

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.

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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.