 of each year, the department shall provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives describing the percentage of public lands acquired under this chapter to which the public has access and efforts undertaken by the department to increase public access to such lands.

Section 2. Section 260.0144, Florida Statutes, is amended to read:

260.0144 Sponsorship of state greenways and trails.—The department may enter into a concession agreement with a not-for-profit entity or private sector business or entity for commercial sponsorship to be displayed on state greenway and trail facilities not included within the Shared-Use Nonmotorized Trail Network established in chapter 339 ~~or property specified in this section~~. The department may establish the cost for entering into a concession agreement.

(1) A concession agreement shall be administered by the department and must include the requirements found in this section.

(2)(a) Space for a commercial sponsorship display may be provided through a concession agreement on certain state-owned greenway or trail facilities or property.

(b) Signage or displays erected under this section shall comply with the provisions of s. 337.407 and chapter 479, and shall be limited as follows:

1. One large sign or display, not to exceed 16 square feet in area, may be located at each trailhead or parking area.

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175 2. One small sign or display, not to exceed 4 square feet
176 in area, may be located at each designated trail public access
177 point.

178 (c) Before installation, each name or sponsorship display
179 must be approved by the department.

180 (d) The department shall ensure that the size, color,
181 materials, construction, and location of all signs are
182 consistent with the management plan for the property and the
183 standards of the department, do not intrude on natural and
184 historic settings, and contain only a logo selected by the
185 sponsor and the following sponsorship wording:

186
187 ...(Name of the sponsor)... proudly sponsors the costs
188 of maintaining the ...(Name of the greenway or
189 trail)....

190
191 ~~(e) Sponsored state greenways and trails are authorized at~~
192 ~~the following facilities or property:~~

193 ~~1. Florida Keys Overseas Heritage Trail.~~

194 ~~2. Blackwater Heritage Trail.~~

195 ~~3. Tallahassee-St. Marks Historic Railroad State Trail.~~

196 ~~4. Nature Coast State Trail.~~

197 ~~5. Withlacoochee State Trail.~~

198 ~~6. General James A. Van Fleet State Trail.~~

199 ~~7. Palatka-Lake Butler State Trail.~~

200 (e) ~~(f)~~ The department may enter into commercial sponsorship
201 agreements for other state greenways or trails as authorized in
202 this section. A qualified entity that desires to enter into a
203 commercial sponsorship agreement shall apply to the department

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on forms adopted by department rule.

(f)~~(g)~~ All costs of a display, including development, construction, installation, operation, maintenance, and removal costs, shall be paid by the concessionaire.

(3) A concession agreement shall be for a minimum of 1 year, but may be for a longer period under a multiyear agreement, and may be terminated for just cause by the department upon 60 days' advance notice. Just cause for termination of a concession agreement includes, but is not limited to, violation of the terms of the concession agreement or any provision of this section.

(4) Commercial sponsorship pursuant to a concession agreement is for public relations or advertising purposes of the not-for-profit entity or private sector business or entity, and may not be construed by that not-for-profit entity or private sector business or entity as having a relationship to any other actions of the department.

(5) This section does not create a proprietary or compensable interest in any sign, display site, or location.

(6) Proceeds from concession agreements shall be distributed as follows:

(a) Eighty-five percent shall be deposited into the appropriate department trust fund that is the source of funding for management and operation of state greenway and trail facilities and properties.

(b) Fifteen percent shall be deposited into the State Transportation Trust Fund for use in the Traffic and Bicycle Safety Education Program and the Safe Paths to School Program administered by the Department of Transportation.

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(7) The department may adopt rules to administer this section.

Section 3. Subsections (3) and (4) of section 335.065, Florida Statutes, are amended to read:

335.065 Bicycle and pedestrian ways along state roads and transportation facilities.—

(3) The department, in cooperation with the Department of Environmental Protection, shall establish a statewide integrated system of bicycle and pedestrian ways in such a manner as to take full advantage of any such ways which are maintained by any governmental entity. ~~The department may enter into a concession agreement with a not-for-profit entity or private sector business or entity for commercial sponsorship displays on multiuse trails and related facilities and use any concession agreement revenues for the maintenance of the multiuse trails and related facilities. Commercial sponsorship displays are subject to the requirements of the Highway Beautification Act of 1965 and all federal laws and agreements, when applicable. For the purposes of this section, bicycle facilities may be established as part of or separate from the actual roadway and may utilize existing road rights-of-way or other rights-of-way or easements acquired for public use.~~

~~(a) A concession agreement shall be administered by the department and must include the requirements of this section.~~

~~(b)1. Signage or displays erected under this section shall comply with s. 337.407 and chapter 479 and shall be limited as follows:~~

~~a. One large sign or display, not to exceed 16 square feet in area, may be located at each trailhead or parking area.~~

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~~b. One small sign or display, not to exceed 4 square feet in area, may be located at each designated trail public access point.~~

~~2. Before installation, each name or sponsorship display must be approved by the department.~~

~~3. The department shall ensure that the size, color, materials, construction, and location of all signs are consistent with the management plan for the property and the standards of the department, do not intrude on natural and historic settings, and contain only a logo selected by the sponsor and the following sponsorship wording:~~

~~... (Name of the sponsor) ... proudly sponsors the costs of maintaining the ... (Name of the greenway or trail)~~

~~4. All costs of a display, including development, construction, installation, operation, maintenance, and removal costs, shall be paid by the concessionaire.~~

~~(c) A concession agreement shall be for a minimum of 1 year, but may be for a longer period under a multiyear agreement, and may be terminated for just cause by the department upon 60 days' advance notice. Just cause for termination of a concession agreement includes, but is not limited to, violation of the terms of the concession agreement or this section.~~

~~(4) (a) The department may use appropriated funds to support the establishment of a statewide system of interconnected multiuse trails and to pay the costs of planning, land~~

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~~acquisition, design, and construction of such trails and related facilities. The department shall give funding priority to projects that:~~

~~1. Are identified by the Florida Greenways and Trails Council as a priority within the Florida Greenways and Trails System under chapter 260.~~

~~2. Support the transportation needs of bicyclists and pedestrians.~~

~~3. Have national, statewide, or regional importance.~~

~~4. Facilitate an interconnected system of trails by completing gaps between existing trails.~~

~~(b) A project funded under this subsection shall:~~

~~1. Be included in the department's work program developed in accordance with s. 339.135.~~

~~2. Be operated and maintained by an entity other than the department upon completion of construction. The department is not obligated to provide funds for the operation and maintenance of the project.~~

Section 4. Section 339.81, Florida Statutes, is created to read:

339.81 Florida Shared-Use Nonmotorized Trail Network.-

(1) The Florida Shared-Use Nonmotorized Trail Network is created as a component of the Florida Greenways and Trails System established in chapter 260. The network consists of multiuse trails or shared-use paths physically separated from motor vehicle traffic and constructed with asphalt, concrete, or another hard surface which, by virtue of design, location, extent of connectivity or potential connectivity, and allowable uses, provide nonmotorized transportation opportunities for

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bicyclists and pedestrians between and within a wide range of points of origin and destinations, including, but not limited to, communities, conservation areas, state parks, beaches, and other natural or cultural attractions for a variety of trip purposes, including work, school, shopping, and other personal business, as well as social, recreational, and personal fitness purposes.

(2) Network components do not include sidewalks, nature trails, loop trails wholly within a single park or natural area, or on-road facilities, such as bicycle lanes or routes other than:

(a) On-road facilities that are no greater than one-half mile in length connecting two or more nonmotorized trails, if the provision of non-road facilities is unfeasible and if such on-road facilities are signed and marked for nonmotorized use; or

(b) On-road components of the Florida Keys Overseas Heritage Trail.

(3) The department shall include a project to be constructed as part of the Shared-Use Nonmotorized Trail Network in its work program developed pursuant to s. 339.135.

(4) The planning, development, operation, and maintenance of the Shared-Use Nonmotorized Trail Network is declared to be a public purpose, and the department, together with other agencies of this state and all counties, municipalities, and special districts of this state, may spend public funds for such purposes and may accept gifts and grants of funds, property, or property rights from public or private sources to be used for such purposes.

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349 (5) The department may enter into a memorandum of agreement
350 with a local government or other agency of the state to transfer
351 maintenance responsibilities of an individual network component.
352 The department may contract with a not-for-profit entity or
353 private sector business or entity to provide maintenance
354 services on an individual network component.

355 (6) The department may adopt rules to aid in the
356 development and maintenance of components of the network.

357 Section 5. Section 339.82, Florida Statutes, is created to
358 read:

359 339.82 Shared-Use Nonmotorized Trail Network Plan.—

360 (1) The department shall develop a Shared-Use Nonmotorized
361 Trail Network Plan in coordination with the Department of
362 Environmental Protection, metropolitan planning organizations,
363 affected local governments and public agencies, and the Florida
364 Greenways and Trails Council. The plan must be consistent with
365 the Florida Greenways and Trails Plan developed under s. 260.014
366 and must be updated at least once every 5 years.

367 (2) The Shared-Use Nonmotorized Trail Network Plan must
368 include all of the following:

369 (a) A needs assessment, including, but not limited to, a
370 comprehensive inventory and analysis of existing trails that may
371 be considered for inclusion in the Shared-Use Nonmotorized Trail
372 Network.

373 (b) A project prioritization process that includes
374 assigning funding priority to projects that:

375 1. Are identified by the Florida Greenways and Trails
376 Council as a priority within the Florida Greenways and Trails
377 System under chapter 260;

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378 2. Facilitate an interconnected network of trails by
379 completing gaps between existing facilities; and

380 3. Maximize use of federal, local, and private funding and
381 support mechanisms, including, but not limited to, donation of
382 funds, real property, and maintenance responsibilities.

383 (c) A map illustrating existing and planned facilities and
384 identifying critical gaps between facilities.

385 (d) A finance plan based on reasonable projections of
386 anticipated revenues, including both 5-year and 10-year cost-
387 feasible components.

388 (e) Performance measures that include quantifiable
389 increases in trail network access and connectivity.

390 (f) A timeline for the completion of the base network using
391 new and existing data from the department, the Department of
392 Environmental Protection, and other sources.

393 (g) A marketing plan prepared in consultation with the
394 Florida Tourism Industry Marketing Corporation.

395 Section 6. Section 339.83, Florida Statutes, is created to
396 read:

397 339.83 Sponsorship of Shared-Use Nonmotorized Trails.—

398 (1) The department may enter into a concession agreement
399 with a not-for-profit entity or private sector business or
400 entity for commercial sponsorship signs, pavement markings, and
401 exhibits on nonmotorized trails and related facilities
402 constructed as part of the Shared-Use Nonmotorized Trail
403 Network. The concession agreement may also provide for
404 recognition of trail sponsors in any brochure, map, or website
405 providing trail information. Trail websites may provide links to
406 sponsors. Revenue from such agreements may be used for the

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407 maintenance of the nonmotorized trails and related facilities.

408 (a) A concession agreement shall be administered by the
409 department.

410 (b)1. Signage, pavement markings, or exhibits erected
411 pursuant to this section must comply with s. 337.407 and chapter
412 479 and are limited as follows:

413 a. One large sign, pavement marking, or exhibit, not to
414 exceed 16 square feet in area, may be located at each trailhead
415 or parking area.

416 b. One small sign, pavement marking, or exhibit, not to
417 exceed 4 square feet in area, may be located at each designated
418 trail public access point where parking is not provided.

419 c. Pavement markings denoting specified distances must be
420 located at least 1 mile apart.

421 2. Before installation, each sign, pavement marking, or
422 exhibit must be approved by the department.

423 3. The department shall ensure that the size, color,
424 materials, construction, and location of all signs, pavement
425 markings, and exhibits are consistent with the management plan
426 for the property and the standards of the department, do not
427 intrude on natural and historic settings, and contain a logo
428 selected by the sponsor and the following sponsorship wording:

429
430 ...(Name of the sponsor)... proudly sponsors the costs
431 of maintaining the ...(Name of the greenway or
432 trail)....

433
434 4. Exhibits may provide additional information and
435 materials including, but not limited to, maps and brochures for

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436 trail user services related or proximate to the trail. Pavement
437 markings may display mile marker information.

438 5. The costs of a sign, pavement marking, or exhibit,
439 including development, construction, installation, operation,
440 maintenance, and removal costs, shall be paid by the
441 concessionaire.

442 (c) A concession agreement shall be for a minimum of 1
443 year, but may be for a longer period under a multiyear
444 agreement, and may be terminated for just cause by the
445 department upon 60 days' advance notice. Just cause for
446 termination of a concession agreement includes, but is not
447 limited to, violation of the terms of the concession agreement
448 or this section.

449 (2) Pursuant to s. 287.057, the department may contract for
450 the provision of services related to the trail sponsorship
451 program, including recruitment and qualification of businesses,
452 review of applications, permit issuance, and fabrication,
453 installation, and maintenance of signs, pavement markings, and
454 exhibits. The department may reject all proposals and seek
455 another request for proposals or otherwise perform the work. The
456 contract may allow the contractor to retain a portion of the
457 annual fees as compensation for its services.

458 (3) This section does not create a proprietary or
459 compensable interest in any sponsorship site or location for any
460 permittee, and the department may terminate permits or change
461 locations of sponsorship sites as it determines necessary for
462 construction or improvement of facilities.

463 (4) The department may adopt rules to establish
464 requirements for qualification of businesses, qualification and

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location of sponsorship sites, and permit applications and processing. The department may adopt rules to establish other criteria necessary to implement this section and to provide for variances when necessary to serve the interest of the public or when required to ensure equitable treatment of program participants.

Section 7. Paragraph (b) of subsection (7) of section 373.036, Florida Statutes, is amended, present paragraphs (d) and (e) of subsection (7) are redesignated as paragraphs (e) and (f), respectively, and a new paragraph (d) is added to that subsection, to read:

373.036 Florida water plan; district water management plans.—

(7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.—

(b) The consolidated annual report shall contain the following elements, as appropriate to that water management district:

1. A district water management plan annual report or the annual work plan report allowed in subparagraph (2)(e)4.

2. The department-approved minimum flows and levels annual priority list and schedule required by s. 373.042(3) ~~s. 373.042(2)~~.

3. The annual 5-year capital improvements plan required by s. 373.536(6)(a)3.

4. The alternative water supplies annual report required by s. 373.707(8)(n).

5. The final annual 5-year water resource development work program required by s. 373.536(6)(a)4.

6. The Florida Forever Water Management District Work Plan

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annual report required by s. 373.199(7).

7. The mitigation donation annual report required by s. 373.414(1) (b)2.

(d) The consolidated annual report must contain information on all projects related to water quality or water quantity as part of a 5-year work program, including:

1. A list of all specific projects identified to implement a basin management action plan or a recovery or prevention strategy;

2. A priority grading scale representing the level of impairment and violations of adopted or interim minimum flow or minimum water level for each watershed, water body, or water segment in which a project is located;

3. A priority ranking for each listed project, which must be made available to the public for comment at least 30 days before submission of the consolidated annual report;

4. The estimated cost for each listed project;

5. The estimated completion date for each listed project;

6. The source and amount of financial assistance to be made available by the department, a water management district, or other entity for each listed project; and

7. A quantitative estimate of each listed project's benefit to the watershed, water body, or water segment in which it is located.

Section 8. Subsection (1) and present subsections (2) and (6) of section 373.042, Florida Statutes, are amended, present subsections (2) through (6) of that section are redesignated as subsections (3) through (7), respectively, and a new subsection (2) is added to that section, to read:

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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:

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

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

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

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

(2) (a) Until such time as a minimum flow or minimum water level is adopted for an Outstanding Florida Spring, the interim

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552 minimum flow or minimum water level for such spring shall be
553 determined by using the best existing and available information.
554 The interim minimum flow or minimum water level is the flow or
555 water level exceeded 67 percent of the time based upon an
556 analysis of estimated long-term conditions. By January 1, 2016,
557 the districts shall use reasonable calculations to estimate the
558 long-term median flow or water level and the flow or water level
559 that would be exceeded 67 percent of the time. The analysis may
560 include construction of a flow or water level duration curve, an
561 analysis of the flow or water level at any point in the spring,
562 and historic data to extrapolate the values or other statistical
563 methods to estimate the long-term median flow or water level
564 that would be exceeded 67 percent of the time.

565 (b) If a minimum flow or minimum water level has been
566 established but not yet adopted for an Outstanding Florida
567 Spring, a water management district shall use the established
568 minimum flow or minimum water level, instead of the minimum flow
569 or minimum water level established by the procedure in paragraph
570 (a), as the interim minimum flow or minimum water level until
571 the adoption of a minimum flow or minimum water level.

572 (c) For Outstanding Florida Springs identified on a water
573 management district's priority list developed pursuant to
574 subsection (3) which have the potential to be affected by
575 withdrawals in an adjacent district, the interim minimum flow or
576 minimum water level shall be applied by the adjacent district or
577 districts. By July 1, 2017, the adjacent districts and the
578 department shall collaboratively develop and implement a
579 recovery or prevention strategy for an Outstanding Florida
580 Spring not meeting an adopted or interim minimum flow or minimum

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581 water level.

582 (3)~~(2)~~ By November 15, 1997, and annually thereafter, each
583 water management district shall submit to the department for
584 review and approval a priority list and schedule for the
585 establishment of minimum flows and levels for surface
586 watercourses, aquifers, and surface waters within the district.
587 The priority list and schedule shall identify those listed water
588 bodies for which the district will voluntarily undertake
589 independent scientific peer review; any reservations proposed by
590 the district to be established pursuant to s. 373.223(4); and
591 those listed water bodies that have the potential to be affected
592 by withdrawals in an adjacent district for which the
593 department's adoption of a reservation pursuant to s. 373.223(4)
594 or a minimum flow or level pursuant to subsection (1) may be
595 appropriate. By March 1, 2006, and annually thereafter, each
596 water management district shall include its approved priority
597 list and schedule in the consolidated annual report required by
598 s. 373.036(7). The priority list shall be based upon the
599 importance of the waters to the state or region and the
600 existence of or potential for significant harm to the water
601 resources or ecology of the state or region, and shall include
602 those waters which are experiencing or may reasonably be
603 expected to experience adverse impacts. Each water management
604 district's priority list and schedule shall include all first
605 magnitude springs, and all second magnitude springs within state
606 or federally owned lands purchased for conservation purposes.
607 The specific schedule for establishment of spring minimum flows
608 and levels shall be commensurate with the existing or potential
609 threat to spring flow from consumptive uses. Springs within the

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610 Suwannee River Water Management District, or second magnitude
611 springs in other areas of the state, need not be included on the
612 priority list if the water management district submits a report
613 to the Department of Environmental Protection demonstrating that
614 adverse impacts are not now occurring nor are reasonably
615 expected to occur from consumptive uses during the next 20
616 years. The priority list and schedule is not subject to any
617 proceeding pursuant to chapter 120. Except as provided in
618 subsection (4) ~~(3)~~, the development of a priority list and
619 compliance with the schedule for the establishment of minimum
620 flows and levels pursuant to this subsection satisfies the
621 requirements of subsection (1).

622 (7) ~~(6)~~ If a petition for administrative hearing is filed
623 under chapter 120 challenging the establishment of a minimum
624 flow or level, the report of an independent scientific peer
625 review conducted under subsection (5) ~~(4)~~ is admissible as
626 evidence in the final hearing, and the administrative law judge
627 must render the order within 120 days after the filing of the
628 petition. The time limit for rendering the order shall not be
629 extended except by agreement of all the parties. To the extent
630 that the parties agree to the findings of the peer review, they
631 may stipulate that those findings be incorporated as findings of
632 fact in the final order.

633 Section 9. Paragraph (a) of subsection (1) of section
634 373.0421, Florida Statutes, is amended to read:

635 373.0421 Establishment and implementation of minimum flows
636 and levels.—

637 (1) ESTABLISHMENT.—

638 (a) *Considerations*.—When establishing minimum flows and

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

648 Section 10. Part VIII of chapter 373, Florida Statutes,
649 consisting of sections 373.801, 373.802, 373.803, 373.805,
650 373.807, 373.809, 373.811, 373.813, and 373.815, Florida
651 Statutes, is created and entitled the "Florida Springs and
652 Aquifer Protection Act."

653 Section 11. Section 373.801, Florida Statutes, is created
654 to read:

655 373.801 Legislative findings and intent.—

656 (1) The Legislature finds that springs are a unique part of
657 this state's scenic beauty. Springs provide critical habitat for
658 plants and animals, including many endangered or threatened
659 species. Springs also provide immeasurable natural,
660 recreational, economic, and inherent value. Flow level and water
661 quality of springs are indicators of local conditions of the
662 Floridan Aquifer, which is the source of drinking water for many
663 residents of this state. Springs are of great scientific
664 importance in understanding the diverse functions of aquatic
665 ecosystems. In addition, springs provide recreational
666 opportunities for swimming, canoeing, wildlife watching,
667 fishing, cave diving, and many other activities in this state.

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668 These recreational opportunities and the accompanying tourism
669 they provide are a benefit to local economies and the economy of
670 the state as a whole.

671 (2) Water quantity and water quality in springs are
672 related. For regulatory purposes, the department has primary
673 responsibility for water quality; the water management districts
674 have primary responsibility for water quantity; the Department
675 of Agriculture and Consumer Services has primary responsibility
676 for the development and implementation of best management
677 practices; and the local governments have primary responsibility
678 for providing wastewater and stormwater management. The
679 foregoing responsible entities must coordinate to restore and
680 maintain the water quantity and water quality of the Outstanding
681 Florida Springs.

682 (3) The Legislature recognizes that:

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

695 (b) Springs, whether found in urban or rural settings, or
696 on public or private lands, are threatened by actual or

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697 potential flow reductions and declining water quality. Many of
698 this state's springs are demonstrating signs of significant
699 ecological imbalance, increased nutrient loading, and declining
700 water flow. Without effective remedial action, further declines
701 in water quality and water quantity may occur.

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

705 (d) Springsheds typically cross water management district
706 boundaries and local government jurisdictional boundaries, so a
707 coordinated statewide springs protection plan is needed.

708 (e) The aquifers and springs of this state are complex
709 systems affected by many variables and influences.

710 (4) The Legislature recognizes that sufficient information
711 exists to act, action is urgently needed, and, as additional
712 data is acquired, action must be continually modified.

713 Section 12. Section 373.802, Florida Statutes, is created
714 to read:

715 373.802 Definitions.—As used in this part, the term:

716 (1) "Department" means the Department of Environmental
717 Protection, which includes the Florida Geological Survey or its
718 successor agencies.

719 (2) "Local government" means a county or municipal
720 government the jurisdictional boundaries of which include an
721 Outstanding Florida Spring or any part of a springshed or
722 delineated spring protection and management zone of an
723 Outstanding Florida Spring.

724 (3) "Onsite sewage treatment and disposal system" means a
725 system that contains a standard subsurface, filled, or mound

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726 drainfield system; an aerobic treatment unit; a graywater system
727 tank; a laundry wastewater system tank; a septic tank; a grease
728 interceptor; a pump tank; a solids or effluent pump; a
729 waterless, incinerating, or organic waste-composting toilet; or
730 a sanitary pit privy that is installed or proposed to be
731 installed beyond the building sewer on land of the owner or on
732 other land on which the owner has the legal right to install
733 such system. The term includes any item placed within, or
734 intended to be used as a part of or in conjunction with, the
735 system. The term does not include package sewage treatment
736 facilities and other treatment works regulated under chapter
737 403.

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

742 (a) De Leon Springs;

743 (b) Peacock Springs;

744 (c) Poe Springs;

745 (d) Rock Springs;

746 (e) Wekiwa Springs; and

747 (f) Gemini Springs.

748 (5) "Springshed" means the areas within the groundwater and
749 surface water basins which contribute, based upon all relevant
750 facts, circumstances, and data, to the discharge of a spring as
751 defined by potentiometric surface maps and surface watershed
752 boundaries.

753 (6) "Spring protection and management zone" means the area
754 or areas of a springshed where the Floridan Aquifer is

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vulnerable to sources of contamination or reduced levels, as
determined by the department in consultation with the
appropriate water management districts.

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

(8) "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 body.

Section 13. Section 373.803, Florida Statutes, is created
to read:

373.803 Delineation of spring protection and management
zones for Outstanding Florida Springs.—Using the best data
available from the water management districts and other credible
sources, the department, in coordination with the water
management districts, shall delineate one or more spring
protection and management zones for each Outstanding Florida
Spring. In delineating spring protection and management zones,
the department shall consider groundwater travel time to the
spring, hydrogeology, and nutrient load. The delineation of
spring protection and management zones must be completed by July
1, 2016. In conjunction with delineating spring protection and
management zones, the department shall adopt by rule maps and
legal descriptions that depict the delineated spring protection
and management zones as soon as practicable but no later than
July 1, 2017.

Section 14. Section 373.805, Florida Statutes, is created
to read:

373.805 Minimum flows and minimum water levels for

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784 Outstanding Florida Springs.—

785 (1) (a) At the time a minimum flow or minimum water level is
786 adopted for an Outstanding Florida Spring, if the spring is
787 below or is projected within 20 years to fall below the minimum
788 flow or minimum water level, a water management district or the
789 department shall simultaneously adopt a recovery or prevention
790 strategy.

791 (b) When an interim minimum flow or minimum water level is
792 established pursuant to s. 373.042(2) for an Outstanding Florida
793 Spring, the water management district or the department shall
794 adopt a recovery or prevention strategy by July 1, 2017, if the
795 spring is below or is projected within 20 years to fall below
796 the interim minimum flow or minimum water level.

797 (2) For an Outstanding Florida Spring, a minimum flow or
798 minimum water level adopted before July 1, 2015, must be revised
799 by July 1, 2018. When a minimum flow or minimum water level is
800 revised, if the spring is below or is projected within 20 years
801 to fall below the revised minimum flow or minimum water level, a
802 water management district or the department shall simultaneously
803 adopt a recovery or prevention strategy or modify an existing
804 recovery or prevention strategy. A district or the department
805 may adopt the revised minimum flow or minimum water level before
806 the adoption of a recovery or prevention strategy if the revised
807 minimum flow or minimum water level is less constraining on
808 existing or projected future consumptive uses.

809 (3) For an Outstanding Florida Spring without an adopted
810 recovery or prevention strategy, if a district or the department
811 determines the spring has fallen below, or is projected within
812 20 years to fall below the adopted or interim minimum flow or

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813 minimum water level, a water management district or the
814 department shall expeditiously adopt a recovery or prevention
815 strategy.

816 (4) The recovery or prevention strategy for each
817 Outstanding Florida Spring must, at a minimum, include:

818 (a) A listing of all specific projects identified for
819 implementation of the plan;

820 (b) A priority listing of each project;

821 (c) For each listed project, the estimated cost of and the
822 estimated date of completion;

823 (d) The source and amount of financial assistance to be
824 made available by the water management district for each listed
825 project, which may not be less than 25 percent of the total
826 project cost unless a specific funding source or sources are
827 identified which will provide more than 75 percent of the total
828 project cost. The Northwest Florida Water Management District
829 and the Suwannee River Water Management District are not
830 required to provide matching funds pursuant to this paragraph;

831 (e) An estimate of each listed project's benefit to an
832 Outstanding Florida Spring;

833 (f) A map and legal descriptions depicting the spring
834 protection and management zones established pursuant to s.
835 373.803; and

836 (g) An implementation plan to achieve the adopted or
837 interim minimum flow or minimum water level within 20 years
838 after the adoption of a recovery or prevention strategy. The
839 implementation plan must include measureable interim milestones
840 to be achieved within 5, 10, and 15 years, respectively, to
841 achieve the adopted or interim minimum flow or minimum water

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level.

(5) A local government may apply to the department for an extension of up to 5 years for any project in an adopted recovery or prevention strategy. The department may grant the extension if the local government provides to the department sufficient evidence that an extension is in the best interest of the public. For a local government in a rural area of opportunity, as defined in s. 288.0656, the department may grant an extension of up to 10 years.

Section 15. 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 initiate assessment, pursuant to s. 403.067(3), of each Outstanding Florida Spring for which an impairment determination has not been made under the numeric nutrient standards in effect for spring vents. Assessments must be completed by July 1, 2018.

(1) (a) Simultaneously with the adoption of a nutrient total maximum daily load for an Outstanding Florida Spring, the department, or the department in conjunction with a water management district, shall initiate development of a basin management action plan, as specified in s. 403.067. For an Outstanding Florida Spring with a nutrient total maximum daily load adopted before July 1, 2015, the department, or the department in conjunction with a water management district, shall initiate development of a basin management action plan by July 1, 2015. During the development of a basin management action plan, if the department identifies onsite sewage treatment and disposal systems as significant nonpoint sources

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of nutrient pollution which need to be addressed within a local government jurisdiction, the department shall notify the local government within 30 days. The local government shall develop an onsite sewage treatment and disposal system remediation plan pursuant to subsection (3) for those systems identified as significant nonpoint sources of nutrient pollution for inclusion in the basin management action plan.

(b) A basin management action plan for an Outstanding Florida Spring shall be adopted within 3 years after its initiation and must include, at a minimum:

1. A list of all specific projects identified to implement a nutrient total maximum daily load;

2. A list of all specific projects identified in an onsite sewage treatment and disposal system remediation plan, if applicable;

3. A priority rank for each listed project;

4. For each listed project, the estimated cost of and the estimated date of completion;

5. The source and amount of financial assistance to be made available by the department, a water management district, or other entity for each listed project;

6. An estimate of each listed project's nutrient load reduction;

7. A map and legal descriptions depicting the spring protection and management zones established pursuant to s. 373.803;

8. Identification of each point source or category of nonpoint sources, including, but not limited to, urban turf fertilizer, sports turf fertilizer, agricultural fertilizer,

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onsite sewage treatment and disposal systems, wastewater treatment facilities, animal wastes, and stormwater facilities. An estimated allocation of the pollutant load must be provided for each point source or category of nonpoint sources; and

9. An implementation plan to achieve the adopted nutrient total maximum daily load within 20 years after the adoption of a basin management action plan. The plan must include measureable interim milestones to be achieved within 5, 10, and 15 years, respectively, to achieve the adopted nutrient total maximum daily load.

(c) For a basin management action plan adopted before July 1, 2015, which addresses an Outstanding Florida Spring, the department or the department in conjunction with a water management district must revise the plan pursuant to this section by July 1, 2018.

(d) Upon approval of an onsite sewage treatment and disposal system remediation plan by the department, the plan shall be deemed incorporated as part of the appropriate basin management action plan pursuant to s. 403.067(7) until such time as the basin management action plan is revised.

(e) A local government may apply to the department for an extension of up to 5 years for any project in an adopted basin management action plan. A local government in a rural area of opportunity, as defined in s. 288.0656, may apply for an extension of up to 10 years for such a project. The department may grant the extension if the local government provides to the department sufficient evidence that an extension is in the best interest of the public.

(2) Within 6 months after the delineation of a spring

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929 protection and management zone or zones of an Outstanding
930 Florida Spring that is fully or partially within the
931 jurisdiction of a local government, a local government must
932 develop, enact, and implement an ordinance that meets or exceeds
933 the requirements of the department's Model Ordinance for
934 Florida-Friendly Fertilizer Use on Urban Landscapes. Such
935 ordinance must require that, within a spring protection and
936 management zone of an Outstanding Florida Spring with an adopted
937 nutrient total maximum daily load, the nitrogen application rate
938 of any fertilizer applied to turf or landscape plants may not
939 exceed the lowest basic maintenance rate of the most recent
940 recommendations by the Institute of Food and Agricultural
941 Sciences. The department shall adopt rules to implement this
942 subsection which establish reasonable minimum standards and
943 reflect advancements or improvements regarding nutrient load
944 reductions.

945 (3) By July 1, 2017, the department, in conjunction with
946 the Department of Health and local governments, must identify
947 onsite sewage treatment and disposal systems within each spring
948 protection and management zone. Within 60 days after the
949 department's completion of the identification of these systems,
950 the department shall provide the location of the systems to the
951 local governments in which they are located. If notified by the
952 department pursuant to subsection (1), the local government, in
953 consultation with the department, shall develop an onsite sewage
954 treatment and disposal system remediation plan within 12 months
955 after notification by the department. For each onsite sewage
956 treatment and disposal system or group of systems that is a
957 significant contributor of nonpoint source nutrient pollution,

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the plan must include whether the system requires repair,
upgrade, connection to a central sewerage system, or no action.
The plan must include a priority ranking for each system or
group of systems that require remediation. Each remediation plan
must be submitted to the department for approval.

(a) In reviewing and approving the remediation plans, the
department shall consider, at a minimum:

1. The density of onsite sewage treatment and disposal
systems;

2. The number of onsite sewage treatment and disposal
systems;

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

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

5. The cost of the proposed remedial action.

(b) Before submitting an onsite sewage treatment and
disposal system remediation plan to the department, the local
government shall hold at least one public meeting to provide the
public an opportunity to comment on the plan. The approval of an
onsite sewage treatment and disposal system remediation plan by
the department constitutes a final agency action.

(c) If a local government does not substantially comply
with this subsection, it may be ineligible for funding pursuant
to s. 373.809.

(d) With respect to implementation of an onsite sewage
treatment and disposal system remediation plan, a property owner
with an onsite sewage treatment and disposal system identified
by the plan may not be required to pay any of the cost of a

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987 system inspection, to upgrade a system, or of connection fees
988 for connection to a sanitary sewer system. This paragraph does
989 not apply to local government programs in existence before July
990 1, 2015, which are inconsistent with this paragraph.

991 Section 16. Section 373.809, Florida Statutes, is created
992 to read:

993 373.809 Funding for the restoration and preservation of
994 Outstanding Florida Springs.—

995 (1) By December 31, 2015, the department shall adopt rules
996 to fund pilot projects that test the effectiveness of innovative
997 or existing nutrient reduction or water conservation
998 technologies or practices designed to minimize nutrient
999 pollution or restore flows in the springs of this state. The
1000 department may approve funding for pilot projects each funding
1001 cycle if the department determines that the pilot project will
1002 not be harmful to the ecological resources in the study area.

1003 (2) By December 31, 2015, the department shall adopt rules
1004 to evaluate, rank, and select projects eligible for funding
1005 under this part or land acquisition under s. 375.041. In
1006 developing these rules, the department shall give preference to
1007 the projects that will result in the greatest improvement to
1008 water quality and water quantity for the dollars to be expended
1009 for the project. At a minimum, the department shall consider all
1010 of the following:

1011 (a) The level of nutrient impairment of the Outstanding
1012 Florida Spring in which the project is located.

1013 (b) The quantity of pollutants, particularly total
1014 nitrogen, which the project is estimated to remove from an
1015 Outstanding Florida Spring with an adopted nutrient total

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1016 maximum daily load.

1017 (c) The flow necessary to restore the Outstanding Florida
1018 Spring to its adopted or interim minimum flow or minimum water
1019 level.

1020 (d) The anticipated impact the project will have on
1021 restoring or increasing water flow or water level.

1022 (e) The amount of matching funds for the project which will
1023 be provided by the entities responsible for implementing the
1024 project.

1025 (f) Whether the project is located in a rural area of
1026 opportunity, as defined in s. 288.0656, with preference given to
1027 the local government responsible for implementing the project.

1028 (g) For multiple-year projects, whether the project has
1029 funding sources that are identified and assured through the
1030 expected completion date of the project.

1031 (h) The cost of the project and the length of time it will
1032 take to complete relative to its expected benefits.

1033 (i) Whether the entities responsible for implementing the
1034 project, since July 1, 2010, have used their own funds for
1035 projects to improve water quality or conserve water use within a
1036 springshed or spring protection and management zone of an
1037 Outstanding Florida Spring, with preference given to those
1038 entities that have expended such funds.

1039 Section 17. Section 373.811, Florida Statutes, is created
1040 to read:

1041 373.811 Prohibited activities within a spring protection
1042 and management zone.—The following activities are prohibited
1043 within a spring protection and management zone of an Outstanding
1044 Florida Spring:

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1045 (1) New municipal or industrial wastewater disposal
1046 facilities, including rapid infiltration basins, with permitted
1047 capacities of 100,000 gallons per day or more, except for those
1048 facilities that meet an advanced wastewater treatment standard
1049 of no more than 3 mg/l Total Nitrogen, expressed as N, on an
1050 annual permitted basis, or a more stringent treatment standard
1051 if the department determines the more stringent standard is
1052 necessary to prevent impairment or aid in the recovery of an
1053 Outstanding Florida Spring.

1054 (2) Beginning 6 months after the Department of Health
1055 approves passive nitrogen removing onsite sewage treatment and
1056 disposal systems, new onsite sewage treatment and disposal
1057 systems on lots of less than 1 acre, except for passive nitrogen
1058 removing onsite sewage treatment and disposal systems.

1059 (3) New facilities for the disposal of hazardous waste.

1060 (4) The land application of Class A or Class B domestic
1061 wastewater biosolids or septage.

1062 (5) New agriculture operations that do not implement best
1063 management practices, measures necessary to achieve pollution
1064 reduction levels established by the department, or a groundwater
1065 monitoring plan approved by a water management district or the
1066 department.

1067 Section 18. Section 373.813, Florida Statutes, is created
1068 to read:

1069 373.813 Rules.—

1070 (1) The department shall adopt rules to create a program to
1071 improve water quantity and water quality to administer this
1072 part, as applicable. In developing rules to administer s.
1073 373.809, the department shall use the Total Maximum Daily Load

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1074 Water Quality Restoration Grants rule for guidance in developing
1075 a comparable program for the restoration and protection of the
1076 water quality and water quantity for Outstanding Florida
1077 Springs.

1078 (2) The Department of Health, the Department of Agriculture
1079 and Consumer Services, and the water management districts, as
1080 appropriate, may adopt rules to administer this part, as
1081 applicable.

1082 (3) (a) The Department of Agriculture and Consumer Services
1083 is the lead agency coordinating the reduction of agricultural
1084 nonpoint sources of pollution for the protection of Outstanding
1085 Florida Springs. The Department of Agriculture and Consumer
1086 Services and the department, pursuant to s. 403.067(7)(c)4.,
1087 shall study new or revised best management practices for
1088 improving and protecting Outstanding Florida Springs and, if
1089 necessary, in cooperation with applicable local governments and
1090 stakeholders, initiate rulemaking to require the implementation
1091 of such practices within a reasonable time period.

1092 (b) The department, the Department of Agriculture and
1093 Consumer Services, and the University of Florida Institute of
1094 Food and Agricultural Sciences shall cooperate in conducting the
1095 necessary research and demonstration projects to develop
1096 improved or additional nutrient management tools, including the
1097 use of controlled release fertilizer that can be used by
1098 agricultural producers as part of an agricultural best
1099 management practices program. The development of such tools must
1100 reflect a balance between water quality improvement and
1101 agricultural productivity and, if applicable, must be
1102 incorporated into the revised best management practices adopted

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by rule by the Department of Agriculture and Consumer Services.

Section 19. Section 373.815, Florida Statutes, is created to read:

373.815 Reports.—Each July 1, beginning July 1, 2016, the department, in conjunction with the water management districts, shall submit progress reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the status of each total maximum daily load, basin management action plan, minimum flow or minimum water level, and recovery or prevention strategy adopted pursuant to this part. The report must include the status of each project identified to achieve an adopted total maximum daily load or an adopted or interim minimum flow or minimum water level, as applicable. If a report indicates that any of the interim 5-, 10-, or 15-year milestones, or the 20-year deadline will not be met, the report must include specific corrective actions that will be taken to achieve these milestones and deadlines, and, if necessary, executive and legislative recommendations to that end.

Section 20. Subsection (25) of section 403.061, Florida Statutes, is amended and subsection (45) is added to that section, to read:

403.061 Department; powers and duties.—The department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules adopted and promulgated by it and, for this purpose, to:

(25) (a) Establish and administer a program for the restoration and preservation of bodies of water within the state. The department shall have the power to acquire lands, to cooperate with other applicable state or local agencies to

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enhance existing public access to such bodies of water, and to adopt all rules necessary to accomplish this purpose.

(b) Create a consolidated water resources work plan, in consultation with state agencies, water management districts, and local governments, which provides a geographic depiction of the total inventory of water resources projects currently under construction, completed in the previous 5 years, or planned to begin construction in the next 5 years. The consolidated work plan must include for each project a description of the project, the total cost of the project, and identification of the governmental entity financing the project. This information together with the information provided pursuant to paragraph (45) (a) is intended to facilitate the ability of the Florida Water Resources Advisory Council, the Legislature, and the public to consider the projects contained in the tentative water resources work program developed pursuant to s. 403.0616 in relation to all projects undertaken within a 10-year period and the existing condition of water resources in the project area and in the state as a whole. The department may adopt all rules necessary to accomplish this purpose.

(45) (a) Create and maintain a web-based, interactive map that includes, at a minimum:

1. All watersheds and each water body within those watersheds;
2. The county or counties in which the watershed or water body is located;
3. The water management district or districts in which the watershed or water body is located;
4. Whether a minimum flow or minimum water level has been

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1161 adopted for the water body, and if such minimum flow or minimum
1162 water level has not been adopted, the anticipated adoption date;

1163 5. Whether a recovery or prevention strategy has been
1164 adopted for the watershed or water body and, if such a plan has
1165 not been adopted, the anticipated adoption date;

1166 6. The impairment status of each watershed or water body;

1167 7. Whether a total maximum daily load has been adopted if
1168 the watershed or water body is listed as impaired and, if such
1169 total maximum daily load has not been adopted, the anticipated
1170 adoption date;

1171 8. Whether a basin management action plan has been adopted
1172 for the watershed and, if such a plan has not been adopted, the
1173 anticipated adoption date;

1174 9. Each project listed on the 5-year water resources work
1175 program developed pursuant to s. 373.036(7);

1176 10. The agency or agencies and local sponsor, if any,
1177 responsible for overseeing the project;

1178 11. The estimated cost and completion date of each project
1179 and the financial contribution of each entity;

1180 12. The quantitative estimated benefit to the watershed or
1181 water body; and

1182 13. The water projects completed within the last 5 years
1183 within the watershed or water body.

1184 (b) The department and each water management district shall
1185 prominently display on their respective websites a hyperlink to
1186 the interactive map required by this subsection.

1187
1188 The department shall implement such programs in conjunction with
1189 its other powers and duties and shall place special emphasis on

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reducing and eliminating contamination that presents a threat to humans, animals or plants, or to the environment.

Section 21. Section 403.0616, Florida Statutes, is created to read:

403.0616 Florida Water Resources Advisory Council.—

(1) The Florida Water Resources Advisory Council is hereby created within the department for the purpose of evaluating water resource projects prioritized and submitted by state agencies, water management districts, or local governments. The council shall evaluate and recommend projects that are eligible for state funding as priority projects of statewide, regional, or critical local importance under this chapter or chapter 373. The council must review and evaluate all water resource projects that are prioritized and reported by state agencies or water management districts pursuant to s. 373.036(7)(d)3., or by local governments, if applicable, in order to provide the Legislature with recommendations for projects that improve or restore the water resources of this state.

(2) The Florida Water Resources Advisory Council consists of five voting members and five ex officio, nonvoting members as follows:

(a) The Secretary of Environmental Protection, who shall serve as chair of the council; the Commissioner of Agriculture; the executive director of the Fish and Wildlife Conservation Commission; one member with expertise in a scientific discipline related to water resources, appointed by the President of the Senate; and one member with expertise in a scientific discipline related to water resources, appointed by the Speaker of the House of Representatives, all of whom shall be voting members.

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1219 (b) The executive directors of each of the five water
1220 management districts, all of whom shall be nonvoting members.

1221 (3) Members appointed by the President of the Senate and
1222 Speaker of the House of Representatives shall serve 2-year terms
1223 but may not serve more than a total of 6 years. The President of
1224 the Senate and Speaker of the House of Representatives may fill
1225 a vacancy at any time for an unexpired term of an appointed
1226 member.

1227 (4) If a member of the council is disqualified from serving
1228 because he or she no longer holds the position required to serve
1229 under this section, the interim head of the agency shall serve
1230 as the agency representative.

1231 (5) The two appointed council members shall receive
1232 reimbursement for expenses and per diem for travel to attend
1233 council meetings authorized pursuant to s. 112.061 while in the
1234 performance of their duties.

1235 (6) The council shall hold periodic meetings at the request
1236 of the chair but must hold at least eight public meetings each
1237 year in which the public has the opportunity to participate and
1238 comment. Unless otherwise provided by law, notice for each
1239 meeting must be published in a newspaper of general circulation
1240 in the area where the meeting is to be held at least 5 days but
1241 no more than 15 days before the meeting date.

1242 (a) By July 15 of each year, the council shall release a
1243 tentative water resources work program containing legislative
1244 recommendations for water resource projects. The public has 30
1245 days to submit comments regarding the tentative program.

1246 (b) The council shall adopt the tentative work program
1247 containing its legislative recommendations and submit it to the

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Governor, the President of the Senate, and the Speaker of the House of Representatives by August 31 of each year. An affirmative vote of three members of the council is required to adopt the tentative work program.

(7) The department shall provide primary staff support to the council and shall ensure that council meetings are electronically recorded. Such recordings must be preserved pursuant to chapters 119 and 257.

(8) The council shall recommend rules for adoption by the department to competitively evaluate, select, and rank projects for the tentative water resources work program. The council shall develop specific criteria for the evaluation, selection, and ranking of projects, including a preference for projects that will have a significant, measurable impact on improving water quantity or water quality; projects in areas of greatest impairment; projects of state or regional significance; projects recommended by multiple districts or multiple local governments cooperatively; projects with a significant monetary commitment by the local project sponsor or sponsors; projects in rural areas of opportunity as defined in s. 288.0656; projects that may be funded through appropriate loan programs; and projects that have significant private contributions of time or money.

(9) The department, in consultation with the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, and the water management districts, shall adopt rules to implement this section.

Section 22. Section 403.0623, Florida Statutes, is amended to read:

403.0623 Environmental data; quality assurance.—

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1277 (1) The department must establish, by rule, appropriate
1278 quality assurance requirements for environmental data submitted
1279 to the department and the criteria by which environmental data
1280 may be rejected by the department. The department may adopt and
1281 enforce rules to establish data quality objectives and specify
1282 requirements for training of laboratory and field staff, sample
1283 collection methodology, proficiency testing, and audits of
1284 laboratory and field sampling activities. Such rules may be in
1285 addition to any laboratory certification provisions under ss.
1286 403.0625 and 403.863.

1287 (2) (a) The department, in coordination with the water
1288 management districts, shall establish standards for the
1289 collection of water quantity, water quality, and related data to
1290 ensure quality, reliability, and validity of the data and
1291 testing results. The water management districts shall submit
1292 such data collected after June 30, 2015, to the department for
1293 analysis. The department shall analyze the data to ensure
1294 statewide consistency. The department shall maintain a
1295 centralized database for all testing results and analyses, which
1296 must be accessible by the water management districts.

1297 (b) To the extent practicable, the department shall
1298 coordinate with federal agencies to ensure that its collection
1299 and analysis of water quality, water quantity, and related data,
1300 which may be used by any state agency, water management
1301 district, or local government, is consistent with this
1302 subsection.

1303 (c) In order to receive state funds for the acquisition of
1304 lands or the financing of a water resource project, state
1305 agencies and water management districts must use the

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1306 department's testing results and analysis, if available, as a
1307 prerequisite for any such request for funding.

1308 (d) The department and the water management districts may
1309 adopt rules to implement this subsection.

1310 Section 23. This act shall take effect July 1, 2015.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Environmental Preservation and Conservation

BILL: SPB 7060

INTRODUCER: Environmental Preservation and Conservation Committee

SUBJECT: Ratification of Department of Environmental Protection Rules

DATE: March 25, 2015

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Gudeman	Uchino		EP Submitted as Committee Bill

I. Summary:

SPB 7060 ratifies Rule 62-701.730, F.A.C., relating to construction and demolition (C&D) debris disposal facilities regulated by the Department of Environmental Protection (DEP), Division of Waste Management.

II. Present Situation:

Solid Waste Management

Florida began managing solid waste in 1946 under the Sanitary Code (code). The code provided definitions for the terms “garbage,” “rubbish,” “offal,” “dead animals,” and “manure,” as well as procedures for illegal dumping and the collection, storage, and dumping of solid waste. The code required municipalities to provide for, “adequate, efficient, and sanitary systems of collecting, transporting, and disposing of garbage and rubbish from all buildings and establishments creating garbage or rubbish throughout the municipality” in a manner approved by the State Board of Health.¹

In 1974, the Legislature enacted the Florida Resource Recovery and Management Act (act), which established procedures for the storage, collection, transport, separation, processing, recycling, and disposal of solid waste. The act required counties and municipalities to adopt local resource recovery and management programs and to implement the state program.²

The Legislature enacted the Solid Waste Management Act (SWMA) in 1988, which created the framework for the state’s recycling efforts. The SWMA set a goal to reduce the disposal of municipal solid waste by 30 percent by the end of 1994.³ The SWMA required the DEP to

¹ Florida State Sanitary Code, Chapter XXXI, Garbage and Rubbish, available at [ftp://ftp.dep.state.fl.us/pub/reports/62-701/FloridaSWRegulations_eff02-16-1946.pdf](http://ftp.dep.state.fl.us/pub/reports/62-701/FloridaSWRegulations_eff02-16-1946.pdf) (last visited Mar. 20, 2015).

² See ch. 74-342, Laws of Fla.

³ See ch. 88-130, Laws of Fla.

implement the solid waste program, adopt rules related to the program, and manage grant programs.

The Legislature created s. 403.7032, F.S., in 2008, which established the 75 percent recycling goal to be achieved by 2020 and required the DEP to develop a program to achieve this goal and submit a report to the Legislature for approval. The report:

- Encourages private businesses to report the amount they recycle annually to the county;
- Directs the DEP to recognize successful recycling efforts in schools, businesses, public groups, and of private citizens;
- Directs the DEP to create the Recycle Business Assistance center.
- Recommends all C&D debris⁴ be processed at a materials recovery facility prior to disposal; and
- Recommends the creation of a recycling grants or revolving loan program for local governments to aid in reaching the 75 percent recycling goal for their jurisdictions.⁵

Florida currently has 70 active C&D debris disposal sites and 83 landfills that will accept such material.⁶ Disposal at the C&D debris facilities is typically less expensive than at a Class I landfill, but more hazardous to the environment because most C&D sites are unlined and do not have daily covering requirements.⁷

C&D debris accounts for 25 percent of Florida's total municipal solid waste stream and consists of materials that are generated from residential and commercial building, renovations, and demolitions. C&D material include wood, steel, glass, brick, concrete, asphalt, wallboard, rocks, soils, tree remains, and other vegetative matter. The DEP estimates that approximately 27 percent, or 2.1 million tons of the C&D material disposed of in Florida is recycled annually and contributes to 12 percent of the 75 percent recycling goal.⁸

Section 403.707, F.S., specifies the permit requirements for solid waste management facilities and the regulatory exceptions provided for certain types of solid waste disposal. Section 403.707(9), F.S., requires the DEP to establish criteria for the construction, operation, monitoring, recordkeeping, financial assurance, and closure requirements for solid waste management facilities that only accept C&D debris for disposal or recycling.

In 2010, s. 403.707, F.S., was amended to require liner and leachate collection systems at individual C&D debris disposal sites permitted after July 1, 2010, and for the lateral expansion of sites. The law provides an exemption from this requirement if the facility owner is able to demonstrate, using groundwater modeling, that the facility will not result in a violation of groundwater standards and criteria.

⁴ For a description of what constitutes C&D debris, see Fla. Admin. Code R. 62-701.200(25) (2015).

⁵ DEP, *75% Recycling Goal Report to the Legislature*, 20-22 (2010), available at http://dep.state.fl.us/waste/quick_topics/publications/shw/recycling/75percent/75_recycling_report.pdf (last visited Mar. 20, 2014).

⁶ *Id.* at 12. See also DEP, *Statement of Estimated Regulatory Cost, Rule 62-701.730, Florida Administrative Code*, 2 (June 3, 2014) (on file with the Senate Committee on Environmental Preservation and Conservation).

⁷ *Supra* note 5, at 11.

⁸ *Supra* note 5, at 12-13.

The law also required by January 1, 2012, C&D debris be processed and recycled at a materials recovery facility or any other permitted disposal facility prior disposal. The amount of material that is processed and recycled must be reported by the county of origin to the DEP and the county of disposal. The law provides an exemption for recovered material, material that has been source separated and offered for recycling, or material that has been previously processed.

Legislative Ratification of Agency Rules

In order to implement the requirements in s. 403.707, F.S., the DEP has proposed revisions to Rule 62-701.730, F.A.C., entitled “Construction and Demolition Debris Disposal and Recycling.”

Pursuant to s. 120.541(3), F.S., the Legislature must ratify a rule that:

- Has an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within five years after implementation of the rule;
- Has an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within five years after implementation of the rule; or
- Increases regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within five years after implementation of the rule.⁹

The DEP prepared a Statement of Estimated Regulatory (SERC) for Rule 62-701.730, F.A.C., and determined the rule triggers a statutory threshold requiring ratification. The SERC estimates the total cost for the liner and associated components for a 20 acre site will be approximately \$3.2 million. The total cost of the leachate management system at a 20 acre site over a 10 year period will be approximately \$2.65 million.¹⁰

Currently, there are 70 active C&D debris disposal facilities in Florida, five of which are lined. Since 2009, the DEP has received two applications for new C&D debris disposal facilities, and three permit modification applications. To date, the DEP has not received any requests from facility owners to be exempt from the liner and leachate requirements.¹¹

III. Effect of Proposed Changes:

The bill ratifies Rule 62-701.703, F.A.C. The rule directs the DEP to require liners and leachate collection systems at new and expanded C&D debris disposal facilities.

⁹ Section 120.541(2)(a)1.-3., F.S.

¹⁰ DEP, *Statement of Estimated Regulatory Cost, Evaluations for Phase II Changes to Rule 62-701.730, Florida Administrative Code*, 5-6 (May 12, 2014) (on file with the Senate Committee on Environmental Preservation and Conservation).

¹¹ DEP, *Statement of Estimated Regulatory Cost, Rule 62-701.730, Florida Administrative Code*, 2 (June 3, 2014) (on file with the Senate Committee on Environmental Preservation and Conservation).

The bill also:

- Ratifies Rule 62-701.703, F.A.C., for the sole and exclusive purpose of satisfying any condition on effectiveness imposed under s. 120.541(3), F.S.;
- Requires the DEP to note its enactment and effective dates in the Florida Administrative Code, the Florida Administrative Register, or both, as appropriate;
- Does not alter rulemaking authority or constitute a legislative preemption of, or exception to, any other provision of law regarding adoption or enforcement of the rule; and
- Does not cure any rulemaking defect or preempt any challenge based on a lack of authority or a violation of the legal requirements governing the adoption of any rule cited.

The bill will take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The DEP estimates the cost of the liner and the leachate system to be approximately \$5.8 million for a 20 acre facility in operation for 10 years. The new requirements will have both a positive and negative fiscal impact on the private sector. The privately owned C&D debris disposal facilities may raise rates to offset the cost of the liner and leachate collection system. The increased rates of the C&D debris disposal facilities may result in increased utilization of recycling facilities if the recycling rates are lower than C&D debris disposal rates.

C. Government Sector Impact:

C&D debris disposal facilities owned by local governments will incur similar costs as the private sector.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an undesignated section of Florida law.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

FOR CONSIDERATION By the Committee on Environmental Preservation and Conservation

592-02230-15

20157060pb

A bill to be entitled

An act relating to ratification of Department of Environmental Protection rules; ratifying a specified rule relating to liners and leachate collection systems for construction and demolition debris disposal facilities, for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule meeting any specified thresholds of likely adverse impact or increase in regulatory costs; providing applicability; providing an effective date.

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

Section 1. (1) The following rule is ratified for the sole and exclusive purpose of satisfying any condition on effectiveness imposed under s. 120.541(3), Florida Statutes: Rule 62-701.730, Florida Administrative Code, entitled "Construction and Demolition Debris Disposal and Recycling," as filed for adoption with the Department of State pursuant to the certification package dated January 30, 2015.

(2) This act serves no other purpose and shall not be codified in the Florida Statutes. After this act becomes law, its enactment and effective dates shall be noted in the Florida Administrative Code or the Florida Administrative Register, or both, as appropriate. This act does not alter rulemaking authority delegated by prior law, does not constitute legislative preemption of or exception to any provision of law

592-02230-15

20157060pb

governing adoption or enforcement of the rules cited, and is
intended to preserve the status of any cited rule as a rule
under chapter 120, Florida Statutes. This act does not cure any
rulemaking defect or preempt any challenge based on a lack of
authority or a violation of the legal requirements governing the
adoption of any rule cited.

Section 2. This act shall take effect upon becoming a law.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Environmental Preservation and Conservation

BILL: SPB 7062

INTRODUCER: Environmental Preservation and Conservation Committee

SUBJECT: Ratification of Department of Environmental Protection Rules

DATE: March 25, 2015

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Hinton	Uchino		EP Submitted as Committee Bill

I. Summary:

SPB 7062 ratifies Rule 62-42.300, F.A.C., establishing minimum flows and levels (MFLs) for the Lower Santa Fe and Ichetucknee Rivers, and associated priority springs. It requires the DEP to publish a notice of enactment in the Florida Administrative Register or the Florida Administrative Code, or both, as appropriate.

II. Present Situation:

Minimum Flows and Levels

MFLs are established for water bodies in order to prevent significant harm as a result of permitted water withdrawals. MFLs are typically determined based on evaluations of topography, soils, and vegetation data collected within plant communities, and other pertinent information associated with the water resource. MFLs take into account the ability of wetlands and aquatic communities to adjust to changes in hydrologic conditions and allow for an acceptable level of hydrologic change to occur. When use of water resources shifts the hydrologic conditions below levels defined by MFLs, significant ecological harm can occur.¹

The consumptive use of water can draw down water levels and reduce pressure in the aquifer.² By establishing MFLs for non-consumptive uses,³ the water management districts (WMDs) can determine how much water is available for consumptive uses.

Section 373.042, F.S., requires the Department of Environmental Protection (DEP) or WMDs to establish MFLs for priority water bodies to prevent significant harm from water withdrawals.

¹ St. Johns River Water Management District, *Water Supply: An Overview of Minimum Flows and Levels*, <http://www.sjrwmd.com/minimumflowsandlevels/> (last visited Mar. 19, 2015).

² Department of Community Affairs, *Protecting Florida's Springs: An Implementation Guidebook*, 3-5 (Feb. 2008), available at <http://www.dep.state.fl.us/springs/reports/files/springsimplementguide.pdf> (last visited Mar. 19, 2015).

³ Examples of consumptive uses include agricultural irrigation, public water supply, golf course irrigation, mining, and power generation. Non-consumptive uses of water include recreational, aesthetic, and navigational uses of water resources.

MFLs are considered rules and are subject to ch. 120, F.S., challenges. MFLs are established by the DEP, in coordination with the applicable WMD, using the best available data and are subject to independent scientific peer review at the request of the WMD, or, if requested, by a third party.⁴

MFLs apply to decisions affecting permit applications, declarations of water shortages, and assessments of water supply sources. Models for surface waters and groundwater are used to evaluate the effects of existing and/or proposed consumptive uses and the likelihood they might cause significant harm.

If the existing flow or water level in a waterbody is below, or is projected to fall within 20 years below, the applicable minimum flow or water level, the DEP or WMD must expeditiously implement a recovery or prevention strategy.⁵ Recovery or prevention strategies include phasing or a timetable that allows for the development of sufficient water supplies for all existing and projected reasonable-beneficial uses. The strategy also includes development of additional water supplies and implementation of conservation strategies, the use of impact offsets, and other efficiency measures to accommodate withdrawals.⁶

Consumptive Use Permits

Consumptive use permits (CUPs) establish the duration and type of consumptive water use as well as the maximum amount of water that may be withdrawn daily by a permittee.⁷ Each CUP must be consistent with the objectives of the issuing WMD, or the DEP, and may not be harmful to the water resources of the area.⁸ To obtain a CUP, an applicant must establish that the proposed use of water satisfies a statutory test, commonly referred to as “the three-prong test.” Specifically, the proposed water use must:

- Be a “reasonable-beneficial use;”⁹
- Not interfere with any presently existing legal use of water; and
- Be consistent with the public interest.¹⁰

Regional Water Supply Planning

WMDs are required to conduct water supply needs assessments. If the assessment determines that existing resources will not be sufficient to meet reasonable-beneficial uses for the planning period for a particular water supply planning region, it must prepare a regional water supply plan.¹¹ Regional water supply plans must be based on at least a 20-year planning period and must include:

⁴ Section 373.042, F.S.

⁵ Section 373.0421, F.S. See also Fla. Admin. Code R. 62-40.473 (2013).

⁶ *Id.*

⁷ Fla. Admin. Code R. 40C-2 (2014).

⁸ Section 373.219, F.S.

⁹ Section 373.019(16), F.S. Reasonable-beneficial use is defined as, “the use of water in such quantity as is necessary for economic and efficient utilization for a purpose and in a manner which is both reasonable and consistent with the public interest.” See also Fla. Admin. Code R. 62-40.410(2) (2013), for a list of 18 factors to help determine whether a water use is a reasonable-beneficial use.

¹⁰ Section 373.223(1), F.S.

¹¹ Section 373.709(1), F.S.

- A water supply development component;
- A water resource development component;
- A recovery and prevention strategy;
- A funding strategy;
- Consideration of how water supply development projects serve the public interest or save costs;
- Technical data and information;
- Any MFLs established for the planning region;
- The water resources for which future MFLs must be developed; and
- An analysis of where variances may be used to create water supply development or water resource development projects.¹²

Mobile Irrigation Labs

Mobile Irrigation Labs (MILs) consist of one or two person teams that provide site-specific evaluation and analysis of irrigation systems. They provide recommendations for the improvement of existing irrigation systems and equipment, as well as education on water conservation, irrigation planning, and irrigation management. MILs operate within all five WMDs and are supported by four of the WMDs, the Department of Agriculture and Consumer Services, the Natural Resources Conservation Service, and certain counties and utilities.¹³

After evaluating a particular agricultural operation, the MIL provides a report that recommends improvements and irrigation schedules. The schedules offer general guidelines to determine when and how much to irrigate based on system efficiency, crop requirements, and soil characteristics. The program provides for follow-up visits to collect more data and install free soil moisture-sensing devices to help growers adapt the schedule to the site. The program also provides training for farmers to calibrate and maintain the equipment.¹⁴

The North Florida Southeast Georgia Regional Groundwater Flow Model

The North Florida Southeast Georgia (NFSEG) Regional Groundwater Flow Model is currently in development. The general goal of the model is to construct a groundwater flow model that will aid in the assessment of climatic and anthropogenic effects on the groundwater resources of north Florida and southeast Georgia.¹⁵ It will also provide a regional framework for the development and application of models for use in assessments of “critical areas of concern.”¹⁶ A “critical area of concern” is an area where there is a particular concern regarding drawdown

¹² Section 373.709(2), F.S.

¹³ Department of Agriculture and Consumer Services, *Evaluate Your Irrigation System*, <http://www.freshfromflorida.com/Divisions-Offices/Agricultural-Water-Policy/Evaluate-Your-Irrigation-System> (last visited Mar. 19, 2015).

¹⁴ DEP, *Statement of Estimated Regulatory Costs*, 24 (Apr. 8, 2015), available at http://www.dep.state.fl.us/water/waterpolicy/docs/mflrulemaking/serc_04_08_2014.pdf (last visited Mar. 19, 2015).

¹⁵ North Florida Regional Water Supply Partnership, *North Florida Southeast Georgia (NFSEG) Regional Groundwater Flow Model: Goals and Objectives Technical Memo*, available at http://northfloridawater.com/pdfs/NFSEG/NFSEG_goals_objectives_final.pdf (last visited Mar. 19, 2015)).

¹⁶ *Id.*

impacts due to regional and/or local pumping effects. Areas that have been identified as critical areas of concern in the NFSEG Regional Groundwater Flow Model include:

- The Upper Santa Fe Basin;
- The Lower Santa Fe Basin;
- The Upper Suwannee River Basin;
- The Alapaha River Basin; and
- The Upper Etonia Creek Basin.¹⁷

The flow model must be designed and applied such that it will aid in pinpointing the exact sources of impacts on the basin and determine the relative contributions of the various parties involved. One of the ongoing problems the model will be designed to address more accurately is separating climatic impacts from anthropogenic impacts.¹⁸

Legislative Ratification of Agency Rules

Pursuant to s. 120.541(3), F.S., the Legislature must ratify a rule that:

- Has an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within five years after the implementation of the rule;
- Has an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within five years after the implementation of the rule; or
- Increases regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within five years after the implementation of the rule.¹⁹

If a rule requires ratification by the Legislature, the rule must be submitted to the President of the Senate and Speaker of the House of Representatives no later than 30 days prior to the regular legislative session. The rule may not go into effect until it is ratified by the Legislature.²⁰

Statement of Estimated Regulatory Costs

According to the DEP's statement of estimated regulatory costs for the proposed MFL rule for the Suwannee River and St. Johns River WMDs, applicants for new CUPs or CUP renewals may be affected by the rule, if the CUP has the potential to impact the MFL.²¹ The DEP anticipates that approximately 28 agricultural water use permit holders will be required to provide offsets under the proposed rule, requiring a total offset of 2.6 million gallons per day (mgd). The DEP also anticipates that, of new permit requests, approximately 40 agricultural users impacted by the rule will have to provide total offsets of 11.2 mgd. The anticipated offset required to accommodate both groups will be 13.8 mgd.²²

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Section 120.541(2)(a)1.-3., F.S.

²⁰ Section 120.541(3), F.S.

²¹ *Supra* note 14, at 1-2.

²² *Supra* note 14, at 15.

If the entire amount of water is offset by implementing additional agricultural water conservation measures via retrofitting center pivot irrigation systems to make them more efficient, the total cost will approach \$3 million over five years.²³ Because the Suwannee River WMD cost-share program typically covers 80 percent of retrofit costs, the actual regulatory burden will likely be significantly less.²⁴ Other possible methods, such as changing withdrawal locations, farming practices, or crop rotation, are difficult to project expected costs for. The development of alternative water supplies for agricultural use as an option to provide offsets will likely be significantly limited by cost and feasibility.²⁵

Proposed Rule 62-42.300, F.A.C.

Proposed Rule 62-42.300, F.A.C., establishes MFLs for the Lower Santa Fe and Ichetucknee Rivers and associated priority springs.²⁶ The proposed rule limits the duration of renewed CUPs to five years for existing users that do not request additional allocations to five years if the requested allocation has the potential to affect MFLs in the Lower Santa Fe or Ichetucknee Rivers. CUPs may be issued for longer than five years if the permittee demonstrates that the proposed allocations' impacts on the MFLs will be eliminated or offset.

For a CUP holder that applies for additional allocations in its renewal application that may impact the MFLs in the Lower Santa Fe or Ichetucknee Rivers, the applicant must provide reasonable assurance of elimination or offset of that portion of the requested allocation that exceeds the existing allocation and that results in potential impacts to those water bodies. Such CUPs will be issued for five years unless the potential impacts to the MFLs will be eliminated or offset.

For new CUP applications that impact the MFLs, the entity requesting the permit must provide reasonable assurance that any potential impacts will be eliminated or offset. For existing authorized uses, permits are not subject to modification unless provided for in future rule revisions.

The rule provides for two special conditions on certain CUPs. For a CUP that is issued for more than five years, it must contain a provision stating that the CUP is subject to modification during the term of the permit, upon reasonable notice by the WMD, to achieve compliance with any approved MFL recovery or prevention strategy. The second provision provides that for new or renewed agricultural CUPs in Columbia, Suwannee, Union, and Gilchrist Counties, and portions of Baker, Bradford, and Alachua Counties within the boundaries of the Suwannee River WMD, the permittee must participate in an MIL program and allow access to the project site for the purpose of conducting an MIL evaluation at least once every five years.

By the publication date of the final peer review report on the NFSEG Regional Groundwater Flow Model, or by December 31, 2019, whichever is earlier, the DEP must:

²³ *Supra* note 14, at 17.

²⁴ *Supra* note 14, at 16.

²⁵ *Supra* note 14, at 23.

²⁶ Lower Santa Fe priority springs are: Santa Fe Rise, ALA112971, Hornsby, Columbia, Poe, COL 101974, Rum Island, July, Devil's Ear, and GIL.1012973. Ichetucknee River priority springs are: Ichetucknee Head, Blue Hole, Mission, Devil's Eye, Grassy Hole, and Mill Pond.

- Publish a Notice of Proposed Rule to strike Rule 62-42.300(a)-(d), F.A.C., which establishes the MFLs for the Lower Santa Fe and Ichetucknee Rivers and associated priority springs;
- Re-propose MFLs for the Lower Santa Fe and Ichetucknee Rivers and associated priority springs along with any associated recovery or prevention strategies; and
- Adopt the proposed rule in accordance with the timeframes provided in s. 120.54(3), F.S.

In 2014, the Legislature enacted HB 7171, exempting Rule 62-42.300, F.A.C., from ratification. Subsequently, the rule was challenged in the Department of Administrative Hearings (DOAH). The Administrative Law judge issued a ruling on September 11, 2014, finding that the proposed rule setting the MFLs was vague because the period of record for the flow duration curve and the synthetic data used to generate the curve or, alternatively, a reference to the technical report where the information could be found, was not included.²⁷

On November 7, 2014, a Notice of Change was published, which added the technical information the DOAH judge found was required. The required change did not change the proposed minimum flows or the recovery strategy included in the proposed rule.²⁸ A subsequent DOAH challenge was successfully defended by the DEP.²⁹

III. Effect of Proposed Changes:

The bill ratifies Rule 62-42.300, F.A.C.. The rule establishes MFLs for the Lower Santa Fe and Ichetucknee Rivers and associated priority springs.

The bill also:

- Ratifies Rule 62-42.300, F.A.C., for the sole and exclusive purpose of satisfying any condition on effectiveness imposed under s. 120.541(3), F.S.;
- Requires the DEP to note its enactment and effective dates in the Florida Administrative Code, the Florida Administrative Register, or both, as appropriate;
- Does not alter rulemaking authority or constitute a legislative preemption of, or exception to, any other provision of law regarding adoption or enforcement of the rule; and
- Does not cure any rulemaking defect or preempt any challenge based on a lack of authority or a violation of the legal requirements governing the adoption of any rule cited.

The bill will take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

²⁷ *Still v. Suwannee River Water Management District*, Case No. 14-1420RU (Fla. DOAH 2004).

²⁸ DEP, *Florida Department of Environmental Protection Addendum to April 8, 2014 Statement of Estimated Regulatory Costs*, 2 (Dec. 4, 2014), available at http://www.dep.state.fl.us/water/waterpolicy/docs/mflrulemaking/SERC_add_040814.pdf (last visited Mar. 19, 2015)

²⁹ DEP Office of Water Policy, *MFL Rulemaking*, <http://www.dep.state.fl.us/water/waterpolicy/mflrulemaking.htm> (last visited Mar. 19, 2015).

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

For CUP renewal applications that affect the MFL for the Lower Santa Fe and Ichetucknee Rivers, if permittees are limited to five year permits, there could be an increase in costs for more frequent permit renewals. The DEP estimates that the total amount of additional application fees will be approximately \$9,000.

According to the DEP, the rule is estimated to cost approximately \$3 million for center-pivot irrigation system retrofits for agricultural permittees affected by the rule. Cost-sharing programs will likely reduce this cost; however, the exact reduction cannot be determined at this time.

CUP restrictions could force agricultural users to diversify their farming practices or implement water conservation measures. The economic impact will be determined by the activities of affected users to accommodate any restrictions placed on operations.

For agricultural operations whose costs increase due to the rule, those costs will likely be passed on to consumers.

C. Government Sector Impact:

Any offsets required under the MFL that are eligible for cost-sharing could result in increased costs, depending on the number of projects that qualify for cost-sharing. This impact is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an undesignated section of Florida law.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

FOR CONSIDERATION By the Committee on Environmental Preservation and Conservation

592-02231-15

20157062pb

A bill to be entitled

An act relating to ratification of Department of Environmental Protection rules; ratifying a specified rule relating to minimum flows and levels and recovery and prevention strategies, for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule meeting any specified thresholds for likely adverse impact or increase in regulatory costs; providing applicability; providing an effective date.

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

Section 1. (1) The following rule is ratified for the sole and exclusive purpose of satisfying any condition on effectiveness imposed under s. 120.541(3), Florida Statutes: Rule 62-42.300, Florida Administrative Code, titled "Minimum Flows and Levels and Recovery and Prevention Strategies" as filed for adoption with the Department of State pursuant to the certification package dated February 18, 2015.

(2) This act serves no other purpose and shall not be codified in the Florida Statutes. After this act becomes law, its enactment and effective dates shall be noted in the Florida Administrative Code, the Florida Administrative Register, or both, as appropriate. This act does not alter rulemaking authority delegated by prior law, does not constitute legislative preemption of or exception to any provision of law governing adoption or enforcement of the rules cited, and is

592-02231-15

20157062pb

30 intended to preserve the status of any cited rule as a rule
31 under chapter 120, Florida Statutes. This act does not cure any
32 rulemaking defect or preempt any challenge based on a lack of
33 authority or a violation of the legal requirements governing the
34 adoption of any rule cited.

35 Section 2. This act shall take effect upon becoming a law.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Judiciary, *Chair*
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Community Affairs
Finance and Tax
Regulated Industries
Rules

SENATOR MIGUEL DIAZ de la PORTILLA

40th District

January 20, 2015

The Honorable Charlie Dean
Chairman
Environmental and Preservation

Via Email

Dear Chairman Dean:

Please agenda my Senate Bill 284 at the next available Committee meeting.

The House Bill is HB 383.

Thank you for your consideration.

Sincerely,

Miguel Diaz de la Portilla
Senator, District 40

Cc: Mr. Pepper Uchino, Staff Director; Ms. Kim Bonn, Committee Administrative Assistant

REPLY TO:

- ☐ 2100 Coral Way, Suite 505, Miami, Florida 33145 (305) 643-7200
- ☐ 406 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5040

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Senate
State Senator René García
38th District

Please reply to:
District Office:
1490 West 68 Street
Suite # 201
Hialeah, FL. 33014
Phone# (305) 364-3100

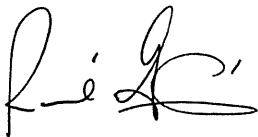
February 17, 2015

The Honorable Charles Dean Sr.
Chair, Environmental Preservation and Conservation Committee
325 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman Dean:

This letter should serve as a request to have my bill SB 510: Miami-Dade County Lake Belt Area heard at the next possible committee meeting. If there is any other information needed please do not hesitate to contact me. Thank you.

Sincerely,



State Senator René García
District 38
RG:JT

CC: Pepper Uchino, Staff Director

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/24/15
Meeting Date

284
Bill Number (if applicable)

Topic Permitting

Amendment Barcode (if applicable)

Name David Cruz

Job Title Assistant General Counsel

Address P.O. Box 1757
Street

Phone 701-3476

Tallahassee FL 32302
City State Zip

Email DCruz@flcities.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida League of cities

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/24/15

Meeting Date

284

Bill Number (if applicable)

Topic

PERMITTING

Amendment Barcode (if applicable)

Name

STEPHEN JAMES

Job Title

Address

Street

100 S. MONROE

Phone

922-4300

City

TALLAHASSEE, FL

State

32301

Zip

Email

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

FLA. ASSOC. OF COUNTIES

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/24/15
Meeting Date

284
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable) _____

Name Gary Hunter

Job Title Attorney

Address 119 S. Monroe St. Suite 300

Phone 850-222-7500

Tallahassee FL 32301
City State Zip

Email garyh@hgs law.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Property Rights Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3/24/15

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

284

Bill Number (if applicable)

Topic Property Rights

Amendment Barcode (if applicable)

Name DOUGLAS BUCK

Job Title _____

Address PO Box 1258
Street

Phone 229-4316

Tallahassee 32301
City State Zip

Email dbuck@fhba.com

Speaking: ☒ For ☐ Against ☐ Information
AS AMENDED

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Home Builders Assn

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/24/15
Meeting Date

284
Bill Number (if applicable)

Topic Private

Amendment Barcode (if applicable)

Name Adam Basford

Job Title Dir. Leg. Affairs

Address 315 S. Calhoun St
Street 850
Tallahassee FL 32301
City State Zip

Phone 222 2557

Email Adam.Basford@FFBF.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FL Farm Bureau

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/24/15
Meeting Date

284
Bill Number (if applicable)

Topic Private property Rights

Amendment Barcode (if applicable)

Name Katie Kelly

Job Title _____

Address _____
Street

Phone _____

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Fla Chamber of Commerce

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/24/15
Meeting Date

284
Bill Number (if applicable)

Topic Property Rights

Amendment Barcode (if applicable)

Name Dan Peterson

Job Title Director

Address 2878 S Osceola Ave
Street
Orlando FL 32806
City State Zip

Phone 407-758-2491

Email dpeterson@jamesmadison.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing James Madison Institute Center for Property Rights

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

②

510
Bill Number (if applicable)

Meeting Date _____

Topic MIAMI DADE LAKE BELT

Amendment Barcode (if applicable) _____

Name MIKE MURTHA

Job Title PRESIDENT

Address 6353 LEE VISTA BLVD

Phone 407 895 9333

Street
ORLANDO FL 32822
City State Zip

Email mmurtha@fcpa.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FL CONCRETE + PROP ASSOC. / FL aggregate WSO

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/24/15
510

Meeting Date

510

Bill Number (if applicable)

Topic Miami-Dade Lake Belt

Amendment Barcode (if applicable)

Name Ernie Barnett

Job Title Director

Address 4524 Gun Club Rd Suite 201

Phone 850 284-6175

Street

West Palm Bch Fl 33415

Email barnett@floridawaterandland.com

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Miami-Dade Lime Pak Products Assn

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-24-15
Meeting Date

510
Bill Number (if applicable)

Topic LAKE BELT

Amendment Barcode (if applicable)

Name DOUGLAS YODER

Job Title DEPUTY DIRECTOR, MIAMI-DADE WATER & SEWER

Address 3071 SW 38 AVE Phone 786 552 8979
Street

MIAMI FL 33146 Email yoderd@miamidade.gov
City State Zip

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing MIAMI DADE COUNTY WATER & SEWER DEPT

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/24/15

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

510

Bill Number (if applicable)

Topic Lake Belt

Amendment Barcode (if applicable)

Name Bob Burlison

Job Title President

Address 1007 E De Soto Park Dr

Phone 850-942-1404

Street

Tallahassee, FL 32301

City

State

Zip

Email bburlison@fthba.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FL Transportation Builders' Assoc.

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-24

Meeting Date

918

Bill Number (if applicable)

647994

Amendment Barcode (if applicable)

Topic WtC

Name Lee Killinger

Job Title _____

Address 201 W. Park, Suite 100
Street

Phone 850-322-8907

Tallahassee FL 32308
City State Zip

Email lee.killinger@fla-senate.gov

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-24-15

Meeting Date

918

Bill Number (if applicable)

669098

Amendment Barcode (if applicable)

Topic Water

Name Lee Killinger

Job Title 201 West Park Avenue

Address Tallahassee FL 32301
Street

Phone 850-322-8907

City

State

Zip

Email lee.oanfield@fla.gov

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/25/15

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

918

Bill Number (if applicable)

574168

Amendment Barcode (if applicable)

Topic EVERS Amend TO Amend

Name FRANK MATTHEWS

Job Title ATT

Address PO BOX 6526

Street

Phone 850-222-7500

TLH FLA 32301

City

State

Zip

Email frankm@hgsllaw.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FFA FARM BUREAU

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/24/2015
Meeting Date

918
Bill Number (if applicable)

Topic Agriculture Water Conservation

~~612048~~
Amendment Barcode (if applicable)

Name Janet Bowman

574168

Job Title Director of Legislative Policy & Strategies

Address 256 E. 5th Avenue
Street

Phone 257-9406

Tallahassee FL 32301
City State Zip

Email Janet.Bowman@FLS

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing The Nature Conservancy

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/24/15
Meeting Date

318
Bill Number (if applicable)

Topic Spring

877366
Amendment Barcode (if applicable)

Name Bob Palmer

(8010)

Job Title _____

Address 2219 NW 23rd Terr
Street

Phone 352-378-4093

Gainesville FL 32605
City State Zip

Email RPA711@

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FL SPRINGS Council

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

March 24, 2015
Meeting Date

SB 918
Bill Number (if applicable)

Topic Water Conservation

574168
Amendment Barcode (if applicable)

Name Steven Milano

Job Title Director of Governmental Affairs + Communications

Address 9225 CR 49
Street

Phone 386.362.1001

Live Oak FL 32060
City State Zip

Email Sam@SRWMD.org

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Suwannee River Water Management District

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Strike all
amendment
918

Meeting Date

Bill Number (if applicable)

Topic Onsite WASTEWATER SYSTEMS

612098
Amendment Barcode (if applicable)

Name ROXANNE L. GROOVER

Job Title EXECUTIVE DIRECTOR

Address 5115 STATE ROAD 557

Phone 813 504 8340

LAKE ALFRED FL 33880
City State Zip

Email rgroover@FOWA-onite.com

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FLORIDA Onsite WASTEWATER Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/24/15
Meeting Date

918
Bill Number (if applicable)

Topic Greenways + Trails

612098
Amendment Barcode (if applicable)

Name Peggy Matthews

Job Title _____

Address _____
Street

Phone 850 566-6773

City _____ State _____ Zip _____

Email matthews@fla.gov

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Greenways + Trails Foundation

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/24/15
Meeting Date

918
Bill Number (if applicable)

612098
Amendment Barcode (if applicable)

Topic _____

Name Adam Busford

Job Title Dir Legislative Affairs

Address 315 S Calhoun #830

Street

Tallahassee

City

FL

State

32301

Zip

Phone 222 2557

Email adam.busford@FFBF.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FL Farm Bureau

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/24/15
Meeting Date

Topic Springs

Name Bob Palmer

Job Title _____

Address 2213 NW 23rd Terrace
Street
Gainesville FL 32605
City State Zip

Phone 352-371-4693

Email RPA711@yahoo.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FL Springs Council

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

918
Bill Number (if applicable)
612098 877366
Amendment Barcode (if applicable)
DEAN SOTO

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-27-15
Meeting Date

918
Bill Number (if applicable)

Topic Lake Okechobee water quality

612098
Amendment Barcode (if applicable)

Name Eric Draper

Job Title _____

Address 305 N Monroe
Street

Phone 850 999 1028

Tallahassee
City State Zip

Email edraper@audubon.org

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Audubon

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/24/15

Meeting Date

918

Bill Number (if applicable)

Topic Northern Everglades + Estuaries Protection Program

612098

Amendment Barcode (if applicable)

Name Anna Upton

Job Title _____

Address 9005 Eagles Ridge Dr.

Street

Phone (850) 228-6360

Tallahassee

FL

32312

City

State

Zip

Email _____

Speaking: ☐ For ☒ Against ☐ Information
amendment

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-24-15

Meeting Date

SB 918

Bill Number (if applicable)

612098

Amendment Barcode (if applicable)

Topic SPRINGS SECTION

Name KURT SPITZER

Job Title EXEC DIRECTOR

Address 719 E PARK AVE

Street

T

City

32301

State

Zip

Phone 228.6212

Email KURT.SPITZER@KSTW.net

Speaking: ☐ For ☒ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FLA. STORMWATER ASSOCIATION

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/24
Meeting Date

Bill Number (if applicable)

Topic SB 918 Amendment

Amendment Barcode (if applicable)

Name Greg Munson

Job Title _____

Address 215 S. Monroe St
Street

Phone 54-1980

Tallahassee FL 32301
City State Zip

Email _____

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing AIF H2O Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/24/2015

Meeting Date

Strineall
Nauel

918

Bill Number (if applicable)

Topic Springs/ Water Bill

Amendment Barcode (if applicable)

Name Jamie Bruman

Job Title Director of Legislative Policy & Strategies

Address 236 E 5th Avenue

Phone 207-9406

Street

Tall

City

FL

State

32301

Zip

Email JAMIE.BRUMAN@FLS.org

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing The Nature Conservancy

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/24/15

Meeting Date

918

Bill Number (if applicable)

Topic

ENVIRONMENTAL RESOURCES

Amendment Barcode (if applicable)

Name

STEPHEN JAMES

Job Title

Address

Street

100 S MONROE

Phone

922-4300

City

TALLAHASSEE, FL

State

Zip

32301

Email

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

FLA. ASSOC. OF COUNTIES

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/24/15
Meeting Date

SB 918
Bill Number (if applicable)

Topic WATER RESOURCES

Amendment Barcode (if applicable)

Name BART BIBLER

Job Title ENVIRONMENTAL ENGINEER

Address 3673 MASSY CREEK LANE

Phone (850) 570-8185

TALLAHASSEE FL 32311
City State Zip

Email bbibler@comcast.net

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing SELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/24/15
Meeting Date

918
Bill Number (if applicable)

Topic Environmental Resources

Amendment Barcode (if applicable)

Name Katie Kelly

Job Title _____

Address _____
Street

Phone _____

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Fla Chamber of Commerce

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/24/15

Meeting Date

918

Bill Number (if applicable)

Topic Water Policy

Amendment Barcode (if applicable)

Name Ernie Barnett

Job Title Director

Address 4524 Gun Club Rd #201

Street

Phone 850 284 6178

West Palm Bch FL 33415

City

State

Zip

Email barnett@floridawatercouncil.org

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Land Council

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-24-15
Meeting Date

SB 918
Bill Number (if applicable)

Topic Water

Amendment Barcode (if applicable)

Name Stephanie Kunkel

Job Title _____

Address 1143 Albrighton Dr
Street
Tallahassee FL 32301
City State Zip

Phone 850-320-4208

Email Stef.Kunkel@gmail.com

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Conservancy of Southwest Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/23/15

Meeting Date

918

Bill Number (if applicable)

Topic Environmental Resources

Amendment Barcode (if applicable)

Name Ryan Matthews

Job Title Assoc. Director - Leg. Affairs

Address PO Box 1757

Street

Phone 222 9684

City

Tallahassee

State

FL

Zip

32302

Email rmatthews@flcitics.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing

FL League of Cities

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/24/15

Meeting Date

918

Bill Number (if applicable)

Topic

WATER RESOURCES

Amendment Barcode (if applicable)

Name

DAVID CULLEN (David Cullen)

Job Title

Address

1674 UNIVERSITY PKWY #296

Street

Phone

941.323-2404

City

SPRINGFIELD

State

Zip

32743

Email

dcullen@sierraclub.org

Speaking:

☒

For

☐

Against

☒

Information

Waive Speaking:

☐

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

SIERRA CLUB FLORIDA

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/24/15

Meeting Date

SB 918

Bill Number (if applicable)

Topic SB 918

Amendment Barcode (if applicable)

Name Abdelilah Skhir

Job Title Legislative Intern

Address 540 Beverly Ct

Street

Tallahassee

City

State

Zip

Phone (850) 224-2545

Email LWVFlegisintern@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing League of Women Voters of Florida (FSU Chapter)

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(5)

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

March 24 , 2015

Meeting Date

SB 7062

Bill Number (if applicable)

Topic Relating to Ratification Of Department Of Environmental Protection Rules - 2015

Amendment Barcode (if applicable)

Name Steven Minnis

Job Title Director of Governmental Affairs & Communications

Address 9225 CR 49

Phone 386.362.1001

Street

Live Oak

Florida

32060

Email sam@srwmd.org

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Suwannee River Water Management District

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

CourtSmart Tag Report

Room: LL 37

Case:

Caption: Senate Environmental Preservation and Conservation Committee

Type:

Judge:

Started: 3/24/2015 1:36:28 PM

Ends: 3/24/2015 3:17:42 PM

Length: 01:41:15

1:36:30 PM Meeting Called to Order by Senator Dean
1:37:30 PM Roll Call
1:38:27 PM Tab 1 SB 284
1:39:01 PM Senator Diaz de la Portilla on the Bill
1:39:25 PM Amendment Barcode 788846
1:39:38 PM Senator Diaz de la Portilla on the Amendment
1:42:32 PM Question from Senator Soto
1:42:41 PM Response from Senator Diaz de la Portilla
1:44:06 PM Amendment adopted
1:44:17 PM Gary Hunter representing Property Rights Coalition
1:44:27 PM Stephen James representing Florida Assoc. of Counties
1:45:32 PM David Cruz representing Florida League of Cities
1:46:07 PM Douglas Buck representing Florida Home Builders
1:46:20 PM Katie Kelly representing Florida Chamber of Commerce
1:46:26 PM Adam Basford representing Florida Farm Bureau
1:46:34 PM Dan Peterson representing James Madison Institute Center for Property Rights
1:47:10 PM Comments from Senator Diaz de la Portilla
1:47:23 PM Roll Call on CS/SB 284
1:47:33 PM CS/SB 284 reported favorably
1:47:47 PM Tab 2 SB 510
1:47:53 PM Senator Garcia on the Bill
1:49:57 PM Amendment Barcode 487604
1:50:07 PM Senator Garcia on the Amendment
1:50:56 PM Amendment adopted
1:51:14 PM Mike Murtha representing Florida Concrete and Prop. Assoc.
1:51:28 PM Ernie Barnette representing Miami-Dade LimeRock Products Assoc.
1:51:40 PM Douglas Yoder representing Miami-Dade Water and Sewer Dept.
1:56:15 PM Bob Burleson representing Florida Transportation Builders' Assoc.
1:56:25 PM Comments from Senator Garcia
1:56:42 PM Roll Call on CS/SB 510
1:57:37 PM CS/SB 510 reported favorably
1:57:55 PM Tab 3 SB 918
1:58:26 PM Senator Dean on the Bill
1:58:49 PM Amendment Barcode 612098
2:00:41 PM Senator Dean on the Amendment
2:01:08 PM Question from Senator Soto
2:01:16 PM Response from Pepper Uchino
2:02:28 PM Amendment to Amendment Barcode 877366
2:02:34 PM Senator Soto on Amendment
2:03:08 PM Bob Palmer representing Florida Springs Council
2:04:35 PM Amendment to Amendment Adopted
2:04:50 PM Amendment to Amendment Barcode 574168
2:05:02 PM Senator Evers on Amendment
2:07:29 PM Question from Senator Hays
2:07:57 PM Question from Senator Simmons
2:08:57 PM Response from Pepper Uchino
2:09:59 PM Question from Senator Dean
2:10:39 PM Response from Senator Evers
2:11:23 PM Follow-up from Senator Dean
2:11:47 PM Steve Minnis representing SRWMD
2:12:54 PM Question from Senator Hays
2:13:01 PM Response from Mr. Minnis

2:13:27 PM	Follow-up from Senator Hays
2:13:47 PM	Response from Senator Evers
2:14:46 PM	Response from Senator Dean
2:15:15 PM	Question from Senator Altman
2:15:47 PM	Response from Senator Evers
2:16:57 PM	Question from Senator Hays
2:18:41 PM	Response from Senator Evers
2:18:50 PM	Question from Senator Dean
2:18:56 PM	Response from Mr. Minnis
2:21:00 PM	Question from Senator Evers
2:22:57 PM	Response from Mr. Minnis
2:23:04 PM	Follow-up from Senator Evers
2:23:19 PM	Response from Mr. Minnis
2:23:56 PM	Response from Senator Evers
2:24:23 PM	Response from Mr. Minnis
2:25:19 PM	Question from Senator Evers
2:25:30 PM	Response from Steve Minnis
2:28:07 PM	Question from Senator Soto
2:28:13 PM	Response from Mr. Minnis
2:28:24 PM	Follow-up from Senator Soto
2:28:30 PM	Response from Mr. Minnis
2:29:13 PM	Janet Bowman representing the Nature Conservancy
2:29:45 PM	Frank Matthews representing Florida Farm Bureau
2:32:31 PM	Question from Senator Dean
2:32:37 PM	Response from Mr. Matthews
2:32:49 PM	Comment from Senator Simmons
2:34:13 PM	Senator Evers close on Amendment
2:34:46 PM	Amendment to Amendment Adopted
2:34:59 PM	Amendment Barcode 669098
2:35:11 PM	Senator Dean on Amendment
2:35:28 PM	Lee Killinger
2:35:39 PM	Amendment to Amendment Adopted
2:35:41 PM	Amendment to Amendment Barcode 647994
2:35:55 PM	Senator Dean on Amendment
2:36:12 PM	Lee Killinger
2:36:27 PM	Amendment to Amendment Adopted
2:36:43 PM	Amendment Barcode 612098 as Amended
2:37:04 PM	Janet Bowman representing the Nature Conservancy
2:37:58 PM	Question from Senator Simpson
2:38:04 PM	Response from Ms. Bowman
2:38:53 PM	Greg Munson representing AIF H2O Coalition
2:42:47 PM	Question from Senator Dean
2:43:21 PM	Response from Mr. Munson
2:44:36 PM	Question from Senator Dean
2:45:09 PM	Question from Senator Hays
2:45:29 PM	Response from Mr. Munson
2:48:42 PM	Kurt Spitzer representing Florida Stormwater Assoc.
2:50:00 PM	Anna Upton representing Everglades Foundation
2:55:46 PM	Question from Senator Dean
2:57:04 PM	Question from Senator Soto
2:57:35 PM	Eric Draper representing Audubon
3:03:40 PM	Bob Palmer representing Florida Springs Council
3:06:36 PM	Adam Basford representing the Florida Farm Bureau
3:07:53 PM	Motion from Senator Evers
3:08:09 PM	Motion Adopted
3:08:13 PM	Peggy Matthews representing Greenways and Trails Foundation
3:08:17 PM	Roxanne Groover representing Onsite Wastewater Assoc.
3:10:58 PM	Amendment Adopted
3:11:04 PM	CS/SB 918
3:11:16 PM	Steven James representing Florida Assoc. of Counties
3:11:31 PM	Bart Bibler
3:13:16 PM	Comment from Senator Altman

3:13:38 PM	Comment from Senator Soto
3:13:57 PM	Senator Dean close on bill
3:14:29 PM	Roll Call on CS/SB 918
3:14:35 PM	CS/SB 918 Reported Favorably
3:14:47 PM	Tab 4 SPB 7060
3:14:56 PM	Senator Dean on SPB 7060
3:15:23 PM	Roll Call on SPB 7060
3:15:49 PM	SPB 7060 reported favorably
3:16:03 PM	Tab 5 SPB 7062
3:16:11 PM	Senator Dean on SPB 7062
3:16:33 PM	Steve Minnis representing SRWMD
3:16:46 PM	Roll Call on SPB 7062
3:16:55 PM	SPB reported favorably
3:17:10 PM	Motion from Senator Smith
3:17:28 PM	Meeting Adjourned