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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2015	.	
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The Committee on Appropriations (Hays) recommended the following:

Senate Amendment (with title amendment)

Delete lines 3741 - 3944
and insert:

4. Whether, if applicable, a minimum flow or minimum water level has been adopted for the water body and if such minimum flow or minimum water level has not been adopted, the anticipated adoption date;

5. Whether, if applicable, a recovery or prevention strategy has been adopted for the watershed or water body and,



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- 11 if such a plan has not been adopted, the anticipated adoption
12 date;
- 13 6. The impairment status of each water body;
- 14 7. Whether, if applicable, a total maximum daily load has
15 been adopted if the water body is listed as impaired and, if
16 such total maximum daily load has not been adopted, the
17 anticipated adoption date;
- 18 8. Whether, if applicable, a basin management action plan
19 has been adopted for the watershed and, if such a plan has not
20 been adopted, the anticipated adoption date;
- 21 9. Each project listed on the 5-year water resources work
22 program developed pursuant to s. 373.036(7);
- 23 10. The agency or agencies and local sponsor, if any,
24 responsible for overseeing the project;
- 25 11. The total or estimated cost and completion date of each
26 project and the financial contribution of each entity;
- 27 12. The estimated quantitative benefit to the watershed or
28 water body; and
- 29 13. The water projects completed within the last 5 years
30 within the watershed or water body.
- 31 (b) The department and each water management district shall
32 prominently display on their respective websites a hyperlink to
33 the interactive map required by this subsection.

34

35 The department shall implement such programs in conjunction with
36 its other powers and duties and shall place special emphasis on
37 reducing and eliminating contamination that presents a threat to
38 humans, animals or plants, or to the environment.

39 Section 36. Section 403.0616, Florida Statutes, is created



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40 to read:

41 403.0616 Florida Water Resources Advisory Council.—

42 (1) The Florida Water Resources Advisory Council is hereby
43 created within the department for the purpose of evaluating
44 water resource projects prioritized and submitted by state
45 agencies, water management districts, regional water supply
46 authorities, or local governments. The council shall evaluate
47 and recommend projects that are eligible for state funding as
48 priority projects of statewide, regional, or critical local
49 importance under this chapter or chapter 373. The council must
50 review and evaluate all water resource projects that are
51 prioritized and reported by state agencies or water management
52 districts pursuant to s. 373.036(7)(b)8.b., or by local
53 governments, or regional water supply authorities, if
54 applicable, in order to provide the Legislature with
55 recommendations for projects that improve or restore the water
56 resources of this state. The council is also responsible for
57 submitting a prioritization of pilot projects that test the
58 effectiveness of innovative or existing nutrient reduction or
59 water conservation technologies or practices designed to
60 minimize nutrient pollution or restore flows in the water bodies
61 of the state as provided in s. 403.0617.

62 (2) The Florida Water Resources Advisory Council consists
63 of five voting members and five ex officio, nonvoting members as
64 follows:

65 (a) The Secretary of Environmental Protection, who shall
66 serve as chair of the council; the Commissioner of Agriculture;
67 the executive director of the Fish and Wildlife Conservation
68 Commission; one member with expertise in a scientific discipline



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69 related to water resources, appointed by the President of the
70 Senate; and one member with expertise in a scientific discipline
71 related to water resources, appointed by the Speaker of the
72 House of Representatives, all of whom shall be voting members.

73 (b) The executive directors of each of the five water
74 management districts, all of whom shall be nonvoting members.

75 (3) Members appointed by the President of the Senate and
76 Speaker of the House of Representatives shall serve 2-year
77 terms, but may not serve more than a total of 6 years. The
78 President of the Senate and the Speaker of the House of
79 Representatives may fill a vacancy at any time for an unexpired
80 term of an appointed member.

81 (4) If a member of the council is disqualified from serving
82 because he or she no longer holds the position required to serve
83 under this section, the interim head of the agency shall serve
84 as the agency representative.

85 (5) The two appointed council members shall receive
86 reimbursement for expenses and per diem for travel to attend
87 council meetings authorized pursuant to s. 112.061 while in the
88 performance of their duties.

89 (6) The council shall hold periodic meetings at the request
90 of the chair, but must hold at least two public meetings,
91 separately noticed, each year in which the public has the
92 opportunity to participate and comment. Unless otherwise
93 provided by law, notice for each meeting must be published in a
94 newspaper of general circulation in the area where the meeting
95 is to be held at least 5 days but no more than 15 days before
96 the meeting date.

97 (a) By July 15, 2016, and on or before July 15 of each year



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98 thereafter, the council shall release a tentative water
99 resources work program containing its legislative
100 recommendations for water resource projects. The public has 30
101 days to submit comments regarding the tentative program.

102 (b) The council shall adopt the tentative work program
103 containing its legislative recommendations and submit it to the
104 Governor, the President of the Senate, and the Speaker of the
105 House of Representatives by August 31, 2016, and on or before
106 August 31 of each year thereafter. An affirmative vote of three
107 members of the council is required to adopt the tentative work
108 program.

109 (7) The department shall provide primary staff support to
110 the council and shall ensure that council meetings are
111 electronically recorded. Such recordings must be preserved
112 pursuant to chapters 119 and 257.

113 (8) The council shall recommend rules for adoption by the
114 department to competitively evaluate, select, and rank projects
115 for the tentative water resources work program. The council
116 shall develop specific criteria for the evaluation, selection,
117 and ranking of projects, including a preference for projects
118 that will have a significant, measurable impact on improving
119 water quantity or water quality; projects in areas of greatest
120 impairment; projects of state or regional significance; projects
121 recommended by multiple districts or multiple local governments
122 cooperatively; projects with a significant monetary commitment
123 by the local project sponsor or sponsors; projects in rural
124 areas of opportunity as defined in s. 288.0656; projects that
125 may be funded through appropriate loan programs; and projects
126 that have significant private contributions of time or money.



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127 (9) The department, in consultation with the Department of
128 Agriculture and Consumer Services, the Fish and Wildlife
129 Conservation Commission, and the water management districts,
130 shall adopt rules to implement this section.

131 Section 37. Section 403.0617, Florida Statutes, is created
132 to read:

133 403.0617 Innovative nutrient and sediment reduction and
134 conservation pilot project program.—

135 (1) By October 1, 2015, the department shall propose rules
136 for adoption to competitively evaluate and rank projects for
137 selection and prioritization by the Water Resources Advisory
138 Council, pursuant to s. 403.0616, for submission to the
139 Legislature for funding. These pilot projects are intended to
140 test the effectiveness of innovative or existing nutrient
141 reduction or water conservation technologies, programs or
142 practices designed to minimize nutrient pollution or restore
143 flows in the water bodies of the state. The department must
144 include in the evaluation criteria a determination by the
145 department that the pilot project will not be harmful to the
146 ecological resources in the study area.

147 (2) In developing these rules, the department shall give
148 preference to the projects that will result in the greatest
149 improvement to water quality and water quantity for the dollars
150 to be expended for the project. At a minimum, the department
151 shall consider all of the following:

152 (a) The level of nutrient impairment of the waterbody,
153 watershed, or water segment in which the project is located.

154 (b) The quantity of nutrients the project is estimated to
155 remove from a water body, watershed, or water segment with an



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156 adopted nutrient total maximum daily load.

157 (c) The potential for the project to provide a cost-
158 effective solution to pollution, including pollution caused by
159 onsite sewage treatment and disposal systems.

160 (d) The anticipated impact the project will have on
161 restoring or increasing flow or water level.

162 (e) The amount of matching funds for the project which will
163 be provided by the entities responsible for implementing the
164 project.

165 (f) Whether the project is located in a rural area of
166 opportunity, as defined in s. 288.0656, with preference given to
167 the local government responsible for implementing the project.

168 (g) For multiple-year projects, whether the project has
169 funding sources that are identified and assured through the
170 expected completion date of the project.

171 (h) The cost of the project and the length of time it will
172 take to complete relative to its expected benefits.

173 (i) Whether the entities responsible for implementing the
174 project have used their own funds for projects to improve water
175 quality or conserve water use with preference given to those
176 entities that have expended such funds.

177 Section 38. Section 403.0623, Florida Statutes, is amended
178 to read:

179 403.0623 Environmental data; quality assurance.—

180 (1) The department must establish, by rule, appropriate
181 quality assurance requirements for environmental data submitted
182 to the department and the criteria by which environmental data
183 may be rejected by the department. The department may adopt and
184 enforce rules to establish data quality objectives and specify



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185 requirements for training of laboratory and field staff, sample
186 collection methodology, proficiency testing, and audits of
187 laboratory and field sampling activities. Such rules may be in
188 addition to any laboratory certification provisions under ss.
189 403.0625 and 403.863.

190 (2) (a) The department, in coordination with the water
191 management districts, regional water supply authorities, and the
192 Department of Agriculture and Consumer Services shall establish
193 standards for the collection and analysis of water quantity,
194 water quality, and related data to ensure quality, reliability,
195 and validity of the data and testing results.

196 (b) To the extent practicable, the department shall
197 coordinate with federal agencies to ensure that its collection
198 and analysis of water quality, water quantity, and related data,
199 which may be used by any state agency, water management
200 district, or local government, is consistent with this
201 subsection.

202 (c) In order to receive state funds for the acquisition of
203 lands or the financing of a water resource project, state
204 agencies and water management districts must show that they
205 followed the department's collection and analysis standards, if
206 available, as a

207
208 ===== T I T L E A M E N D M E N T =====

209 And the title is amended as follows:

210 Delete lines 206 - 214

211 and insert:

212 403.0617, F.S.; requiring the department to propose
213 for adoption rules to competitively evaluate and rank



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214 projects for selection and prioritization by the Water
215 Resources Advisory Council by a certain date; amending
216 s. 403.0623, F.S.; requiring the department to
217 establish certain standards to ensure statewide
218 consistency; requiring state agencies and water
219 management districts to show that they followed the
220 department's standards in order to receive