



**THE FLORIDA SENATE**  
**SENATOR ANDY GARDINER**  
*President*

**TO:** All Senators  
**FROM:** Andy Gardiner, President  
**SUBJECT:** Legislation to Establish Policy for Amendment 1 Implementation  
**DATE:** February 13, 2015

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Last year Florida spent over \$3.5 billion on programs to manage, restore and improve our environment. Yet, with the passage of the Florida Water and Land Conservation Amendment (Amendment 1) we have a new opportunity to provide an even greater focus on long-term planning and accountability for environmental policy and spending that can make a difference in the lives of current and future Floridians.

**The Senate has divided this immense responsibility into three phases – structure, policy, and appropriation.**

As you are aware, in order to establish the structure necessary to provide accountability and transparency for the expenditure of documentary stamp tax dollars as directed by what is now Article X, Section 28 of the Florida Constitution (Amendment 1), Senator Dean recently filed Senate Bills 576, 578, 580, 582, 584, and 586. This package is scheduled for a hearing in our Committee on Environmental Preservation and Conservation next Wednesday, February 18.

**The next step is the development of the policy we will use to guide the appropriations phase of this implementation process, as well as future policy and budget choices.** For this reason, today Chair Dean filed Senate Bill 918, which outlines a comprehensive, statewide water and natural resources policy for our state.

The legislation filed by Chair Dean builds on the good work of so many Senators who are committed to addressing the health of Florida's springs. It provides Floridian's greater access to natural resources and increases transparency through a process to ensure that revenues spent on the critical issue of water resource development are directed to projects that will have a significant and measurable impact on improving water quality and water quantity.

Similar to the legislation filed to establish a structure for implementation of Amendment 1. **The legislation filed today does not eliminate a single program currently receiving state funding, nor does it allocate funding to any new or existing program, project, or initiative.**

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Funding decisions will occur during the appropriations process and will be led by our Appropriations Subcommittee on General Government, chaired by Senator Hays.

We have included a summary of Chair Dean's legislation below, and look forward to your feedback as well as the continued input from members of the public who have to date provided more than 5,500 comments via our website.

### **Senate Bill 918 relating to Environmental Resources**

#### **PUBLIC ACCESS to PUBLIC LANDS**

- To improve public knowledge of and access to lands acquired for conservation purposes, the bill requires the Department of Environmental Protection (DEP) to create and maintain a database and website providing the allowable public uses of the land together with the location, point of public entry, facilities, restrictions, and permissible uses by January 1, 2016. By January 1, 2018, the database shall be expanded to include all similar land owned by local and federal governments.
- Either through its own efforts or through partnership with third party entities, the DEP must facilitate the creation of a mobile app to locate state lands available for public access. Using a smartphone, users could locate recreational opportunities throughout Florida just as easily as people can currently locate hotels, restaurants, and gas stations.

#### **WATER RESOURCES WORK PROGRAM**

- The bill creates the Florida Water Resources Advisory Council to annually evaluate and recommend to the Legislature water resource projects which have been prioritized by state agencies, water management districts, or local governments and are eligible for some level of state funding.
- The Council is comprised of five voting members: the Secretary of the DEP, the Commissioner of Agriculture, the Executive Director of the Fish and Wildlife Conservation Commission, and two science based members—one appointed by the President of the Senate and one appointed by the Speaker of the House. The Council will also have five non-voting members representing each of the five Water Management Districts (WMDs).
- The bill requires the Council to develop criteria for the evaluation, selection, and ranking of projects, giving preference to those that have a measurable impact on improving water quality or water quantity, those in areas of greatest impairment, those of state or regional significance, those recommended by multiple districts or multiple local governments,

those with significant monetary commitment from local or private sponsors, and those that are in rural areas of opportunity.

- The bill requires the Council to hold at least eight meetings per year that are open to the public and provide opportunity for public testimony.

## **SPRINGS**

- Defines “Outstanding Florida Spring” as all historic first magnitude springs, plus DeLeon, Peacock, Poe, Rock, Wekiwa, and Gemini springs.
- Requires the DEP, in consultation with the WMDs, to designate spring protection and management zones for Outstanding Florida Springs by July 1, 2016.
- Sets the minimum flow and minimum level for an Outstanding Florida Spring at the point at which further withdrawals would be harmful to the water resources or ecology of the area.
- To expedite the process for implementing recovery and prevention strategies, the bill creates a process for establishing an interim minimum flow and minimum water level, until appropriate minimums can be adopted.
- The bill requires expeditious adoption of a recovery or prevention strategy for an Outstanding Florida Spring that is below or is projected within 20 years to fall below the minimum flow or level.
- For an Outstanding Florida Spring, a recovery or prevention strategy must include, among other things, a prioritized list of specific projects with their estimated costs and completion dates. The strategy must contain an implementation plan to restore minimum flows and levels within 20 years, and must contain measurable milestones at 5, 10, and 15 years.
- The bill requires the DEP, if it has not already, to begin water quality assessments under the numeric nutrient standard in effect for spring vents, and to complete assessments by July 1, 2018.
- At the same time the DEP or a WMD adopts a nutrient total maximum daily load for an Outstanding Florida Spring, a basin management action plan must be developed. The plan must be adopted within three years of initiating development and must include, among other things, a prioritized list of specific projects with their estimated costs and completion dates. The plan must contain an implementation plan to achieve the adopted total maximum daily nutrient load within 20 years, and must contain measurable milestones at 5, 10, and 15 years.
- Requires local governments that fall within a spring protection and management zone to adopt an ordinance that meets or exceeds the requirements of the DEP’s Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes.

- Requires the DEP, in conjunction with the Department of Health and local governments, to identify onsite sewage treatment and disposal systems within each spring protection and management zone and develop remediation plans for sites that are significant contributors of nutrient pollution. Owners of such sites are not required to pay the cost of system inspection, upgrade or connection for systems identified as a priority for remediation.
- The bill creates a program funding pilot projects that test the effectiveness of innovative technology and remediation techniques designed to reduce nutrient pollution or restore flows to springs.
- Within spring protection and management zones the bill: creates standards for new wastewater facilities, requires new agricultural operations to implement best management practices or be subject to groundwater monitoring, prohibits the application of certain biosolids and septage, and prohibits new hazardous waste facilities.
- Requires submission of a yearly report to the Governor and Legislature regarding the status of each total maximum daily load, basin management action plan, minimum flow or level, and recovery or prevention strategy adopted pursuant to the provisions of the bill.

#### **FLORIDA SHARED-USE NONMOTORIZED TRAIL NETWORK (SUN Trail)**

- The bill creates the Florida Shared-Use Nonmotorized Trail Network (SUN Trail) as a component of the Florida Greenways and Trails system consisting of hard-surfaced trails separated from roadways designed specifically for bicycle and pedestrian use.
- The trail network is to connect a wide range of points of origin and destinations, including conservation areas, state parks, beaches, and other natural and cultural attractions, and is intended to foster social, recreational, and personal fitness activities, as well as provide transportation routes for work, school, and shopping.
- Under the bill, the Department of Transportation is to include projects to be constructed as part of the SUN Trail in its work program, and is authorized to enter into agreements with local governments or the DEP for maintenance services on individual components of the network.
- The bill provides authorization for concession and sponsorship agreements with a not-for-profit entity or private sector business, but requires revenue from such arrangements be used exclusively for maintenance of nonmotorized trails and related facilities that are part of the SUN Trail.

### **TRANSPARENCY – Water Conditions/Water Projects**

- Requires the Consolidated Water Management District Annual Report to contain information on all projects related to water quality or water quantity currently under construction or planned for construction in the next five years.
- The report is to include information specific projects that are part of a basin management action plan (BMAP) or recovery for prevention strategy, information on the level of impairment being addressed by a project, a priority ranking for listed projects, the estimated cost, completion date, and funding source for each project, and finally, a quantitative estimate of a project's benefit to its respective water body.

### **UNIFORM WATER DATA QUALITY ASSURANCE**

- To ensure statewide consistency and maintain a centralized database for all testing results and analysis, the bill requires the DEP, in coordination with the water management districts, to establish standards for the collection of water quantity, quality, and related data to ensure quality, reliability, and validity of the data and testing results. Beginning June 30, 2015, WMDs are to submit such data to the DEP for analysis.
- In order to receive state funds for the acquisition of land or the financing of water resource projects, a WMD or other entity must use the testing results and analysis published by the department as a prerequisite for any such request for funding.