

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
ENVIRONMENTAL PRESERVATION AND CONSERVATION
Senator Dean, Chair
Senator Simpson, Vice Chair

MEETING DATE: Wednesday, March 11, 2015
TIME: 2:00 —4:00 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 314 Simpson (Identical H 733)	Petroleum Restoration Program; Expanding the definition of "abandoned petroleum storage system" to include petroleum systems that stored petroleum products during a certain timeframe; requiring the Department of Environmental Protection to establish standards and criteria for specific situations in which the national standard for benzene applies; revising the eligibility requirements for receiving rehabilitation funding assistance, etc. EP 03/11/2015 Fav/CS AGG AP	Fav/CS Yeas 7 Nays 0
2	Continuation of workshop, discussion and public testimony on SB 918 by Dean-- Environmental Resources		Discussed
3	Other Related Meeting Documents		



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Community Affairs, *Chair*
Environmental Preservation and Conservation,
Vice Chair
Appropriations Subcommittee on General Government
Finance and Tax
Judiciary
Transportation

JOINT COMMITTEE:

Joint Legislative Auditing Committee

SENATOR WILTON SIMPSON
18th District

January 21, 2015

Senator Charles S. Dean
Committee on Environmental Conservation and Preservation
325 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Chairman Dean,

Please place Senate Bill 314 relating to the Petroleum Restoration Program, on the next Environmental Conservation and Preservation Committee agenda.

Please contact my office with any questions. Thank you.

A handwritten signature in black ink, appearing to read "Wilton Simpson".

Wilton Simpson
Senator, 18th District

CC: Pepper Uchino, Staff Director

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ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

① ✓

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/15
Meeting Date

SB 314
Bill Number (if applicable)

Topic PETROLEUM RESTORATION PROGRAM

Amendment Barcode (if applicable)

Name RANDY MILLER

Job Title EX VICE PRESIDENT

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State

Zip

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Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA PETROLEUM ~~INDUSTRY~~ MARKETERS ASSOC. (FPMA)

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.

APPEARANCE RECORD



3/11/15

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314

Meeting Date

Bill Number (if applicable)

Topic Petroleum Restoration Program

Amendment Barcode (if applicable)

Name Natalie King

Job Title Vice President

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Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Environmental Professional of Florida

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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APPEARANCE RECORD

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3/11/15

Meeting Date

314

Bill Number (if applicable)

Topic Petroleum

Amendment Barcode (if applicable)

Name Phil Leary

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State

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Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Ground Water Association

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.

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 314

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Simpson

SUBJECT: Petroleum Restoration Program

DATE: March 13, 2015

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 314 revises certain provisions of the Petroleum Restoration Program. Specifically, the bill:

- Expands the eligibility requirements of the Abandoned Tanks Restoration Program (ATRP);
- Removes the provision that a property owner must provide evidence that he or she had a complete understanding of the previous ownership and use of the property prior to acquiring the property;
- Allows a property owner to approve the use of risk-based corrective action (RBCA) principles in remediating a discharge;
- Requires site owners or the responsible party to approve conditional site closures, site closures with institutional or engineering controls, or work stoppages;
- Requires the Department of Environmental Protection (DEP) to establish in rule a procedure to process invoices that are less than \$500,000 per task;
- Allows the DEP to negotiate a contract based on the best available rate from a pool of three agency term contractors selected by the site owner or operator;
- Requires the agency term contractor and the property owner or responsible party to submit a sworn affidavit to the DEP;
- Requires the agency term contractor to disclose a conflict of interest or potential conflict of interest to the DEP;

- Allows a site to qualify for the low-scored site initiative (LSSI) program when the source boundary is greater than one-quarter acre and located below a state road or a state road's right-of-way;
- Increases the funding for the source removal, site assessment, supplemental site assessment, and groundwater monitoring of a site in the LSSI from \$30,000 to \$35,000 in order to achieve No Further Action status or a site rehabilitation completion order;
- Specifies that only agency term contractors may participate in the LSSI;
- Requires that sites completed in the LSSI must be granted priority two scoring status for ongoing assessment or remedial activity;
- Requires that all work in the LSSI must be completed within nine months;
- Authorizes an additional six months of groundwater monitoring if the DEP determines that additional groundwater monitoring is warranted;
- Expands the Petroleum Cleanup Participation Program (PCPP) by eliminating the reporting deadline and increasing the state's funding cap from \$400,000 to \$1 million;
- Decreases the number of sites that may be bundled and eligible to compete for performance based contracts under the Advanced Cleanup Program (ACP) from 20 to 10;
- Increases the annual funding cap from \$15 million to \$25 million for the ACP; and
- Allows a property owner or responsible party to enter into a voluntary cost share agreement for bundling multiple sites and specifies the sites are not subject to the agency term contractor assignment pursuant to rule.

II. Present Situation:

Restoration of Petroleum Contaminated Sites

The Division of Waste Management within the DEP regulates underground and aboveground storage tank systems. In 1983, Florida became one of the first states to pass legislation and adopt rules to regulate underground and aboveground storage tanks.¹ Leaking storage tanks pose a significant threat to groundwater quality, and Florida relies on groundwater for about 92 percent of its drinking water needs.²

As of February 25, 2015, 8,378 discharges have been closed since the program began in 1986. There are approximately 5,011 discharges undergoing some phase of remediation and 5,074 discharges that are waiting for remediation. Site rehabilitation funding is based on the available budget and the priority score. The score for each site ranges from 5 to 115, with five representing a very low potential threat to human health and the environment and 115 representing a substantial potential threat. The DEP is currently funding the remediation of discharges that score 30 or above. The total number of sites that are currently eligible for state funding varies as sites are closed out and new sites are added to the program.³

¹ See ch. 83-310, Laws of Fla.

² DEP, *Storage Tank Compliance*, <http://www.dep.state.fl.us/waste/categories/tanks/> (last visited Mar. 9, 2015).

³ DEP, *Senate Bill 314 Agency Analysis*, 3, (Jan. 20, 2015) (on file with the Senate Committee on Environmental Preservation and Conservation).

State Underground Petroleum Environmental Response Act

In 1986, the Legislature passed the State Underground Petroleum Environmental Response Act (SUPER Act) to address the problem of pollution from leaking underground petroleum storage systems. The SUPER Act authorized the DEP to establish criteria for the prioritization, assessment, cleanup, and reimbursement for cleanup of contaminated sites. The SUPER Act also created the Inland Protection Trust Fund, which is funded by a tax on petroleum products imported or produced in Florida and serves as a repository for the various petroleum contamination cleanup programs. The SUPER Act established the Early Detection Incentive Program (EDI), which provided site owners with the option of conducting the cleanup themselves, and then receiving reimbursement from the Inland Protection Trust Fund, or having the state conduct the cleanup in priority order.⁴

Petroleum Liability Insurance Program

In 1988, the Legislature created the Petroleum Liability Insurance Program (PLIP) to provide third-party liability insurance to qualified program participants. The PLIP provided up to \$1 million of liability insurance for each incident of petroleum contamination.⁵ The program was revised in 1989 and renamed to the Petroleum Liability Insurance and Restoration Program (PLIRP). The PLIRP allowed eligible petroleum facilities to purchase \$1 million in pollution liability protection from a state contracted insurer and provided \$1 million worth of site restoration coverage through reimbursement or state-funded cleanup.⁶

Abandoned Tank Restoration Program

In 1990, the Legislature established the Abandoned Tank Restoration Program (ATRP). The ATRP was created to address the contamination at facilities that had out-of-service or abandoned tanks as of March 1990. The ATRP originally had a one-year application period, but the deadline was subsequently extended to 1992, then 1994. In 1996, the Legislature waived the deadline indefinitely for owners who are unable to pay for the closure of abandoned tanks. To be eligible for the ATRP, applicants must certify that the petroleum system has not stored petroleum products for consumption, use, or sale since March 1, 1990.⁷ There are currently 4,084 eligible ATRP discharges and 2,078 discharges have been remediated.⁸

The Reimbursement Program

The Legislature began to phase out the state's role in the cleanup process in 1992 by shifting the cleanup of sites to the reimbursement program,⁹ which was funded by increasing the excise tax on petroleum and petroleum products.¹⁰ The reimbursement program proved costly, and within a few years the reimbursement amount exceeded the administrative capacity of the DEP and the financial resources of the Inland Protection Trust Fund. By 1996, over 18,000 petroleum sites

⁴ Section 376.3071, F.S.

⁵ Section 376.3072, F.S.

⁶ Chapter 89-188, Laws of Fla.

⁷ Section 376.305, F.S.

⁸ DEP, *Senate Bill 314 Agency Analysis*, 3, (Jan. 20, 2015) (on file with the Senate Committee on Environmental Preservation and Conservation).

⁹ The term "cleanup sites" includes contaminated sites that are being remediated by the state or the property owner.

¹⁰ Chapter 92-30, Laws of Fla.

had been identified as contaminated and the program had accumulated \$551.5 million in outstanding reimbursement claims.¹¹

In 1995, the Legislature passed a temporary measure to address the large backlog of reimbursement applications and unpaid claims and required a review of the petroleum underground storage tanks program. The measure only funded the remediation of sites that had received prior notice from the DEP.¹²

Petroleum Preapproval Program

The Petroleum Preapproval Program was implemented by the Legislature in 1996 in order to address the backlog of reimbursement applications and excessive costs to the IPTF.¹³ The program required state-funded cleanup of sites to be done on a preapproved basis, in priority order, and within the current fiscal year's budget. The program also required the DEP to use RBCA principles in the cleanup criteria rule. The DEP preapproved all cleanup costs for performance based contracts using competitive bid procedures or negotiated contracts.

Advanced Cleanup Program

The Advanced Cleanup Program (ACP) was also created in 1996 to allow property owners or responsible parties the opportunity to pay a portion of the cleanup costs in order to bypass the priority ranking list. The ACP requires applicants to provide at least 25 percent of the total cleanup costs and requires the property owner to prepare limited scope assessments at their expense.¹⁴

Section 376.30713(4), F.S., authorizes the DEP to enter into advanced cleanup contracts for up to \$15 million each fiscal year and limits the amount a facility may receive to \$5 million per year. A facility includes multiple site facilities such as airports, ports, or terminal facilities.¹⁵ Applications are submitted to the DEP twice a year (between May 1 and June 30 and between November 1 and December 31). The applications are ranked based on the percentage of cost-sharing commitment proposed by the applicant, with the highest ranking given to the applicant that proposes the highest percentage of its share of costs.¹⁶

Petroleum Cleanup Participation Program

The Petroleum Cleanup Participation Program (PCPP) was also created in 1996 for sites that had missed the opportunity for state funding assistance but had reported contamination before 1995. Responsible parties in the PCPP cost share in the cleanup and prepare a limited scope assessment at their expense. Sites that qualify for this program are eligible for \$400,000 in rehabilitation funding and the owner, operator, or responsible party is required to pay 25 percent of the costs.

¹¹ Comm. on Environmental Preservation and Conservation, the Florida Senate, *Underground Petroleum Storage Tank Cleanup Program*, (Interim Report 2005-153) (Nov. 2004).

¹² Chapter 95-2, Laws of Fla.

¹³ Chapter 96-277, s. 6, Laws of Fla.

¹⁴ Section 376.30713, F.S.

¹⁵ Section 376.30713(4), F.S.

¹⁶ Section 376.30713(2), F.S.

The copayment amount may be reduced depending on the financial ability of the owner, operator, or responsible party.¹⁷ There are currently 1,727 PCPP eligible discharges.¹⁸

Revisions to the Petroleum Restoration Program

The Petroleum Restoration Program was amended in 1999 by HB 2151 to provide up to \$5 million in funding for certain source removal activities in advance of the priority ranking. The DEP was directed to select five low-scoring sites in the petroleum preapproval program for an innovative pilot program. The measure also extended the ACP beyond October 1, 1999.

Section 376.30714, F.S., was created in HB 2151 to address contamination on a site with eligible discharges (reported by December 31, 1998) and ineligible discharges (reported on or after January 1, 1999). Discharges that are reported on or after January 1, 1998, are not only ineligible for state funding, but are also not eligible for the PLIRP. The inability to scientifically distinguish old discharges from new discharges results in eligible and ineligible discharges at a single location. The measure authorizes the DEP to address such instances through negotiated site rehabilitation agreements. The site rehabilitation agreements include a Limited Contamination Assessment Report; the allocation of funding between the state and the responsible party, owner, or operator; the proof of financial responsibility of the owner, operator, or responsible party; and the establishment of the cleanup priority of the site. Any discharges reported by December 31, 1998, remain subject to the program requirements for which it is eligible.

The Legislature substantially amended the Petroleum Restoration Program in 2005 to require:

- All of Florida's underground petroleum storage tanks be upgraded prior to January 1, 2010;
- The DEP to establish a process to uniformly encumber funds appropriated for the petroleum preapproval program throughout a fiscal year;
- The DEP to establish priorities based on a scoring system;
- Funding for limited, interim soil-source removals for sites that become inaccessible for future remediation due to road infrastructure and right-of-way restrictions resulting from pending Department of Transportation (DOT) projects;
- Funding for limited, interim soil-source removals associated with the underground petroleum storage system upgrade that are conducted in advance of the site's priority ranking for cleanup;
- Limited funding to 10 sites per fiscal year per owner for source removal associated with the underground petroleum storage system upgrade;
- Limited funding for interim source removal activities at DOT projects to up to 10 percent of the total source removal costs and funds may only be used for soil assessment, soil screening, soil removal, backfill material, treatment or disposal of contaminated soil, and dewatering;
- Limited funding of \$1 million per fiscal year for DOT projects, and \$10 million per fiscal year for underground petroleum storage system upgrade projects;
- Repeal of funding provisions by June 30, 2008;

¹⁷ Section 376.3071(13), F.S.

¹⁸ DEP, *Senate Bill 314 Agency Analysis*, 3, (Jan. 20, 2015) (on file with the Senate Committee on Environmental Preservation and Conservation).

- Availability of the Preapproved Advanced Cleanup Participation Program for discharges that are eligible for restoration funding under the PCPP provided the applicants includes a cost-sharing commitment in addition to the 25 percent copayment requirement for the PCPP; and
- An extension of the life of the Inland Protection Financing Corporation from 2011 to 2025, and that the corporation issue notes and bonds, and pay for large-scale cleanups such as ports, airports, and terminal facilities that are eligible for state funding.¹⁹

Low-Scored Site Initiative

The LSSI was created in 2010 to allow property owners with low scoring sites to voluntarily participate the Petroleum Restoration Program. To qualify for the LSSI, the following site conditions are required:

- A priority score of 29 or less;
- Excessively contaminated soil from petroleum products is not present;
- Six months of groundwater monitoring that demonstrate the plume is shrinking or stable;
- Adjacent surface water, including its effects on human health and the environment, is not affected;
- The area containing the contamination must be less than one-quarter acre and confined to the source property boundaries; and
- Soil contamination subject to human exposure at the surface and two feet below the land surface meets the appropriate cleanup target levels.

A property that qualifies for state funding may receive up to \$30,000 to conduct a site assessment and six months of groundwater monitoring. Funding for the LSSI is limited to \$10 million for a fiscal year and is made available on a first come, first served basis. A property owner that chooses to participate in the LSSI is limited to 10 sites per fiscal year.

Once the LSSI criteria in s. 376.3071(12)(b)1., F.S., is confirmed for a site, the DEP must issue either a No Further Action, indicating the contamination is minimal and of no risk, or a site rehabilitation completion order, indicating there is no contamination remaining.

In 2013, the Legislature amended s. 376.30711, F.S., to require all task assignments, work orders, and contracts for providers under the preapproval program be procured through competitive bidding pursuant to ss. 287.056, 287.057, and 287.059, F.S., after June 30, 2014.²⁰

The Fiscal Year 2013-2014 General Appropriations Act (GAA) appropriated \$125 million to the DEP for the rehabilitation of eligible petroleum contaminated sites. The GAA directed that up to \$50 million be appropriated to fund petroleum rehabilitation task assignments, work orders, and contracts entered into prior to June 30, 2013. The remaining \$75 million was placed in reserve and was contingent upon submission of a plan for consideration by the Legislative Budget Commission (LBC) detailing how the DEP would improve the effectiveness and efficiency of the Petroleum Restoration Program. In addition, no funds could be released after January 1, 2014, unless the DEP adopted rules to implement ss. 376.3071, 376.30711, and 376.30713, F.S.

¹⁹ Sections 376.3071, 376.30713, 376.3075, and 376.30715, F.S.

²⁰ Chapter 2013-41, s. 29, Laws of Fla.

The DEP's plan was approved by the LBC on September 12, 2013, and rules were adopted on December 27, 2013.²¹ The remaining \$75 million in appropriation was released in March 2014.²²

In 2014, the Legislature passed CS/HB 7093 to substantially amend the Petroleum Restoration Program by repealing the Petroleum Preapproval Program in s. 376.30711, F.S., deleting obsolete provisions related to the reimbursement program, requiring competitive procurement procedures for clean-up contracts, and revising clean-up contractor qualifications.

Section s. 376.3071, F.S., was amended to include the following:

- State-funded cleanup sites are funded pursuant to the provisions of the Petroleum Restoration Program in ss. 376.3071, F.S., 376.305(6), 376.3072, and 376.3070, F.S.;
- A facility owner must abate the source of discharge for a release that occurred after March 29, 1995, and notify the DEP if free product is present;
- Clean-up contracts for contamination sites in the Petroleum Rehabilitation Program must be procured pursuant to the competitive procurement requirements in chapter 287, F.S., or the rules adopted under ss. 376.3071 and 287.0595, F.S., and invoices must be paid pursuant to s. 215.422, F.S.;
- Site assessment and remediation contractors must certify to the DEP that they:
 - Comply with applicable Occupational Safety and Health Administration regulations;
 - Maintain workers compensation insurance;
 - Maintain comprehensive general liability and comprehensive automobile liability insurance;
 - Maintain professional liability insurance;
 - Have the capacity to perform or directly supervise the majority of the rehabilitation work pursuant to s. 489.113(9), F.S.
- The rules implementing s. 376.3071, F.S., must:
 - Specify that only qualified contractors may submit responses on competitive solicitation;
 - Include procedures for rejection of vendors that do not meet the minimum qualifications; and
 - Include the requirements from the vendor to maintain its qualification.
- A site owner or operator, or its designee, is prohibited from receiving remuneration in cash or in kind, directly or indirectly from a contractor performing site cleanup activities; and
- Allows the DEP to seek recovery of overpayment as a result of the findings of an audit.

Section 376.30713, F.S., was amended to allow an applicant to participate in the advanced cleanup program under a performance-based contract for the cleanup of at least 20 sites. The applicant must commit to pay 25 percent or more of the costs of cleanup. In order to meet the requirements of the cost-share agreement, the applicant may commit to pay, demonstrate a cost savings to the state, or use a combination of the two. The percentage of cost savings must be included in the application and compared to the cost of cleanup of the same sites using the

²¹ The Statement of Estimated Regulatory Cost (SERC) prepared by the DEP to implement Rules 62-772.300 and 62-772.400, F.A.C determined the rules required ratification by the legislature. The majority of the cost requirements outlined by the DEP in the SERC were costs already incurred by contractors as the cost to conduct business. However, the existing requirements were being restated in rule, thereby requiring legislative ratification during the 2014 Legislative Session (ch. 2014-149, Laws of Fla).

²² Chapter 2013-40, Laws of Fla.

current rates provided to the DEP by the agency term contractor. The DEP must determine if the cost savings demonstration is acceptable, which is not subject to ch. 120, F.S.

Competitive Solicitation of Contractual Services

Prior to 2014, the DEP did not regularly use competitive bid procedures or negotiated contract procedures under ch. 287, F.S., even though the DEP was authorized to use them.

State agencies that competitively solicit contractual services are subject to the provisions in s. 287.057, F.S., which include:

- For contractual services that exceed \$35,000, the competitive solicitation must :
 - Be available to all vendors;
 - Include the time and date for the receipt of bids, proposals, or replies, and of the public opening;
 - Include the contractual terms and conditions applicable to the procurement and the criteria used to determine acceptability and merit of the bid;
 - Be subject to the invitation to bid process when the agency is able to define the scope of work and establish the specifications of the services needed;
 - Be subject to the request for proposal process when the purpose of the services needed can be defined and the agency can identify the deliverables; and
 - Be subject to the invitation to negotiate process when the agency must determine the best method for achieving the specific goal and more than one vendor is able to provide the services.
- Requiring contractual services that exceed the \$35,000 threshold to be procured through competitive sealed bids, competitive sealed proposals, or competitive sealed replies unless:
 - The agency head determines there is an immediate danger to public health, safety, or welfare; and
 - The agency purchases the services from a state procured contract that was contracted by another agency pursuant to s. 287.057(1), F.S.²³

Agency Term Contracts

Rule 62-772, F.A.C., directs the DEP to enter into multiple agency term contracts to retain contractors to conduct petroleum site rehabilitation services for a specific task assignment.²⁴ The agency term contract specifies that all site rehabilitation activities that cost more than \$195,000 will be procured by quotes from all eligible agency term contractors in the region where the site is located. For site rehabilitation activities that cost less than \$195,000, the DEP will directly assign the task to an agency term contractor using the Relative Capacity Index (RCI) algorithm. The RCI provides an unbiased, cost effective mechanism for assigning tasks to the agency term contractors.²⁵ As of March 2014, the DEP has competitively procured 70 agency term contractors that are divided into three regions around the state.

²³ See s. 287.057, F.S.

²⁴ Chapter 62-772.200(b), F.A.C., defines an agency “term contract” as “an agreement between the DEP and a vendor whereby the vendor agrees to provide an indefinite quantity of commodities or contractual services, on an indefinite delivery schedule, over a specified period of time.”

²⁵ The DEP, Agency Term Contractor Selection Process, *RCI flow chart*, available at http://www.dep.state.fl.us/waste/quick_topics/publications/pss/pcp/RCI_final_19Dec14.pdf (Mar. 9, 2015).

Performance Based Contracts

The DEP may issue performance based contracts to approved agency term contracts for sites that may be remediated in an aggressive, cost effective, efficient manner. Performance based contracts are negotiated based on quotes for the total cost of cleanup, technology and design, remediation milestones, site closure options, time to complete remediation, and the total cost paid for the completion of each milestone. Performance based contracts are considered for:

- Sites procured through RCI assignment in which the current agency term contractor would like to continue through a performance based contracts;
- Sites that are unassigned or require RCI assignment;
- Sites that have been in natural attenuation monitoring for over four years that show minimal progress toward closure;
- Bundled sites based on phase and/or location; and
- Sites with a restrictive funding cap amount.²⁶

MyFloridaMarketPlace

The Department of Management Services established a statewide electronic registration and procurement system called MyFloridaMarketPlace. Pursuant to s. 287.057(23), F.S., a one percent transaction fee is charged to all vendors in order to utilize the system.²⁷

Risk Based Corrective Action

Section 376.3071, F.S., was amended in 1996 to require the DEP to adopt rules for RBCA principles for the rehabilitation of contaminated petroleum sites. The RBCA process uses a tiered approach that couples site assessment and response actions with human health, public safety, and environmental risk assessment to determine the extent and urgency of corrective action used in remediating contaminated sites. Alternative cleanup target levels,²⁸ institutional²⁹ and engineering controls,³⁰ and remediation by natural attenuation³¹ are RBCA strategies used on a case-by-case basis and allow the DEP to use cost-effective and effective remediation measures in lieu of conventional cleanup technologies. RBCA is endorsed by the U.S. Environmental

²⁶ The DEP, Performance Based Cleanup-General Information, *available at* http://www.dep.state.fl.us/waste/quick_topics/publications/pss/pcp/announcements/NOIPP-PBC-Info-Sheet.docx (last visited Mar. 9, 2015).

²⁷ See Rules 60A-1.030, 60A-1.031, and 60A-1.032, F.A.C.

²⁸ Section 37.301(7), F.S., defines “cleanup target levels” as “the concentration for each contaminant identified by an applicable analytical test method, in the medium of concern, at which a site rehabilitation program is deemed complete.”

²⁹ Section 376.301(21), F.S., defines “institutional control” as “the restriction on use or access to a site to eliminate or minimize exposure to petroleum products’ chemical of concern, dry cleaning solvents, or other contaminants. Such restrictions may include, but are not limited to, deed restrictions, restrictive covenants, or conservation easements.”

³⁰ Section 376.301(16), F.S., defines “engineering controls” as “modifications to a site to reduce or eliminate the potential for exposure to petroleum products’ chemicals of concern, dry cleaning solvents, or other contaminants. Such modifications may include, but are not limited to, physical or hydraulic control measures, capping, point of use treatments, or slurry walls.”

³¹ Section 376.301(24), F.S., defines “natural attenuation” as a “verifiable approach to site rehabilitation that allows natural processes to contain the spread of contamination and reduce the concentrations of contaminants in contaminated groundwater and soil. Natural attenuation processes may include the following: sorption, biodegradation, chemical reactions with subsurface materials, diffusion, dispersion, and volatilization.”

Protection Agency and is implemented in all 50 states for the remediation of contaminated sites.³²

The use of RBCA has expanded to the state's dry cleaning site remediation program under s. 376.3078, F.S., the brownfields program under s. 376.81, F.S., and all other contaminated sites under s. 376.30701 F.S. The RBCA provisions in s. 376.30701, F.S., do not include the petroleum restoration, brownfields, and dry cleaning programs because they are subject to their own RBCA provisions in statute.

The Florida RBCA process includes the following components:

- The one in one million cancer risk for carcinogenic constituents;
- A hazard index of one for non-carcinogenic constituents in the development of cleanup target levels for groundwater, surface water, and soil;
- Relocating a compliance point away from the contamination source area to the edge of the plume or property boundary to allow for natural attenuation; and
- Eliminating or minimizing human exposure to the contamination site by using institutional and engineering controls.

Funding and Improvements to the Petroleum Restoration Program

The Petroleum Restoration Program was appropriated \$110 million for the 2014-2015 fiscal year. The DEP reports that as of March 9, 2015, approximately \$30 million has been invoiced and the balance remaining is approximately \$80 million. The DEP expects to invoice approximately \$30 million by the end of the current fiscal year and \$50 million will be certified forward to 2015-2016 fiscal year.

The state has realized an overall costs savings since the Petroleum Restoration Program was transitioned to the competitive procurement requirements in ch. 287, F.S., or the rules adopted under ss. 376.3071 and 287.0595, F.S. The site assessment and engineering design costs are 10 percent less, the groundwater monitoring costs are 19 percent less, and operation and maintenance costs of remedial systems are 11 percent less. The average cost savings for the remediation of discharges in the Advanced Cleanup Program is 32.7 percent.

The DEP reports that 99.9 percent of high risk exposure facilities are in active remediation or assessment and 100 percent of facilities in the moderate risk category are in active remediation or assessment. The DEP also reports that the average procurement time under the new system is three to five weeks, which is comparable to processing time prior to the system overhaul.

III. Effect of Proposed Changes:

Section 1 amends s. 376.305, F.S., to expand the ATRP program by removing the reporting deadline, which currently separates eligible from ineligible sites. The expansion of the program will provide state funding eligibility for remediation of a large but indeterminate number of discharges.

³² EPA, *Use of Risk-Based Decision-Making in UST Corrective Action Programs*, OSWER Directive 9610.17 (Mar., 1995) <http://epa.gov/swerust1/directiv/od961017.htm> (last visited Mar. 9, 2015).

The bill removes the provision that a property owner of a site in the ATRP must provide evidence that he or she had a complete understanding of the use of the property prior to acquisition.

Section 2 amends s. 376.3071, F.S., to allow a property owner to prohibit the use of RBCA principles established in rule when remediating a discharge. The provision prohibits the DEP from being able to use cost effective remediation efforts, including natural attenuation, for discharges that pose little to no risk, , and will expand the cleanup efforts to discharges that did not previously warrant such efforts.

The bill requires site owners or the responsible party to approve a conditional closure, a closure with institutional or engineering controls, or work stoppages not due to insufficient funds of a site when deed restrictions are required.

The bill requires the DEP to establish a procedure to process invoices that are less than \$500,000 per task, including the direct assignment of tasks. The bill allows invoices that are at least \$500,000 to be processed pursuant to ch. 287, F.S. The elimination of the MFMP may result in decreased competition among agency term contractors and increase costs to the state as the majority of task assignments are less than \$500,000.

The bill allows a site owner or operator not participating in a cost sharing program to select three agency term contractors from which the DEP selects one based on the best value to the state. Currently, owners or operators that cost share at least 25 percent for the cleanup of discharges eligible for the advanced cleanup program or Petroleum Participation Cleanup Program (PCPP) are able to select their own contractor.

The bill requires the agency term contractor and the property owner or responsible party to submit a sworn affidavit to the DEP that neither party has solicited, offered, accepted, paid, or received any compensation, remuneration, or gift of any kind in exchange for selection of the agency term contractor. The provision will cause a delay in remediating a site if the DEP is unable to obtain an affidavit prior to the commencement of cleanup activities.

The bill also requires the agency term contractor to disclose any conflict of interest to the DEP and allows the DEP to terminate a contract if it determines there is a potential conflict of interest. The provision will cause a delay in remediation if the DEP is unable to obtain the required information prior to the commencement of cleanup activities, or if the DEP has to terminate a contract if a conflict of interest is uncovered.

The bill allows properties that have a contamination area greater than one-quarter acre and located below a state road or a state road's right-of-way to participate in the LSSI, which will increase the number of sites that qualify for state funding.

The bill increases the funding limit for source removal, site assessments and six months of groundwater monitoring for LSSI sites from \$30,000 to \$35,000 in order to achieve No Further Action status or to receive a site rehabilitation completion order. The bill also authorizes the DEP to approve an additional \$35,000 for the interim source removal of a site in the LSSI in order to achieve No Further Action status or receive a site rehabilitation completion order. The DEP may

approve an additional \$35,000 for a supplemental site assessment for sites assessed before July 1, 2015, in order to achieve No Further Action status or a site rehabilitation completion order.

The bill specifies that only agency term contractors may participate in the LSSI. It also requires sites that qualify for ongoing assessment or remedial activity to be granted priority two scoring status. All work must be completed nine months after assessment begins. The bill allows the DEP to authorize an additional six months of monitoring if the supplemental site assessment determines that additional groundwater monitoring is warranted.

The bill expands the PCPP by removing the application deadline for the program, which required owners or operators of a property to report a discharge to the state by December 31, 1998 for contamination discovered at an inactive site after December 31, 1994. The bill increases the maximum amount the state may be required to pay for PCPP eligible discharges from \$400,000 to \$1 million.

Section 3 amends s. 376.30713, F.S., to revise the provisions of the advanced cleanup program. The bill allows more owners, operators, or responsible parties to participate in the advanced cleanup program by decreasing the number of sites that may be bundled and eligible to compete for performance based contracts from 20 to 10. To account for the additional participation in the advanced cleanup program, the annual allocation is increased from \$15 million to \$25 million.

The bill allows a property owner or responsible party to enter into a voluntary cost share agreement for bundling multiple sites and to provide a list of the sites to be included in future bundles. The sites that will be included in a future bundle are not subject to agency term contractor assignment pursuant to rule. The DEP may terminate the voluntary cost share agreement if the application to bundle multiple sites is not submitted during the open application period. This provision will extend the period of time listed sites will be remediated because they are not subject to the agency term contractor assignment.

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.

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

None.

B. Private Sector Impact:

There may be a positive fiscal impact to the contractors as the limit to use the eQuote system to competitively procure contracts is increased from \$195,000 to \$500,000. The DEP estimates 80 to 90 percent of all tasks assignments are less than \$500,000.³³

The requirement for the DEP to adopt rules and implement a new system for issuing task assignments and processing invoices will cause a delays in invoicing and the issuance of new work, resulting in a negative fiscal impact to the private sector. .³⁴

Property owners that participate in the PCPP may experience a cost increase as the cost share amount will increase from 25 percent of up to \$400,000 to 25 percent of up to \$1 million.

C. Government Sector Impact:

The increased threshold from \$195,000 to \$500,000 to utilize the MFMP will likely result in decreased competition between agency term contractors and increased costs to the state.³⁵

The amended eligibility requirements for the ATRP will have an indeterminate negative fiscal impact to the state. The number of abandoned tanks that may qualify for state funding is unknown; therefore, the cost estimate to rehabilitate discharges of additional abandoned tanks is unknown. The cost to remediate each discharge is approximately \$233,000.³⁶

The property owner's ability to prohibit the use of RBCA to remediate a discharge will have a significant negative fiscal impact to the state. The RBCA principles allow the state to use a cost effective scientific approach to contamination remediation. The inability to use these principles will allow properties with contamination that did not previously warrant cleanup to be remediated.

The increase of funding for site assessment and groundwater monitoring for sites in the LSSI program from \$30,000 to \$35,000 will have a negligible cost increase to the state.

³³ DEP, *Senate Bill 314 Agency Analysis*, 6, (Jan. 20, 2015) (on file with the Senate Committee on Environmental Preservation and Conservation).

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.* at 5.

The DEP estimates the interim source removal provision for the LSSI will cost approximately \$10.4 million. The calculation is based on 25 percent of the sites in LSSI qualifying for source removal.

The DEP estimates that 20 percent of the 1200 sites that have participated in the LSSI program since its inception in 2010 will reenter the program based on the increased funding level. The cost to remediate, assess, and monitor the sites is estimated to be \$8.4 million.

The DEP estimates that increasing the state's funding obligation for the current PCPP discharges from \$400,000 to \$1 million could cost the state between \$146 million and \$860 million. The cost estimate of \$146 million assumes that 17 percent of 1,727 PCPP eligible discharges (or 294 discharges) cost approximately \$496,000 to remediate. The \$860 million estimate assumes that all 1,727 PCPP eligible discharges will cost \$496,000.³⁷ The bill also expands the eligibility requirements of the PCPP, adding an unknown number of discharges to the program. The number of potential new discharges in addition to the 1,727 discharges that currently qualify is unknown; therefore, the overall cost of the increased funding cap and the increased eligibility will have an unknown negative fiscal impact to the state.,

The state's costs may increase by decreasing the number of sites that must be bundled to participate in the advanced cleanup program. The state has previously realized a cost savings of 25 to 40 percent with this program. According to the DEP, the bill may decrease the average cost savings 25 percent.³⁸

VI. Technical Deficiencies:

On lines 356 and 364 of the bill, the term "completed" is used. The language in the bill is not clear as it may be interpreted to mean the completion of cleanup when the intent is to identify assessments that have been completed.

On line 368 of the bill the term "approval" is used as point of reference for the nine month time limit; however, the bill does not make it clear what is being approved. This may cause confusion as to what action triggers the nine month time limit.

VII. Related Issues:

It is not clear in the bill what the term "work stoppage" is referring to as the DEP has not defined this term.

The bill requires a property owner or responsible party to approve a conditional closure, which is incorporated in Rule 62-780.680, F.A.C. The provision may create conflict when considering institutional or engineering controls if the site owner is a different entity than the responsible party. This could lead to a disagreement between the two parties that the DEP may not have the ability to effectively resolve.

³⁷ *Id* at 6.

³⁸ *Id* at 7.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 376.305, 376.3071, and 376.30713.

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 11, 2015:

- Expands the ATRP by removing the June 30, 1996, reporting deadline;
- Removes the provision that a property owner of a site in the ATRP must provide evidence that he or she had a complete understanding of ownership and use of the property prior to acquisition;
- Deletes the requirement for the DEP to establish standards and criteria for benzene in specific situations;
- Allows a property owner to approve the use of RBCA principles in remediating a discharge;
- Requires a site owner to approve work stoppages;
- Deletes the requirement for current and future operations and management of remediation systems to be performance based contracts;
- Allows the DEP to negotiate a contract based on the best available rate from a pool of three agency term contractors selected by the property owner or responsible party;
- Deletes the provision that allows a property owner to select a contractor if the amount of the cost share and the discount off the normal rate totals at least five percent of the value of the contract;
- Requires the agency term contractor and the property owner or responsible party to submit a sworn affidavit to the DEP that neither party has solicited, offered, accepted, paid, or received any compensation, remuneration, or gift of any kind in exchange for selection of the agency term contractor;
- Requires the agency term contractor to disclose any conflict of interest to the DEP and allows the DEP to terminate a contract if the DEP determines there is a potential conflict of interest;
- Allows a site to qualify for the LSSI if the source boundary is greater than one-quarter acre and located below a state road or a state road's right-of-way;
- Increases the funding for the site assessment and six months of groundwater monitoring for a site in the LSSI from \$30,000 to \$35,000;
- Authorizes the DEP to approve an additional \$35,000 for interim source removal of a site in the LSSI in order to achieve No Further Action status or receive a site rehabilitation completion order;
- Authorizes the DEP to approve an additional \$35,000 for a supplemental site assessment for sites assessed before July 1, 2015, in order to achieve No Further Action status or receive a site rehabilitation completion order;
- Specifies that only agency term contractors may participate in the LSSI;
- Requires that sites completed in the LSSI must be granted priority two scoring status for ongoing assessment or remedial activity;

- Requires that all work in the LSSI must be completed nine months after the DEP approval;
- Allows the DEP to authorize an additional six months of groundwater monitoring if the supplemental site assessment determines it is warranted;
- Removes the requirement that a discharge must have occurred before January 1, 1999, to qualify for the PCPP;
- Allows a property owner or responsible party to enter into a voluntary cost share agreement for bundling multiple sites and to provide a list of the sites to be included in future bundles;
- Specifies sites that are to be included in a future Advanced Cleanup Program bundle are not subject to the agency term contractor assignment pursuant to rule; and
- Allows the DEP to terminate the voluntary cost share agreement if the application to bundle multiple sites is not submitted during the open application period.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/11/2015	.	
	.	
	.	
	.	

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. Subsection (6) of section 376.305, Florida
Statutes, is amended to read:

376.305 Removal of prohibited discharges.—

(6) The Legislature created the Abandoned Tank Restoration
Program in response to the need to provide financial assistance
for cleanup of sites that have abandoned petroleum storage



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11 systems. For purposes of this subsection, the term "abandoned
12 petroleum storage system" means a petroleum storage system that
13 has not stored petroleum products for consumption, use, or sale
14 since March 1, 1990. The department shall establish the
15 Abandoned Tank Restoration Program to facilitate the restoration
16 of sites contaminated by abandoned petroleum storage systems.

17 (a) To be included in the program:

18 1. An application must be submitted to the department ~~by~~
19 ~~June 30, 1996,~~ certifying that the system has not stored
20 petroleum products for consumption, use, or sale at the facility
21 since March 1, 1990.

22 2. The owner or operator of the petroleum storage system
23 when it was in service must have ceased conducting business
24 involving consumption, use, or sale of petroleum products at
25 that facility on or before March 1, 1990.

26 3. The site is not otherwise eligible for the cleanup
27 programs pursuant to s. 376.3071 or s. 376.3072.

28 (b) In order to be eligible for the program, petroleum
29 storage systems from which a discharge occurred must be closed
30 pursuant to department rules before an eligibility
31 determination. However, if the department determines that the
32 owner of the facility cannot financially comply with the
33 department's petroleum storage system closure requirements and
34 all other eligibility requirements are met, the petroleum
35 storage system closure requirements shall be waived. The
36 department shall take into consideration the owner's net worth
37 and the economic impact on the owner in making the determination
38 of the owner's financial ability. ~~The June 30, 1996, application~~
39 ~~deadline shall be waived for owners who cannot financially~~



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40 ~~comply.~~

41 (c) Sites accepted in the program are eligible for site
42 rehabilitation funding as provided in s. 376.3071.

43 (d) The following sites are excluded from eligibility:

- 44 1. Sites on property of the Federal Government;
45 2. Sites contaminated by pollutants that are not petroleum
46 products;

47 3. Sites where the department has been denied site access;
48 or

49 4. Sites which are owned by a person who had knowledge of
50 the polluting condition when title was acquired unless the
51 person acquired title to the site after issuance of a notice of
52 site eligibility by the department.

53 (e) Participating sites are subject to a deductible as
54 determined by rule, not to exceed \$10,000.

55

56 ~~This subsection does not relieve a person who has acquired title~~
57 ~~after July 1, 1992, from the duty to establish by a~~
58 ~~preponderance of the evidence that he or she undertook, at the~~
59 ~~time of acquisition, all appropriate inquiry into the previous~~
60 ~~ownership and use of the property consistent with good~~
61 ~~commercial or customary practice in an effort to minimize~~
62 ~~liability, as required by s. 376.308(1)(c).~~

63 Section 2. Paragraph (b) of subsection (5), paragraph (d)
64 of subsection (6), paragraph (b) of subsection (12), and
65 subsection (13) of section 376.3071, Florida Statutes, are
66 amended, and paragraphs (n) and (o) are added to subsection (6)
67 of that section, to read:

68 376.3071 Inland Protection Trust Fund; creation; purposes;



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69 funding.—

70 (5) SITE SELECTION AND CLEANUP CRITERIA.—

71 (b) It is the intent of the Legislature to protect the
72 health of all people under actual circumstances of exposure. The
73 secretary shall establish criteria by rule for the purpose of
74 determining, on a site-specific basis, the rehabilitation
75 program tasks that comprise a site rehabilitation program and
76 the level at which a rehabilitation program task and a site
77 rehabilitation program are completed. In establishing the rule,
78 the department shall incorporate, ~~to the maximum extent~~
79 ~~feasible,~~ risk-based corrective action principles approved by
80 the property owner to achieve protection of the public health,
81 safety, and welfare, water resources, and the environment in a
82 cost-effective manner as provided in this subsection. Criteria
83 for determining what constitutes a rehabilitation program task
84 or completion of site rehabilitation program tasks and site
85 rehabilitation programs shall be based upon the factors set
86 forth in paragraph (a) and the following additional factors:

87 1. The current exposure and potential risk of exposure to
88 humans and the environment including multiple pathways of
89 exposure.

90 2. The appropriate point of compliance with cleanup target
91 levels for petroleum products' chemicals of concern. The point
92 of compliance shall be at the source of the petroleum
93 contamination. However, the department may temporarily move the
94 point of compliance to the boundary of the property, or to the
95 edge of the plume when the plume is within the property
96 boundary, while cleanup, including cleanup through natural
97 attenuation processes in conjunction with appropriate



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98 monitoring, is proceeding. The department may also, pursuant to
99 criteria provided for in this paragraph, temporarily extend the
100 point of compliance beyond the property boundary with
101 appropriate monitoring, if such extension is needed to
102 facilitate natural attenuation or to address the current
103 conditions of the plume, if the public health, safety, and
104 welfare, water resources, and the environment are adequately
105 protected. Temporary extension of the point of compliance beyond
106 the property boundary, as provided in this subparagraph, must
107 include notice to local governments and owners of any property
108 into which the point of compliance is allowed to extend.

109 3. The appropriate site-specific cleanup goal. The site-
110 specific cleanup goal shall be that all petroleum contamination
111 sites ultimately achieve the applicable cleanup target levels
112 provided in this paragraph. However, the department may allow
113 concentrations of the petroleum products' chemicals of concern
114 to temporarily exceed the applicable cleanup target levels while
115 cleanup, including cleanup through natural attenuation processes
116 in conjunction with appropriate monitoring, is proceeding, if
117 the public health, safety, and welfare, water resources, and the
118 environment are adequately protected.

119 4. The appropriateness of using institutional or
120 engineering controls. Site rehabilitation programs may include
121 the use of institutional or engineering controls to eliminate
122 the potential exposure to petroleum products' chemicals of
123 concern to humans or the environment. Use of such controls must
124 have prior department approval and may not be acquired with
125 moneys from the fund. When institutional or engineering controls
126 are implemented to control exposure, the removal of such



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127 controls must have prior department approval and must be
128 accompanied immediately by the resumption of active cleanup or
129 other approved controls unless cleanup target levels pursuant to
130 this paragraph have been achieved. Beginning July 1, 2013, site
131 rehabilitation for a site that qualifies for a conditional
132 closure or closure with institutional or engineering controls
133 that require deed restrictions or a work stoppage not due to
134 insufficient funds may be implemented only with the approval of
135 the property owner.

136 5. The additive effects of the petroleum products'
137 chemicals of concern. The synergistic effects of petroleum
138 products' chemicals of concern must also be considered when the
139 scientific data becomes available.

140 6. Individual site characteristics which must include, but
141 not be limited to, the current and projected use of the affected
142 groundwater in the vicinity of the site, current and projected
143 land uses of the area affected by the contamination, the exposed
144 population, the degree and extent of contamination, the rate of
145 contaminant migration, the apparent or potential rate of
146 contaminant degradation through natural attenuation processes,
147 the location of the plume, and the potential for further
148 migration in relation to site property boundaries.

149 7. Applicable state water quality standards.

150 a. Cleanup target levels for petroleum products' chemicals
151 of concern found in groundwater shall be the applicable state
152 water quality standards. Where such standards do not exist, the
153 cleanup target levels for groundwater shall be based on the
154 minimum criteria specified in department rule. The department
155 shall consider the following, as appropriate, in establishing



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156 the applicable minimum criteria: calculations using a lifetime
157 cancer risk level of 1.0E-6; a hazard index of 1 or less; the
158 best achievable detection limit; the naturally occurring
159 background concentration; or nuisance, organoleptic, and
160 aesthetic considerations.

161 b. Where surface waters are exposed to petroleum
162 contaminated groundwater, the cleanup target levels for the
163 petroleum products' chemicals of concern shall be based on the
164 surface water standards as established by department rule. The
165 point of measuring compliance with the surface water standards
166 shall be in the groundwater immediately adjacent to the surface
167 water body.

168 8. Whether deviation from state water quality standards or
169 from established criteria is appropriate. The department may
170 issue a "No Further Action Order" based upon the degree to which
171 the desired cleanup target level is achievable and can be
172 reasonably and cost-effectively implemented within available
173 technologies or engineering and institutional control
174 strategies. Where a state water quality standard is applicable,
175 a deviation may not result in the application of cleanup target
176 levels more stringent than the standard. In determining whether
177 it is appropriate to establish alternate cleanup target levels
178 at a site, the department may consider the effectiveness of
179 source removal that has been completed at the site and the
180 practical likelihood of the use of low yield or poor quality
181 groundwater; the use of groundwater near marine surface water
182 bodies; the current and projected use of the affected
183 groundwater in the vicinity of the site; or the use of
184 groundwater in the immediate vicinity of the storage tank area,



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185 where it has been demonstrated that the groundwater
186 contamination is not migrating away from such localized source,
187 if the public health, safety, and welfare, water resources, and
188 the environment are adequately protected.

189 9. Appropriate cleanup target levels for soils.

190 a. In establishing soil cleanup target levels for human
191 exposure to petroleum products' chemicals of concern found in
192 soils from the land surface to 2 feet below land surface, the
193 department shall consider the following, as appropriate:
194 calculations using a lifetime cancer risk level of 1.0E-6; a
195 hazard index of 1 or less; the best achievable detection limit;
196 or the naturally occurring background concentration.

197 b. Leachability-based soil target levels shall be based on
198 protection of the groundwater cleanup target levels or the
199 alternate cleanup target levels for groundwater established
200 pursuant to this paragraph, as appropriate. Source removal and
201 other cost-effective alternatives that are technologically
202 feasible shall be considered in achieving the leachability soil
203 target levels established by the department. The leachability
204 goals do not apply if the department determines, based upon
205 individual site characteristics, that petroleum products'
206 chemicals of concern will not leach into the groundwater at
207 levels which pose a threat to public health, safety, and
208 welfare, water resources, or the environment.

209
210 This paragraph does not restrict the department from temporarily
211 postponing completion of any site rehabilitation program for
212 which funds are being expended whenever such postponement is
213 necessary in order to make funds available for rehabilitation of



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214 a contamination site with a higher priority status.
215 (6) CONTRACTING AND CONTRACTOR SELECTION REQUIREMENTS.—
216 (d) The department rules implementing this section must:
217 1. Specify that only qualified vendors may submit responses
218 on a competitive solicitation. ~~The department rules must also~~
219 2. Include procedures for the rejection of vendors not
220 meeting the minimum qualifications on the opening of a
221 competitive solicitation. ~~and~~
222 3. Include requirements for a vendor to maintain its
223 qualifications in order to enter contracts or perform
224 rehabilitation work.
225 4. Establish a procedure by October 1, 2015, for the
226 processing of invoices and the direct assignment of tasks that
227 are less than \$500,000. This procedure may not involve the use
228 of MyFloridaMarketPlace. Invoices and assignment of tasks may be
229 processed pursuant to chapter 287.
230 (n) For sites that are within the priority scoring range
231 eligible for funding, excluding sites that are within a cost-
232 share program, a site owner or operator may select three agency
233 term contractors. The department will then select one of the
234 three agency term contractors based on the best value to be
235 determined by a combination of the agency term contractor's
236 Invitation to Negotiate ranking and Schedule E rates.
237 (o)1. Both the selected agency term contractor and the
238 property owner, or responsible party, who selects the agency
239 term contractor must execute a sworn affidavit testifying that
240 neither party has solicited, offered, accepted, paid, or
241 received any compensation, remuneration, or gift of any kind,
242 directly or indirectly, in exchange for the selection of the



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243 agency term contractor in connection with the cleanup of the
244 petroleum contaminated property, except for the compensation
245 paid by the department to the agency term contractor pursuant to
246 the agency term contractor's contract with the department. If
247 the department subsequently determines that remuneration did
248 occur, the department may seek recovery of the costs of cleanup
249 of specific properties from all parties responsible for the
250 property contamination, and the property is ineligible for
251 participation in any cleanup program.

252 2. Pursuant to the terms and conditions of the agency term
253 contractor's contract with the department, the agency term
254 contractor must disclose any conflict of interest to the
255 department. The agency term contractor shall be conclusively
256 determined to have a conflict of interest with regard to any
257 site if it has given or offered remuneration, in cash or in
258 kind, directly or indirectly, to the property owner or
259 responsible party, or the owner's or responsible party's
260 designee, to obtain work associated with such property. The
261 department retains the right to investigate and determine if an
262 agency term contractor has a conflict of interest with regard to
263 any property. The department may terminate the agency term
264 contractor's contract with the department or may terminate the
265 agency term contractor's work assignment to a particular
266 property based upon the department's assessment of the potential
267 conflict of interest.

268 (12) SITE CLEANUP.—

269 (b) *Low-scored site initiative.*—Notwithstanding subsections
270 (5) and (6), a site with a priority ranking score of 29 points
271 or less may voluntarily participate in the low-scored site



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272 initiative regardless of whether the site is eligible for state
273 restoration funding.

274 1. To participate in the low-scored site initiative, the
275 responsible party or property owner must affirmatively
276 demonstrate that the following conditions are met:

277 a. Upon reassessment pursuant to department rule, the site
278 retains a priority ranking score of 29 points or less.

279 b. Excessively contaminated soil, as defined by department
280 rule, does not exist onsite as a result of a release of
281 petroleum products.

282 c. A minimum of 6 months of groundwater monitoring
283 indicates that the plume is shrinking or stable.

284 d. The release of petroleum products at the site does not
285 adversely affect adjacent surface waters, including their
286 effects on human health and the environment.

287 e. The area of groundwater containing the petroleum
288 products' chemicals of concern ~~is less than one-quarter acre and~~
289 is confined to the source property boundaries of the real
290 property on which the discharge originated or is located below a
291 state road or a state road's right-of-way.

292 f. Soils onsite that are subject to human exposure found
293 between land surface and 2 feet below land surface meet the soil
294 cleanup target levels established by department rule or human
295 exposure is limited by appropriate institutional or engineering
296 controls.

297 2. Upon affirmative demonstration of the conditions under
298 subparagraph 1., the department shall issue a determination of
299 "No Further Action." Such determination acknowledges that
300 minimal contamination exists onsite and that such contamination



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301 is not a threat to the public health, safety, or welfare, water
302 resources, or the environment. If no contamination is detected,
303 the department may issue a site rehabilitation completion order.

304 3. Sites that are eligible for state restoration funding
305 may receive payment of costs for the low-scored site initiative
306 as follows:

307 a. A responsible party or property owner may submit an
308 assessment plan designed to affirmatively demonstrate that the
309 site meets the conditions under subparagraph 1. Notwithstanding
310 the priority ranking score of the site, the department may
311 approve the cost of the assessment, including 6 months of
312 groundwater monitoring, not to exceed \$35,000 ~~\$30,000~~ for each
313 site. The department may not pay the costs associated with the
314 establishment of institutional or engineering controls.

315 b. Following the assessment, the department may approve up
316 to an additional \$35,000 for interim source removal pursuant to
317 department rule to achieve a "No Further Action" order or a site
318 rehabilitation completion order pursuant to subparagraph 2.

319 c. For low-scored site initiative sites that were completed
320 before July 1, 2015, the department may approve up to an
321 additional \$35,000 for supplemental site assessment pursuant to
322 department rule or to achieve a "No Further Action" order or a
323 site rehabilitation completion order pursuant to subparagraph 2.

324 d. To provide pricing levels on the best terms to the
325 department, only an agency term contractor may participate in
326 the low-scored site initiative.

327 e. Completed low-scored site initiative sites shall be
328 granted priority 2 scoring status for ongoing assessment or
329 remedial activity pursuant to department rule.



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330 ~~f.b.~~ All ~~The assessment~~ work shall be completed no later
331 than 9 ~~6~~ months after the department issues its approval. If
332 groundwater monitoring is required after the assessment in order
333 to satisfy the conditions of sub-subparagraph 1.c., the
334 department may authorize an additional 6 months to complete the
335 monitoring.

336 ~~g.e.~~ No more than \$10 million for the low-scored site
337 initiative may be encumbered from the fund in any fiscal year.
338 Funds shall be made available on a first-come, first-served
339 basis and shall be limited to 10 sites in each fiscal year for
340 each responsible party or property owner.

341 ~~h.d.~~ Program deductibles, copayments, and the limited
342 contamination assessment report requirements under paragraph
343 (13) (c) do not apply to expenditures under this paragraph.

344 (13) PETROLEUM CLEANUP PARTICIPATION PROGRAM.—To encourage
345 detection, reporting, and cleanup of contamination caused by
346 discharges of petroleum or petroleum products, the department
347 shall, within the guidelines established in this subsection,
348 implement a cost-sharing cleanup program to provide
349 rehabilitation funding assistance for all property contaminated
350 by discharges of petroleum or petroleum products from a
351 petroleum storage system occurring before January 1, 1995,
352 subject to a copayment provided for in a Petroleum Cleanup
353 Participation Program site rehabilitation agreement. Eligibility
354 is subject to an annual appropriation from the fund.
355 Additionally, funding for eligible sites is contingent upon
356 annual appropriation in subsequent years. Such continued state
357 funding is not an entitlement or a vested right under this
358 subsection. Eligibility shall be determined in the program,



359 notwithstanding any other provision of law, consent order,
360 order, judgment, or ordinance to the contrary.

361 (a)1. The department shall accept any discharge reporting
362 form received before January 1, 1995, as an application for this
363 program, and the facility owner or operator need not reapply.

364 2. Owners or operators of property, regardless of whether
365 ownership has changed, which is contaminated by petroleum or
366 petroleum products from a petroleum storage system may apply for
367 such program by filing a written report of the contamination
368 incident, including evidence that such incident occurred before
369 January 1, 1995, with the department. Incidents of petroleum
370 contamination discovered after December 31, 1994, at sites which
371 have not stored petroleum or petroleum products for consumption,
372 use, or sale after such date shall be presumed to have occurred
373 before January 1, 1995. An operator's filed report shall be an
374 application of the owner for all purposes. ~~Sites reported to the~~
375 ~~department after December 31, 1998, are not eligible for the~~
376 ~~program.~~

377 (b) Subject to annual appropriation from the fund, sites
378 meeting the criteria of this subsection are eligible for up to
379 \$1 million ~~\$400,000~~ of site rehabilitation funding assistance in
380 priority order pursuant to subsections (5) and (6). Sites
381 meeting the criteria of this subsection for which a site
382 rehabilitation completion order was issued before June 1, 2008,
383 do not qualify for the 2008 increase in site rehabilitation
384 funding assistance and are bound by the pre-June 1, 2008,
385 limits. Sites meeting the criteria of this subsection for which
386 a site rehabilitation completion order was not issued before
387 June 1, 2008, regardless of whether they have previously



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388 transitioned to nonstate-funded cleanup status, may continue
389 state-funded cleanup pursuant to this section until a site
390 rehabilitation completion order is issued or the increased site
391 rehabilitation funding assistance limit is reached, whichever
392 occurs first. The department may not pay expenses incurred
393 beyond the scope of an approved contract.

394 (c) Upon notification by the department that rehabilitation
395 funding assistance is available for the site pursuant to
396 subsections (5) and (6), the owner, operator, or person
397 otherwise responsible for site rehabilitation shall provide the
398 department with a limited contamination assessment report and
399 shall enter into a Petroleum Cleanup Participation Program site
400 rehabilitation agreement with the department. The agreement must
401 provide for a 25-percent copayment by the owner, operator, or
402 person otherwise responsible for conducting site rehabilitation.
403 The owner, operator, or person otherwise responsible for
404 conducting site rehabilitation shall adequately demonstrate the
405 ability to meet the copayment obligation. The limited
406 contamination assessment report and the copayment costs may be
407 reduced or eliminated if the owner and all operators responsible
408 for restoration under s. 376.308 demonstrate that they cannot
409 financially comply with the copayment and limited contamination
410 assessment report requirements. The department shall take into
411 consideration the owner's and operator's net worth in making the
412 determination of financial ability. In the event the department
413 and the owner, operator, or person otherwise responsible for
414 site rehabilitation cannot complete negotiation of the cost-
415 sharing agreement within 120 days after beginning negotiations,
416 the department shall terminate negotiations and the site shall



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417 be ineligible for state funding under this subsection and all
418 liability protections provided for in this subsection shall be
419 revoked.

420 (d) A report of a discharge made to the department by a
421 person pursuant to this subsection or any rules adopted pursuant
422 to this subsection may not be used directly as evidence of
423 liability for such discharge in any civil or criminal trial
424 arising out of the discharge.

425 (e) This subsection does not preclude the department from
426 pursuing penalties under s. 403.141 for violations of any law or
427 any rule, order, permit, registration, or certification adopted
428 or issued by the department pursuant to its lawful authority.

429 (f) Upon the filing of a discharge reporting form under
430 paragraph (a), the department or local government may not pursue
431 any judicial or enforcement action to compel rehabilitation of
432 the discharge. This paragraph does not prevent any such action
433 with respect to discharges determined ineligible under this
434 subsection or to sites for which rehabilitation funding
435 assistance is available pursuant to subsections (5) and (6).

436 (g) The following are excluded from participation in the
437 program:

438 1. Sites at which the department has been denied reasonable
439 site access to implement this section.

440 2. Sites that were active facilities when owned or operated
441 by the Federal Government.

442 3. Sites that are identified by the United States
443 Environmental Protection Agency to be on, or which qualify for
444 listing on, the National Priorities List under Superfund. This
445 exception does not apply to those sites for which eligibility



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446 has been requested or granted as of the effective date of this
447 act under the Early Detection Incentive Program established
448 pursuant to s. 15, chapter 86-159, Laws of Florida.

449 4. Sites for which contamination is covered under the Early
450 Detection Incentive Program, the Abandoned Tank Restoration
451 Program, or the Petroleum Liability and Restoration Insurance
452 Program, in which case site rehabilitation funding assistance
453 shall continue under the respective program.

454 Section 3. Paragraph (a) of subsection (2) and subsection
455 (4) of section 376.30713, Florida Statutes, are amended to read:

456 376.30713 Advanced cleanup.—

457 (2) The department may approve an application for advanced
458 cleanup at eligible sites, before funding based on the site's
459 priority ranking established pursuant to s. 376.3071(5)(a),
460 pursuant to this section. Only the facility owner or operator or
461 the person otherwise responsible for site rehabilitation
462 qualifies as an applicant under this section.

463 (a) Advanced cleanup applications may be submitted between
464 May 1 and June 30 and between November 1 and December 31 of each
465 fiscal year. Applications submitted between May 1 and June 30
466 shall be for the fiscal year beginning July 1. An application
467 must consist of:

468 1. A commitment to pay 25 percent or more of the total
469 cleanup cost deemed recoverable under this section along with
470 proof of the ability to pay the cost share. An application
471 proposing that the department enter into a performance-based
472 contract for the cleanup of 10 ~~20~~ or more sites may use a
473 commitment to pay, a demonstrated cost savings to the
474 department, or both to meet the cost-share requirement. For an



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475 application relying on a demonstrated cost savings to the
476 department, the applicant shall, in conjunction with the
477 proposed agency term contractor, establish and provide in the
478 application the percentage of cost savings in the aggregate that
479 is being provided to the department for cleanup of the sites
480 under the application compared to the cost of cleanup of those
481 same sites using the current rates provided to the department by
482 the proposed agency term contractor. The department shall
483 determine whether the cost savings demonstration is acceptable.
484 Such determination is not subject to chapter 120.

485 2. A nonrefundable review fee of \$250 to cover the
486 administrative costs associated with the department's review of
487 the application.

488 3. A limited contamination assessment report.

489 4. A proposed course of action.

490

491 The limited contamination assessment report must be sufficient
492 to support the proposed course of action and to estimate the
493 cost of the proposed course of action. Costs incurred related to
494 conducting the limited contamination assessment report are not
495 refundable from the Inland Protection Trust Fund. Site
496 eligibility under this subsection or any other provision of this
497 section is not an entitlement to advanced cleanup or continued
498 restoration funding. The applicant shall certify to the
499 department that the applicant has the prerequisite authority to
500 enter into an advanced cleanup contract with the department. The
501 certification must be submitted with the application.

502 (4) The department may enter into contracts for a total of
503 up to \$25 ~~\$15~~ million of advanced cleanup work in each fiscal



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504 year. However, a facility or an applicant who bundles multiple
505 sites as specified in subparagraph (2)(a)1. may not be approved
506 for more than \$5 million of cleanup activity in each fiscal
507 year. A property owner or responsible party may enter into a
508 voluntary cost-share agreement in which the property owner or
509 responsible party commits to bundle multiple sites and lists the
510 facilities that will be included in those future bundles. The
511 facilities listed are not subject to agency term contractor
512 assignment pursuant to department rule. The department reserves
513 the right to terminate the voluntary cost-share agreement if the
514 property owner or responsible party fails to submit an
515 application to bundle multiple sites within an open application
516 period in which it is eligible to participate. For the purposes
517 of this section, the term "facility" includes, but is not
518 limited to, multiple site facilities such as airports, port
519 facilities, and terminal facilities even though such enterprises
520 may be treated as separate facilities for other purposes under
521 this chapter.

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

523
524 ===== T I T L E A M E N D M E N T =====

525 And the title is amended as follows:

526 Delete everything before the enacting clause
527 and insert:

528 A bill to be entitled
529 An act relating to the Petroleum Restoration Program;
530 amending s. 376.305, F.S.; removing the requirement
531 that applications for the Abandoned Tank Restoration
532 Program must have been submitted to the Department of



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533 Environmental Protection by a certain time; deleting
534 provisions relieving certain persons from liability;
535 amending s. 376.3071, F.S.; prohibiting the department
536 from incorporating risk-based corrective actions
537 principles not approved by the property owner;
538 prohibiting site rehabilitation from being implemented
539 on certain sites without the approval of the property
540 owner; requiring the department to establish a
541 procedure by rule for the processing of certain
542 invoices and the direct assignment of tasks by a
543 certain date; authorizing site owners and operators to
544 select agency term contractors from which the
545 department must select from under certain
546 circumstances; requiring the property owner or
547 responsible party selecting the agency term contractor
548 and the selected agency term contractor to execute a
549 sworn affidavit testifying to certain terms; requiring
550 agency term contractors to disclose any conflict of
551 interest to the department; revising the conditions
552 for eligibility and methods for payment of costs for
553 the low-scored site initiative; clarifying that a
554 change in ownership does not preclude a site from
555 entering into the program; revising the eligibility
556 requirements for receiving rehabilitation funding
557 assistance; increasing the amount of funding
558 assistance available; amending s. 376.30713, F.S.;
559 revising the number of sites for certain advanced
560 cleanup applications; increasing the total amount for
561 which the department may contract for advanced cleanup



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562 work in a fiscal year; authorizing property owners and
563 responsible parties to enter into voluntary cost-share
564 agreements under certain circumstances; providing an
565 effective date.

By Senator Simpson

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1 A bill to be entitled
2 An act relating to the Petroleum Restoration Program;
3 amending s. 376.305, F.S.; expanding the definition of
4 "abandoned petroleum storage system" to include
5 petroleum systems that stored petroleum products
6 during a certain timeframe; amending s. 376.30701,
7 F.S.; requiring the Department of Environmental
8 Protection to establish standards and criteria for
9 specific situations in which the national standard for
10 benzene applies; amending s. 376.3071, F.S.; removing
11 the requirement for the department to incorporate
12 risk-based corrective action principles in certain
13 rule criteria; prohibiting site rehabilitation from
14 being implemented on certain sites without the
15 approval of the site owner or the person responsible
16 for the site rehabilitation; requiring the department
17 to establish by rule a procedure for the processing of
18 certain invoices; requiring the department to
19 establish rules requiring work tasks for remediation
20 systems to be based on performance-based contracts;
21 authorizing site owners and operators to select a
22 contractor under certain circumstances; clarifying
23 that a change in ownership does not preclude a site
24 from entering into the program; revising the
25 eligibility requirements for receiving rehabilitation
26 funding assistance; deleting obsolete provisions;
27 amending s. 376.30713, F.S.; revising the number of
28 sites necessary to meet the eligibility requirement
29 for an advanced cleanup application; increasing the

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30 total amount for which the department may contract for
31 advanced cleanup work in a fiscal year; providing an
32 effective date.

33
34 Be It Enacted by the Legislature of the State of Florida:

35
36 Section 1. Subsection (6) of section 376.305, Florida
37 Statutes, is amended to read:

38 376.305 Removal of prohibited discharges.—

39 (6) The Legislature created the Abandoned Tank Restoration
40 Program in response to the need to provide financial assistance
41 for cleanup of sites that have abandoned petroleum storage
42 systems. For purposes of this subsection, the term "abandoned
43 petroleum storage system" means a petroleum storage system that
44 has not stored petroleum products for consumption, use, or sale
45 since January 1, 1999 ~~March 1, 1990~~. The department shall
46 establish the Abandoned Tank Restoration Program to facilitate
47 the restoration of sites contaminated by abandoned petroleum
48 storage systems.

49 (a) To be included in the program:

50 1. An application must be submitted to the department by
51 June 30, 1996, certifying that the system has not stored
52 petroleum products for consumption, use, or sale at the facility
53 since January 1, 1999 ~~March 1, 1990~~.

54 2. The owner or operator of the petroleum storage system
55 when it was in service must have ceased conducting business
56 involving consumption, use, or sale of petroleum products at
57 that facility on or before January 1, 1999 ~~March 1, 1990~~.

58 3. The site is not otherwise eligible for the cleanup

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59 programs pursuant to s. 376.3071 or s. 376.3072.

60 (b) In order to be eligible for the program, petroleum
61 storage systems from which a discharge occurred must be closed
62 pursuant to department rules before an eligibility
63 determination. However, if the department determines that the
64 owner of the facility cannot financially comply with the
65 department's petroleum storage system closure requirements and
66 all other eligibility requirements are met, the petroleum
67 storage system closure requirements shall be waived. The
68 department shall take into consideration the owner's net worth
69 and the economic impact on the owner in making the determination
70 of the owner's financial ability. The June 30, 1996, application
71 deadline shall be waived for owners who cannot financially
72 comply.

73 (c) Sites accepted in the program are eligible for site
74 rehabilitation funding as provided in s. 376.3071.

75 (d) The following sites are excluded from eligibility:

- 76 1. Sites on property of the Federal Government;
77 2. Sites contaminated by pollutants that are not petroleum
78 products;
79 3. Sites where the department has been denied site access;
80 or

81 4. Sites which are owned by a person who had knowledge of
82 the polluting condition when title was acquired unless the
83 person acquired title to the site after issuance of a notice of
84 site eligibility by the department.

85 (e) Participating sites are subject to a deductible as
86 determined by rule, not to exceed \$10,000.

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88 This subsection does not relieve a person who has acquired title
89 after July 1, 1992, from the duty to establish by a
90 preponderance of the evidence that he or she undertook, at the
91 time of acquisition, all appropriate inquiry into the previous
92 ownership and use of the property consistent with good
93 commercial or customary practice in an effort to minimize
94 liability, as required by s. 376.308(1)(c).

95 Section 2. Paragraph (g) of subsection (2) of section
96 376.30701, Florida Statutes, is amended to read:

97 376.30701 Application of risk-based corrective action
98 principles to contaminated sites; applicability; legislative
99 intent; rulemaking authority; contamination cleanup criteria;
100 limitations; reopeners.—

101 (2) INTENT; RULEMAKING AUTHORITY; CLEANUP CRITERIA.—It is
102 the intent of the Legislature to protect the health of all
103 people under actual circumstances of exposure. By July 1, 2004,
104 the secretary of the department shall establish criteria by rule
105 for the purpose of determining, on a site-specific basis, the
106 rehabilitation program tasks that comprise a site rehabilitation
107 program, including a voluntary site rehabilitation program, and
108 the level at which a rehabilitation program task and a site
109 rehabilitation program may be deemed completed. In establishing
110 these rules, the department shall apply, to the maximum extent
111 feasible, a risk-based corrective action process to achieve
112 protection of human health and safety and the environment in a
113 cost-effective manner based on the principles set forth in this
114 subsection. These rules shall prescribe a phased risk-based
115 corrective action process that is iterative and that tailors
116 site rehabilitation tasks to site-specific conditions and risks.

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117 The department and the person responsible for site
118 rehabilitation are encouraged to establish decision points at
119 which risk management decisions will be made. The department
120 shall provide an early decision, when requested, regarding
121 applicable exposure factors and a risk management approach based
122 on the current and future land use at the site. These rules
123 shall also include protocols for the use of natural attenuation,
124 the use of institutional and engineering controls, and the
125 issuance of "No Further Action" orders. The criteria for
126 determining what constitutes a rehabilitation program task or
127 completion of a site rehabilitation program task or site
128 rehabilitation program, including a voluntary site
129 rehabilitation program, must:

130 (g) Apply state water quality standards as follows:

131 1. Cleanup target levels for each contaminant found in
132 groundwater shall be the applicable state water quality
133 standards. Where such standards do not exist, the cleanup target
134 levels for groundwater shall be based on the minimum criteria
135 specified in department rule. The department shall apply the
136 following, as appropriate, in establishing the applicable
137 cleanup target levels: calculations using a lifetime cancer risk
138 level of 1.0E-6; a hazard index of 1 or less; the best
139 achievable detection limit; and nuisance, organoleptic, and
140 aesthetic considerations. The department shall establish
141 standards and criteria for specific situations in which the
142 national standard of 5 parts per billion (ppb) for benzene is
143 applicable. However, the department shall not require site
144 rehabilitation to achieve a cleanup target level for any
145 individual contaminant that is more stringent than the site-

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146 specific, naturally occurring background concentration for that
147 contaminant.

148 2. Where surface waters are exposed to contaminated
149 groundwater, the cleanup target levels for the contaminants
150 shall be based on the more protective of the groundwater or
151 surface water standards as established by department rule. The
152 point of measuring compliance with the surface water standards
153 shall be in the groundwater immediately adjacent to the surface
154 water body.

155 3. Using risk-based corrective action principles, the
156 department shall approve alternative cleanup target levels in
157 conjunction with institutional and engineering controls, if
158 needed, based upon an applicant's demonstration, using site-
159 specific data, modeling results, risk assessment studies, risk
160 reduction techniques, or a combination thereof, that human
161 health, public safety, and the environment are protected to the
162 same degree as provided in subparagraphs 1. and 2. Where a state
163 water quality standard is applicable, a deviation may not result
164 in the application of cleanup target levels more stringent than
165 the standard. In determining whether it is appropriate to
166 establish alternative cleanup target levels at a site, the
167 department must consider the effectiveness of source removal, if
168 any, that has been completed at the site and the practical
169 likelihood of the use of low yield or poor quality groundwater,
170 the use of groundwater near marine surface water bodies, the
171 current and projected use of the affected groundwater in the
172 vicinity of the site, or the use of groundwater in the immediate
173 vicinity of the contaminated area, where it has been
174 demonstrated that the groundwater contamination is not migrating

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175 away from such localized source, provided human health, public
176 safety, and the environment are protected. Groundwater resource
177 protection remains the ultimate goal of cleanup, particularly in
178 light of the state's continued growth and consequent demands for
179 drinking water resources. The Legislature recognizes the need
180 for a protective yet flexible cleanup approach that risk-based
181 corrective action provides. Only where it is appropriate on a
182 site-specific basis, using the criteria in this paragraph and
183 careful evaluation by the department, shall proposed alternative
184 cleanup target levels be approved.

185
186 The department shall require source removal as a risk reduction
187 measure if warranted and cost-effective. Once source removal at
188 a site is complete, the department shall reevaluate the site to
189 determine the degree of active cleanup needed to continue.
190 Further, the department shall determine if the reevaluated site
191 qualifies for monitoring only or if no further action is
192 required to rehabilitate the site. If additional site
193 rehabilitation is necessary to reach "No Further Action" status,
194 the department is encouraged to utilize natural attenuation and
195 monitoring where site conditions warrant.

196 Section 3. Paragraph (b) of subsection (5), paragraph (d)
197 of subsection (6), and subsection (13) of section 376.3071,
198 Florida Statutes, are amended, and paragraph (n) is added to
199 subsection (6) of that section, to read:

200 376.3071 Inland Protection Trust Fund; creation; purposes;
201 funding.—

202 (5) SITE SELECTION AND CLEANUP CRITERIA.—

203 (b) It is the intent of the Legislature to protect the

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204 health of all people under actual circumstances of exposure. The
205 secretary shall establish criteria by rule for the purpose of
206 determining, on a site-specific basis, the rehabilitation
207 program tasks that comprise a site rehabilitation program and
208 the level at which a rehabilitation program task and a site
209 rehabilitation program are completed. ~~In establishing the rule,~~
210 ~~the department shall incorporate, to the maximum extent~~
211 ~~feasible, risk-based corrective action principles to achieve~~
212 ~~protection of the public health, safety, and welfare, water~~
213 ~~resources, and the environment in a cost-effective manner as~~
214 ~~provided in this subsection.~~ Criteria for determining what
215 constitutes a rehabilitation program task or completion of site
216 rehabilitation program tasks and site rehabilitation programs
217 shall be based upon the factors set forth in paragraph (a) and
218 the following additional factors:

219 1. The current exposure and potential risk of exposure to
220 humans and the environment including multiple pathways of
221 exposure.

222 2. The appropriate point of compliance with cleanup target
223 levels for petroleum products' chemicals of concern. The point
224 of compliance shall be at the source of the petroleum
225 contamination. However, the department may temporarily move the
226 point of compliance to the boundary of the property, or to the
227 edge of the plume when the plume is within the property
228 boundary, while cleanup, including cleanup through natural
229 attenuation processes in conjunction with appropriate
230 monitoring, is proceeding. The department may also, pursuant to
231 criteria provided for in this paragraph, temporarily extend the
232 point of compliance beyond the property boundary with

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233 appropriate monitoring, if such extension is needed to
234 facilitate natural attenuation or to address the current
235 conditions of the plume, if the public health, safety, and
236 welfare, water resources, and the environment are adequately
237 protected. Temporary extension of the point of compliance beyond
238 the property boundary, as provided in this subparagraph, must
239 include notice to local governments and owners of any property
240 into which the point of compliance is allowed to extend.

241 3. The appropriate site-specific cleanup goal. The site-
242 specific cleanup goal shall be that all petroleum contamination
243 sites ultimately achieve the applicable cleanup target levels
244 provided in this paragraph. However, the department may allow
245 concentrations of the petroleum products' chemicals of concern
246 to temporarily exceed the applicable cleanup target levels while
247 cleanup, including cleanup through natural attenuation processes
248 in conjunction with appropriate monitoring, is proceeding, if
249 the public health, safety, and welfare, water resources, and the
250 environment are adequately protected.

251 4. The appropriateness of using institutional or
252 engineering controls. Site rehabilitation programs may include
253 the use of institutional or engineering controls to eliminate
254 the potential exposure to petroleum products' chemicals of
255 concern to humans or the environment. Use of such controls must
256 have prior department approval and may not be acquired with
257 moneys from the fund. When institutional or engineering controls
258 are implemented to control exposure, the removal of such
259 controls must have prior department approval and must be
260 accompanied immediately by the resumption of active cleanup or
261 other approved controls unless cleanup target levels pursuant to

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262 this paragraph have been achieved. Site rehabilitation for a
263 site that qualifies for a conditional closure or closure with
264 institutional or engineering controls that require deed
265 restrictions may be implemented only with the approval of the
266 site owner or the person responsible for the site
267 rehabilitation.

268 5. The additive effects of the petroleum products'
269 chemicals of concern. The synergistic effects of petroleum
270 products' chemicals of concern must also be considered when the
271 scientific data becomes available.

272 6. Individual site characteristics which must include, but
273 not be limited to, the current and projected use of the affected
274 groundwater in the vicinity of the site, current and projected
275 land uses of the area affected by the contamination, the exposed
276 population, the degree and extent of contamination, the rate of
277 contaminant migration, the apparent or potential rate of
278 contaminant degradation through natural attenuation processes,
279 the location of the plume, and the potential for further
280 migration in relation to site property boundaries.

281 7. Applicable state water quality standards.

282 a. Cleanup target levels for petroleum products' chemicals
283 of concern found in groundwater shall be the applicable state
284 water quality standards. Where such standards do not exist, the
285 cleanup target levels for groundwater shall be based on the
286 minimum criteria specified in department rule. The department
287 shall consider the following, as appropriate, in establishing
288 the applicable minimum criteria: calculations using a lifetime
289 cancer risk level of 1.0E-6; a hazard index of 1 or less; the
290 best achievable detection limit; the naturally occurring

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291 background concentration; or nuisance, organoleptic, and
292 aesthetic considerations.

293 b. Where surface waters are exposed to petroleum
294 contaminated groundwater, the cleanup target levels for the
295 petroleum products' chemicals of concern shall be based on the
296 surface water standards as established by department rule. The
297 point of measuring compliance with the surface water standards
298 shall be in the groundwater immediately adjacent to the surface
299 water body.

300 8. Whether deviation from state water quality standards or
301 from established criteria is appropriate. The department may
302 issue a "No Further Action Order" based upon the degree to which
303 the desired cleanup target level is achievable and can be
304 reasonably and cost-effectively implemented within available
305 technologies or engineering and institutional control
306 strategies. Where a state water quality standard is applicable,
307 a deviation may not result in the application of cleanup target
308 levels more stringent than the standard. In determining whether
309 it is appropriate to establish alternate cleanup target levels
310 at a site, the department may consider the effectiveness of
311 source removal that has been completed at the site and the
312 practical likelihood of the use of low yield or poor quality
313 groundwater; the use of groundwater near marine surface water
314 bodies; the current and projected use of the affected
315 groundwater in the vicinity of the site; or the use of
316 groundwater in the immediate vicinity of the storage tank area,
317 where it has been demonstrated that the groundwater
318 contamination is not migrating away from such localized source,
319 if the public health, safety, and welfare, water resources, and

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320 the environment are adequately protected.

321 9. Appropriate cleanup target levels for soils.

322 a. In establishing soil cleanup target levels for human
323 exposure to petroleum products' chemicals of concern found in
324 soils from the land surface to 2 feet below land surface, the
325 department shall consider the following, as appropriate:
326 calculations using a lifetime cancer risk level of 1.0E-6; a
327 hazard index of 1 or less; the best achievable detection limit;
328 or the naturally occurring background concentration.

329 b. Leachability-based soil target levels shall be based on
330 protection of the groundwater cleanup target levels or the
331 alternate cleanup target levels for groundwater established
332 pursuant to this paragraph, as appropriate. Source removal and
333 other cost-effective alternatives that are technologically
334 feasible shall be considered in achieving the leachability soil
335 target levels established by the department. The leachability
336 goals do not apply if the department determines, based upon
337 individual site characteristics, that petroleum products'
338 chemicals of concern will not leach into the groundwater at
339 levels which pose a threat to public health, safety, and
340 welfare, water resources, or the environment.

341
342 This paragraph does not restrict the department from temporarily
343 postponing completion of any site rehabilitation program for
344 which funds are being expended whenever such postponement is
345 necessary in order to make funds available for rehabilitation of
346 a contamination site with a higher priority status.

347 (6) CONTRACTING AND CONTRACTOR SELECTION REQUIREMENTS.—

348 (d) The department rules implementing this section must:

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349 1. Specify that only qualified vendors may submit responses
350 on a competitive solicitation. ~~The department rules must also~~

351 2. Include procedures for the rejection of vendors not
352 meeting the minimum qualifications on the opening of a
353 competitive solicitation. ~~and~~

354 3. Include requirements for a vendor to maintain its
355 qualifications in order to enter contracts or perform
356 rehabilitation work.

357 4. Establish a procedure for the processing of invoices
358 that are less than \$500,000 per task, including the direct
359 assignment of such tasks. This procedure may not involve the use
360 of MyFloridaMarketPlace. Invoices that are at least \$500,000 per
361 task may be processed pursuant to chapter 287.

362 5. Require current and future operations and management
363 work tasks for remediation systems to be based on performance-
364 based contracts to ensure efficient and effective cleanup of
365 sites.

366 (n) A site owner or operator may select a contractor,
367 provided the contractor complies with paragraph (c), if the
368 combination of the owner or operator copay and the contractor's
369 discount off the normal rate totals at least 5 percent of the
370 value of the contract. The cost of work must be based on a
371 competitive rate that the department negotiates with each
372 contractor.

373 (13) PETROLEUM CLEANUP PARTICIPATION PROGRAM.—To encourage
374 detection, reporting, and cleanup of contamination caused by
375 discharges of petroleum or petroleum products, the department
376 shall, within the guidelines established in this subsection,
377 implement a cost-sharing cleanup program to provide

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378 rehabilitation funding assistance for all property contaminated
379 by discharges of petroleum or petroleum products occurring
380 before January 1, 1999 ~~1995~~, subject to a copayment provided for
381 in a Petroleum Cleanup Participation Program site rehabilitation
382 agreement. Eligibility is subject to an annual appropriation
383 from the fund. Additionally, funding for eligible sites is
384 contingent upon annual appropriation in subsequent years. Such
385 continued state funding is not an entitlement or a vested right
386 under this subsection. Eligibility shall be determined in the
387 program, notwithstanding any other provision of law, consent
388 order, order, judgment, or ordinance to the contrary.

389 (a) ~~1. The department shall accept any discharge reporting~~
390 ~~form received before January 1, 1995, as an application for this~~
391 ~~program, and the facility owner or operator need not reapply.~~

392 2. Owners or operators of property, regardless of whether
393 ownership has changed, which is contaminated by petroleum or
394 petroleum products from a petroleum storage system may apply for
395 such program by filing a written report of the contamination
396 incident, including evidence that such incident occurred before
397 January 1, 1999 ~~1995~~, with the department. ~~Incidents of~~
398 ~~petroleum contamination discovered after December 31, 1994, at~~
399 ~~sites which have not stored petroleum or petroleum products for~~
400 ~~consumption, use, or sale after such date shall be presumed to~~
401 ~~have occurred before January 1, 1995. An operator's filed report~~
402 ~~shall be an application of the owner for all purposes. Sites~~
403 ~~reported to the department after December 31, 1998, are not~~
404 ~~eligible for the program.~~

405 (b) Subject to annual appropriation from the fund, sites
406 meeting the criteria of this subsection are eligible for up to

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407 \$1 million ~~\$400,000~~ of site rehabilitation funding assistance in
408 priority order pursuant to subsections (5) and (6). Sites
409 meeting the criteria of this subsection for which a site
410 rehabilitation completion order was issued before June 1, 2008,
411 do not qualify for the 2008 increase in site rehabilitation
412 funding assistance and are bound by the pre-June 1, 2008,
413 limits. Sites meeting the criteria of this subsection for which
414 a site rehabilitation completion order was not issued before
415 June 1, 2008, regardless of whether they have previously
416 transitioned to nonstate-funded cleanup status, may continue
417 state-funded cleanup pursuant to this section until a site
418 rehabilitation completion order is issued or the increased site
419 rehabilitation funding assistance limit is reached, whichever
420 occurs first. The department may not pay expenses incurred
421 beyond the scope of an approved contract.

422 (c) Upon notification by the department that rehabilitation
423 funding assistance is available for the site pursuant to
424 subsections (5) and (6), the owner, operator, or person
425 otherwise responsible for site rehabilitation shall provide the
426 department with a limited contamination assessment report and
427 shall enter into a Petroleum Cleanup Participation Program site
428 rehabilitation agreement with the department. The agreement must
429 provide for a 25-percent copayment by the owner, operator, or
430 person otherwise responsible for conducting site rehabilitation.
431 The owner, operator, or person otherwise responsible for
432 conducting site rehabilitation shall adequately demonstrate the
433 ability to meet the copayment obligation. The limited
434 contamination assessment report and the copayment costs may be
435 reduced or eliminated if the owner and all operators responsible

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436 for restoration under s. 376.308 demonstrate that they cannot
437 financially comply with the copayment and limited contamination
438 assessment report requirements. The department shall take into
439 consideration the owner's and operator's net worth in making the
440 determination of financial ability. In the event the department
441 and the owner, operator, or person otherwise responsible for
442 site rehabilitation cannot complete negotiation of the cost-
443 sharing agreement within 120 days after beginning negotiations,
444 the department shall terminate negotiations and the site shall
445 be ineligible for state funding under this subsection and all
446 liability protections provided for in this subsection shall be
447 revoked.

448 (d) A report of a discharge made to the department by a
449 person pursuant to this subsection or any rules adopted pursuant
450 to this subsection may not be used directly as evidence of
451 liability for such discharge in any civil or criminal trial
452 arising out of the discharge.

453 (e) This subsection does not preclude the department from
454 pursuing penalties under s. 403.141 for violations of any law or
455 any rule, order, permit, registration, or certification adopted
456 or issued by the department pursuant to its lawful authority.

457 (f) Upon the filing of a discharge reporting form under
458 paragraph (a), the department or local government may not pursue
459 any judicial or enforcement action to compel rehabilitation of
460 the discharge. This paragraph does not prevent any such action
461 with respect to discharges determined ineligible under this
462 subsection or to sites for which rehabilitation funding
463 assistance is available pursuant to subsections (5) and (6).

464 (g) The following are excluded from participation in the

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465 program:

466 1. Sites at which the department has been denied reasonable
467 site access to implement this section.

468 2. Sites that were active facilities when owned or operated
469 by the Federal Government.

470 3. Sites that are identified by the United States
471 Environmental Protection Agency to be on, or which qualify for
472 listing on, the National Priorities List under Superfund. This
473 exception does not apply to those sites for which eligibility
474 has been requested or granted as of the effective date of this
475 act under the Early Detection Incentive Program established
476 pursuant to s. 15, chapter 86-159, Laws of Florida.

477 4. Sites for which contamination is covered under the Early
478 Detection Incentive Program, the Abandoned Tank Restoration
479 Program, or the Petroleum Liability and Restoration Insurance
480 Program, in which case site rehabilitation funding assistance
481 shall continue under the respective program.

482 Section 4. Paragraph (a) of subsection (2) and subsection
483 (4) of section 376.30713, Florida Statutes, are amended to read:

484 376.30713 Advanced cleanup.—

485 (2) The department may approve an application for advanced
486 cleanup at eligible sites, before funding based on the site's
487 priority ranking established pursuant to s. 376.3071(5)(a),
488 pursuant to this section. Only the facility owner or operator or
489 the person otherwise responsible for site rehabilitation
490 qualifies as an applicant under this section.

491 (a) Advanced cleanup applications may be submitted between
492 May 1 and June 30 and between November 1 and December 31 of each
493 fiscal year. Applications submitted between May 1 and June 30

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494 shall be for the fiscal year beginning July 1. An application
495 must consist of:

496 1. A commitment to pay 25 percent or more of the total
497 cleanup cost deemed recoverable under this section along with
498 proof of the ability to pay the cost share. An application
499 proposing that the department enter into a performance-based
500 contract for the cleanup of 10 ~~20~~ or more sites may use a
501 commitment to pay, a demonstrated cost savings to the
502 department, or both to meet the cost-share requirement. For an
503 application relying on a demonstrated cost savings to the
504 department, the applicant shall, in conjunction with the
505 proposed agency term contractor, establish and provide in the
506 application the percentage of cost savings in the aggregate that
507 is being provided to the department for cleanup of the sites
508 under the application compared to the cost of cleanup of those
509 same sites using the current rates provided to the department by
510 the proposed agency term contractor. The department shall
511 determine whether the cost savings demonstration is acceptable.
512 Such determination is not subject to chapter 120.

513 2. A nonrefundable review fee of \$250 to cover the
514 administrative costs associated with the department's review of
515 the application.

516 3. A limited contamination assessment report.

517 4. A proposed course of action.

518

519 The limited contamination assessment report must be sufficient
520 to support the proposed course of action and to estimate the
521 cost of the proposed course of action. Costs incurred related to
522 conducting the limited contamination assessment report are not

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523 refundable from the Inland Protection Trust Fund. Site
524 eligibility under this subsection or any other provision of this
525 section is not an entitlement to advanced cleanup or continued
526 restoration funding. The applicant shall certify to the
527 department that the applicant has the prerequisite authority to
528 enter into an advanced cleanup contract with the department. The
529 certification must be submitted with the application.

530 (4) The department may enter into contracts for a total of
531 up to \$25 ~~\$15~~ million of advanced cleanup work in each fiscal
532 year. However, a facility or an applicant who bundles multiple
533 sites as specified in subparagraph (2)(a)1. may not be approved
534 for more than \$5 million of cleanup activity in each fiscal
535 year. For the purposes of this section, the term "facility"
536 includes, but is not limited to, multiple site facilities such
537 as airports, port facilities, and terminal facilities even
538 though such enterprises may be treated as separate facilities
539 for other purposes under this chapter.

540 Section 5. This act shall take effect July 1, 2015.

By Senator Dean

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1 A bill to be entitled
2 An act relating to environmental resources; amending
3 s. 259.032, F.S.; requiring the Department of
4 Environmental Protection to publish, update, and
5 maintain a database of conservation lands; requiring
6 the department to submit a report to the Governor and
7 the Legislature identifying the percentage of such
8 lands which the public has access to and the efforts
9 the department has undertaken to increase public
10 access; amending ss. 260.0144 and 335.065, F.S.;
11 conforming provisions to changes made by the act;
12 creating s. 339.81, F.S.; creating the Florida Shared-
13 Use Nonmotorized Trail Network; specifying the
14 composition of the network; requiring a project
15 constructed as part of the network to be included in
16 the Department of Transportation's work program;
17 declaring the planning, development, operation, and
18 maintenance of the network to be a public purpose;
19 authorizing the spending of public funds and the
20 acceptance of certain gifts and grants to be used for
21 such purpose; authorizing the department to transfer
22 maintenance responsibilities to certain state agencies
23 and contract with not-for-profit or private sector
24 entities to provide maintenance services; authorizing
25 the department to adopt rules; creating s. 339.82,
26 F.S.; requiring the department to develop a Shared-Use
27 Nonmotorized Trail Network Plan; creating s. 339.83,
28 F.S.; authorizing the department to enter into
29 concession agreements with not-for-profit or private

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30 sector entities for certain commercial sponsorship
31 signs, markings, and exhibits; authorizing the
32 department to contract for the provision of certain
33 services related to the trail sponsorship program;
34 authorizing the department to reject proposals for
35 such services, seek other proposals, or perform the
36 services; authorizing the department to terminate
37 permits or change locations of sponsorship sites for
38 construction or improvement of facilities under
39 certain circumstances; authorizing the department to
40 adopt rules; amending s. 373.036, F.S.; requiring
41 certain information to be included in the consolidated
42 annual report for each project related to water
43 quality or water quantity; amending s. 373.042, F.S.;
44 requiring the Department of Environmental Protection
45 or the governing board of a water management district
46 to establish a minimum flow or minimum water level for
47 an Outstanding Florida Spring; requiring the
48 establishment of interim minimum flows or minimum
49 water levels if minimum flows or minimum levels have
50 not been adopted; requiring the application of interim
51 minimum flows or minimum water levels in water
52 management districts that may affect an interim
53 minimum flow or minimum water level established in
54 another water management district; providing a
55 deadline for development and implementation of
56 recovery or prevention strategies under certain
57 circumstances; amending s. 373.0421, F.S.; conforming
58 cross-references; creating part VIII of ch. 373, F.S.,

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59 entitled the "Florida Springs and Aquifer Protection
60 Act"; creating s. 373.801, F.S.; providing legislative
61 findings and intent; creating s. 373.802, F.S.;

62 defining terms; creating s. 373.803, F.S.; requiring
63 the department to delineate a spring protection and
64 management zone for each Outstanding Florida Spring by
65 a certain date; requiring the department to adopt by
66 rule maps and legal descriptions that depict the
67 delineation of each spring protection and management
68 zone by a certain date; creating s. 373.805, F.S.;

69 requiring the department or a water management
70 district to adopt or revise various recovery or
71 prevention strategies under certain circumstances by a
72 certain date; providing minimum requirements for
73 recovery or prevention strategies for Outstanding
74 Florida Springs; authorizing local governments to
75 apply for an extension for projects in an adopted
76 recovery or prevention strategy; creating s. 373.807,
77 F.S.; requiring the department to initiate assessments
78 of Outstanding Florida Springs by a certain date;

79 requiring the department to develop basin management
80 action plans; authorizing local governments to apply
81 for an extension for projects in an adopted basin
82 management action plan; requiring local governments to
83 adopt an urban fertilizer ordinance by a certain date;

84 requiring the department, the Department of Health,
85 and local governments to identify onsite sewage
86 treatment and disposal systems within each spring
87 protection and management zone; requiring local

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88 governments to develop onsite sewage treatment and
89 disposal system remediation plans; prohibiting
90 property owners with identified onsite sewage
91 treatment and disposal systems from being required to
92 pay certain costs; creating s. 373.809, F.S.;
93 requiring the department to adopt rules to fund
94 certain pilot projects; creating s. 373.811, F.S.;
95 specifying prohibited activities within a spring
96 protection and management zone of an Outstanding
97 Florida Spring; creating s. 373.813, F.S.; providing
98 rulemaking authority; creating s. 373.815, F.S.;
99 requiring the department to submit annual reports;
100 amending s. 403.061, F.S.; requiring the department to
101 create a consolidated water resources work plan;
102 requiring the department to create and maintain a web-
103 based interactive map; creating s. 403.0616, F.S.;
104 creating the Florida Water Resources Advisory Council
105 to provide the Legislature with recommendations for
106 projects submitted by governmental entities; requiring
107 the council to consolidate various reports to enhance
108 the water resources of this state; requiring the
109 department to adopt rules; amending s. 403.0623, F.S.;
110 requiring the department to establish certain
111 standards to ensure statewide consistency; requiring
112 the department to maintain a centralized database for
113 testing results and analysis of water quantity and
114 quality data; providing an effective date.

115
116 Be It Enacted by the Legislature of the State of Florida:

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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

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146 information for lands owned by federal and local government
147 entities that allow access for recreational purposes.

148 4. By January 1 of each year, the department shall provide
149 a report to the Governor, the President of the Senate, and the
150 Speaker of the House of Representatives describing the
151 percentage of public lands acquired under this chapter to which
152 the public has access and efforts undertaken by the department
153 to increase public access to such lands.

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

156 260.0144 Sponsorship of state greenways and trails.—The
157 department may enter into a concession agreement with a not-for-
158 profit entity or private sector business or entity for
159 commercial sponsorship to be displayed on state greenway and
160 trail facilities not included within the Shared-Use Nonmotorized
161 Trail Network established in chapter 339 ~~or property specified~~
162 ~~in this section~~. The department may establish the cost for
163 entering into a concession agreement.

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

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

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

173 1. One large sign or display, not to exceed 16 square feet
174 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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204 on forms adopted by department rule.

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

208 (3) A concession agreement shall be for a minimum of 1
209 year, but may be for a longer period under a multiyear
210 agreement, and may be terminated for just cause by the
211 department upon 60 days' advance notice. Just cause for
212 termination of a concession agreement includes, but is not
213 limited to, violation of the terms of the concession agreement
214 or any provision of this section.

215 (4) Commercial sponsorship pursuant to a concession
216 agreement is for public relations or advertising purposes of the
217 not-for-profit entity or private sector business or entity, and
218 may not be construed by that not-for-profit entity or private
219 sector business or entity as having a relationship to any other
220 actions of the department.

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

223 (6) Proceeds from concession agreements shall be
224 distributed as follows:

225 (a) Eighty-five percent shall be deposited into the
226 appropriate department trust fund that is the source of funding
227 for management and operation of state greenway and trail
228 facilities and properties.

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

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233 (7) The department may adopt rules to administer this
234 section.

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

237 335.065 Bicycle and pedestrian ways along state roads and
238 transportation facilities.—

239 (3) The department, in cooperation with the Department of
240 Environmental Protection, shall establish a statewide integrated
241 system of bicycle and pedestrian ways in such a manner as to
242 take full advantage of any such ways which are maintained by any
243 governmental entity. ~~The department may enter into a concession~~
244 ~~agreement with a not for profit entity or private sector~~
245 ~~business or entity for commercial sponsorship displays on~~
246 ~~multiuse trails and related facilities and use any concession~~
247 ~~agreement revenues for the maintenance of the multiuse trails~~
248 ~~and related facilities. Commercial sponsorship displays are~~
249 ~~subject to the requirements of the Highway Beautification Act of~~
250 ~~1965 and all federal laws and agreements, when applicable. For~~
251 ~~the purposes of this section, bicycle facilities may be~~
252 ~~established as part of or separate from the actual roadway and~~
253 ~~may utilize existing road rights of way or other rights of way~~
254 ~~or easements acquired for public use.~~

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

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

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

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

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

267 ~~3. The department shall ensure that the size, color,~~
268 ~~materials, construction, and location of all signs are~~
269 ~~consistent with the management plan for the property and the~~
270 ~~standards of the department, do not intrude on natural and~~
271 ~~historic settings, and contain only a logo selected by the~~
272 ~~sponsor and the following sponsorship wording:~~

273
274 ~~... (Name of the sponsor) ... proudly sponsors the costs~~
275 ~~of maintaining the ... (Name of the greenway or~~
276 ~~trail) ...~~

277
278 ~~4. All costs of a display, including development,~~
279 ~~construction, installation, operation, maintenance, and removal~~
280 ~~costs, shall be paid by the concessionaire.~~

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

288 ~~(4) (a) The department may use appropriated funds to support~~
289 ~~the establishment of a statewide system of interconnected~~
290 ~~multiuse trails and to pay the costs of planning, land~~

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291 ~~acquisition, design, and construction of such trails and related~~
292 ~~facilities. The department shall give funding priority to~~
293 ~~projects that:~~

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

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

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

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

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

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

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

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

311 339.81 Florida Shared-Use Nonmotorized Trail Network.-

312 (1) The Florida Shared-Use Nonmotorized Trail Network is
313 created as a component of the Florida Greenways and Trails
314 System established in chapter 260. The network consists of
315 multiuse trails or shared-use paths physically separated from
316 motor vehicle traffic and constructed with asphalt, concrete, or
317 another hard surface which, by virtue of design, location,
318 extent of connectivity or potential connectivity, and allowable
319 uses, provide nonmotorized transportation opportunities for

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320 bicyclists and pedestrians between and within a wide range of
321 points of origin and destinations, including, but not limited
322 to, communities, conservation areas, state parks, beaches, and
323 other natural or cultural attractions for a variety of trip
324 purposes, including work, school, shopping, and other personal
325 business, as well as social, recreational, and personal fitness
326 purposes.

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

331 (a) On-road facilities that are no greater than one-half
332 mile in length connecting two or more nonmotorized trails, if
333 the provision of non-road facilities is unfeasible and if such
334 on-road facilities are signed and marked for nonmotorized use;
335 or

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

338 (3) The department shall include a project to be
339 constructed as part of the Shared-Use Nonmotorized Trail Network
340 in its work program developed pursuant to s. 339.135.

341 (4) The planning, development, operation, and maintenance
342 of the Shared-Use Nonmotorized Trail Network is declared to be a
343 public purpose, and the department, together with other agencies
344 of this state and all counties, municipalities, and special
345 districts of this state, may spend public funds for such
346 purposes and may accept gifts and grants of funds, property, or
347 property rights from public or private sources to be used for
348 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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465 location of sponsorship sites, and permit applications and
 466 processing. The department may adopt rules to establish other
 467 criteria necessary to implement this section and to provide for
 468 variances when necessary to serve the interest of the public or
 469 when required to ensure equitable treatment of program
 470 participants.

471 Section 7. Paragraph (b) of subsection (7) of section
 472 373.036, Florida Statutes, is amended, present paragraphs (d)
 473 and (e) of subsection (7) are redesignated as paragraphs (e) and
 474 (f), respectively, and a new paragraph (d) is added to that
 475 subsection, to read:

476 373.036 Florida water plan; district water management
 477 plans.—

478 (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.—

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

482 1. A district water management plan annual report or the
 483 annual work plan report allowed in subparagraph (2)(e)4.

484 2. The department-approved minimum flows and levels annual
 485 priority list and schedule required by s. 373.042(3) ~~s.~~
 486 ~~373.042(2)~~.

487 3. The annual 5-year capital improvements plan required by
 488 s. 373.536(6)(a)3.

489 4. The alternative water supplies annual report required by
 490 s. 373.707(8)(n).

491 5. The final annual 5-year water resource development work
 492 program required by s. 373.536(6)(a)4.

493 6. The Florida Forever Water Management District Work Plan

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494 annual report required by s. 373.199(7).

495 7. The mitigation donation annual report required by s.
496 373.414(1)(b)2.

497 (d) The consolidated annual report must contain information
498 on all projects related to water quality or water quantity as
499 part of a 5-year work program, including:

500 1. A list of all specific projects identified to implement
501 a basin management action plan or a recovery or prevention
502 strategy;

503 2. A priority grading scale representing the level of
504 impairment and violations of adopted or interim minimum flow or
505 minimum water level for each watershed, water body, or water
506 segment in which a project is located;

507 3. A priority ranking for each listed project, which must
508 be made available to the public for comment at least 30 days
509 before submission of the consolidated annual report;

510 4. The estimated cost for each listed project;

511 5. The estimated completion date for each listed project;

512 6. The source and amount of financial assistance to be made
513 available by the department, a water management district, or
514 other entity for each listed project; and

515 7. A quantitative estimate of each listed project's benefit
516 to the watershed, water body, or water segment in which it is
517 located.

518 Section 8. Subsection (1) and present subsections (2) and
519 (6) of section 373.042, Florida Statutes, are amended, present
520 subsections (2) through (6) of that section are redesignated as
521 subsections (3) through (7), respectively, and a new subsection
522 (2) is added to that section, to read:

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523 373.042 Minimum flows and levels.—

524 (1) Within each section, or within the water management
525 district as a whole, the department or the governing board shall
526 establish the following:

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

531 (b) Minimum water level. The minimum water level is ~~shall~~
532 ~~be~~ the level of groundwater in an aquifer and the level of
533 surface water at which further withdrawals would be
534 significantly harmful to the water resources or ecology of the
535 area.

536 (c) Minimum flow or minimum water level for an Outstanding
537 Florida Spring, as defined in s. 373.802. The minimum flow or
538 minimum water level are the limit and level, respectively, at
539 which further withdrawals would be harmful to the water
540 resources or ecology of the area.

541
542 The minimum flow and minimum water level shall be calculated by
543 the department and the governing board using the best
544 information available. When appropriate, minimum flows and
545 minimum water levels may be calculated to reflect seasonal
546 variations. The department and the governing board shall ~~also~~
547 consider, and at their discretion may provide for, the
548 protection of nonconsumptive uses in the establishment of
549 minimum flows and minimum water levels.

550 (2) (a) Until such time as a minimum flow or minimum water
551 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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755 vulnerable to sources of contamination or reduced levels, as
756 determined by the department in consultation with the
757 appropriate water management districts.

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

761 (8) "Spring vent" means a location where groundwater flows
762 out of a natural, discernable opening in the ground onto the
763 land surface or into a predominantly fresh surface water body.

764 Section 13. Section 373.803, Florida Statutes, is created
765 to read:

766 373.803 Delineation of spring protection and management
767 zones for Outstanding Florida Springs.—Using the best data
768 available from the water management districts and other credible
769 sources, the department, in coordination with the water
770 management districts, shall delineate one or more spring
771 protection and management zones for each Outstanding Florida
772 Spring. In delineating spring protection and management zones,
773 the department shall consider groundwater travel time to the
774 spring, hydrogeology, and nutrient load. The delineation of
775 spring protection and management zones must be completed by July
776 1, 2016. In conjunction with delineating spring protection and
777 management zones, the department shall adopt by rule maps and
778 legal descriptions that depict the delineated spring protection
779 and management zones as soon as practicable but no later than
780 July 1, 2017.

781 Section 14. Section 373.805, Florida Statutes, is created
782 to read:

783 373.805 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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842 level.

843 (5) A local government may apply to the department for an
844 extension of up to 5 years for any project in an adopted
845 recovery or prevention strategy. The department may grant the
846 extension if the local government provides to the department
847 sufficient evidence that an extension is in the best interest of
848 the public. For a local government in a rural area of
849 opportunity, as defined in s. 288.0656, the department may grant
850 an extension of up to 10 years.

851 Section 15. Section 373.807, Florida Statutes, is created
852 to read:

853 373.807 Protection of water quality in Outstanding Florida
854 Springs.—By July 1, 2015, the department shall initiate
855 assessment, pursuant to s. 403.067(3), of each Outstanding
856 Florida Spring for which an impairment determination has not
857 been made under the numeric nutrient standards in effect for
858 spring vents. Assessments must be completed by July 1, 2018.

859 (1) (a) Simultaneously with the adoption of a nutrient total
860 maximum daily load for an Outstanding Florida Spring, the
861 department, or the department in conjunction with a water
862 management district, shall initiate development of a basin
863 management action plan, as specified in s. 403.067. For an
864 Outstanding Florida Spring with a nutrient total maximum daily
865 load adopted before July 1, 2015, the department, or the
866 department in conjunction with a water management district,
867 shall initiate development of a basin management action plan by
868 July 1, 2015. During the development of a basin management
869 action plan, if the department identifies onsite sewage
870 treatment and disposal systems as significant nonpoint sources

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871 of nutrient pollution which need to be addressed within a local
872 government jurisdiction, the department shall notify the local
873 government within 30 days. The local government shall develop an
874 onsite sewage treatment and disposal system remediation plan
875 pursuant to subsection (3) for those systems identified as
876 significant nonpoint sources of nutrient pollution for inclusion
877 in the basin management action plan.

878 (b) A basin management action plan for an Outstanding
879 Florida Spring shall be adopted within 3 years after its
880 initiation and must include, at a minimum:

881 1. A list of all specific projects identified to implement
882 a nutrient total maximum daily load;

883 2. A list of all specific projects identified in an onsite
884 sewage treatment and disposal system remediation plan, if
885 applicable;

886 3. A priority rank for each listed project;

887 4. For each listed project, the estimated cost of and the
888 estimated date of completion;

889 5. The source and amount of financial assistance to be made
890 available by the department, a water management district, or
891 other entity for each listed project;

892 6. An estimate of each listed project's nutrient load
893 reduction;

894 7. A map and legal descriptions depicting the spring
895 protection and management zones established pursuant to s.
896 373.803;

897 8. Identification of each point source or category of
898 nonpoint sources, including, but not limited to, urban turf
899 fertilizer, sports turf fertilizer, agricultural fertilizer,

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900 onsite sewage treatment and disposal systems, wastewater
901 treatment facilities, animal wastes, and stormwater facilities.
902 An estimated allocation of the pollutant load must be provided
903 for each point source or category of nonpoint sources; and

904 9. An implementation plan to achieve the adopted nutrient
905 total maximum daily load within 20 years after the adoption of a
906 basin management action plan. The plan must include measureable
907 interim milestones to be achieved within 5, 10, and 15 years,
908 respectively, to achieve the adopted nutrient total maximum
909 daily load.

910 (c) For a basin management action plan adopted before July
911 1, 2015, which addresses an Outstanding Florida Spring, the
912 department or the department in conjunction with a water
913 management district must revise the plan pursuant to this
914 section by July 1, 2018.

915 (d) Upon approval of an onsite sewage treatment and
916 disposal system remediation plan by the department, the plan
917 shall be deemed incorporated as part of the appropriate basin
918 management action plan pursuant to s. 403.067(7) until such time
919 as the basin management action plan is revised.

920 (e) A local government may apply to the department for an
921 extension of up to 5 years for any project in an adopted basin
922 management action plan. A local government in a rural area of
923 opportunity, as defined in s. 288.0656, may apply for an
924 extension of up to 10 years for such a project. The department
925 may grant the extension if the local government provides to the
926 department sufficient evidence that an extension is in the best
927 interest of the public.

928 (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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958 the plan must include whether the system requires repair,
959 upgrade, connection to a central sewerage system, or no action.
960 The plan must include a priority ranking for each system or
961 group of systems that require remediation. Each remediation plan
962 must be submitted to the department for approval.

963 (a) In reviewing and approving the remediation plans, the
964 department shall consider, at a minimum:

965 1. The density of onsite sewage treatment and disposal
966 systems;

967 2. The number of onsite sewage treatment and disposal
968 systems;

969 3. The proximity of the onsite sewage treatment and
970 disposal system or systems to an Outstanding Florida Spring;

971 4. The estimated nutrient loading of the onsite sewage
972 treatment and disposal system or systems; and

973 5. The cost of the proposed remedial action.

974 (b) Before submitting an onsite sewage treatment and
975 disposal system remediation plan to the department, the local
976 government shall hold at least one public meeting to provide the
977 public an opportunity to comment on the plan. The approval of an
978 onsite sewage treatment and disposal system remediation plan by
979 the department constitutes a final agency action.

980 (c) If a local government does not substantially comply
981 with this subsection, it may be ineligible for funding pursuant
982 to s. 373.809.

983 (d) With respect to implementation of an onsite sewage
984 treatment and disposal system remediation plan, a property owner
985 with an onsite sewage treatment and disposal system identified
986 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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1103 by rule by the Department of Agriculture and Consumer Services.

1104 Section 19. Section 373.815, Florida Statutes, is created
1105 to read:

1106 373.815 Reports.—Each July 1, beginning July 1, 2016, the
1107 department, in conjunction with the water management districts,
1108 shall submit progress reports to the Governor, the President of
1109 the Senate, and the Speaker of the House of Representatives on
1110 the status of each total maximum daily load, basin management
1111 action plan, minimum flow or minimum water level, and recovery
1112 or prevention strategy adopted pursuant to this part. The report
1113 must include the status of each project identified to achieve an
1114 adopted total maximum daily load or an adopted or interim
1115 minimum flow or minimum water level, as applicable. If a report
1116 indicates that any of the interim 5-, 10-, or 15-year
1117 milestones, or the 20-year deadline will not be met, the report
1118 must include specific corrective actions that will be taken to
1119 achieve these milestones and deadlines, and, if necessary,
1120 executive and legislative recommendations to that end.

1121 Section 20. Subsection (25) of section 403.061, Florida
1122 Statutes, is amended and subsection (45) is added to that
1123 section, to read:

1124 403.061 Department; powers and duties.—The department shall
1125 have the power and the duty to control and prohibit pollution of
1126 air and water in accordance with the law and rules adopted and
1127 promulgated by it and, for this purpose, to:

1128 (25) (a) Establish and administer a program for the
1129 restoration and preservation of bodies of water within the
1130 state. The department shall have the power to acquire lands, to
1131 cooperate with other applicable state or local agencies to

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1132 enhance existing public access to such bodies of water, and to
1133 adopt all rules necessary to accomplish this purpose.

1134 (b) Create a consolidated water resources work plan, in
1135 consultation with state agencies, water management districts,
1136 and local governments, which provides a geographic depiction of
1137 the total inventory of water resources projects currently under
1138 construction, completed in the previous 5 years, or planned to
1139 begin construction in the next 5 years. The consolidated work
1140 plan must include for each project a description of the project,
1141 the total cost of the project, and identification of the
1142 governmental entity financing the project. This information
1143 together with the information provided pursuant to paragraph
1144 (45) (a) is intended to facilitate the ability of the Florida
1145 Water Resources Advisory Council, the Legislature, and the
1146 public to consider the projects contained in the tentative water
1147 resources work program developed pursuant to s. 403.0616 in
1148 relation to all projects undertaken within a 10-year period and
1149 the existing condition of water resources in the project area
1150 and in the state as a whole. The department may adopt all rules
1151 necessary to accomplish this purpose.

1152 (45) (a) Create and maintain a web-based, interactive map
1153 that includes, at a minimum:

- 1154 1. All watersheds and each water body within those
1155 watersheds;
- 1156 2. The county or counties in which the watershed or water
1157 body is located;
- 1158 3. The water management district or districts in which the
1159 watershed or water body is located;
- 1160 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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1190 reducing and eliminating contamination that presents a threat to
1191 humans, animals or plants, or to the environment.

1192 Section 21. Section 403.0616, Florida Statutes, is created
1193 to read:

1194 403.0616 Florida Water Resources Advisory Council.—

1195 (1) The Florida Water Resources Advisory Council is hereby
1196 created within the department for the purpose of evaluating
1197 water resource projects prioritized and submitted by state
1198 agencies, water management districts, or local governments. The
1199 council shall evaluate and recommend projects that are eligible
1200 for state funding as priority projects of statewide, regional,
1201 or critical local importance under this chapter or chapter 373.
1202 The council must review and evaluate all water resource projects
1203 that are prioritized and reported by state agencies or water
1204 management districts pursuant to s. 373.036(7)(d)3., or by local
1205 governments, if applicable, in order to provide the Legislature
1206 with recommendations for projects that improve or restore the
1207 water resources of this state.

1208 (2) The Florida Water Resources Advisory Council consists
1209 of five voting members and five ex officio, nonvoting members as
1210 follows:

1211 (a) The Secretary of Environmental Protection, who shall
1212 serve as chair of the council; the Commissioner of Agriculture;
1213 the executive director of the Fish and Wildlife Conservation
1214 Commission; one member with expertise in a scientific discipline
1215 related to water resources, appointed by the President of the
1216 Senate; and one member with expertise in a scientific discipline
1217 related to water resources, appointed by the Speaker of the
1218 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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1248 Governor, the President of the Senate, and the Speaker of the
1249 House of Representatives by August 31 of each year. An
1250 affirmative vote of three members of the council is required to
1251 adopt the tentative work program.

1252 (7) The department shall provide primary staff support to
1253 the council and shall ensure that council meetings are
1254 electronically recorded. Such recordings must be preserved
1255 pursuant to chapters 119 and 257.

1256 (8) The council shall recommend rules for adoption by the
1257 department to competitively evaluate, select, and rank projects
1258 for the tentative water resources work program. The council
1259 shall develop specific criteria for the evaluation, selection,
1260 and ranking of projects, including a preference for projects
1261 that will have a significant, measurable impact on improving
1262 water quantity or water quality; projects in areas of greatest
1263 impairment; projects of state or regional significance; projects
1264 recommended by multiple districts or multiple local governments
1265 cooperatively; projects with a significant monetary commitment
1266 by the local project sponsor or sponsors; projects in rural
1267 areas of opportunity as defined in s. 288.0656; projects that
1268 may be funded through appropriate loan programs; and projects
1269 that have significant private contributions of time or money.

1270 (9) The department, in consultation with the Department of
1271 Agriculture and Consumer Services, the Fish and Wildlife
1272 Conservation Commission, and the water management districts,
1273 shall adopt rules to implement this section.

1274 Section 22. Section 403.0623, Florida Statutes, is amended
1275 to read:

1276 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
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/15
Meeting Date

918
Bill Number (if applicable)

Topic Greenways + Trails ~~Trail~~

Amendment Barcode (if applicable)

Name Linda Myers

Job Title _____

Address _____
Street

Phone 386-325-6133

City _____ State _____ Zip _____

Email LindaMyersCPA@Comcast.net

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Patron County Blue Ways + Trails

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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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-11-2015

SB 918

Meeting Date

Bill Number (if applicable)

Topic Spring - BMARE

Amendment Barcode (if applicable)

Name Debbie Harrison Rumberger

Job Title Legislative Liaison

Address 540 Brook Court

Phone 850-224-2545

Street

City

Tallahassee

State

Zip

Email lwvfrdubocag@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida League of Women Voters

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

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Meeting Date _____ Bill Number (if applicable) _____

Topic water policy Amendment Barcode (if applicable) _____

Name Eric Draper

Job Title _____

Address 308 N Monroe Phone 850 222 2473
Street

Tallahassee FL 32305 Email _____
City State Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Arduban

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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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/15

Meeting Date

918

Bill Number (if applicable)

Topic Env/water Resources

Amendment Barcode (if applicable)

Name MIKE REGISTER

Job Title SJRWMD

Address 4049 REIN ST.

Phone 386-717-9092

Street

PALATKA FL

Email MREGISTER@SJRWMD.COM

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing ST. JOHNS RIVER WATER MNGT 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.

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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)

3/11/15

Meeting Date

918

Bill Number (if applicable)

Topic Water Resources

Amendment Barcode (if applicable)

Name Ryan Matthews

Job Title Assoc. Director - Leg. Affairs

Address PO Box 1757

Phone 222 9684

Street Tallahassee State FL Zip 32302

Email matthews@flcities.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

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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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/15
Meeting Date

Topic Spring bill

Bill Number 918
(if applicable)

Name Mark Hammond

Amendment Barcode _____
(if applicable)

Job Title Div Dir - Res. mgmt

Address ~~600~~ 2379 Broad St.
Street

Phone 800 423 1476

Brooksville FL 34604
City State Zip

E-mail mark.hammond@watermatters.org

Speaking: For Against Information

Representing SWFLMD

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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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/15
Meeting Date

918
Bill Number (if applicable)

Topic Greenways + Trails

Amendment Barcode (if applicable)

Name Peggy Matthews

Job Title _____

Address _____
Street
Tall
City State Zip

Phone 850 566-6778

Email mathewsp@flaolc.com

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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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/15
Meeting Date

918
Bill Number (if applicable)

Topic Greenway + Trails

Amendment Barcode (if applicable)

Name Dale Allen

Job Title Ex Director

Address _____
Street

Phone 850.591.7696

Tall _____
City State Zip

Email _____

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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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/15

Meeting Date

918

Bill Number (if applicable)

Topic Water Policy Bill

Amendment Barcode (if applicable)

Name Nick Wooten

Job Title Director of Resource Management

Address 81 Water Management dr

Phone 850-539-5999

Street

Havana

City

FL

State

32333

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Northwest Florida 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.

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THE FLORIDA SENATE
APPEARANCE RECORD

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3-11-15

Meeting Date

918

Bill Number (if applicable)

Topic Springs

Amendment Barcode (if applicable)

Name Carlos Herd

Job Title Water Supply Division Director

Address 9225 CR 49

Phone 386-362-1001

Street

Live Oak

FL

32060

Email _____

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing SRWMD

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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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/15
Meeting Date

SB 918
Bill Number (if applicable)

Topic Environmental Resources

Amendment Barcode (if applicable)

Name Travis Moore

Job Title _____

Address P.O. Box 781
Street

Phone 727.421.6902

Largo, FL 33779
City State Zip

Email mooret@tampabay.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Defenders of Wildlife

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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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-11-15

Meeting Date

SB 918

Bill Number (if applicable)

Topic Water

Amendment Barcode (if applicable)

Name Stephanie Kunkel

Job Title _____

Address 1143 Albritton Dr

Phone 850-320-4208

Street

Tallahassee

FL

32301

Email stef.kunkel@gmail.com

City

State

Zip

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

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)

3-11

Meeting Date

918

Bill Number (if applicable)

Topic SPRING 5

Amendment Barcode (if applicable)

Name KURT SPITZER

Job Title EXEC. DIRECTOR

Address 719 E PARK

Phone 228 6212

Street

City State Zip

Email KURTSPITZER@KSANET.NET

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing PLA STORM WATER ASSOCIATION

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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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/15

Meeting Date

SB 918

Bill Number (if applicable)

Topic ~~SB 918~~ Spring Protection

Amendment Barcode (if applicable)

Name JOHN BUSS

Job Title

Address City of Tallahassee 300 S. Adams Street

Phone 850-891-6852

TLH FL 32301 City State Zip

Email john.buss@talgov.com

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing City of Tallahassee

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)

3/11/15

Meeting Date

Bill Number (if applicable)

Topic Senate EPC

Amendment Barcode (if applicable)

Name Paula Cobb

Job Title Deputy Secretary of Regulatory Programs

Address 3700 Commonwealth Blvd.

Phone

Street

Tallahassee

City

FL

State

32399

Zip

Email

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing DEP

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

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3/11/15

Meeting Date

Bill Number (if applicable)

Topic Senate EPC

Amendment Barcode (if applicable)

Name Craig Vaen

Job Title General Counsel / Director of Water Policy

Address 3700 Commonwealth Blvd. Phone _____

Street

Tallahassee

City

FL

State

32399

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing DEP

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD

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914

Meeting Date

Bill Number (if applicable)

Topic SB 914

Amendment Barcode (if applicable)

Name LOUIE WILLIAMS

Job Title COUNTY MANAGER, COLOMBIA CITY

Address PO BOX 1525 LOUIS CITY

Phone ~~850~~ 281 755 4100

Street

LOUIS CITY 32056

Email

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing NORTH FLORIDA WATER WORKS GROUP

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)

SB 918

Meeting Date _____

Bill Number (if applicable) _____

Topic Spring's Protection

Amendment Barcode (if applicable) _____

Name Janet Bowman

Job Title Director of Legislative Policy & Strategies

Address 234 E 5th Avenue Phone 207-9406

Street

Tall FL 32303 Email Janet-Bowman@TRENY

City

State

Zip

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)

11 March 2015
Meeting Date

SB 918
Bill Number (if applicable)

Topic Onsite SYSTEMS in bill

Amendment Barcode (if applicable)

Name Roxanne L. Groover

Job Title EXECUTIVE DIRECTOR

Address 5115 STATE ROAD 557

Phone 813 504 8340

Street

LAKE ALFRED FL 33850

City

State

Zip

Email rgroover@

FOWAonsite.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)

918

Meeting Date _____

Bill Number (if applicable) _____

Topic 918

Amendment Barcode (if applicable) _____

Name Chris Doolin

Job Title SMALL COUNTY COALITION

Address 1118-B THOMASVILLE RD

Phone 850-508-5492

Street
Tallahassee City FLA State 32303 Zip

Email cdoolin@netally.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Small County 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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THE FLORIDA SENATE

APPEARANCE RECORD

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3/11/15

Meeting Date

918

Bill Number (if applicable)

Topic ENV. RESOURCES

Amendment Barcode (if applicable)

Name DAVID CULLEN

Job Title

Address 1674 UNIVERSITY PKWY #296 Phone 941.323.2404

Street

SARASOTA FL 34243 Email cullenasea@aol.com

City

State

Zip

Speaking: [X] 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 [X] No

Lobbyist registered with Legislature: [X] Yes [] No

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THE FLORIDA SENATE
APPEARANCE RECORD

3/11/2015 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

918

Meeting Date

Bill Number (if applicable)

Topic Water Policy

Amendment Barcode (if applicable)

Name Dan Peterson

Job Title Director, Policy Center for Property Rights

Address 2878 S. Osceola Ave

Phone 407-758-2491

Street

Orlando

City

FL

State

32806

Zip

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

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)

S 918
Bill Number (if applicable)

Meeting Date _____

Topic _____

Amendment Barcode (if applicable) _____

Name Jay Liles

Job Title _____

Address POB 6870 Phone _____

Tallahassee FL 32317
Street City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Wildlife Federation

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE

APPEARANCE RECORD

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3/11/15

Meeting Date

918

Bill Number (if applicable)

Topic W SB 918

Amendment Barcode (if applicable)

Name FRANK MATTHEWS

Job Title ATTY

Address PO BOX 6726
Street

Phone 850 227 5000

Email frankm@hysolaw.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing ASSOC OF FLA COMMUNITY DEVELOPERS

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)

3/11/15
Meeting Date

918
Bill Number (if applicable)

Topic Speak on the bill

Amendment Barcode (if applicable)

Name Greg Munson

Job Title _____

Address 215 S. Monroe St., Ste 615
Street

Phone 850-521-1980

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)

3/11/15

Meeting Date

918

Bill Number (if applicable)

Topic ENVIRONMENTAL RESOURCES

Amendment Barcode (if applicable)

Name STEPHEN JAMES

Job Title _____

Address 100 S. MONROE

Phone 922-4300

Street

TALLAHASSEE, FL

City

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

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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)

03/11/15
Meeting Date

SB 918
Bill Number (if applicable)

Topic Trails

Amendment Barcode (if applicable)

Name Jim Wood

Job Title STATE TRANSPORTATION DEVELOPMENT ADMINISTRATOR

Address 605 Suwanee Street
Street

Phone 850 414 5251

Tallahassee FL 32399
City State Zip

Email jim.wood@dot.state.fl.us

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA Department of Transportation

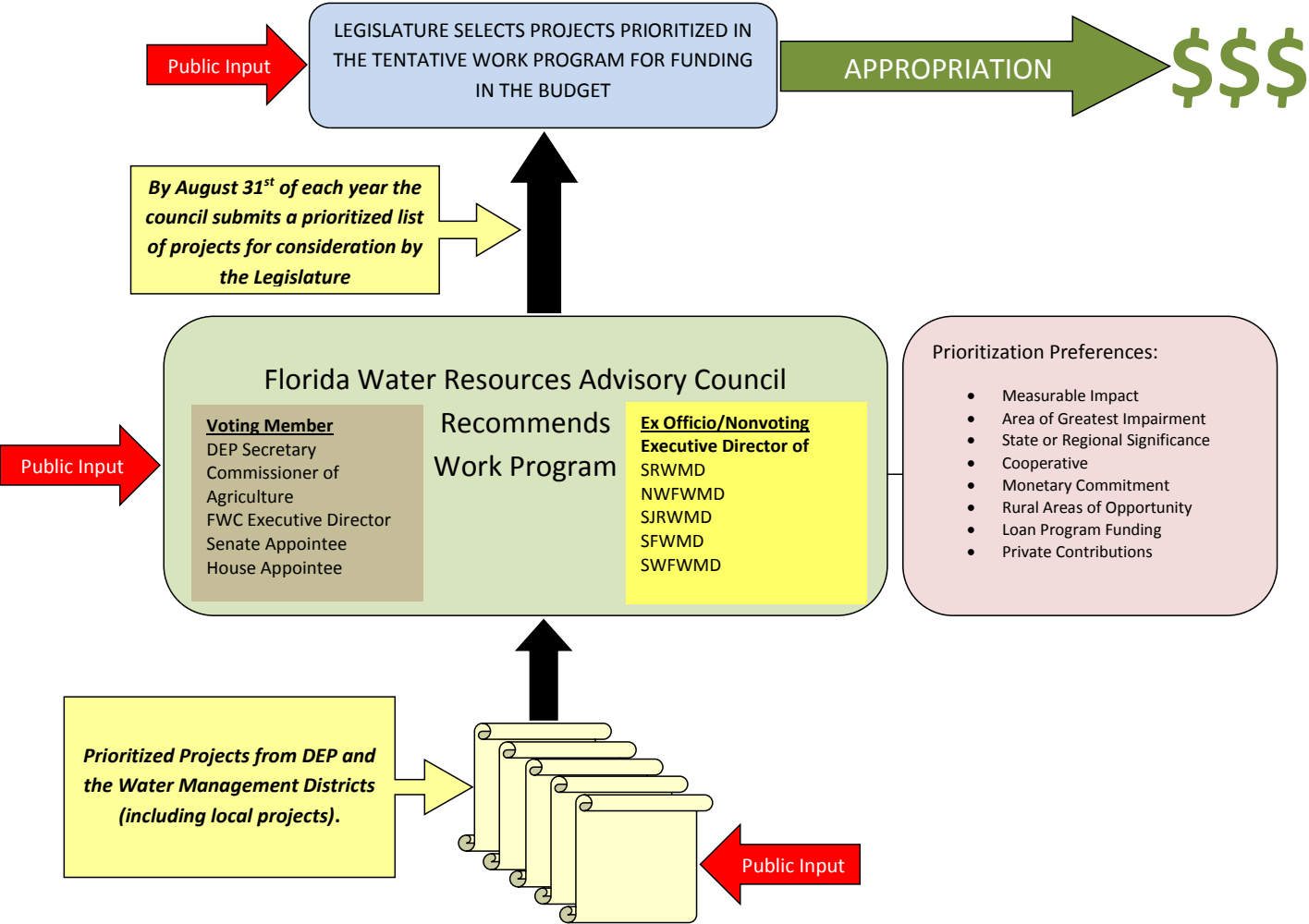
Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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PRIORITIZATION PROCESS FOR STATE FUNDED WATER RESOURCE PROJECTS



DEADLINES FOR IMPROVEMENT OF OUTSTANDING FLORIDA SPRINGS

Bill Section/ Statutory Section	ISSUE	Current estimated Timeline/Deadline for Completion	Timeline/Deadline Established by SB 918	Current Statutory Timeline/Deadline
MINIMUM FLOWS AND LEVELS				
Sec. 8/ s. 373.042(2)(a)	Establishing Minimum Flows and Levels for Outstanding Florida Springs (OFS)	Information from DEP indicates MFLs will be established or proposed for most OFS's by 2019, with two as late as 2021 and 2026.	January 1, 2016. Requires the use of an interim MFL if one has not yet been adopted.	No clear deadline. The requirement to establish MFLs has been in place for over 40 years. DEP maintains an annual priority list.
Sec. 14/ s. 373.805(2)	Revision of Existing MFL adopted before July 1, 2015.	None	July 1, 2018	None
SPRING PROTECTION AND MANAGEMENT ZONES				
Sec. 13/ s. 373.803	Delineation of Spring Protection and Management Zones	Priority areas of focus developed as part of BMAP; no deadline.	July 1, 2016	None
Sec. 13/ s. 373.803	Adoption of maps and legal descriptions of delineated zones.	None	As soon as practicable but no later than July 1, 2017	None
RECOVERY OR PREVENTION STRATEGIES				
Sec. 14/ s. 373.805(1)(a)	Adopt Recovery or Prevention Strategy at the time an MFL is adopted if OFS is below, or projected to be below, MFL within 20 years.		Simultaneous with MFL adoption.	
Sec. 14/ s. 373.805(1)(b)	Adopt Recovery or Prevention Strategy when OFS is below, or projected to be below, interim MFL within 20 years.	None	July 1, 2017	None
Sec. 14/ s. 373.805(3)	Adopt Recovery or Prevention Strategy when OFS falls below, or is projected to be below, MFL within 20 years.		Expediently	
Sec. 8/ s.373.042(2)(c)	Adjacent districts develop and implement recovery or prevention strategy if withdrawals will affect OFS MFL	None	July 1, 2017	None

Bill Section/ Statutory Section	ISSUE	Current estimated Timeline/Deadline for Completion	Timeline/Deadline Established by SB 918	Current Statutory Timeline/Deadline
ASSESSMENTS				
Sec. 15/ s. 373.807	DEP required to initiate assessments of each OFS for which and impairment determination has not been made under the numeric nutrient standard.	Many have been adopted, some are currently pending. The Wacissa group will be under development in 2016.	July 1, 2015	None
Sec. 15/ s. 373.807	DEP required to complete Assessments of each OFS for which and impairment determination has not been made under the numeric nutrient standard.	Many have been adopted, some are currently pending. The Wacissa group will be under development in 2016.	July 1, 2018	None
BASIN MANAGEMENT ACTION PLAN				
Sec. 15/ s. 373.807(1)(a)	Initiation of Basin Management Action Plan	None	Simultaneous with the adoption of a TMDL or July 1, 2015 if TMDL adopted prior to July 1, 2015.	None
Sec. 15/ s. 373.807(1)(b)	Adoption of Basin Management Action Plan	None	Within 3 years after its initiation.	None
Sec. 15/ s. 373.807(1)(c)	Revision of Existing Basin Management Action Plan adopted before July 1, 2015.	None	July 1, 2018	None
MILESTONES				
Sec. 14/ s. 373.805(4)(g)	Recovery or prevention strategy to achieve adopted or interim MFL within 20 years	None	Measurable interim milestones to be achieved within 5, 10, and 15 years, respectively.	None
Sec. 15/ s. 373.807(1)(b)9.	Basin Management Action Plan to achieve the adopted TMDL within 20 years	None	Measurable interim milestones to be achieved within 5, 10, and 15 years, respectively.	None

Bill Section/ Statutory Section	ISSUE	Current estimated Timeline/Deadline for Completion	Timeline/Deadline Established by SB 918	Current Statutory Timeline/Deadline
FERTILIZER STANDARDS				
Sec. 15/ s. 373.807(2)	Local Government required to develop, enact, and implement Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes	None	6 months after delineation of a spring protection and management zone.	None
SEPTIC TANK REMEDIATION				
Sec. 15/ s. 373.807(3)	Identification of onsite sewage treatment and disposal systems within Spring Protection Management Zone.	None	July 1, 2017	None
Sec. 15/ s. 373.807(3)	Onsite sewage treatment and disposal remediation plan.	None	12 months after notification that septic systems are a significant contributor of nonpoint source nutrient pollution.	None
PILOT PROJECTS				
Sec. 16/ s. 373.809	DEP to adopt rules to evaluate, rank, and fund pilot projects designed to reduce pollution or restore flows of springs.	None	December 31, 2015	None
ACTIVITIES PROHIBITED WITHIN SPRING PROTECTION MANAGEMENT ZONES				
Sec. 17/ s. 373.811(1)	Certain new municipal or industrial wastewater disposal facilities.		July 1, 2015	
Sec. 17/ s. 373.811(2)	New onsite sewage treatment and disposal systems on lots less than one acre, unless they are passive nitrogen reducing systems.		6 months after Dept. of Health approves a passive nitrogen reducing system.	
Sec. 17/ s. 373.811(3)	New hazardous waste facilities.		July 1, 2015	
Sec. 17/ s. 373.811(4)	Land application of Class A or Class B biosolids or septage.		July 1, 2015	

Bill Section/ Statutory Section	ISSUE	Current estimated Timeline/Deadline for Completion	Timeline/Deadline Established by SB 918	Current Statutory Timeline/Deadline
Sec. 17/ s. 373.811(5)	New agriculture operations that do not implement BMPs or participate in groundwater monitoring.		July 1, 2015	
PROGRESS REPORTS				
Sec. 19/ s. 373.815	Progress reports on each TMDL, BMAP, MFL, and Recovery and Prevention Strategy for OFSS.		July 1, 2016 , and each July 1 after.	