

# WEEK 1 REPORT

// 2016 LEGISLATIVE SESSION

+ MARINE INDUSTRIES ASSOCIATION OF FLORIDA  
JANUARY 11 - 15, 2016



# // WEEK 1 (JAN 11 - 15)

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It is hard to believe the first week of the 2016 Legislative Session is in the history books. Of course, the last year has felt like one long legislative session.

The first week provided many speeches and ceremonies to get the ball rolling. The Legislature did not waste any time getting to work and passed major legislative packages already this week. Water policy and Unique Abilities Legislation are currently on their way to the Governor for approval.

Even though the member bill deadline has passed for filing bills, we must remain on alert for any proposed committee bills or any amendments to the many boating bills filed this Legislative Session. In my over ten years working on boating issues for MIAF, I have never seen so many boating related bills filed as I have for this Session. We definitely have our work cut out for us this year.

Anchoring has been and continues to be a major issue facing our industry. There are anchoring bills filed in the House and the Senate currently. We expect the House anchoring bill to come up in its first committee of reference during the third week of Session. House Bill 1051 is the Anchoring Bill in the House. The first committee of reference is the House Agriculture and Natural Resources Subcommittee.

Another issue of interest is the EPIRBs bill sponsored by Senator Negron and Representative Magar. SB 746 and HB 427 relating to Vessel Registration is on the quick track to pass. The estimated cost of this bill has significantly been lowered to \$500,000.

Again, we thank you for your time and consideration and hope you will take the time to review the proposed anchoring bill and other issues facing boating this Session.

In the following pages are just a few of the bills we have highlighted for your information.



Margaret M. Timmins  
President  
Timmins Consulting, LLC

## // ENVIRONMENTAL RESOURCES

**Senate Bill 552 // Sen. Charlie Dean // Referred to: Environmental Preservation and Conservation; Appropriations**

**House Bill 7005 // State Affairs Committee // Referred to: Agriculture & Natural Resources Appropriations Subcommittee**

CS/CS/Senate Bill 552 and CS/House Bill 7005 comprise the primary water policy legislation for 2016, and are identical. This week, SB 552 was passed by the Senate and the House, and has been sent to the Governor for his veto or approval. Specifically, SB 552:

- Creates the Florida Springs and Aquifer Protection Act to provide for the protection and restoration of Outstanding Florida Springs (OFSs);
- Codifies the Central Florida Water Initiative (CFWI) and ensures that the appropriate governmental entities continue to develop and implement uniform water supply planning, consumptive use permitting, and resource protection programs for the Central Florida Water Initiative;
- Updates and restructures the Northern Everglades and Estuaries Protection Program (NEEPP) to reflect and build upon the Department of Environmental Protection's (DEP) completion of basin management action plans (BMAPs) for Lake Okeechobee, the Caloosahatchee River and Estuary, and the St. Lucie River and Estuary, and the Department of Agriculture and Consumer Services' (DACS) implementation of best management practices (BMPs);
- Modifies water supply and resource planning and processes to make them more stringent;
- Requires the Office of Economic and Demographic Research to conduct an annual assessment of water resources and conservation lands;
- Requires the DEP to publish an online, publicly accessible database of conservation lands on which public access is compatible with conservation and recreation purposes;
- Requires the DEP to conduct a feasibility study for creating and maintaining a web-based, interactive map of the state's waterbodies as well as regulatory information about each waterbody;
- Creates a pilot program for alternative water supply in restricted allocation areas and a pilot program for innovative nutrient and sediment reduction and conservation; and
- Revises certain considerations for water resource permits

Senate Bill 552 passed the Environmental Preservation & Conservation Committee on Nov. 4th by a vote of 9-0, and passed the Appropriations Committee on Nov. 19th by a vote of 15-0. It passed the Senate on January 13th by a vote of 37-0, and it passed the House on January 14th.

**Upcoming Consideration/Most Recent Action:** Signed by Officers and presented to Governor (Governor must act on this bill by 01/21/16)

House Bill 7005 passed the Agriculture & Natural Resources Appropriations Subcommittee on Nov. 18th by a vote of 11-1. HB 7005 was laid on the table in lieu of SB 552 on the House floor.

**Upcoming Consideration/Most Recent Action:** Read Second Time; Substituted for SB 0552; Laid on Table, Refer to SB 0552

*Attached Documents: SB 552 (Enrolled) + staff analysis*

## // VESSEL REGISTRATION

**Senate Bill 746 // Sen. Joe Negron // Referred to: Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations**

**House Bill 427 // Rep. Mary Lynn Magar // Referred to: Highway & Waterway Safety Subcommittee; Transportation & Economic Development Appropriations Subcommittee; Economic Affairs Committee**

Senate Bill 746 reduces state vessel registration fees for recreational vessels equipped with an Emergency Position Indicating Radio Beacon or whose owner owns a Personal Locator Beacon. The beacon must be registered with the National Oceanic and Atmospheric Administration in order for the owner to qualify for the reduced registration fee. Annual base vessel registration fees are reduced by a minimum of \$2.55 and a maximum of \$48.60, depending on the length of the vessel. The bill appropriates \$5 million in recurring funds from the General Revenue Fund to the Department of Highway Safety and Motor Vehicles for the 2016-2017 fiscal year to offset the reduction in the base vessel registration fees.

**Upcoming Consideration:** (Jan 13) Favorable by Appropriations Subcommittee on Transportation, Tourism, and Economic Development; 9 Yeas, 0 Nays

The bill reduces state vessel registration fees for recreational vessels equipped with an Emergency Position-Indicating Radio Beacon, or for a recreational vessel where the owner owns a Personal Locator Beacon. The beacon must be registered with the National Oceanic and Atmospheric Administration in order for the owner to qualify for the reduced registration fee. A person who owns a personal locator beacon and who owns more than one recreational vessel qualifies to pay the reduced fee for only one of their vessels.

As provided in the bill, an Emergency Position-Indicating Radio Beacon means a device installed on the vessel being registered that:

- Transmits distress signals at a frequency between 406.0 and 406.1 MHz;

- Is manufactured by a company approved to manufacture beacons by the International Cospas-Sarsat Programme; and
- Is registered with the United States National Oceanic and Atmospheric Administration.

A Personal Locator Beacon means a device designed to be carried by an individual that:

- Transmits distress signals at a frequency between 406.0 and 406.1 MHz;
- Is manufactured by a company approved to manufacture beacons by the International Cospas-Sarsat Programme; and
- Is registered with the United States National Oceanic and Atmospheric Administration.

**Most Recent Action:** (Jan 13) Favorable with CS by Highway & Waterway Safety Subcommittee; 11 Yeas, 0 Nays

*Attached Documents: SB 746 + staff analysis; CS/HB 427 + staff analysis*

## // BOATING SAFETY

**Senate Bill 644 // Sen. Jeremy Ring // Referred to: Environmental Preservation and Conservation; Commerce and Tourism; Rules**

**House Bill 863 // Rep. Richard Stark // Referred to: Criminal Justice Subcommittee; Highway & Waterway Safety Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; Economic Affairs Committee**

Senate Bill 644 - Revising the minimum age to operate personal watercraft; removing the exemption from the photographic identification and boating safety identification card requirement for a person accompanied in the vessel by another person who meets certain criteria, etc.

**Last Action:** Referred to Environmental Preservation and Conservation; Commerce and Tourism; Rules

House Bill 863 provides requirements for operation of recreational vessels by persons younger than specified age; revises minimum age to operate personal watercraft; removes exemption from photographic identification & boating safety identification card requirement for person accompanied in vessel by another person who meets certain criteria.

**Last Action:** Referred to Criminal Justice Subcommittee; Highway & Waterway Safety Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee;

Economic Affairs Committee

*Attached Documents: SB 644; HB 863*

## // IMPLEMENTATION OF WATER & LAND USE CONSERVATION CONSTITUTIONAL AMENDMENT (1)

**Senate Bill 1168 // Sen. Joe Negron // Referred to: Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Appropriations**

**House Bill 989 // Rep. Gayle Harrell // Referred to: Agriculture & Natural Resources Appropriations Subcommittee; Appropriations Committee**

Senate Bill 1168 - Implementation of the Water and Land Conservation Constitutional Amendment; Requiring a minimum specified percentage of funds within the Land Acquisition Trust Fund to be appropriated for Everglades restoration projects; providing a preference in the use of funds to certain projects that reduce harmful discharges to the St. Lucie Estuary and the Caloosahatchee Estuary, etc.

**SB 1168 Last Action:** Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Appropriations

House Bill 989 - Implementation of Water and Land Conservation Constitutional Amendment: Requires minimum specified percentage of funds within Land Acquisition Trust Fund to be appropriated for Everglades restoration projects; provides preference in use of funds to certain projects that reduce discharges to St. Lucie & Caloosahatchee estuaries.

**HB 989 Last Action:** Referred to Agriculture & Natural Resources Appropriations Subcommittee; Appropriations Committee

*Attached Documents: SB 1168 (as filed); HB 989 (as filed)*

## // RECREATIONAL BOATING ZONES

**Senate Bill 1260 // Sen. Wilton Simpson // Referred to: Environmental Preservation and Conservation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Fiscal Policy**

**House Bill 1051 // Rep. Matt Caldwell // Referred to: Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee**

Senate Bill 1260 - prohibiting overnight anchoring or mooring of vessels in specified recreational boating zones, etc.

**Last Action:** Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Fiscal Policy

House Bill 1051 prohibits anchoring or mooring of vessels in specified recreational boating zones; provides penalties.

**Last Action:** Referred to Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

*Attached Documents: SB 1260 (as filed); HB 1051 (as filed)*

## // DRIVING OR BOATING UNDER THE INFLUENCE

**House Bill 161 // Rep. Dave Kerner // Referred to: Highway & Waterway Safety Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee**

House Bill 161 designates act "Naomi Pomerance Victim Safety Act"; provides that person with specified amount of delta 9-tetrahydrocannabinol per milliliter of blood commits offense of driving under influence or boating under influence.

**Last Action:** Referred to Highway & Waterway Safety Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee

*Attached Documents: HB 161 (as filed)*

## // MANATEES

**Senate Bill 1506 // Sen. Jeff Brandes // Referred to: Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Appropriations**

**House Bill 1273 // Rep. Larry Ahern // Referred to: Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee**

Senate Bill 1506 - Exempting, until a specified date, certain revenue deposited in the Save the Manatee Trust Fund from a service charge assessed against state trust funds; requiring the

Fish and Wildlife Conservation Commission to contract with an independent, qualified party to conduct a manatee speed zone effectiveness study, etc.

**Last Action:** Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Appropriations

House Bill 1273 exempts, until specified date, revenues deposited in Save the Manatee Trust Fund from certain service charges; authorizes expenditure of such funds to conduct manatee speed zone study & statewide manatee distribution & abundance surveys & reports; requires FWCC to contract for manatee speed zone effectiveness study; requires FWCC to submit report detailing findings of such study to Governor & Legislature & to conduct surveys & reports; authorizes FWCC to conduct additional surveys & reports as necessary.

**Last Action:** Referred to Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

*Attached Documents: SB 1506 (as filed); HB 1273 (as filed)*



# APPENDIX

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## // ENVIRONMENTAL RESOURCES

SB 552 (Enrolled) + Staff Analysis

## // VESSEL REGISTRATION

SB 746 (as filed) + Staff Analysis  
CS/HB 427 + Staff Analysis

## // BOATING SAFETY

SB 644 (as filed)  
HB 863 (as filed)

## // IMPLEMENTATION OF AMEND. 1

SB 1168 (as filed)  
HB 989 (as filed)

## // RECREATIONAL BOATING ZONES

SB 1260 (as filed)  
HB 1051 (as filed)

## // DUI/BUI

HB 161 (as filed)

## // MANATEES

SB 1596 (as filed)  
HB 1273 (as filed)

# MIAF Bill Tracking

Sorted by Bill Number

<b>SB 0006</b>	<b>Relating to State Minimum Wage</b>	Bullard
	State Minimum Wage; Increasing the state minimum wage; prohibiting an employer from paying an employee at a rate less than the state minimum wage; removing the limitation restricting application of the state minimum wage only to individuals entitled to receive the federal minimum wage; deleting obsolete language, etc. Effective Date: 1/1/2017 8/19/2015 SENATE Referred to Commerce and Tourism; Community Affairs; Appropriations	
<b>HB 0007</b>	<b>Relating to Employment Discrimination</b>	Cruz
	Employment Discrimination: Designates act as "Helen Gordon Davis Fair Pay Protection Act"; provides legislative findings & intent relating to equal pay for equal work for women; recognizes importance of DEO & FHRC in ensuring fair pay; provides duties of DEO & FHRC; creates Governor's Recognition Award for Pay Equity in Workplace. Effective Date: July 1, 2016 8/27/2015 HOUSE Now in Economic Development & Tourism Subcommittee	
<b>HB 0063</b>	<b>Relating to Medical Use of Low-THC Cannabis</b>	Steube
	Medical Use of Low-THC Cannabis: Allows registered patients & designated caregivers to purchase, acquire, & possess low-THC cannabis subject to specified requirements; allows cultivation or processing licensee, employee, or contractor to acquire, cultivate, transport, & sell low-THC cannabis; allows retail licensee to purchase, receive, possess, store, dispense, & deliver low-THC cannabis; prohibits certain actions regarding acquisition, possession, transfer, use, & administration of low-THC cannabis; clarifies that person is prohibited from driving or boating under influence of low-THC cannabis; provides duties of DOH; provides implementation requirements; specifies act does not require or restrict health insurance coverage for purchase of low-THC cannabis. Effective Date: July 1, 2016 12/15/2015 HOUSE Withdrawn prior to introduction	
<b>HB 0065</b>	<b>Relating to Pub Rec/Low-THC Cannabis Patient Registry/DOH</b>	Steube
	Pub Rec/Low-THC Cannabis Patient Registry/DOH: Exempts from public records requirements personal identifying information of patients & physicians held by DOH in low-THC cannabis patient registry or former compassionate use registry; exempts information related to ordering & dispensing low-THC cannabis; authorizes specified persons & entities access to exempt information; requires that information released from registry remain confidential; provides penalty; provides for future legislative review & repeal; provides statement of public necessity. Effective Date: on the same date that HB 63, or similar legislation establishing an electronic system to record a physician's orders for, and a patient's use of, low-THC cannabis takes effect 12/15/2015 HOUSE Withdrawn prior to introduction	
<b>SB 0076</b>	<b>Relating to Tax-exempt Income</b>	Hukill
	Tax-exempt Income; Increasing the amount of income that is exempt from the corporate income tax; increasing the amount of income that is exempt from the franchise tax imposed on banks and savings associations, etc. Effective Date: 1/1/2017 10/21/2015 SENATE Now in Appropriations	
<b>HB 0083</b>	<b>Relating to Identification Cards and Driver Licenses</b>	Santiago
	Identification Cards and Driver Licenses: Provides for person's status as lifetime freshwater fishing, saltwater fishing, hunting, or sportsman licensee, or boater safety identification cardholder, to be indicated on his or her identification card or driver license; prohibits person born after specified date from operating certain vessel unless such person has in his or her possession photographic identification & boater safety identification card or state-issued identification card or driver license; requires each recreational license & state-issued identification card or driver license indicating possession of recreational license to be in personal possession of person to whom such license is issued while person is taking, attempting to take, or possessing game, freshwater or saltwater fish, or fur-bearing animals. Effective Date: July 1, 2016 1/14/2016 HOUSE On Committee agenda - Transportation & Economic Development Appropriations Subcommittee, 01/19/16, 4:00 pm, 102 H	
<b>HB 0109</b>	<b>Relating to State Minimum Wage</b>	Torres
	State Minimum Wage: Increases state minimum wage; prohibits employer from paying employee at rate less than state minimum wage; removes limitation restricting application of state minimum wage only to individuals entitled to receive federal minimum wage. Effective Date: January 1, 2017 9/10/2015 HOUSE Now in Economic Development & Tourism Subcommittee	
<b>SB 0158</b>	<b>Relating to Identification Cards and Driver Licenses</b>	Hutson
	Identification Cards and Driver Licenses; Providing for a person's status as a lifetime freshwater fishing, saltwater fishing, hunting, or sportsman licensee, or boater safety identification cardholder, to be indicated on his or her identification card or driver license upon payment of an additional fee and presentation of the person's lifetime	

freshwater fishing, saltwater fishing, hunting, or sportsman's license, or boater safety identification card; providing a waiver of the replacement fee in certain circumstances, etc. Effective Date: 7/1/2016  
1/15/2016 SENATE Read Third Time; Passed (Vote: 34 Yeas / 0 Nays)

<b>HB 0161</b>	<b>Relating to Driving or Boating Under the Influence</b>	Kerner
	Driving or Boating Under the Influence: Designates act "Naomi Pomerance Victim Safety Act"; provides that person with specified amount of delta 9-tetrahydrocannabinol per milliliter of blood commits offense of driving under influence or boating under influence. Effective Date: October 1, 2016 9/24/2015 HOUSE Now in Highway & Waterway Safety Subcommittee	
<b>SB 0186</b>	<b>Relating to Social Media Privacy</b>	Clemens
	Social Media Privacy; Prohibiting an employer from requesting or requiring access to a social media account of an employee or prospective employee; prohibiting an employer from taking retaliatory personnel action against an employee as a result of the employee's refusal to allow access to his or her social media account; prohibiting an employer from failing or refusing to hire a prospective employee as a result of the prospective employee's refusal to allow access to his or her social media account, etc. Effective Date: 10/1/2016 10/7/2015 SENATE Now in Judiciary	
<b>SB 0190</b>	<b>Relating to Conservative Easements</b>	Hutson
	Conservative Easements; Deleting a requirement that an exemption for a conservation easement must be renewed annually; providing that a property owner is not required to file a renewal application until the use of the property no longer complies with conservation easement requirements or restrictions, etc. Effective Date: 7/1/2016 1/15/2016 SENATE Read Second Time; Placed on Third Reading, 1/21/16	
<b>HB 0205</b>	<b>Relating to Florida Healthy Working Families Act</b>	Williams
	Florida Healthy Working Families Act: Creates "Florida Healthy Working Families Act"; provides powers & duties of executive director of DEO; requires certain employers to provide employees with earned sick & safe leave under certain conditions; provides employer & employee requirements; authorizes employee to file civil action under certain conditions. Effective Date: July 1, 2016 10/7/2015 HOUSE Now in Economic Development & Tourism Subcommittee	
<b>HB 0219</b>	<b>Relating to Tax-Exempt Income</b>	Sullivan
	Tax-Exempt Income: Increases amount of income exempt from corporate income tax; increases amount of income exempt from franchise tax imposed on banks & savings associations; provides applicability. Effective Date: January 1, 2017 10/7/2015 HOUSE Now in Finance & Tax Committee	
<b>SB 0292</b>	<b>Relating to Streamlined Sales and Use Tax Agreement</b>	Margolis
	Streamlined Sales and Use Tax Agreement; Specifying the facilities that are exempt from the transient rentals tax; deleting criteria establishing circumstances under which taxes on the lease or rental of a motor vehicle are due; limiting the \$5,000 cap on discretionary sales surtax to the sale of motor vehicles, aircraft, boats, manufactured homes, modular homes, and mobile homes; providing amnesty for uncollected or unpaid sales and use taxes for sellers who register under the Streamlined Sales and Use Tax Agreement, etc. Effective Date: 1/1/2017 9/17/2015 SENATE Referred to Commerce and Tourism; Finance and Tax; Appropriations	
<b>SB 0294</b>	<b>Relating to Labor Regulations</b>	Thompson
	Labor Regulations; Providing powers and duties of the executive director of the Department of Economic Opportunity; requiring certain employers to provide employees with paid or unpaid earned sick and safe leave under certain conditions; providing employer and employee requirements; authorizing an employee to file a civil action under certain conditions, etc. Effective Date: 7/1/2016  10/6/2015 SENATE Referred to Commerce and Tourism; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations	
<b>SB 0346</b>	<b>Relating to Local Government Infrastructure Surtax</b>	Altman
	Local Government Infrastructure Surtax; Authorizing the governing authority of a county to levy a discretionary sales surtax to fund capital restoration of natural water bodies for public use; limiting expenditures of the proceeds and interest from the surtax or specified bonds that pledge the surtax to dredging operations related to ecologically beneficial muck removal, etc. Effective Date: 7/1/2016 12/17/2015 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 12/18/15, 9:00 am, 117 K (No Votes Will Be Taken)	
<b>HB 0353</b>	<b>Relating to Discrimination in Employment Screening</b>	Powell

Discrimination in Employment Screening: Prohibits public employer from inquiring into or considering applicant's criminal history on initial employment application unless required to do so by law. Effective Date: July 1, 2016  
10/30/2015 HOUSE Now in Criminal Justice Subcommittee

- SB 0384** **Relating to Employment Practices** Bullard  
Employment Practices; Citing this act as the "Florida Paid Family Care Leave Act"; requiring an employer to allow an employee to take paid family care leave to bond with a new child upon the child's birth, adoption, or foster care placement; requiring an employer to provide notice to employees of the right to paid family care leave; revising the Florida Civil Rights Act of 1992 to prohibit specified employment practices on the basis of pregnancy, childbirth, or a related medical condition, etc. Effective Date: 7/1/2016  
10/9/2015 SENATE Referred to Commerce and Tourism; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations
- SB 0400** **Relating to Organizational Structure of the Department of Environmental Protection** Hays  
Organizational Structure of the Department of Environmental Protection; Authorizing the secretary of the Department of Environmental Protection to establish divisions as necessary to accomplish the missions and goals of the department, etc. Effective Date: 7/1/2016  
1/14/2016 SENATE Now in Appropriations
- HB 0427** **Relating to Recreational Vessel Registration** Magar  
Recreational Vessel Registration: Provides for reduced recreational vessel registration fee when vessel is equipped with emergency position indicating radio beacon or owner of vessel owns personal locator beacon; authorizes DHSMV to adopt rules relating to proof of qualification; provides for certain funds to supplement reduced amounts collected. Effective Date: July 1, 2016  
1/15/2016 HOUSE Now in Transportation & Economic Development Appropriations Subcommittee
- HB 0447** **Relating to Local Government Environmental Financing** Raschein  
Local Government Environmental Financing: Designates act as "Florida Keys Stewardship Act"; revises projects that may be funded using specific surtaxes & bond proceeds; authorizes Everglades bonds for City of Key West Area of Critical State Concern; expands types of water management projects eligible for funding; specifies funds for Florida Keys Area of Critical State Concern protection program; revises procedures for disposing of certain lands; recognizes degradation of coral reefs; requires specific Florida Forever funds to be spent buying lands in Florida Keys Area of Critical State Concern; authorizes land authority to contribute funds for certain land purchases. Effective Date: July 1, 2016  
1/12/2016 HOUSE Favorable with CS by Agriculture & Natural Resources Subcommittee; 13 Yeas, 0 Nays
- SB 0448** **Relating to Discrimination in Employment Screening** Clemens  
Discrimination in Employment Screening; Prohibiting a public employer from inquiring into or considering an applicant's criminal history on an initial employment application unless required to do so by law, etc. Effective Date: 7/1/2016  
10/9/2015 SENATE Referred to Commerce and Tourism; Judiciary; Appropriations Subcommittee on General Government; Fiscal Policy
- SB 0454** **Relating to Employment Discrimination** Joyner  
Employment Discrimination; Creating the "Helen Gordon Davis Fair Pay Protection Act"; recognizing the importance of the Department of Economic Opportunity and the Florida Commission on Human Relations in ensuring fair pay; creating the Governor's Recognition Award for Pay Equity in the Workplace; requiring that the award be given annually to employers in this state who have engaged in activities that eliminate the barriers to equal pay for equal work for women, etc. Effective Date: 7/1/2016  
10/9/2015 SENATE Referred to Commerce and Tourism; Governmental Oversight and Accountability; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Fiscal Policy
- HB 0489** **Relating to Shellfish Harvesting** Drake  
Shellfish Harvesting: Revises provisions for harvest of shellfish from natural reefs & submerged lands; defines term "shellfish"; prohibits harvest of shellfish by dredges or mechanical harvesting devices unless specifically authorized in certain submerged land or perpetual shellfish leases; provides for Board of Trustees of the Internal Improvement Trust Fund instead of DACS to authorize harvest of shellfish by dredges or mechanical harvesting devices in submerged land leases & perpetual shellfish leases; provides that conditions for use of dredges or mechanical harvesting devices in submerged lands leases may be provided as special lease conditions in aquaculture leases; authorizes FWCC to collect fees & issue special activity licenses for vessels using dredges or mechanical harvesting devices to harvest shellfish. Effective Date: July 1, 2016  
1/15/2016 HOUSE On Committee agenda - Agriculture & Natural Resources Subcommittee, 01/20/16, 12:00 pm, 17 H

<b>HB 0501</b>	<b>Relating to Conservation Easements</b>	McGhee
	Conservation Easements: Deletes requirement that exemption for conservation easement must be renewed annually; provides that property owner is not required to file renewal application until use of property no longer complies with conservation easement requirements or restrictions. Effective Date: July 1, 2016 12/2/2015 HOUSE Now in Finance & Tax Committee	
<b>HB 0529</b>	<b>Relating to Freight Mobility and Trade Projects</b>	Ray
	Freight Mobility and Trade Projects: Provides for certain fees collected by DHSMV to be set aside for specified freight mobility & trade projects or navigational channel projects. Effective Date: July 1, 2019 11/16/2015 HOUSE Now in Transportation & Ports Subcommittee	
<b>SB 0552</b>	<b>Relating to Environmental Resources</b>	Dean
	Environmental Resources; Requiring the Department of Environmental Protection to publish, update, and maintain a database of conservation lands; authorizing certain water management districts to designate and implement pilot projects; prohibiting water management districts from modifying permitted allocation amounts under certain circumstances; creating the "Florida Springs and Aquifer Protection Act", etc. Effective Date: 7/1/2016 1/14/2016 Signed by Officers and presented to Governor (Governor must act on this bill by 01/21/16)	
<b>HB 0561</b>	<b>Relating to Organizational Structure of Department of Environmental Protection</b>	Combee
	Organizational Structure of Department of Environmental Protection: Revises provisions for appointment of deputy secretaries & general counsel; authorizes Secretary of Environmental Protection to establish divisions as necessary to accomplish missions & goals of DEP; authorizes offices to be established as necessary to promote efficient & effective operation of DEP; deletes required establishment of certain offices & divisions. Effective Date: July 1, 2016 11/16/2015 HOUSE Now in Agriculture & Natural Resources Subcommittee	
<b>HB 0593</b>	<b>Relating to Government Accountability</b>	Metz
	Government Accountability: Revises auditing protocols for certain agencies, councils, & state schools; revises responsibilities of certain state officials & employment or contractual relationships; revises provisions governing collection methods for certain unpaid automatic fines; revises entities subject to lobbyist registration and registration procedures; requires counties, municipalities, & special districts to maintain certain budget documents on entities' websites for specified period; revises certain compensation protocols; revises requirements for financial statements & audits of certain governmental entities. Effective Date: October 1, 2016 1/15/2016 HOUSE On Committee agenda - Government Operations Subcommittee, 01/20/16, 9:00 am, 212 K	
<b>HB 0619</b>	<b>Relating to Employment of Felons</b>	Stafford
	Employment of Felons: Provides local business tax credit for employment of person previously convicted of felony; provides requirements to receive credit; provides exceptions for certain felons. Effective Date: July 1, 2016 11/17/2015 HOUSE Now in Finance & Tax Committee	
<b>HB 0635</b>	<b>Relating to Social Media Privacy</b>	Dudley
	Social Media Privacy: Prohibits employer from requesting or requiring access to social media account of employee or prospective employee; prohibits employer from taking retaliatory personnel action against employee as result of employee's refusal to allow access to his or her social media account; prohibits employer from failing or refusing to hire prospective employee as result of prospective employee's refusal to allow access to his or her social media account; authorizes civil action for violation; provides penalty for violation; provides for recovery of attorney fees & court costs; specifies that employer is not prohibited from seeking access to social media accounts used primarily for employer's business purposes. Effective Date: October 1, 2016 11/17/2015 HOUSE Now in Economic Development & Tourism Subcommittee	
<b>SB 0644</b>	<b>Relating to Boating Safety</b>	Ring
	Boating Safety; Revising the minimum age to operate personal watercraft; removing the exemption from the photographic identification and boating safety identification card requirement for a person accompanied in the vessel by another person who meets certain criteria, etc. Effective Date: 7/1/2016 11/4/2015 SENATE Referred to Environmental Preservation and Conservation; Commerce and Tourism; Rules	
<b>HB 0651</b>	<b>Relating to Department of Financial Services</b>	Beshears
	Department of Financial Services: Authorizes DFS to create Internet-based system for electronic transmission & acceptance of service of process documents; deletes requirement that EOG review & approve certain alternative retirement income security programs; revises responsibilities of CFO; revises requirements for approval of certain bonds; exempts certain entities from certain auditing requirements; revises membership requirements for	

governing body of Florida Inland Navigation District; revises provisions relating to service of legal process; adds fee for service of process to unauthorized insurer; revises requirements related to service of process upon insurer or person representing or aiding insurer; provides additional ground for disqualification of neutral evaluator; provides requirements related to sinkhole insurance; revises applicability of Life Safety Code; provides for expiration of firefighter & volunteer firefighter certificates of compliance & completion; authorizes, instead of requires, Division of State Fire Marshal to suspend or revoke firefighter's certification under certain conditions. Effective Date: July 1, 2016

1/14/2016 HOUSE On Committee agenda - Insurance & Banking Subcommittee, 01/19/16, 1:00 pm, 404

- |                |   |           |
|----------------|---|-----------|
| <b>HB 0681</b> | <b>Relating to Divers-down Warning Devices</b>  | Trumbull  |
|                | Divers-down Warning Devices: Expands types of indicators or devices allowed to be used to signal presence of submerged divers; specifies requirements for such devices. Effective Date: July 1, 2016  |           |
|                | 1/15/2016 HOUSE Committee Substitute Text (C1) Filed  |           |
| <b>SB 0686</b> | <b>Relating to Government Accountability</b>  | Gaetz (D) |
|                | Government Accountability; Citing this act as the "Florida Anti-Corruption Act of 2016"; specifying that the Governor, the Commissioner of Education, or the designee of the Governor or of the Commissioner of Education may notify the Legislative Auditing Committee of an entity's failure to comply with certain auditing and financial reporting requirements; specifying the applicability of certain provisions of the Code of Ethics for Public Officers and Employees to officers and board members of corporate entities associated with the Department of Economic Opportunity, etc. Effective Date: 10/1/2016  |           |
|                | 1/13/2016 SENATE Committee Substitute Text (C1) Filed   |           |
| <b>HB 0703</b> | <b>Relating to Vessels</b>  | Workman   |
|                | Vessels: Revises provisions relating to reckless or careless operation of a vessel; deletes provisions authorizing law enforcement officers to inspect vessels; revises provisions relating to the authority of law enforcement officers to conduct certain investigations. Effective Date: July 1, 2016  |           |
|                | 11/23/2015 HOUSE Now in Highway & Waterway Safety Subcommittee  |           |
| <b>SB 0746</b> | <b>Relating to Vessel Registrations</b>   | Negron    |
|                | Vessel Registrations; Reducing vessel registration fees for recreational vessels equipped with certain position indicating and locating beacons; providing criteria for such reduction; clarifying county optional registration fees, etc. APPROPRIATION: \$5,000,000.00 Effective Date: 7/1/2016   |           |
|                | 1/13/2016 SENATE Now in Appropriations  |           |
| <b>SB 0770</b> | <b>Relating to Local Government Environmental Financing</b>   | Simpson   |
|                | Local Government Environmental Financing; Citing this act as the "Florida Keys Stewardship Act"; expanding the use of local government infrastructure surtaxes to include acquiring any interest in land for public recreation, conservation, or protection of natural resources or to reduce impacts of new development on hurricane evacuation clearance times; expanding the use of Everglades restoration bonds to include the City of Key West Area of Critical State Concern; requiring the Department of Environmental Protection to annually consider certain recommendations to buy specific lands within and outside an area of critical state concern, etc. Effective Date: 7/1/2016 |           |
|                | 12/1/2015 SENATE Now in Appropriations Subcommittee on General Government   |           |
| <b>HB 0771</b> | <b>Relating to Drug-Free Workplaces</b>   | Renner    |
|                | Drug-Free Workplaces: Revises contents of employer policy statement with respect to employee drug use; revises frequency of followup testing; revises specimen collection, verification, & documentation procedures; revises requirements for confirmation testing. Effective Date: July 1, 2016  |           |
|                | 12/10/2015 HOUSE Now in Economic Development & Tourism Subcommittee   |           |
| <b>HB 0795</b> | <b>Relating to Dredge and Fill Activities</b>   | Edwards   |
|                | Dredge and Fill Activities: Revises acreage of wetlands & surface waters subject to impact by dredge & fill activities under state programmatic general permits; provides that seeking to use such permits consents to specified federal wetland jurisdiction criteria; authorizes DEP to delegate federal permitting programs for the discharge of dredged or fill material under certain conditions. Effective Date: upon becoming a law  |           |
|                | 12/10/2015 HOUSE Referred to Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee   |           |
| <b>SB 0846</b> | <b>Relating to Divers-down Warning Devices</b>  | Abruzzo   |
|                | Divers-down Warning Devices; Revising the definitions of the terms "divers-down buoy," "divers-down flag," and "divers-down symbol"; expanding the types of indicators or devices allowed to be used to signal the presence of submerged divers; specifying requirements for divers-down warning devices, etc. Effective Date: 7/1/2016   |           |
|                | 1/15/2016 SENATE On Committee agenda - Environmental Preservation and Conservation, 01/20/16, 1:30 pm, 37 S   |           |

<b>HB 0863</b>	<b>Relating to Boating Safety</b>	Stark
	Boating Safety: Provides requirements for operation of recreational vessels by persons younger than specified age; revises minimum age to operate personal watercraft; removes exemption from photographic identification & boating safety identification card requirement for person accompanied in vessel by another person who meets certain criteria. Effective Date: July 1, 2016 12/18/2015 HOUSE Now in Criminal Justice Subcommittee	
<b>HB 0871</b>	<b>Relating to Broward County</b>	Clarke-Reed
	Broward County: Repeals penalty for exceeding speed limit in specified waterways; repeals requirements for erection of waterway speed limit signs. Effective Date: upon becoming a law 1/14/2016 HOUSE Now in Highway & Waterway Safety Subcommittee	
<b>HB 0971</b>	<b>Relating to Community Development Districts</b>	Sullivan
	Community Development Districts: Amends acreage threshold for establishment of community development district; revises notice requirements for holding local public hearing on petition to form district; authorizes district to contract with towing operator to remove vehicles or vessels from specified properties; authorizes up to certain number of districts to merge; provides for membership of surviving merged district; provides requirements of merger agreement; provides for public hearings; prohibits petition to merge from being filed within specified timeframe. Effective Date: July 1, 2016 1/14/2016 HOUSE On Committee agenda - Local Government Affairs Subcommittee, 01/19/16, 12:30 pm, 212 K	
<b>HB 0989</b>	<b>Relating to Implementation of Water and Land Conservation Constitutional Amendment</b>	Harrell
	Implementation of Water and Land Conservation Constitutional Amendment: Requires minimum specified percentage of funds within Land Acquisition Trust Fund to be appropriated for Everglades restoration projects; provides preference in use of funds to certain projects that reduce discharges to St. Lucie & Caloosahatchee estuaries. Effective Date: July 1, 2016 1/8/2016 HOUSE Now in Agriculture & Natural Resources Appropriations Subcommittee	
<b>HB 0995</b>	<b>Relating to Local Government Infrastructure Surtax</b>	Mayfield
	Local Government Infrastructure Surtax: Authorizes county to levy discretionary sales surtax to fund certain capital projects to restore natural water bodies for public use under certain circumstances; authorizes proceeds & interest from surtax to be used for certain dredging operations. Effective Date: July 1, 2016 1/8/2016 HOUSE Now in Agriculture & Natural Resources Subcommittee	
<b>HB 1007</b>	<b>Relating to City of Clearwater, Pinellas County</b>	Latvala (C)
	City of Clearwater, Pinellas County: Provides for use & development of specified city-owned lands; removes certain restrictions on use of lands imposed by ch. 11050, Laws of Florida (1925); specifies that act does not modify or supersede city's charter relating to waterfront property owned by city. Effective Date: upon becoming a law 1/13/2016 HOUSE Now in Agriculture & Natural Resources Subcommittee	
<b>HB 1051</b>	<b>Relating to Recreational Boating Zones</b>	Caldwell
	Recreational Boating Zones: Prohibits anchoring or mooring of vessels in specified recreational boating zones; provides penalties. Effective Date: July 1, 2016 1/8/2016 HOUSE Now in Agriculture & Natural Resources Subcommittee	
<b>HB 1075</b>	<b>Relating to State Lands</b>	Caldwell
	State Lands: Creates, revises, & deletes provisions relating to acquisition, surplus, sale, lease, & use of state-owned conservation, nonconservation, recreation, & submerged lands. Effective Date: July 1, 2016 1/15/2016 HOUSE On Committee agenda - Agriculture & Natural Resources Subcommittee, 01/20/16, 12:00 pm, 17 H	
<b>HB 1091</b>	<b>Relating to Advertisement of Vehicle and Vessel Purchasing</b>	Cortes (B)
	Advertisement of Vehicle and Vessel Purchasing: Requires motor vehicle dealer or secondary metals recycler who advertises purchase of vehicles or vessels to display license or registration number on sign or advertisement; prohibits unlicensed motor vehicle dealer or unregistered secondary metals recycler from dispatching wrecker or tow truck in response to advertisement for purchase of vehicle or vessel; provides for impoundment of wrecker or tow truck; provides fines & penalties. Effective Date: July 1, 2016 1/13/2016 HOUSE Now in Business & Professions Subcommittee	
<b>SB 1148</b>	<b>Relating to Self-service Gasoline Stations</b>	Montford

Self-service Gasoline Stations; Requiring that retail self-service gasoline station pumps have printers in working order and capable of producing receipts; requiring that pumps without functioning printers be taken out of service; requiring the Department of Agriculture and Consumer Services to inspect pumps for functioning printers, etc.

Effective Date: 7/1/2016

1/5/2016 SENATE Referred to Commerce and Tourism; Appropriations Subcommittee on General Government; Fiscal Policy

<b>HB 1153</b>	<b>Relating to Public Records/Recreational Activities Licenses/FWCC</b>	Goodson
	Public Records/Recreational Activities Licenses/FWCC: Provides exemption from public records requirements for personal identifying information provided to FWCC on applications for certain licenses, permits, & certifications; provides for future legislative review & repeal of exemption; provides statement of public necessity. Effective Date: July 1, 2016	
	1/13/2016 HOUSE Now in Agriculture & Natural Resources Subcommittee	
<b>SB 1154</b>	<b>Relating to Drug-free Workplaces</b>	Bradley
	Drug-free Workplaces; Revising the contents of an employer policy statement with respect to employee drug use; revising specimen collection, verification, and documentation procedures, etc. Effective Date: 7/1/2016	
	1/5/2016 SENATE Referred to Commerce and Tourism; Health Policy; Fiscal Policy	
<b>SB 1156</b>	<b>Relating to Community Development Districts</b>	Hutson
	Community Development Districts; Increasing minimum and maximum size requirements for the establishment of community development districts under certain circumstances; revising requirements related to the process of amending community development district boundaries; authorizing certain districts up to a specified number to merge into one surviving district, subject to certain requirements, etc. Effective Date: 7/1/2016	
	1/14/2016 SENATE On Committee agenda - Community Affairs, 01/19/16, 4:00 pm, 301 S	
<b>SB 1168</b>	<b>Relating to Implementation of the Water and Land Conservation Constitutional Amendment</b>	Negron
	Implementation of the Water and Land Conservation Constitutional Amendment; Requiring a minimum specified percentage of funds within the Land Acquisition Trust Fund to be appropriated for Everglades restoration projects; providing a preference in the use of funds to certain projects that reduce harmful discharges to the St. Lucie Estuary and the Caloosahatchee Estuary, etc. Effective Date: 7/1/2016	
	1/8/2016 SENATE Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Appropriations	
<b>SB 1176</b>	<b>Relating to Dredge and Fill Activities</b>	Diaz de la Portilla
	Dredge and Fill Activities; Revising the acreage of wetlands and other surface waters subject to impact by dredge and fill activities under a state programmatic general permit; providing that seeking to use such a permit consents to specified federal wetland jurisdiction criteria; authorizing the Department of Environmental Protection to delegate federal permitting programs for the discharge of dredged or fill material under certain conditions, etc. Effective Date: Upon becoming a law	
	1/8/2016 SENATE Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Appropriations	
<b>SB 1260</b>	<b>Relating to Recreational Boating Zones</b>	Simpson
	Recreational Boating Zones; prohibiting overnight anchoring or mooring of vessels in specified recreational boating zones, etc. Effective Date: 7/1/2016	
	1/11/2016 SENATE Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Fiscal Policy	
<b>SB 1268</b>	<b>Relating to Freight Mobility and Trade Projects</b>	Simpson
	Freight Mobility and Trade Projects; Amending provisions relating to fees collected by the Department of Highway Safety and Motor Vehicles for issuance of motor vehicle certificates of title and related services; providing that certain fees collected shall be set aside for specified freight mobility and trade projects or navigational channel projects, etc. Effective Date: 7/1/2019	
	1/11/2016 SENATE Referred to Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations	
<b>HB 1273</b>	<b>Relating to Manatees</b>	Ahern
	Manatees: Exempts, until specified date, revenues deposited in Save the Manatee Trust Fund from certain service charges; authorizes expenditure of such funds to conduct manatee speed zone study & statewide manatee distribution & abundance surveys & reports; requires FWCC to contract for manatee speed zone effectiveness study; requires FWCC to submit report detailing findings of such study to Governor & Legislature & to conduct surveys & reports; authorizes FWCC to conduct additional surveys & reports as necessary. Effective Date: July 1, 2016	



<b>SB 1282</b>	<b>Relating to Fish and Wildlife Conservation Commission</b>	Dean
	Fish and Wildlife Conservation Commission; Revising penalties for violations of commission rules relating to control and management of state game lands; authorizing exceptions to the prohibition on spearfishing; revising penalties for violations related to subagent sales of hunting, fishing, and trapping licenses and permits, etc. Effective Date: 7/1/2016 1/15/2016 SENATE On Committee agenda - Environmental Preservation and Conservation, 01/20/16, 1:30 pm, 37 S	
<b>SB 1290</b>	<b>Relating to State Lands</b>	Simpson
	State Lands; Authorizing the Board of Trustees of the Internal Improvement Trust Fund to waive certain requirements and rules and substitute procedures relating to the acquisition of state lands under certain conditions; providing for public agencies and nonprofit organizations to enter into written agreements with the Department of Environmental Protection rather than the Division of State Lands to purchase and hold property for subsequent resale to the board rather than the division; providing for the use of alternatives to fee simple acquisition by public land acquisition agencies, etc. Effective Date: 7/1/2016 1/11/2016 SENATE Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Appropriations	
<b>SB 1312</b>	<b>Relating to Protection Zones For Springs</b>	Dean
	Protection Zones For Springs; Providing penalties for violations relating to protection zones for springs; directing the Fish and Wildlife Conservation Commission to establish protection zones to prevent harm to springs; requiring the commission to set vessel speed and operation standards for protection zones; requiring the commission to consult with certain other entities under certain circumstances; specifying responsibility for posting and maintaining regulatory markers, etc. Effective Date: 7/1/2016 1/11/2016 SENATE Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Appropriations	
<b>SB 1318</b>	<b>Relating to Shellfish Regulations</b>	Dean
	Shellfish Regulations; Deleting a prohibition against the harvesting by means other than hand tongs of oysters from natural or artificial state reefs or beds and of all shell fish in certain areas of Apalachicola Bay; authorizing lessees or grantees who hold current aquaculture leases to request modifications to their leases to allow mechanical harvesting, etc. Effective Date: 7/1/2016 1/11/2016 SENATE Referred to Agriculture; Environmental Preservation and Conservation; Fiscal Policy	
<b>SB 1364</b>	<b>Relating to Public Records/Personal Information Obtained in Connection with Licensure</b>	Hays
	Public Records/Personal Information Obtained in Connection with Licensure; Defining the term "personal information"; providing an exemption from public records requirements for personal information provided to the Fish and Wildlife Conservation Commission on applications for certain licenses, permits, and certifications; providing circumstances under which personal information may be disclosed; providing applicability; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. Effective Date: 7/1/2016 1/11/2016 SENATE Referred to Environmental Preservation and Conservation; Governmental Oversight and Accountability; Rules	
<b>SB 1454</b>	<b>Relating to Vessels</b>	Hutson
	Vessels; Revising provisions relating to reckless or careless operation of a vessel; deleting provisions authorizing law enforcement officers to inspect vessels; revising provisions relating to the authority of law enforcement officers to conduct certain investigations, etc. Effective Date: 7/1/2016 1/14/2016 SENATE Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on Criminal and Civil Justice; Fiscal Policy	
<b>SB 1506</b>	<b>Relating to Manatees</b>	Brandes
	Manatees; Exempting, until a specified date, certain revenue deposited in the Save the Manatee Trust Fund from a service charge assessed against state trust funds; requiring the Fish and Wildlife Conservation Commission to contract with an independent, qualified party to conduct a manatee speed zone effectiveness study, etc. Effective Date: 7/1/2016 1/14/2016 SENATE Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Appropriations	
<b>SB 1510</b>	<b>Relating to Advertisement of Vehicle and Vessel Purchasing</b>	Hutson
	Advertisement of Vehicle and Vessel Purchasing; Requiring a motor vehicle dealer who advertises the purchase	

of vehicles or vessels to display specified information on the sign or advertisement; prohibiting an unlicensed motor vehicle dealer or unregistered secondary metals recycler from dispatching a wrecker, tow truck, trailer, dolly, or other vehicle in response to an advertisement for the purchase of a vehicle or vessel, etc. Effective Date: 7/1/2016  
1/14/2016 SENATE Referred to Commerce and Tourism; Transportation; Fiscal Policy

<b>SB 1564</b>	<b>Relating to Shellfish Harvesting</b>	Hutson
	Shellfish Harvesting; Revising provisions for the harvest of shellfish from natural reefs and submerged lands; providing for the Board of Trustees of the Internal Improvement Trust Fund instead of the Department of Agricultural and Consumer Services to authorize the harvest of shellfish by dredges or mechanical harvesting devices in submerged land leases and perpetual shellfish leases, etc. Effective Date: 7/1/2016 1/14/2016 SENATE Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Fiscal Policy	
<b>SB 1668</b>	<b>Relating to Florida Lionfish Education and Research Consortium</b>	Montford
	Florida Lionfish Education and Research Consortium; Creating the "Florida Lionfish Education and Research Act", establishing the Florida Lionfish Education and Research Consortium; specifying the entities comprising the consortium, etc. Effective Date: 7/1/2016 1/14/2016 SENATE Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on Education; Appropriations	
<b>SB 7000</b>	<b>Relating to Developments of Regional Impact</b>	Community Affairs
	Developments of Regional Impact; Providing that a proposed development that is consistent with certain comprehensive plans is not required to undergo review pursuant to the state coordinated review process, etc. Effective Date: 7/1/2016 1/15/2016 SENATE On Committee agenda - Fiscal Policy, 01/20/16, 4:00 pm, 412 K - PCS	
<b>HB 7005</b>	<b>Relating to Environmental Resources</b>	State Affairs Committee
	Environmental Resources: Provides for conservation lands database; provides assistance to self-suppliers of water; authorizes pilot projects for certain water management districts (WMDs); requires adoption of minimum flows & levels for Outstanding Florida Springs; requires concurrent adoption of recovery or prevention strategies & minimum flows & levels; provides for Central Florida Water Initiative Area; authorizes allocation of water by SFWMD; requires monitoring of consumptive use permits; provides for certain preferred water supply sources; prohibits modification of permitted water allocations; provides priority consideration to certain public-private partnerships for water storage, groundwater recharge, & water quality improvements on private agricultural lands; revises Northern Everglades & Estuaries Protection Program; revises membership qualifications for Harris Chain of Lakes Restoration Council; requires certain funding plans in water resource development work program; authorizes private landowners to assist WMDs; requires promotion of certain cost-share criteria; creates the Florida Springs & Aquifer Protection Act; authorizes funding for nutrient & sediment reduction & conservation pilot projects; revises requirements for basin management action plans; provides treated potable water supply as designated use of surface waters; requires DEP & DACS to assess water resources & conservation lands. Effective Date: July 1, 2016 1/14/2016 HOUSE Read Second Time; Substituted for SB 0552; Laid on Table, Refer to SB 0552	
<b>HB 7013</b>	<b>Relating to Fish and Wildlife Conservation Commission</b>	Agriculture & Natural Resources Subcommittee
	Fish and Wildlife Conservation Commission: Defines "fish & wildlife"; revises penalties for violations of FWCC rules or regulations relating to control & management of state game lands, wildlife management areas, spearfishing, contamination of fresh waters, use of explosives in fresh waters, loaning or transferring license or permit to another person or using borrowed or transferred licenses & permits, swearing or affirming to false statements on license & permit applications, entering false information on licenses & permits, sale of licenses & permits by subagents, tarpon tags & sale of tarpon, stone crab traps, failure to return certain alligator CITES tags, certain recreational licenses, sale, purchase, harvest, or attempted harvest of saltwater products with intent to sell, illegal taking of fish & wildlife while trespassing, illegal killing, taking, possessing, or selling of wildlife or game, illegal killing, possessing, or capturing of alligators or other crocodilia or their eggs, intentional killing or wounding of any species designated as endangered, threatened, or of special concern, & killing Florida or wild panther; provides penalties for violations relating to possession of certain recreational licenses, permits, & authorizations, freshwater fish dealers' licenses, fur & hide dealers' licenses, tagging of alligators & hides, trapping licenses for taking & possessing alligators, & filing reports & documents by persons who hold alligator licenses & permits; authorizes, rather than requires, FWCC to retain certain amount of voluntary contributions to Southeastern Guide Dogs, Inc. Effective Date: July 1, 2016 1/13/2016 HOUSE Now in State Affairs Committee	

<b>HB 7025</b>	<b>Relating to At-risk Vessels</b>	Highway & Waterway Safety Subcommittee
	At-risk Vessels: Prohibits vessels that are at risk of becoming derelict from anchoring on, mooring on, or occupying state waters; authorizes FWCC or specified law enforcement officers to determine that vessels are at risk of becoming derelict if certain conditions exist; provides that persons who anchor or moor or allow such a vessel to occupy state waters commit noncriminal violation; provides for enforcement, penalties, & applicability. Effective Date: July 1, 2016 1/15/2016 HOUSE On Committee agenda - Agriculture & Natural Resources Appropriations Subcommittee, 01/20/16, 10:00 am, 102 H	
<b>SAC1</b>	<b>Relating to Environmental Resources</b>	State Affairs Committee
	PCB SAC 16-01 -- Environmental Resources 10/26/2015 HOUSE Committee Bill filed as H 7005	
<b>ANRS2</b>	<b>Relating to Fish and Wildlife Conservation Commission</b>	Agriculture & Natural Resources Subcommittee
	PCB ANRS 16-02 -- Fish and Wildlife Conservation Commission 11/18/2015 HOUSE Committee Bill filed as H 7013	
<b>HWSS1</b>	<b>Relating to At-Risk Vessel</b>	Highway & Waterway Safety Subcommittee
	PCB HWSS 16-01 -- At-Risk Vessel 12/2/2015 HOUSE Committee Bill Filed as H 7025	

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1  
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 by a certain date  
7 each year to the Governor and the Legislature  
8 identifying the percentage of such lands which the  
9 public has access to and the efforts the department  
10 has undertaken to increase public access; amending s.  
11 373.019, F.S.; revising the definition of the term  
12 "water resource development" to include technical  
13 assistance to self-suppliers under certain  
14 circumstances; amending s. 373.036, F.S.; requiring  
15 certain information to be included in the consolidated  
16 annual report for certain projects related to water  
17 quality or water quantity; creating s. 373.037, F.S.;  
18 defining terms; providing legislative findings;  
19 authorizing certain water management districts to  
20 designate and implement pilot projects; providing  
21 powers and limitations for the governing boards of  
22 such water management districts; requiring a  
23 participating water management district to submit a  
24 report to the Governor and the Legislature on the  
25 effectiveness of its pilot project by a certain date;  
26 amending s. 373.042, F.S.; requiring the department or  
27 the governing board of a water management district to  
28 adopt a minimum flow or minimum water level for an  
29 Outstanding Florida Spring using emergency rulemaking

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30 authority under certain circumstances; requiring  
31 collaboration in the development and implementation of  
32 recovery or prevention strategies under certain  
33 circumstances; revising the rulemaking authority of  
34 the department; amending s. 373.0421, F.S.; directing  
35 the department or the water management district  
36 governing boards to adopt or modify recovery or  
37 prevention strategies concurrently with the initial  
38 adoption or revision of certain minimum flows and  
39 minimum water levels; directing the department or the  
40 water management district governing boards to  
41 expeditiously adopt a recovery or prevention strategy  
42 under certain circumstances; providing criteria for  
43 such recovery or prevention strategies; requiring  
44 certain amendments to regional water supply plans to  
45 be concurrent with relevant portions of the recovery  
46 or prevention strategy; directing water management  
47 districts to notify the department when water use  
48 permit applications are denied for a specified reason;  
49 providing for the review and update of regional water  
50 supply plans in such cases; creating s. 373.0465,  
51 F.S.; providing legislative findings; defining the  
52 term "Central Florida Water Initiative Area";  
53 requiring the department, the St. Johns River Water  
54 Management District, the South Florida Water  
55 Management District, the Southwest Florida Water  
56 Management District, and the Department of Agriculture  
57 and Consumer Services to develop and implement a  
58 multidistrict regional water supply plan; providing

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59 plan criteria and requirements; providing  
60 applicability; requiring the department to adopt  
61 rules; amending s. 373.1501, F.S.; specifying  
62 authority of the South Florida Water Management  
63 District to allocate quantities of, and assign  
64 priorities for the use of, water within its  
65 jurisdiction; directing the district to provide  
66 recommendations to the United States Army Corps of  
67 Engineers when developing or implementing certain  
68 water control plans or regulation schedules; amending  
69 s. 373.219, F.S.; requiring the department to adopt  
70 certain uniform rules; amending s. 373.223, F.S.;  
71 requiring consumptive use permits authorizing over a  
72 certain amount to be monitored on a specified basis;  
73 providing an exception; amending s. 373.2234, F.S.;  
74 directing water management district governing boards  
75 to consider the identification of preferred water  
76 supply sources for certain water users; amending s.  
77 373.227, F.S.; prohibiting water management districts  
78 from modifying permitted allocation amounts under  
79 certain circumstances; requiring the water management  
80 districts to adopt rules to promote water conservation  
81 incentives; amending s. 373.233, F.S.; providing  
82 conditions under which the department and water  
83 management district governing boards are directed to  
84 give preference to certain applications; amending s.  
85 373.4591, F.S.; providing priority consideration to  
86 certain public-private partnerships for water storage,  
87 groundwater recharge, and water quality improvements

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88 on private agricultural lands; amending s. 373.4595,  
89 F.S.; revising and providing definitions relating to  
90 the Northern Everglades and Estuaries Protection  
91 Program; clarifying provisions of the Lake Okeechobee  
92 Watershed Protection Program; directing the South  
93 Florida Water Management District to revise certain  
94 rules and provide for a watershed research and water  
95 quality monitoring program; revising provisions for  
96 the Caloosahatchee River Watershed Protection Program  
97 and the St. Lucie River Watershed Protection Program;  
98 revising permitting and annual reporting requirements  
99 relating to the Northern Everglades and Estuaries  
100 Protection Program; revising requirements for certain  
101 basin management action plans; amending s.  
102 373.467, F.S.; revising the qualifications for  
103 membership on the Harris Chain of Lakes Restoration  
104 Council; authorizing the Lake County legislative  
105 delegation to waive such membership qualifications for  
106 good cause; providing for council vacancies; amending  
107 s. 373.536, F.S.; requiring a water management  
108 district to include an annual funding plan in the 5-  
109 year water resource development work program;  
110 directing the department to post the proposed work  
111 program on its website; amending s. 373.703, F.S.;  
112 authorizing water management districts to join with  
113 private landowners for the purpose of carrying out  
114 their powers; amending s. 373.705, F.S.; revising  
115 legislative intent; requiring water management  
116 district governing boards to include certain

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117 information in their annual budget submittals;  
118 requiring water management districts to promote  
119 expanded cost-share criteria for additional  
120 conservation practices and software technologies;  
121 amending s. 373.707, F.S.; authorizing water  
122 management districts to provide technical and  
123 financial assistance to certain self-suppliers and to  
124 waive certain construction costs of alternative water  
125 supply development projects sponsored by certain water  
126 users; amending s. 373.709, F.S.; requiring regional  
127 water supply plans to include traditional and  
128 alternative water supply project options that are  
129 technically and financially feasible; directing the  
130 department to include certain funding analyses and  
131 project explanations in regional water supply planning  
132 reports; creating part VIII of ch. 373, F.S., entitled  
133 the "Florida Springs and Aquifer Protection Act";  
134 creating s. 373.801, F.S.; providing legislative  
135 findings and intent; creating s. 373.802, F.S.;  
136 defining terms; creating s. 373.803, F.S.; requiring  
137 the department to delineate a priority focus area for  
138 each Outstanding Florida Spring by a certain date;  
139 creating s. 373.805, F.S.; requiring a water  
140 management district or the department to adopt or  
141 revise various recovery or prevention strategies under  
142 certain circumstances; providing minimum requirements  
143 for recovery or prevention strategies for Outstanding  
144 Florida Springs; authorizing local governments to  
145 apply for an extension for projects in an adopted



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146 recovery or prevention strategy; creating s. 373.807,  
147 F.S.; requiring the department to initiate assessments  
148 of Outstanding Florida Springs by a certain date;  
149 requiring the department to develop basin management  
150 action plans; authorizing local governments to apply  
151 for an extension for projects in an adopted basin  
152 management action plan; requiring certain local  
153 governments to develop, enact, and implement an urban  
154 fertilizer ordinance by a certain date; requiring the  
155 Department of Environmental Protection, the Department  
156 of Health, and relevant local governments and  
157 utilities to develop onsite sewage treatment and  
158 disposal system remediation plans under certain  
159 circumstances; requiring the Department of  
160 Environmental Protection to be the lead agency;  
161 creating s. 373.811, F.S.; specifying prohibited  
162 activities within a priority focus area of an  
163 Outstanding Florida Spring; creating s. 373.813, F.S.;  
164 providing rulemaking authority; amending s. 403.061,  
165 F.S.; directing the department to adopt by rule a  
166 specific surface water classification to protect  
167 surface waters used for treated potable water supply;  
168 providing criteria for such rule; authorizing the  
169 reclassification of surface waters used for treated  
170 potable water supply notwithstanding such rule;  
171 creating s. 403.0617, F.S.; authorizing the department  
172 to fund nutrient and sediment reduction and  
173 conservation pilot projects under certain  
174 circumstances; requiring the department to initiate

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175 rulemaking by a certain date; amending s. 403.0623,  
176 F.S.; requiring the department to establish certain  
177 standards; requiring state agencies and water  
178 management districts to show that they followed the  
179 department's standards in order to receive certain  
180 funding; amending s. 403.067, F.S.; providing  
181 requirements for new or revised basin management  
182 action plans; requiring the department to adopt rules  
183 relating to the enforcement and verification of best  
184 management action plans and management strategies;  
185 creating s. 403.0675, F.S.; requiring the department  
186 and the Department of Agriculture and Consumer  
187 Services to post annual progress reports on their  
188 websites and to submit such reports to the Governor  
189 and the Legislature; requiring each water management  
190 district to post the Department of Environmental  
191 Protection's report on its website; amending s.  
192 403.861, F.S.; directing the department to add treated  
193 potable water supply as a designated use of a surface  
194 water segment under certain circumstances; creating s.  
195 403.928, F.S.; requiring the Office of Economic and  
196 Demographic Research to conduct an annual assessment  
197 of Florida's water resources and conservation lands;  
198 requiring the assessment to be submitted to the  
199 Legislature by a certain date; requiring the  
200 department to evaluate the feasibility and costs of  
201 creating and maintaining a web-based interactive map;  
202 requiring the department to submit a report of its  
203 findings by a certain date; providing a declaration of

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204 important state interest; providing an effective date.

205  
206 Be It Enacted by the Legislature of the State of Florida:

207  
208 Section 1. Paragraph (f) is added to subsection (9) of  
209 section 259.032, Florida Statutes, to read:

210 259.032 Conservation and recreation lands.—

211 (9)

212 (f) To ensure that the public has knowledge of and access  
213 to conservation lands, as defined in s. 253.034(2)(c), the  
214 department shall publish, update, and maintain a database of  
215 such lands where public access is compatible with conservation  
216 and recreation purposes.

217 1. By July 1, 2017, the database must be available to the  
218 public online and must include, at a minimum, the location,  
219 types of allowable recreational opportunities, points of public  
220 access, facilities or other amenities, restrictions, and any  
221 other information the department deems appropriate to increase  
222 public awareness of recreational opportunities on conservation  
223 lands. Such data must be electronically accessible, searchable,  
224 and downloadable in a generally acceptable format.

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

230 3. The database and application must include information  
231 for all state conservation lands to which the public has a right  
232 of access for recreational purposes. Beginning January 1, 2018,

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233 to the greatest extent practicable, the database shall include  
234 similar information for lands owned by federal and local  
235 governmental entities that allow access for recreational  
236 purposes.

237 4. By January 1 of each year, the department shall provide  
238 a report to the Governor, the President of the Senate, and the  
239 Speaker of the House of Representatives describing the  
240 percentage of public lands acquired under this chapter to which  
241 the public has access and the efforts undertaken by the  
242 department to increase public access to such lands.

243 Section 2. Subsection (24) of section 373.019, Florida  
244 Statutes, is amended to read:

245 373.019 Definitions.—When appearing in this chapter or in  
246 any rule, regulation, or order adopted pursuant thereto, the  
247 term:

248 (24) "Water resource development" means the formulation and  
249 implementation of regional water resource management strategies,  
250 including the collection and evaluation of surface water and  
251 groundwater data; structural and nonstructural programs to  
252 protect and manage water resources; the development of regional  
253 water resource implementation programs; the construction,  
254 operation, and maintenance of major public works facilities to  
255 provide for flood control, surface and underground water  
256 storage, and groundwater recharge augmentation; and related  
257 technical assistance to local governments, ~~and to government-~~  
258 owned and privately owned water utilities, and self-suppliers to  
259 the extent assistance to self-suppliers promotes the policies as  
260 set forth in s. 373.016.

261 Section 3. Paragraph (b) of subsection (7) of section

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262 373.036, Florida Statutes, is amended to read:

263 373.036 Florida water plan; district water management  
264 plans.—

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

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

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

271 2. The department-approved minimum flows and minimum water  
272 levels annual priority list and schedule required by s.  
273 373.042(3) s. ~~373.042(2)~~.

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

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

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

280 6. The Florida Forever Water Management District Work Plan  
281 annual report required by s. 373.199(7).

282 7. The mitigation donation annual report required by s.  
283 373.414(1)(b)2.

284 8. Information on all projects related to water quality or  
285 water quantity as part of a 5-year work program, including:

286 a. A list of all specific projects identified to implement  
287 a basin management action plan or a recovery or prevention  
288 strategy;

289 b. A priority ranking for each listed project for which  
290 state funding through the water resources development work

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291 program is requested, which must be made available to the public  
292 for comment at least 30 days before submission of the  
293 consolidated annual report;

294 c. The estimated cost for each listed project;

295 d. The estimated completion date for each listed project;

296 e. The source and amount of financial assistance to be made  
297 available by the department, a water management district, or  
298 other entity for each listed project; and

299 f. A quantitative estimate of each listed project's benefit  
300 to the watershed, water body, or water segment in which it is  
301 located.

302 9. A grade for each watershed, water body, or water segment  
303 in which a project listed under subparagraph 8. is located  
304 representing the level of impairment and violations of adopted  
305 minimum flow or minimum water levels. The grading system must  
306 reflect the severity of the impairment of the watershed,  
307 waterbody, or water segment.

308 Section 4. Section 373.037, Florida Statutes, is created to  
309 read:

310 373.037 Pilot program for alternative water supply  
311 development in restricted allocation areas.-

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

313 (a) "Central Florida Water Initiative Area" means all of  
314 Orange, Osceola, Polk, and Seminole Counties, and southern Lake  
315 County, as designated by the Central Florida Water Initiative  
316 Guiding Document of January 30, 2015.

317 (b) "Lower East Coast Regional Water Supply Planning Area"  
318 means the areas withdrawing surface and groundwater from Water  
319 Conservation Areas 1, 2A, 2B, 3A, and 3B, Grassy Waters

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320 Preserve/Water Catchment Area, Pal Mar, J.W. Corbett Wildlife  
321 Management Area, Loxahatchee Slough, Loxahatchee River,  
322 Riverbend Park, Dupuis Reserve, Jonathan Dickinson State Park,  
323 Kitching Creek, Moonshine Creek, Cypress Creek, Hobe Grove  
324 Ditch, the Holey Land and Rotenberger Wildlife Management Areas,  
325 and the freshwater portions of the Everglades National Park, as  
326 designated by the South Florida Water Management District.

327 (c) "Restricted allocation area" means an area within a  
328 water supply planning region of the Southwest Florida Water  
329 Management District, the South Florida Water Management  
330 District, or the St. Johns River Water Management District where  
331 the governing board of the water management district has  
332 determined that existing sources of water are not adequate to  
333 supply water for all existing and future reasonable-beneficial  
334 uses and to sustain the water resources and related natural  
335 systems for the planning period pursuant to ss. 373.036 and  
336 373.709 and where the governing board of the water management  
337 district has applied allocation restrictions with regard to the  
338 use of specific sources of water. For the purposes of this  
339 section, the term includes the Central Florida Water Initiative  
340 Area, the Lower East Coast Regional Water Supply Planning Area,  
341 the Southern Water Use Caution Area, and the Upper East Coast  
342 Regional Water Supply Planning Area.

343 (d) "Southern Water Use Caution Area" means all of Desoto,  
344 Hardee, Manatee, and Sarasota Counties and parts of Charlotte,  
345 Highlands, Hillsborough, and Polk Counties, as designated by the  
346 Southwest Florida Water Management District.

347 (e) "Upper East Coast Regional Water Supply Planning Area"  
348 means the areas withdrawing surface and groundwater from the

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349 Central and Southern Florida canals or the Floridan Aquifer, as  
350 designated by the South Florida Water Management District.

351 (2) The Legislature finds that:

352 (a) Local governments, regional water supply authorities,  
353 and government-owned and privately owned water utilities face  
354 significant challenges in securing funds for implementing large-  
355 scale alternative water supply projects in certain restricted  
356 allocation areas due to a variety of factors, such as the  
357 magnitude of the water resource challenges, the large number of  
358 water users, the difficulty of developing multijurisdictional  
359 solutions across district, county, or municipal boundaries, and  
360 the expense of developing large-scale alternative water supply  
361 projects identified in the regional water supply plans pursuant  
362 to s. 373.709.

363 (b) These factors make it necessary to provide other  
364 options for the Southwest Florida Water Management District, the  
365 South Florida Water Management District, and the St. Johns River  
366 Water Management District to be able to take the lead in  
367 developing and implementing one alternative water supply project  
368 within a restricted allocation area as a pilot alternative water  
369 supply development project.

370 (c) Each pilot project must provide water supply and  
371 environmental benefits. Consideration should be given to  
372 projects that provide reductions in damaging discharges to tide  
373 or that are part of a recovery or prevention strategy for  
374 minimum flows and minimum water levels.

375 (3) The water management districts specified in paragraph  
376 (2) (b) may, at their sole discretion, designate and implement an  
377 existing alternative water supply project that is identified in



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378 each district's regional water supply plan as its one pilot  
379 project or amend their respective regional water supply plans to  
380 add a new alternative water supply project as their district  
381 pilot project. A pilot project designation made pursuant to this  
382 section should be made no later than July 1, 2017, and is not  
383 subject to the rulemaking requirements of chapter 120 or subject  
384 to legal challenge pursuant to ss. 120.569 and 120.57. A water  
385 management district may designate an alternative water supply  
386 project located within another water management district if the  
387 project is located in a restricted allocation area designated by  
388 the other water management district and a substantial quantity  
389 of water provided by the alternative water supply project will  
390 be used within the boundaries of the water management district  
391 that designated the alternative water supply project.

392 (4) In addition to the other powers granted and duties  
393 imposed under this chapter, if a district specified in paragraph  
394 (2) (b) elects to implement a pilot project pursuant to this  
395 section, its governing board has the following powers and is  
396 subject to the following restrictions in implementing the pilot  
397 project:

398 (a) The governing board may not develop and implement a  
399 pilot project on privately owned land without the voluntary  
400 consent of the landowner, which consent may be evidenced by  
401 deed, easement, license, contract, or other written legal  
402 instrument executed by the landowner after July 1, 2016.

403 (b) The governing board may not engage in local water  
404 supply distribution or sell water to the pilot project  
405 participants.

406 (c) The governing board may join with one or more other

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407 water management districts and counties, municipalities, special  
408 districts, publicly owned or privately owned water utilities,  
409 multijurisdictional water supply entities, regional water supply  
410 authorities, self-suppliers, or other entities for the purpose  
411 of carrying out its powers, and may contract with any such other  
412 entities to finance or otherwise implement acquisitions,  
413 construction, and operation and maintenance, if such contracts  
414 are consistent with the public interest and based upon  
415 independent cost estimates, including comparisons with other  
416 alternative water supply projects. The contracts may provide for  
417 contributions to be made by each party to the contract for the  
418 division and apportionment of resulting costs, including  
419 operations and maintenance, benefits, services, and products.  
420 The contracts may contain other covenants and agreements  
421 necessary and appropriate to accomplish their purposes.

422 (5) A water management district may provide up to 50  
423 percent of funding assistance for a pilot project.

424 (6) If a water management district specified in paragraph  
425 (2) (b) elects to implement a pilot project, it shall submit a  
426 report to the Governor, the President of the Senate, and the  
427 Speaker of the House of Representatives by July 1, 2020, on the  
428 effectiveness of its pilot project. The report must include all  
429 of the following information:

430 (a) A description of the alternative water supply project  
431 selected as a pilot project, including the quantity of water the  
432 project has produced or is expected to produce and the  
433 consumptive users who are expected to use the water produced by  
434 the pilot project to meet their existing and future reasonable-  
435 beneficial uses.

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436       (b) Progress made in developing and implementing the pilot  
437 project in comparison to the development and implementation of  
438 other alternative water supply projects in the restricted  
439 allocation area.

440       (c) The capital and operating costs to be expended by the  
441 water management district in implementing the pilot project in  
442 comparison to other alternative water supply projects being  
443 developed and implemented in the restricted allocation area.

444       (d) The source of funds to be used by the water management  
445 district in developing and implementing the pilot project.

446       (e) The benefits to the district's water resources and  
447 natural systems from implementation of the pilot project.

448       (f) A recommendation as to whether the traditional role of  
449 water management districts regarding the development and  
450 implementation of alternative water supply projects, as  
451 specified in ss. 373.705 and 373.707, should be revised and, if  
452 so, identification of the statutory changes necessary to expand  
453 the scope of the pilot program.

454       Section 5. Section 373.042, Florida Statutes, is amended to  
455 read:

456       373.042 Minimum flows and minimum water levels.-

457       (1) Within each section, or within the water management  
458 district as a whole, the department or the governing board shall  
459 establish the following:

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

464       (b) Minimum water level. The minimum water level is ~~shall~~

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465 ~~be~~ the level of groundwater in an aquifer and the level of  
466 surface water at which further withdrawals would be  
467 significantly harmful to the water resources or ecology of the  
468 area.

469  
470 The minimum flow and minimum water level shall be calculated by  
471 the department and the governing board using the best  
472 information available. When appropriate, minimum flows and  
473 minimum water levels may be calculated to reflect seasonal  
474 variations. The department and the governing board shall ~~also~~  
475 consider, and at their discretion may provide for, the  
476 protection of nonconsumptive uses in the establishment of  
477 minimum flows and minimum water levels.

478 (2) (a) If a minimum flow or minimum water level has not  
479 been adopted for an Outstanding Florida Spring, a water  
480 management district or the department shall use the emergency  
481 rulemaking authority provided in paragraph (c) to adopt a  
482 minimum flow or minimum water level no later than July 1, 2017,  
483 except for the Northwest Florida Water Management District,  
484 which shall use such authority to adopt minimum flows and  
485 minimum water levels for Outstanding Florida Springs no later  
486 than July 1, 2026.

487 (b) For Outstanding Florida Springs identified on a water  
488 management district's priority list developed pursuant to  
489 subsection (3) which have the potential to be affected by  
490 withdrawals in an adjacent district, the adjacent district or  
491 districts and the department shall collaboratively develop and  
492 implement a recovery or prevention strategy for an Outstanding  
493 Florida Spring not meeting an adopted minimum flow or minimum

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494 water level.

495 (c) The Legislature finds as provided in s. 373.801(3)(b)  
496 that the adoption of minimum flows and minimum water levels or  
497 recovery or prevention strategies for Outstanding Florida  
498 Springs requires immediate action. The department and the  
499 districts are authorized, and all conditions are deemed to be  
500 met, to use emergency rulemaking provisions pursuant to s.  
501 120.54(4) to adopt minimum flows and minimum water levels  
502 pursuant to this subsection and to adopt recovery or prevention  
503 strategies concurrently with a minimum flow or minimum water  
504 level pursuant to s. 373.805(2). The emergency rules shall  
505 remain in effect during the pendency of procedures to adopt  
506 rules addressing the subject of the emergency rules.

507 (d) As used in this subsection, the term "Outstanding  
508 Florida Spring" has the same meaning as in s. 373.802.

509 (3)(2) By November 15, 1997, and annually thereafter, each  
510 water management district shall submit to the department for  
511 review and approval a priority list and schedule for the  
512 establishment of minimum flows and minimum water levels for  
513 surface watercourses, aquifers, and surface waters within the  
514 district. The priority list and schedule shall identify those  
515 listed water bodies for which the district will voluntarily  
516 undertake independent scientific peer review; any reservations  
517 proposed by the district to be established pursuant to s.  
518 373.223(4); and those listed water bodies that have the  
519 potential to be affected by withdrawals in an adjacent district  
520 for which the department's adoption of a reservation pursuant to  
521 s. 373.223(4) or a minimum flow or minimum water level pursuant  
522 to subsection (1) may be appropriate. By March 1, 2006, and

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523 annually thereafter, each water management district shall  
524 include its approved priority list and schedule in the  
525 consolidated annual report required by s. 373.036(7). The  
526 priority list shall be based upon the importance of the waters  
527 to the state or region and the existence of or potential for  
528 significant harm to the water resources or ecology of the state  
529 or region, and shall include those waters which are experiencing  
530 or may reasonably be expected to experience adverse impacts.  
531 Each water management district's priority list and schedule  
532 shall include all first magnitude springs, and all second  
533 magnitude springs within state or federally owned lands  
534 purchased for conservation purposes. The specific schedule for  
535 establishment of spring minimum flows and minimum water levels  
536 shall be commensurate with the existing or potential threat to  
537 spring flow from consumptive uses. Springs within the Suwannee  
538 River Water Management District, or second magnitude springs in  
539 other areas of the state, need not be included on the priority  
540 list if the water management district submits a report to the  
541 Department of Environmental Protection demonstrating that  
542 adverse impacts are not now occurring nor are reasonably  
543 expected to occur from consumptive uses during the next 20  
544 years. The priority list and schedule is not subject to any  
545 proceeding pursuant to chapter 120. Except as provided in  
546 subsection (4) ~~(3)~~, the development of a priority list and  
547 compliance with the schedule for the establishment of minimum  
548 flows and minimum water levels pursuant to this subsection  
549 satisfies the requirements of subsection (1).

550 (4) ~~(3)~~ Minimum flows or minimum water levels for priority  
551 waters in the counties of Hillsborough, Pasco, and Pinellas

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552 shall be established by October 1, 1997. Where a minimum flow or  
553 minimum water level for the priority waters within those  
554 counties has not been established by the applicable deadline,  
555 the secretary of the department shall, if requested by the  
556 governing body of any local government within whose jurisdiction  
557 the affected waters are located, establish the minimum flow or  
558 minimum water level in accordance with the procedures  
559 established by this section. The department's reasonable costs  
560 in establishing a minimum flow or minimum water level shall,  
561 upon request of the secretary, be reimbursed by the district.

562 ~~(5)-(4)~~ A water management district shall provide the  
563 department with technical information and staff support for the  
564 development of a reservation, minimum flow or minimum water  
565 level, or recovery or prevention strategy to be adopted by the  
566 department by rule. A water management district shall apply any  
567 reservation, minimum flow or minimum water level, or recovery or  
568 prevention strategy adopted by the department by rule without  
569 the district's adoption by rule of such reservation, minimum  
570 flow or minimum water level, or recovery or prevention strategy.

571 ~~(6)-(5)~~(a) Upon written request to the department or  
572 governing board by a substantially affected person, or by  
573 decision of the department or governing board, before ~~prior to~~  
574 the establishment of a minimum flow or minimum water level and  
575 before ~~prior to~~ the filing of any petition for administrative  
576 hearing related to the minimum flow or minimum water level, all  
577 scientific or technical data, methodologies, and models,  
578 including all scientific and technical assumptions employed in  
579 each model, used to establish a minimum flow or minimum water  
580 level shall be subject to independent scientific peer review.

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581 Independent scientific peer review means review by a panel of  
582 independent, recognized experts in the fields of hydrology,  
583 hydrogeology, limnology, biology, and other scientific  
584 disciplines, to the extent relevant to the establishment of the  
585 minimum flow or minimum water level.

586 (b) If independent scientific peer review is requested, it  
587 shall be initiated at an appropriate point agreed upon by the  
588 department or governing board and the person or persons  
589 requesting the peer review. If no agreement is reached, the  
590 department or governing board shall determine the appropriate  
591 point at which to initiate peer review. The members of the peer  
592 review panel shall be selected within 60 days of the point of  
593 initiation by agreement of the department or governing board and  
594 the person or persons requesting the peer review. If the panel  
595 is not selected within the 60-day period, the time limitation  
596 may be waived upon the agreement of all parties. If no waiver  
597 occurs, the department or governing board may proceed to select  
598 the peer review panel. The cost of the peer review shall be  
599 borne equally by the district and each party requesting the peer  
600 review, to the extent economically feasible. The panel shall  
601 submit a final report to the governing board within 120 days  
602 after its selection unless the deadline is waived by agreement  
603 of all parties. Initiation of peer review pursuant to this  
604 paragraph shall toll any applicable deadline under chapter 120  
605 or other law or district rule regarding permitting, rulemaking,  
606 or administrative hearings, until 60 days following submittal of  
607 the final report. Any such deadlines shall also be tolled for 60  
608 days following withdrawal of the request or following agreement  
609 of the parties that peer review will no longer be pursued. The



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610 department or the governing board shall give significant weight  
611 to the final report of the peer review panel when establishing  
612 the minimum flow or minimum water level.

613 (c) If the final data, methodologies, and models, including  
614 all scientific and technical assumptions employed in each model  
615 upon which a minimum flow or level is based, have undergone peer  
616 review pursuant to this subsection, by request or by decision of  
617 the department or governing board, no further peer review shall  
618 be required with respect to that minimum flow or minimum water  
619 level.

620 (d) No minimum flow or minimum water level adopted by rule  
621 or formally noticed for adoption on or before May 2, 1997, shall  
622 be subject to the peer review provided for in this subsection.

623 (7)~~(6)~~ If a petition for administrative hearing is filed  
624 under chapter 120 challenging the establishment of a minimum  
625 flow or minimum water level, the report of an independent  
626 scientific peer review conducted under subsection (5) ~~(4)~~ is  
627 admissible as evidence in the final hearing, and the  
628 administrative law judge must render the order within 120 days  
629 after the filing of the petition. The time limit for rendering  
630 the order shall not be extended except by agreement of all the  
631 parties. To the extent that the parties agree to the findings of  
632 the peer review, they may stipulate that those findings be  
633 incorporated as findings of fact in the final order.

634 (8) The rules adopted pursuant to this section are not  
635 subject to s. 120.541(3).

636 Section 6. Section 373.0421, Florida Statutes, is amended  
637 to read:

638 373.0421 Establishment and implementation of minimum flows

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639 and minimum water levels.—

640 (1) ESTABLISHMENT.—

641 (a) *Considerations.*—When establishing minimum flows and  
642 minimum water levels pursuant to s. 373.042, the department or  
643 governing board shall consider changes and structural  
644 alterations to watersheds, surface waters, and aquifers and the  
645 effects such changes or alterations have had, and the  
646 constraints such changes or alterations have placed, on the  
647 hydrology of an affected watershed, surface water, or aquifer,  
648 provided that nothing in this paragraph shall allow significant  
649 harm as provided by s. 373.042(1) caused by withdrawals.

650 (b) *Exclusions.*—

651 1. The Legislature recognizes that certain water bodies no  
652 longer serve their historical hydrologic functions. The  
653 Legislature also recognizes that recovery of these water bodies  
654 to historical hydrologic conditions may not be economically or  
655 technically feasible, and that such recovery effort could cause  
656 adverse environmental or hydrologic impacts. Accordingly, the  
657 department or governing board may determine that setting a  
658 minimum flow or minimum water level for such a water body based  
659 on its historical condition is not appropriate.

660 2. The department or the governing board is not required to  
661 establish minimum flows or minimum water levels pursuant to s.  
662 373.042 for surface water bodies less than 25 acres in area,  
663 unless the water body or bodies, individually or cumulatively,  
664 have significant economic, environmental, or hydrologic value.

665 3. The department or the governing board shall not set  
666 minimum flows or minimum water levels pursuant to s. 373.042 for  
667 surface water bodies constructed before ~~prior to~~ the requirement

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668 for a permit, or pursuant to an exemption, a permit, or a  
669 reclamation plan which regulates the size, depth, or function of  
670 the surface water body under the provisions of this chapter,  
671 chapter 378, or chapter 403, unless the constructed surface  
672 water body is of significant hydrologic value or is an essential  
673 element of the water resources of the area.

674  
675 The exclusions of this paragraph shall not apply to the  
676 Everglades Protection Area, as defined in s. 373.4592(2)(i).

677 (2) If, at the time a minimum flow or minimum water level  
678 is initially established for a water body pursuant to s. 373.042  
679 or is revised, the existing flow or water level in the a water  
680 body is below, or is projected to fall within 20 years below,  
681 the applicable minimum flow or minimum water level established  
682 pursuant to s. 373.042, the department or governing board, as  
683 part of the regional water supply plan described in s. 373.709,  
684 shall concurrently adopt or modify and ~~expeditiously~~ implement a  
685 recovery or prevention strategy. If a minimum flow or minimum  
686 water level has been established for a water body pursuant to s.  
687 373.042, and the existing flow or water level in the water body  
688 falls below, or is projected to fall within 20 years below, the  
689 applicable minimum flow or minimum water level, the department  
690 or governing board shall expeditiously adopt a recovery or  
691 prevention strategy. A recovery or prevention strategy shall  
692 include, ~~which includes~~ the development of additional water  
693 supplies and other actions, consistent with the authority  
694 granted by this chapter, to:

695 (a) Achieve recovery to the established minimum flow or  
696 minimum water level as soon as practicable; or

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697 (b) Prevent the existing flow or water level from falling  
698 below the established minimum flow or minimum water level.

699  
700 The recovery or prevention strategy must ~~shall~~ include a phased-  
701 in approach ~~phasing~~ or a timetable which will allow for the  
702 provision of sufficient water supplies for all existing and  
703 projected reasonable-beneficial uses, including development of  
704 additional water supplies and implementation of conservation and  
705 other efficiency measures concurrent with and, to the maximum  
706 extent practical, ~~and~~ to offset, reductions in permitted  
707 withdrawals, consistent with ~~the provisions of~~ this chapter. The  
708 recovery or prevention strategy may not depend solely on water  
709 shortage restrictions declared pursuant to s. 373.175 or s.  
710 373.246.

711 (3) To ensure that sufficient water is available for all  
712 existing and future reasonable-beneficial uses and the natural  
713 systems, the applicable regional water supply plan prepared  
714 pursuant to s. 373.709 shall be amended to include any water  
715 supply development project or water resource development project  
716 identified in a recovery or prevention strategy. Such amendment  
717 shall be approved concurrently with relevant portions of the  
718 recovery or prevention strategy.

719 (4) The water management district shall notify the  
720 department if an application for a water use permit is denied  
721 based upon the impact that the use will have on an adopted  
722 minimum flow or minimum water level. Upon receipt of such  
723 notice, the department shall, as soon as practicable and in  
724 cooperation with the water management district, conduct a review  
725 of the applicable regional water supply plan prepared pursuant

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726 to s. 373.709. Such review shall include an assessment by the  
727 department of the adequacy of the plan in addressing the  
728 legislative intent of s. 373.705(2) (a) which provides that  
729 sufficient water be available for all existing and future  
730 reasonable-beneficial uses and natural systems and that the  
731 adverse effects of competition for water supplies be avoided. If  
732 the department determines, based upon this review, that the  
733 regional water supply plan does not adequately address the  
734 legislative intent of s. 373.705(2) (a), the water management  
735 district shall immediately initiate an update of the plan  
736 consistent with s. 373.709.

737 (5) ~~(3)~~ The provisions of this section are supplemental to  
738 any other specific requirements or authority provided by law.  
739 Minimum flows and minimum water levels shall be reevaluated  
740 periodically and revised as needed.

741 Section 7. Section 373.0465, Florida Statutes, is created  
742 to read:

743 373.0465 Central Florida Water Initiative.-

744 (1) The Legislature finds that:

745 (a) Historically, the Floridan Aquifer system has supplied  
746 the vast majority of the water used in the Central Florida  
747 Coordination Area.

748 (b) Because the boundaries of the St. Johns River Water  
749 Management District, the South Florida Water Management  
750 District, and the Southwest Florida Water Management District  
751 meet within the Central Florida Coordination Area, the three  
752 districts and the Department of Environmental Protection have  
753 worked cooperatively to determine that the Floridan Aquifer  
754 system is locally approaching the sustainable limits of use and

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755 are exploring the need to develop sources of water to meet the  
756 long-term water needs of the area.

757 (c) The Central Florida Water Initiative is a collaborative  
758 process involving the Department of Environmental Protection,  
759 the St. Johns River Water Management District, the South Florida  
760 Water Management District, the Southwest Florida Water  
761 Management District, the Department of Agriculture and Consumer  
762 Services, regional public water supply utilities, and other  
763 stakeholders. As set forth in the Central Florida Water  
764 Initiative Guiding Document of January 30, 2015, the initiative  
765 has developed an initial framework for a unified process to  
766 address the current and long-term water supply needs of Central  
767 Florida without causing harm to the water resources and  
768 associated natural systems.

769 (d) Developing water sources as an alternative to continued  
770 reliance on the Floridan Aquifer will benefit existing and  
771 future water users and natural systems within and beyond the  
772 boundaries of the Central Florida Water Initiative.

773 (2) (a) As used in this section, the term "Central Florida  
774 Water Initiative Area" means all of Orange, Osceola, Polk, and  
775 Seminole Counties, and southern Lake County, as designated by  
776 the Central Florida Water Initiative Guiding Document of January  
777 30, 2015.

778 (b) The department, the St. Johns River Water Management  
779 District, the South Florida Water Management District, the  
780 Southwest Florida Water Management District, and the Department  
781 of Agriculture and Consumer Services shall:

782 1. Provide for a continuation of the collaborative process  
783 in the Central Florida Water Initiative Area among the state

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784 agencies, affected water management districts, regional public  
785 water supply utilities, and other stakeholders;

786 2. Build upon the guiding principles and goals set forth in  
787 the Central Florida Water Initiative Guiding Document of January  
788 30, 2015, and the work that has already been accomplished by the  
789 Central Florida Water Initiative participants;

790 3. Develop and implement, as set forth in the Central  
791 Florida Water Initiative Guiding Document of January 30, 2015, a  
792 single multidistrict regional water supply plan, including any  
793 needed recovery or prevention strategies and a list of water  
794 supply development projects or water resource projects; and

795 4. Provide for a single hydrologic planning model to assess  
796 the availability of groundwater in the Central Florida Water  
797 Initiative Area.

798 (c) In developing the water supply planning program  
799 consistent with the goals set forth in this subsection, the  
800 department, the St. Johns River Water Management District, the  
801 South Florida Water Management District, the Southwest Florida  
802 Water Management District, and the Department of Agriculture and  
803 Consumer Services shall:

804 1. Consider limitations on groundwater use together with  
805 opportunities for new, increased, or redistributed groundwater  
806 uses that are consistent with the conditions established under  
807 s. 373.223;

808 2. Establish a coordinated process for the identification  
809 of water resources requiring new or revised conditions. Any new  
810 or revised condition must be consistent with s. 373.223;

811 3. Consider existing recovery or prevention strategies;

812 4. Include a list of water supply options sufficient to

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813 meet the water needs of all existing and future reasonable-  
814 beneficial uses consistent with the conditions established under  
815 s. 373.223; and

816 5. Identify, as necessary, which of the water supply  
817 sources are preferred water supply sources pursuant to s.  
818 373.2234.

819 (d) The department, in consultation with the St. Johns  
820 River Water Management District, the South Florida Water  
821 Management District, the Southwest Florida Water Management  
822 District, and the Department of Agriculture and Consumer  
823 Services, shall adopt uniform rules for application within the  
824 Central Florida Water Initiative Area that include:

825 1. A single, uniform definition of the term "harmful to the  
826 water resources" consistent with the term's usage in s. 373.219;

827 2. A single method for calculating residential per capita  
828 water use;

829 3. A single process for permit reviews;

830 4. A single, consistent process, as appropriate, to set  
831 minimum flows and minimum water levels and water reservations;

832 5. A goal for residential per capita water use for each  
833 consumptive use permit; and

834 6. An annual conservation goal for each consumptive use  
835 permit consistent with the regional water supply plan.

836  
837 The uniform rules must include existing recovery strategies  
838 within the Central Florida Water Initiative Area adopted before  
839 July 1, 2016. The department may grant variances to the uniform  
840 rules if there are unique circumstances or hydrogeological  
841 factors that make application of the uniform rules unrealistic



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842 or impractical.

843 (e) The department shall initiate rulemaking for the  
844 uniform rules by December 31, 2016. The department's uniform  
845 rules shall be applied by the water management districts only  
846 within the Central Florida Water Initiative Area. Upon adoption  
847 of the rules, the water management districts shall implement the  
848 rules without further rulemaking pursuant to s. 120.54. The  
849 rules adopted by the department pursuant to this section are  
850 considered the rules of the water management districts.

851 (f) Water management district planning programs developed  
852 pursuant to this subsection shall be approved or adopted as  
853 required under this chapter. However, such planning programs may  
854 not serve to modify planning programs in areas of the affected  
855 districts that are not within the Central Florida Water  
856 Initiative Area, but may include interregional projects located  
857 outside the Central Florida Water Initiative Area which are  
858 consistent with planning and regulatory programs in the areas in  
859 which they are located.

860 Section 8. Subsection (4) of section 373.1501, Florida  
861 Statutes, is amended, present subsections (7) and (8) of that  
862 section are redesignated as subsections (8) and (9),  
863 respectively, and a new subsection (7) is added to that section,  
864 to read:

865 373.1501 South Florida Water Management District as local  
866 sponsor.—

867 (4) The district is authorized to act as local sponsor of  
868 the project for those project features within the district as  
869 provided in this subsection and subject to the oversight of the  
870 department as further provided in s. 373.026. The district shall

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871 exercise the authority of the state to allocate quantities of  
872 water within its jurisdiction, including the water supply in  
873 relation to the project, and be responsible for allocating water  
874 and assigning priorities among the other water uses served by  
875 the project pursuant to state law. The district may:

876 (a) Act as local sponsor for all project features  
877 previously authorized by Congress.~~†~~

878 (b) Continue data gathering, analysis, research, and design  
879 of project components, participate in preconstruction  
880 engineering and design documents for project components, and  
881 further refine the Comprehensive Plan of the restudy as a guide  
882 and framework for identifying other project components.~~†~~

883 (c) Construct pilot projects that will assist in  
884 determining the feasibility of technology included in the  
885 Comprehensive Plan of the restudy.~~†~~ ~~and~~

886 (d) Act as local sponsor for project components.

887 (7) When developing or implementing water control plans or  
888 regulation schedules required for the operation of the project,  
889 the district shall provide recommendations to the United States  
890 Army Corps of Engineers which are consistent with all district  
891 programs and plans.

892 Section 9. Subsection (3) is added to section 373.219,  
893 Florida Statutes, to read:

894 373.219 Permits required.—

895 (3) For Outstanding Florida Springs, the department shall  
896 adopt uniform rules for issuing permits which prevent  
897 groundwater withdrawals that are harmful to the water resources  
898 and adopt by rule a uniform definition of the term "harmful to  
899 the water resources" to provide water management districts with

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900 minimum standards necessary to be consistent with the overall  
901 water policy of the state. This subsection does not prohibit a  
902 water management district from adopting a definition that is  
903 more protective of the water resources consistent with local or  
904 regional conditions and objectives.

905 Section 10. Subsection (6) is added to section 373.223,  
906 Florida Statutes, to read:

907 373.223 Conditions for a permit.—

908 (6) A new consumptive use permit, or the renewal or  
909 modification of a consumptive use permit, that authorizes  
910 groundwater withdrawals of 100,000 gallons or more per day from  
911 a well with an inside diameter of 8 inches or more shall be  
912 monitored for water usage at intervals using methods determined  
913 by the applicable water management district, and the results of  
914 such monitoring shall be reported to the applicable water  
915 management district at least annually. The water management  
916 districts may adopt rules to implement this subsection. In lieu  
917 of the requirements of this subsection, a water management  
918 district may enforce rules that govern water usage monitoring in  
919 effect on July 1, 2016, or may adopt rules that are more  
920 stringent than this subsection.

921 Section 11. Section 373.2234, Florida Statutes, is amended  
922 to read:

923 373.2234 Preferred water supply sources.—

924 (1) The governing board of a water management district is  
925 authorized to adopt rules that identify preferred water supply  
926 sources for consumptive uses for which there is sufficient data  
927 to establish that a preferred source will provide a substantial  
928 new water supply to meet the existing and projected reasonable-

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929 beneficial uses of a water supply planning region identified  
930 pursuant to s. 373.709(1), while sustaining existing water  
931 resources and natural systems. At a minimum, such rules must  
932 contain a description of the preferred water supply source and  
933 an assessment of the water the preferred source is projected to  
934 produce.

935 (2) (a) If an applicant proposes to use a preferred water  
936 supply source, that applicant's proposed water use is subject to  
937 s. 373.223(1), except that the proposed use of a preferred water  
938 supply source must be considered by a water management district  
939 when determining whether a permit applicant's proposed use of  
940 water is consistent with the public interest pursuant to s.  
941 373.223(1) (c).

942 (b) The governing board of a water management district  
943 shall consider the identification of preferred water supply  
944 sources for water users for whom access to or development of new  
945 water supplies is not technically or financially feasible.  
946 Identification of preferred water supply sources for such water  
947 users must be consistent with s. 373.016.

948 (c) A consumptive use permit issued for the use of a  
949 preferred water supply source must be granted, when requested by  
950 the applicant, for at least a 20-year period and may be subject  
951 to the compliance reporting provisions of s. 373.236(4).

952 (3) (a) ~~Nothing in This section does not: shall be construed~~  
953 ~~to~~

954 1. Exempt the use of preferred water supply sources from  
955 ~~the provisions of ss. 373.016(4) and 373.223(2) and (3); or be~~  
956 ~~construed to~~

957 2. Provide that permits issued for the use of a

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958 nonpreferred water supply source must be issued for a duration  
959 of less than 20 years or that the use of a nonpreferred water  
960 supply source is not consistent with the public interest; or-

961 3. Additionally, nothing in this section shall be  
962 ~~interpreted to~~ Require the use of a preferred water supply  
963 source or to restrict or prohibit the use of a nonpreferred  
964 water supply source.

965 (b) Rules adopted by the governing board of a water  
966 management district to implement this section shall specify that  
967 the use of a preferred water supply source is not required and  
968 that the use of a nonpreferred water supply source is not  
969 restricted or prohibited.

970 Section 12. Present subsection (5) of section 373.227,  
971 Florida Statutes, is redesignated as subsection (7), and a new  
972 subsection (5) and subsection (6) are added to that section, to  
973 read:

974 373.227 Water conservation; legislative findings and  
975 intent; objectives; comprehensive statewide water conservation  
976 program requirements.-

977 (5) To incentivize water conservation, if actual water use  
978 is less than permitted water use due to documented  
979 implementation of water conservation measures beyond those  
980 required in a consumptive use permit, including, but not limited  
981 to, those measures identified in best management practices  
982 pursuant to s. 570.93, the permitted allocation may not be  
983 modified solely due to such water conservation during the term  
984 of the permit. To promote water conservation and the  
985 implementation of measures that produce significant water  
986 savings beyond those required in a consumptive use permit, each

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987 water management district shall adopt rules providing water  
988 conservation incentives, which may include limited permit  
989 extensions.

990 (6) For consumptive use permits for agricultural  
991 irrigation, if actual water use is less than permitted water use  
992 due to weather events, crop diseases, nursery stock  
993 availability, market conditions, or changes in crop type, a  
994 district may not, as a result, reduce permitted allocation  
995 amounts during the term of the permit.

996 Section 13. Subsection (2) of section 373.233, Florida  
997 Statutes, is amended to read:

998 373.233 Competing applications.—

999 (2) (a) ~~If In the event that~~ two or more competing  
1000 applications qualify equally under ~~the provisions of~~ subsection  
1001 (1), the governing board or the department shall give preference  
1002 to a renewal application over an initial application.

1003 (b) If two or more competing applications qualify equally  
1004 under subsection (1) and none of the competing applications is a  
1005 renewal application, the governing board or the department shall  
1006 give preference to the application for the use where the source  
1007 is nearest to the area of use or application consistent with s.  
1008 373.016(4) (a).

1009 Section 14. Section 373.4591, Florida Statutes, is amended  
1010 to read:

1011 373.4591 Improvements on private agricultural lands.—

1012 (1) The Legislature encourages public-private partnerships  
1013 to accomplish water storage, groundwater recharge, and water  
1014 quality improvements on private agricultural lands. Priority  
1015 consideration shall be given to public-private partnerships

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1016 that:

1017 (a) Store or treat water on private lands for purposes of  
1018 enhancing hydrologic improvement, improving water quality, or  
1019 assisting in water supply;

1020 (b) Provide critical groundwater recharge; or

1021 (c) Provide for changes in land use to activities that  
1022 minimize nutrient loads and maximize water conservation.

1023 (2) (a) When an agreement is entered into between the  
1024 department, a water management district, or the Department of  
1025 Agriculture and Consumer Services and a private landowner to  
1026 establish such a public-private partnership that may create or  
1027 impact wetlands or other surface waters, a baseline condition  
1028 determining the extent of wetlands and other surface waters on  
1029 the property shall be established and documented in the  
1030 agreement before improvements are constructed.

1031 (b) When an agreement is entered into between the  
1032 Department of Agriculture and Consumer Services and a private  
1033 landowner to implement best management practices pursuant to s.  
1034 403.067(7)(c), a baseline condition determining the extent of  
1035 wetlands and other surface water on the property may be  
1036 established at the option and expense of the private landowner  
1037 and documented in the agreement before improvements are  
1038 constructed. The Department of Agriculture and Consumer Services  
1039 shall submit the landowner's proposed baseline condition  
1040 documentation to the lead agency for review and approval, and  
1041 the agency shall use its best efforts to complete the review  
1042 within 45 days.

1043 (3) The Department of Agriculture and Consumer Services,  
1044 the department, and the water management districts shall provide

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1045 a process for reviewing these requests in the timeframe  
1046 specified. The determination of a baseline condition shall be  
1047 conducted using the methods set forth in the rules adopted  
1048 pursuant to s. 373.421. The baseline condition documented in an  
1049 agreement shall be considered the extent of wetlands and other  
1050 surface waters on the property for the purpose of regulation  
1051 under this chapter for the duration of the agreement and after  
1052 its expiration.

1053 Section 15. Paragraph (h) of subsection (1) and subsections  
1054 (2) through (7) of section 373.4595, Florida Statutes, are  
1055 amended to read:

1056 373.4595 Northern Everglades and Estuaries Protection  
1057 Program.—

1058 (1) FINDINGS AND INTENT.—

1059 (h) The Legislature finds that the expeditious  
1060 implementation of the Lake Okeechobee Watershed Protection  
1061 Program, the Caloosahatchee River Watershed Protection Program,  
1062 Plan and the St. Lucie River Watershed Protection Program Plans  
1063 is needed to improve the quality, quantity, timing, and  
1064 distribution of water in the northern Everglades ecosystem and  
1065 that this section, in conjunction with s. 403.067, including the  
1066 implementation of the plans developed and approved pursuant to  
1067 subsections (3) and (4), and any related basin management action  
1068 plan developed and implemented pursuant to s. 403.067(7)(a),  
1069 provide a reasonable means of achieving the total maximum daily  
1070 load requirements and achieving and maintaining compliance with  
1071 state water quality standards.

1072 (2) DEFINITIONS.—As used in this section, the term:

1073 (a) "Best management practice" means a practice or



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1074 combination of practices determined by the coordinating  
1075 agencies, based on research, field-testing, and expert review,  
1076 to be the most effective and practicable on-location means,  
1077 including economic and technological considerations, for  
1078 improving water quality in agricultural and urban discharges.  
1079 Best management practices for agricultural discharges shall  
1080 reflect a balance between water quality improvements and  
1081 agricultural productivity.

1082 (b) "Biosolids" means the solid, semisolid, or liquid  
1083 residue generated during the treatment of domestic wastewater in  
1084 a domestic wastewater treatment facility, formerly known as  
1085 "domestic wastewater residuals" or "residuals," and includes  
1086 products and treated material from biosolids treatment  
1087 facilities and septage management facilities regulated by the  
1088 department. The term does not include the treated effluent or  
1089 reclaimed water from a domestic wastewater treatment facility,  
1090 solids removed from pump stations and lift stations, screenings  
1091 and grit removed from the preliminary treatment components of  
1092 domestic wastewater treatment facilities, or ash generated  
1093 during the incineration of biosolids.

1094 (c) ~~(b)~~ "Caloosahatchee River watershed" means the  
1095 Caloosahatchee River, its tributaries, its estuary, and the area  
1096 within Charlotte, Glades, Hendry, and Lee Counties from which  
1097 surface water flow is directed or drains, naturally or by  
1098 constructed works, to the river, its tributaries, or its  
1099 estuary.

1100 (d) ~~(e)~~ "Coordinating agencies" means the Department of  
1101 Agriculture and Consumer Services, the Department of  
1102 Environmental Protection, and the South Florida Water Management

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1103 District.

1104 (e)~~(d)~~ "Corps of Engineers" means the United States Army  
1105 Corps of Engineers.

1106 (f)~~(e)~~ "Department" means the Department of Environmental  
1107 Protection.

1108 (g)~~(f)~~ "District" means the South Florida Water Management  
1109 District.

1110 ~~(g) "District's WOD program" means the program implemented~~  
1111 ~~pursuant to rules adopted as authorized by this section and ss.~~  
1112 ~~373.016, 373.044, 373.085, 373.086, 373.109, 373.113, 373.118,~~  
1113 ~~373.451, and 373.453, entitled "Works of the District Basin."~~

1114 (h) "Lake Okeechobee Watershed Construction Project" means  
1115 the construction project developed pursuant to this section  
1116 ~~paragraph (3)(b).~~

1117 (i) "Lake Okeechobee Watershed Protection Plan" means the  
1118 Lake Okeechobee Watershed Construction Project and the Lake  
1119 Okeechobee Watershed Research and Water Quality Monitoring  
1120 Program ~~plan developed pursuant to this section and ss. 373.451-~~  
1121 ~~373.459.~~

1122 (j) "Lake Okeechobee watershed" means Lake Okeechobee, its  
1123 tributaries, and the area within which surface water flow is  
1124 directed or drains, naturally or by constructed works, to the  
1125 lake or its tributaries.

1126 ~~(k) "Lake Okeechobee Watershed Phosphorus Control Program"~~  
1127 ~~means the program developed pursuant to paragraph (3)(c).~~

1128 (k)~~(l)~~ "Northern Everglades" means the Lake Okeechobee  
1129 watershed, the Caloosahatchee River watershed, and the St. Lucie  
1130 River watershed.

1131 (l)~~(m)~~ "Project component" means any structural or

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1132 operational change, resulting from the Restudy, to the Central  
1133 and Southern Florida Project as it existed and was operated as  
1134 of January 1, 1999.

1135 (m)~~(n)~~ "Restudy" means the Comprehensive Review Study of  
1136 the Central and Southern Florida Project, for which federal  
1137 participation was authorized by the Federal Water Resources  
1138 Development Acts of 1992 and 1996 together with related  
1139 Congressional resolutions and for which participation by the  
1140 South Florida Water Management District is authorized by s.  
1141 373.1501. The term includes all actions undertaken pursuant to  
1142 the aforementioned authorizations which will result in  
1143 recommendations for modifications or additions to the Central  
1144 and Southern Florida Project.

1145 (n)~~(o)~~ "River Watershed Protection Plans" means the  
1146 Caloosahatchee River Watershed Protection Plan and the St. Lucie  
1147 River Watershed Protection Plan developed pursuant to this  
1148 section.

1149 (o) "Soil amendment" means any substance or mixture of  
1150 substances sold or offered for sale for soil enriching or  
1151 corrective purposes, intended or claimed to be effective in  
1152 promoting or stimulating plant growth, increasing soil or plant  
1153 productivity, improving the quality of crops, or producing any  
1154 chemical or physical change in the soil, except amendments,  
1155 conditioners, additives, and related products that are derived  
1156 solely from inorganic sources and that contain no recognized  
1157 plant nutrients.

1158 (p) "St. Lucie River watershed" means the St. Lucie River,  
1159 its tributaries, its estuary, and the area within Martin,  
1160 Okeechobee, and St. Lucie Counties from which surface water flow

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1161 is directed or drains, naturally or by constructed works, to the  
1162 river, its tributaries, or its estuary.

1163 (q) "Total maximum daily load" means the sum of the  
1164 individual wasteload allocations for point sources and the load  
1165 allocations for nonpoint sources and natural background adopted  
1166 pursuant to s. 403.067. ~~Before~~ Prior to determining individual  
1167 wasteload allocations and load allocations, the maximum amount  
1168 of a pollutant that a water body or water segment can assimilate  
1169 from all sources without exceeding water quality standards must  
1170 first be calculated.

1171 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—The Lake  
1172 Okeechobee Watershed Protection Program shall consist of the  
1173 Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee  
1174 Basin Management Action Plan adopted pursuant to s. 403.067, the  
1175 Lake Okeechobee Exotic Species Control Program, and the Lake  
1176 Okeechobee Internal Phosphorus Management Program. The Lake  
1177 Okeechobee Basin Management Action Plan adopted pursuant to s.  
1178 403.067 shall be the component of the Lake Okeechobee Watershed  
1179 Protection ~~A protection Program for Lake Okeechobee that~~  
1180 achieves phosphorus load reductions for Lake Okeechobee ~~shall be~~  
1181 ~~immediately implemented as specified in this subsection.~~ The  
1182 Lake Okeechobee Watershed Protection Program shall address the  
1183 reduction of phosphorus loading to the lake from both internal  
1184 and external sources. Phosphorus load reductions shall be  
1185 achieved through a phased program of implementation. ~~Initial~~  
1186 ~~implementation actions shall be technology based, based upon a~~  
1187 ~~consideration of both the availability of appropriate technology~~  
1188 ~~and the cost of such technology, and shall include phosphorus~~  
1189 ~~reduction measures at both the source and the regional level.~~

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1190 ~~The initial phase of phosphorus load reductions shall be based~~  
1191 ~~upon the district's Technical Publication 81-2 and the~~  
1192 ~~district's WOD program, with subsequent phases of phosphorus~~  
1193 ~~load reductions based upon the total maximum daily loads~~  
1194 ~~established in accordance with s. 403.067.~~ In the development  
1195 and administration of the Lake Okeechobee Watershed Protection  
1196 Program, the coordinating agencies shall maximize opportunities  
1197 provided by federal cost-sharing programs and opportunities for  
1198 partnerships with the private sector.

1199 (a) *Lake Okeechobee Watershed Protection Plan.* ~~In order~~ To  
1200 protect and restore surface water resources, the district, in  
1201 cooperation with the other coordinating agencies, shall complete  
1202 a Lake Okeechobee Watershed Protection Plan in accordance with  
1203 this section and ss. 373.451-373.459. Beginning March 1, 2020,  
1204 and every 5 years thereafter, the district shall update the Lake  
1205 Okeechobee Watershed Protection Plan to ensure that it is  
1206 consistent with the Lake Okeechobee Basin Management Action Plan  
1207 adopted pursuant to s. 403.067. The Lake Okeechobee Watershed  
1208 Protection Plan shall identify the geographic extent of the  
1209 watershed, be coordinated with the plans developed pursuant to  
1210 paragraphs (4) (a) and (c) ~~(b)~~, and include the Lake Okeechobee  
1211 Watershed Construction Project and the Lake Okeechobee Watershed  
1212 Research and Water Quality Monitoring Program ~~contain an~~  
1213 ~~implementation schedule for subsequent phases of phosphorus load~~  
1214 ~~reduction consistent with the total maximum daily loads~~  
1215 ~~established in accordance with s. 403.067.~~ The plan shall  
1216 consider and build upon a review and analysis of ~~the following:~~

1217 1. ~~the performance of projects constructed during Phase I~~  
1218 ~~and Phase II of the Lake Okeechobee Watershed Construction~~

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1219 Project, pursuant to subparagraph 1.; ~~paragraph (b).~~  
1220 ~~2.~~ relevant information resulting from the Lake Okeechobee  
1221 Basin Management Action Plan Watershed Phosphorus Control  
1222 Program, pursuant to paragraph (b); ~~(e).~~  
1223 ~~3.~~ relevant information resulting from the Lake Okeechobee  
1224 Watershed Research and Water Quality Monitoring Program,  
1225 pursuant to subparagraph 2.; ~~paragraph (d).~~  
1226 ~~4.~~ relevant information resulting from the Lake Okeechobee  
1227 Exotic Species Control Program, pursuant to paragraph (c); and  
1228 ~~(e).~~  
1229 ~~5.~~ relevant information resulting from the Lake Okeechobee  
1230 Internal Phosphorus Management Program, pursuant to paragraph  
1231 (d) ~~(f).~~  
1232 1. ~~(b)~~ Lake Okeechobee Watershed Construction Project.—To  
1233 improve the hydrology and water quality of Lake Okeechobee and  
1234 downstream receiving waters, including the Caloosahatchee and  
1235 St. Lucie Rivers and their estuaries, the district, in  
1236 cooperation with the other coordinating agencies, shall design  
1237 and construct the Lake Okeechobee Watershed Construction  
1238 Project. The project shall include:  
1239 a.1. Phase I.—Phase I of the Lake Okeechobee Watershed  
1240 Construction Project shall consist of a series of project  
1241 features consistent with the recommendations of the South  
1242 Florida Ecosystem Restoration Working Group's Lake Okeechobee  
1243 Action Plan. Priority basins for such projects include S-191, S-  
1244 154, and Pools D and E in the Lower Kissimmee River. ~~In order~~ To  
1245 obtain phosphorus load reductions to Lake Okeechobee as soon as  
1246 possible, the following actions shall be implemented:  
1247 (I) ~~a.~~ The district shall serve as a full partner with the

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1248 Corps of Engineers in the design and construction of the Grassy  
1249 Island Ranch and New Palm Dairy stormwater treatment facilities  
1250 as components of the Lake Okeechobee Water Retention/Phosphorus  
1251 Removal Critical Project. The Corps of Engineers shall have the  
1252 lead in design and construction of these facilities. Should  
1253 delays be encountered in the implementation of either of these  
1254 facilities, the district shall notify the department and  
1255 recommend corrective actions.

1256 (II)~~b.~~ The district shall obtain permits and complete  
1257 construction of two of the isolated wetland restoration projects  
1258 that are part of the Lake Okeechobee Water Retention/Phosphorus  
1259 Removal Critical Project. The additional isolated wetland  
1260 projects included in this critical project shall further reduce  
1261 phosphorus loading to Lake Okeechobee.

1262 (III)~~e.~~ The district shall work with the Corps of Engineers  
1263 to expedite initiation of the design process for the Taylor  
1264 Creek/Nubbins Slough Reservoir Assisted Stormwater Treatment  
1265 Area, a project component of the Comprehensive Everglades  
1266 Restoration Plan. The district shall propose to the Corps of  
1267 Engineers that the district take the lead in the design and  
1268 construction of the Reservoir Assisted Stormwater Treatment Area  
1269 and receive credit towards the local share of the total cost of  
1270 the Comprehensive Everglades Restoration Plan.

1271 b.2. Phase II technical plan and construction. ~~By February~~  
1272 ~~1, 2008,~~ The district, in cooperation with the other  
1273 coordinating agencies, shall develop a detailed technical plan  
1274 for Phase II of the Lake Okeechobee Watershed Construction  
1275 Project which provides the basis for the Lake Okeechobee Basin  
1276 Management Action Plan adopted by the department pursuant to s.

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1277 403.067. The detailed technical plan shall include measures for  
1278 the improvement of the quality, quantity, timing, and  
1279 distribution of water in the northern Everglades ecosystem,  
1280 including the Lake Okeechobee watershed and the estuaries, and  
1281 for facilitating the achievement of water quality standards. Use  
1282 of cost-effective biologically based, hybrid wetland/chemical  
1283 and other innovative nutrient control technologies shall be  
1284 incorporated in the plan where appropriate. The detailed  
1285 technical plan shall also include a Process Development and  
1286 Engineering component to finalize the detail and design of Phase  
1287 II projects and identify additional measures needed to increase  
1288 the certainty that the overall objectives for improving water  
1289 quality and quantity can be met. Based on information and  
1290 recommendations from the Process Development and Engineering  
1291 component, the Phase II detailed technical plan shall be  
1292 periodically updated. Phase II shall include construction of  
1293 additional facilities in the priority basins identified in sub-  
1294 subparagraph a. ~~subparagraph 1.~~, as well as facilities for other  
1295 basins in the Lake Okeechobee watershed. ~~This detailed technical~~  
1296 ~~plan will require legislative ratification pursuant to paragraph~~  
1297 ~~(i).~~ The technical plan shall:

1298 (I)a. Identify Lake Okeechobee Watershed Construction  
1299 Project facilities designed to contribute to achieving all  
1300 applicable total maximum daily loads established pursuant to s.  
1301 403.067 within the Lake Okeechobee watershed.

1302 (II)b. Identify the size and location of all such Lake  
1303 Okeechobee Watershed Construction Project facilities.

1304 (III)e. Provide a construction schedule for all such Lake  
1305 Okeechobee Watershed Construction Project facilities, including



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1306 the sequencing and specific timeframe for construction of each  
1307 Lake Okeechobee Watershed Construction Project facility.

1308 (IV)~~d.~~ Provide a schedule for the acquisition of lands or  
1309 sufficient interests necessary to achieve the construction  
1310 schedule.

1311 (V)~~e.~~ Provide a detailed schedule of costs associated with  
1312 the construction schedule.

1313 (VI)~~f.~~ Identify, to the maximum extent practicable, impacts  
1314 on wetlands and state-listed species expected to be associated  
1315 with construction of such facilities, including potential  
1316 alternatives to minimize and mitigate such impacts, as  
1317 appropriate.

1318 (VII)~~g.~~ Provide for additional measures, including  
1319 voluntary water storage and quality improvements on private  
1320 land, to increase water storage and reduce excess water levels  
1321 in Lake Okeechobee and to reduce excess discharges to the  
1322 estuaries.

1323 (VIII) ~~The technical plan shall also~~ Develop the  
1324 appropriate water quantity storage goal to achieve the desired  
1325 Lake Okeechobee range of lake levels and inflow volumes to the  
1326 Caloosahatchee and St. Lucie estuaries while meeting the other  
1327 water-related needs of the region, including water supply and  
1328 flood protection.

1329 (IX)~~h.~~ Provide for additional source controls needed to  
1330 enhance performance of the Lake Okeechobee Watershed  
1331 Construction Project facilities. Such additional source controls  
1332 shall be incorporated into the Lake Okeechobee Basin Management  
1333 Action Plan ~~Watershed Phosphorous Control Program~~ pursuant to  
1334 paragraph (b) ~~(e)~~.

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1335 c.3. Evaluation.—Within 5 years after the adoption of the  
1336 Lake Okeechobee Basin Management Action Plan pursuant to s.  
1337 403.067 and every 5 ~~By January 1, 2004, and every 3~~ years  
1338 thereafter, the department ~~district~~, in cooperation with the  
1339 other coordinating agencies, shall conduct an evaluation of the  
1340 Lake Okeechobee Watershed Construction Project and identify any  
1341 further load reductions necessary to achieve compliance with the  
1342 ~~all~~ Lake Okeechobee ~~watershed~~ total maximum daily loads  
1343 established pursuant to s. 403.067. ~~Additionally,~~ The district  
1344 shall identify modifications to facilities of the Lake  
1345 Okeechobee Watershed Construction Project as appropriate to meet  
1346 the total maximum daily loads. Modifications to the Lake  
1347 Okeechobee Watershed Construction Project resulting from this  
1348 evaluation shall be incorporated into the Lake Okeechobee Basin  
1349 Management Action Plan and ~~The evaluation shall be included in~~  
1350 the applicable annual progress report submitted pursuant to  
1351 subsection (6).

1352 d.4. Coordination and review.—To ensure the timely  
1353 implementation of the Lake Okeechobee Watershed Construction  
1354 Project, the design of project facilities shall be coordinated  
1355 with the department and other interested parties, including  
1356 affected local governments, to the maximum extent practicable.  
1357 Lake Okeechobee Watershed Construction Project facilities shall  
1358 be reviewed and commented upon by the department before ~~prior to~~  
1359 the execution of a construction contract by the district for  
1360 that facility.

1361 2. Lake Okeechobee Watershed Research and Water Quality  
1362 Monitoring Program.—The coordinating agencies shall implement a  
1363 Lake Okeechobee Watershed Research and Water Quality Monitoring

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1364 Program. Results from the program shall be used by the  
1365 department, in cooperation with the other coordinating agencies,  
1366 to make modifications to the Lake Okeechobee Basin Management  
1367 Action Plan adopted pursuant to s. 403.067, as appropriate. The  
1368 program shall:

1369 a. Evaluate all available existing water quality data  
1370 concerning total phosphorus in the Lake Okeechobee watershed,  
1371 develop a water quality baseline to represent existing  
1372 conditions for total phosphorus, monitor long-term ecological  
1373 changes, including water quality for total phosphorus, and  
1374 measure compliance with water quality standards for total  
1375 phosphorus, including any applicable total maximum daily load  
1376 for the Lake Okeechobee watershed as established pursuant to s.  
1377 403.067. Beginning March 1, 2020, and every 5 years thereafter,  
1378 the department shall reevaluate water quality and quantity data  
1379 to ensure that the appropriate projects are being designated and  
1380 incorporated into the Lake Okeechobee Basin Management Action  
1381 Plan adopted pursuant to s. 403.067. The district shall  
1382 implement a total phosphorus monitoring program at appropriate  
1383 structures owned or operated by the district and within the Lake  
1384 Okeechobee watershed.

1385 b. Develop a Lake Okeechobee water quality model that  
1386 reasonably represents the phosphorus dynamics of Lake Okeechobee  
1387 and incorporates an uncertainty analysis associated with model  
1388 predictions.

1389 c. Determine the relative contribution of phosphorus from  
1390 all identifiable sources and all primary and secondary land  
1391 uses.

1392 d. Conduct an assessment of the sources of phosphorus from

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1393 the Upper Kissimmee Chain of Lakes and Lake Istokpoga and their  
1394 relative contribution to the water quality of Lake Okeechobee.  
1395 The results of this assessment shall be used by the coordinating  
1396 agencies as part of the Lake Okeechobee Basin Management Action  
1397 Plan adopted pursuant to s. 403.067 to develop interim measures,  
1398 best management practices, or regulations, as applicable.

1399 e. Assess current water management practices within the  
1400 Lake Okeechobee watershed and develop recommendations for  
1401 structural and operational improvements. Such recommendations  
1402 shall balance water supply, flood control, estuarine salinity,  
1403 maintenance of a healthy lake littoral zone, and water quality  
1404 considerations.

1405 f. Evaluate the feasibility of alternative nutrient  
1406 reduction technologies, including sediment traps, canal and  
1407 ditch maintenance, fish production or other aquaculture,  
1408 bioenergy conversion processes, and algal or other biological  
1409 treatment technologies and include any alternative nutrient  
1410 reduction technologies determined to be feasible in the Lake  
1411 Okeechobee Basin Management Action Plan adopted pursuant to s.  
1412 403.067.

1413 g. Conduct an assessment of the water volumes and timing  
1414 from the Lake Okeechobee watershed and their relative  
1415 contribution to the water level changes in Lake Okeechobee and  
1416 to the timing and volume of water delivered to the estuaries.

1417 (b)(e) Lake Okeechobee Basin Management Action Plan  
1418 Watershed Phosphorus Control Program.—The Lake Okeechobee Basin  
1419 Management Action Plan adopted pursuant to s. 403.067 shall be  
1420 the watershed phosphorus control component for Lake Okeechobee.  
1421 The Lake Okeechobee Basin Management Action Plan shall be

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1422 ~~Program is designed to be~~ a multifaceted approach designed to  
1423 achieve the total maximum daily load ~~reducing phosphorus loads~~  
1424 by improving the management of phosphorus sources within the  
1425 Lake Okeechobee watershed through implementation of regulations  
1426 and best management practices, continued development and  
1427 continued implementation of improved best management practices,  
1428 improvement and restoration of the hydrologic function of  
1429 natural and managed systems, and use ~~utilization~~ of alternative  
1430 technologies for nutrient reduction. As provided in s.  
1431 403.067(7)(a)6., the Lake Okeechobee Basin Management Action  
1432 Plan must include milestones for implementation and water  
1433 quality improvement, and an associated water quality monitoring  
1434 component sufficient to evaluate whether reasonable progress in  
1435 pollutant load reductions is being achieved over time. An  
1436 assessment of progress toward these milestones shall be  
1437 conducted every 5 years and shall be provided to the Governor,  
1438 the President of the Senate, and the Speaker of the House of  
1439 Representatives. Revisions to the plan shall be made, as  
1440 appropriate, as a result of each 5-year review. Revisions to the  
1441 basin management action plan shall be made by the department in  
1442 cooperation with the basin stakeholders. Revisions to best  
1443 management practices or other measures must follow the  
1444 procedures set forth in s. 403.067(7)(c)4. Revised basin  
1445 management action plans must be adopted pursuant to s.  
1446 403.067(7)(a)5. The department shall develop an implementation  
1447 schedule establishing 5-year, 10-year, and 15-year measurable  
1448 milestones and targets to achieve the total maximum daily load  
1449 no more than 20 years after adoption of the plan. The initial  
1450 implementation schedule shall be used to provide guidance for

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1451 planning and funding purposes and is exempt from chapter 120.  
1452 Upon the first 5-year review, the implementation schedule shall  
1453 be adopted as part of the plan. If achieving the total maximum  
1454 daily load within 20 years is not practicable, the  
1455 implementation schedule must contain an explanation of the  
1456 constraints that prevent achievement of the total maximum daily  
1457 load within 20 years, an estimate of the time needed to achieve  
1458 the total maximum daily load, and additional 5-year measurable  
1459 milestones, as necessary. The coordinating agencies shall  
1460 develop an interagency agreement pursuant to ss. 373.046 and  
1461 373.406(5) which is consistent with the department taking the  
1462 lead on water quality protection measures through the Lake  
1463 Okeechobee Basin Management Action Plan adopted pursuant to s.  
1464 403.067; the district taking the lead on hydrologic improvements  
1465 pursuant to paragraph (a); and the Department of Agriculture and  
1466 Consumer Services taking the lead on agricultural interim  
1467 measures, best management practices, and other measures adopted  
1468 pursuant to s. 403.067. The interagency agreement must specify  
1469 how best management practices for nonagricultural nonpoint  
1470 sources are developed and how all best management practices are  
1471 implemented and verified consistent with s. 403.067 and this  
1472 section and must address measures to be taken by the  
1473 coordinating agencies during any best management practice  
1474 reevaluation performed pursuant to subparagraphs 5. and 10. The  
1475 department shall use best professional judgment in making the  
1476 initial determination of best management practice effectiveness.  
1477 The coordinating agencies may develop an intergovernmental  
1478 agreement with local governments to implement nonagricultural  
1479 nonpoint source best management practices within their

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1480 respective geographic boundaries. The coordinating agencies  
1481 shall facilitate the application of federal programs that offer  
1482 opportunities for water quality treatment, including  
1483 preservation, restoration, or creation of wetlands on  
1484 agricultural lands.

1485 1. Agricultural nonpoint source best management practices,  
1486 developed in accordance with s. 403.067 and designed to achieve  
1487 the objectives of the Lake Okeechobee Watershed Protection  
1488 Program as part of a phased approach of management strategies  
1489 within the Lake Okeechobee Basin Management Action Plan, shall  
1490 be implemented on an expedited basis. ~~The coordinating agencies~~  
1491 ~~shall develop an interagency agreement pursuant to ss. 373.046~~  
1492 ~~and 373.406(5) that assures the development of best management~~  
1493 ~~practices that complement existing regulatory programs and~~  
1494 ~~specifies how those best management practices are implemented~~  
1495 ~~and verified. The interagency agreement shall address measures~~  
1496 ~~to be taken by the coordinating agencies during any best~~  
1497 ~~management practice reevaluation performed pursuant to sub-~~  
1498 ~~subparagraph d. The department shall use best professional~~  
1499 ~~judgment in making the initial determination of best management~~  
1500 ~~practice effectiveness.~~

1501 2.a. As provided in s. 403.067(7)(e), the Department of  
1502 Agriculture and Consumer Services, in consultation with the  
1503 department, the district, and affected parties, shall initiate  
1504 rule development for interim measures, best management  
1505 practices, conservation plans, nutrient management plans, or  
1506 other measures necessary for Lake Okeechobee watershed total  
1507 maximum daily load reduction. The rule shall include thresholds  
1508 for requiring conservation and nutrient management plans and

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1509 criteria for the contents of such plans. Development of  
1510 agricultural nonpoint source best management practices shall  
1511 initially focus on those priority basins listed in sub-  
1512 subparagraph (a)1.a. ~~subparagraph (b)1.~~ The Department of  
1513 Agriculture and Consumer Services, in consultation with the  
1514 department, the district, and affected parties, shall conduct an  
1515 ongoing program for improvement of existing and development of  
1516 new agricultural nonpoint source interim measures and ~~or~~ best  
1517 management practices. The Department of Agriculture and Consumer  
1518 Services shall adopt ~~for the purpose of adoption of~~ such  
1519 practices by rule. The Department of Agriculture and Consumer  
1520 Services shall work with the University of Florida ~~Florida's~~  
1521 Institute of Food and Agriculture Sciences to review and, where  
1522 appropriate, develop revised nutrient application rates for all  
1523 agricultural soil amendments in the watershed.

1524 3.b. As provided in s. 403.067, where agricultural nonpoint  
1525 source best management practices or interim measures have been  
1526 adopted by rule of the Department of Agriculture and Consumer  
1527 Services, the owner or operator of an agricultural nonpoint  
1528 source addressed by such rule shall either implement interim  
1529 measures or best management practices or demonstrate compliance  
1530 with state water quality standards addressed by the Lake  
1531 Okeechobee Basin Management Action Plan adopted pursuant to s.  
1532 403.067 ~~the district's WOD program~~ by conducting monitoring  
1533 prescribed by the department or the district. Owners or  
1534 operators of agricultural nonpoint sources who implement interim  
1535 measures or best management practices adopted by rule of the  
1536 Department of Agriculture and Consumer Services shall be subject  
1537 to ~~the provisions of s. 403.067(7).~~ ~~The Department of~~



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1538 ~~Agriculture and Consumer Services, in cooperation with the~~  
1539 ~~department and the district, shall provide technical and~~  
1540 ~~financial assistance for implementation of agricultural best~~  
1541 ~~management practices, subject to the availability of funds.~~

1542 ~~4.e.~~ The district or department shall conduct monitoring at  
1543 representative sites to verify the effectiveness of agricultural  
1544 nonpoint source best management practices.

1545 ~~5.d.~~ Where water quality problems are detected for  
1546 agricultural nonpoint sources despite the appropriate  
1547 implementation of adopted best management practices, ~~the~~  
1548 ~~Department of Agriculture and Consumer Services, in consultation~~  
1549 ~~with the other coordinating agencies and affected parties, shall~~  
1550 ~~institute~~ a reevaluation of the best management practices shall  
1551 be conducted pursuant to s. 403.067(7)(c)4. If the reevaluation  
1552 determines that the best management practices or other measures  
1553 require modification, the rule shall be revised to require  
1554 implementation of the modified practice within a reasonable  
1555 period as specified in the rule and make appropriate changes to  
1556 ~~the rule adopting best management practices.~~

1557 ~~6.2.~~ As provided in s. 403.067, nonagricultural nonpoint  
1558 source best management practices, developed in accordance with  
1559 s. 403.067 and designed to achieve the objectives of the Lake  
1560 Okeechobee Watershed Protection Program as part of a phased  
1561 approach of management strategies within the Lake Okeechobee  
1562 Basin Management Action Plan, shall be implemented on an  
1563 expedited basis. The department and the district shall develop  
1564 an interagency agreement pursuant to ss. 373.046 and 373.406(5)  
1565 that assures the development of best management practices that  
1566 complement existing regulatory programs and specifies how those

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1567 ~~best management practices are implemented and verified. The~~  
1568 ~~interagency agreement shall address measures to be taken by the~~  
1569 ~~department and the district during any best management practice~~  
1570 ~~reevaluation performed pursuant to sub-subparagraph d.~~

1571 7.a. The department and the district are directed to work  
1572 with the University of Florida ~~Florida's~~ Institute of Food and  
1573 Agricultural Sciences to develop appropriate nutrient  
1574 application rates for all nonagricultural soil amendments in the  
1575 watershed. As provided in s. 403.067 ~~s. 403.067(7)(e)~~, the  
1576 department, in consultation with the district and affected  
1577 parties, shall develop nonagricultural nonpoint source interim  
1578 measures, best management practices, or other measures necessary  
1579 for Lake Okeechobee watershed total maximum daily load  
1580 reduction. Development of nonagricultural nonpoint source best  
1581 management practices shall initially focus on those priority  
1582 basins listed in sub-subparagraph (a)1.a. ~~subparagraph (b)1.~~ The  
1583 department, the district, and affected parties shall conduct an  
1584 ongoing program for improvement of existing and development of  
1585 new interim measures and ~~or~~ best management practices. The  
1586 department or the district shall adopt such practices by rule  
1587 ~~The district shall adopt technology-based standards under the~~  
1588 ~~district's WOD program for nonagricultural nonpoint sources of~~  
1589 ~~phosphorus. Nothing in this sub-subparagraph shall affect the~~  
1590 ~~authority of the department or the district to adopt basin-~~  
1591 ~~specific criteria under this part to prevent harm to the water~~  
1592 ~~resources of the district.~~

1593 8.b. Where nonagricultural nonpoint source best management  
1594 practices or interim measures have been developed by the  
1595 department and adopted by the district, the owner or operator of

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1596 a nonagricultural nonpoint source shall implement interim  
1597 measures or best management practices and be subject to ~~the~~  
1598 ~~provisions of s. 403.067(7). The department and district shall~~  
1599 ~~provide technical and financial assistance for implementation of~~  
1600 ~~nonagricultural nonpoint source best management practices,~~  
1601 ~~subject to the availability of funds.~~

1602 9.e. As provided in s. 403.067, the district or the  
1603 department shall conduct monitoring at representative sites to  
1604 verify the effectiveness of nonagricultural nonpoint source best  
1605 management practices.

1606 10.d. Where water quality problems are detected for  
1607 nonagricultural nonpoint sources despite the appropriate  
1608 implementation of adopted best management practices, ~~the~~  
1609 ~~department and the district shall institute a reevaluation of~~  
1610 ~~the best management practices shall be conducted pursuant to s.~~  
1611 403.067(7)(c)4. If the reevaluation determines that the best  
1612 management practices or other measures require modification, the  
1613 rule shall be revised to require implementation of the modified  
1614 practice within a reasonable time period as specified in the  
1615 rule.

1616 11.3. ~~The provisions of Subparagraphs 1. and 2. and 7. do~~  
1617 ~~may~~ not preclude the department or the district from requiring  
1618 compliance with water quality standards or with current best  
1619 management practices requirements set forth in any applicable  
1620 regulatory program authorized by law for the purpose of  
1621 protecting water quality. ~~Additionally, Subparagraphs 1. and 2.~~  
1622 and 7. are applicable only to the extent that they do not  
1623 conflict with any rules adopted by the department that are  
1624 necessary to maintain a federally delegated or approved program.

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1625       12. The program of agricultural best management practices  
1626 set forth in the Everglades Program of the district meets the  
1627 requirements of this paragraph and s. 403.067(7) for the Lake  
1628 Okeechobee watershed. An entity in compliance with the best  
1629 management practices set forth in the Everglades Program of the  
1630 district may elect to use that permit in lieu of the  
1631 requirements of this paragraph. The provisions of subparagraph  
1632 5. apply to this subparagraph. This subparagraph does not alter  
1633 any requirement of s. 373.4592.

1634       13. The Department of Agriculture and Consumer Services, in  
1635 cooperation with the department and the district, shall provide  
1636 technical and financial assistance for implementation of  
1637 agricultural best management practices, subject to the  
1638 availability of funds. The department and district shall provide  
1639 technical and financial assistance for implementation of  
1640 nonagricultural nonpoint source best management practices,  
1641 subject to the availability of funds.

1642       14.4. Projects that reduce the phosphorus load originating  
1643 from domestic wastewater systems within the Lake Okeechobee  
1644 watershed shall be given funding priority in the department's  
1645 revolving loan program under s. 403.1835. The department shall  
1646 coordinate and provide assistance to those local governments  
1647 seeking financial assistance for such priority projects.

1648       15.5. Projects that make use of private lands, or lands  
1649 held in trust for Indian tribes, to reduce nutrient loadings or  
1650 concentrations within a basin by one or more of the following  
1651 methods: restoring the natural hydrology of the basin, restoring  
1652 wildlife habitat or impacted wetlands, reducing peak flows after  
1653 storm events, increasing aquifer recharge, or protecting range

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1654 and timberland from conversion to development, are eligible for  
1655 grants available under this section from the coordinating  
1656 agencies. For projects of otherwise equal priority, special  
1657 funding priority will be given to those projects that make best  
1658 use of the methods outlined above that involve public-private  
1659 partnerships or that obtain federal match money. Preference  
1660 ranking above the special funding priority will be given to  
1661 projects located in a rural area of opportunity designated by  
1662 the Governor. Grant applications may be submitted by any person  
1663 or tribal entity, and eligible projects may include, but are not  
1664 limited to, the purchase of conservation and flowage easements,  
1665 hydrologic restoration of wetlands, creating treatment wetlands,  
1666 development of a management plan for natural resources, and  
1667 financial support to implement a management plan.

1668 ~~16.6.a.~~ The department shall require all entities disposing  
1669 of domestic wastewater biosolids ~~residuals~~ within the Lake  
1670 Okeechobee watershed and the remaining areas of Okeechobee,  
1671 Glades, and Hendry Counties to develop and submit to the  
1672 department an agricultural use plan that limits applications  
1673 based upon phosphorus loading consistent with the Lake  
1674 Okeechobee Basin Management Action Plan adopted pursuant to s.  
1675 403.067. ~~By July 1, 2005, phosphorus concentrations originating~~  
1676 ~~from these application sites may not exceed the limits~~  
1677 ~~established in the district's WOD program. After December 31,~~  
1678 ~~2007,~~ The department may not authorize the disposal of domestic  
1679 wastewater biosolids ~~residuals~~ within the Lake Okeechobee  
1680 watershed unless the applicant can affirmatively demonstrate  
1681 that the phosphorus in the biosolids ~~residuals~~ will not add to  
1682 phosphorus loadings in Lake Okeechobee or its tributaries. This

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1683 demonstration shall be based on achieving a net balance between  
1684 phosphorus imports relative to exports on the permitted  
1685 application site. Exports shall include only phosphorus removed  
1686 from the Lake Okeechobee watershed through products generated on  
1687 the permitted application site. This prohibition does not apply  
1688 to Class AA biosolids ~~residuals~~ that are marketed and  
1689 distributed as fertilizer products in accordance with department  
1690 rule.

1691 17.b. Private and government-owned utilities within Monroe,  
1692 Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian  
1693 River, Okeechobee, Highlands, Hendry, and Glades Counties that  
1694 dispose of wastewater biosolids ~~residual~~ sludge from utility  
1695 operations and septic removal by land spreading in the Lake  
1696 Okeechobee watershed may use a line item on local sewer rates to  
1697 cover wastewater biosolids ~~residual~~ treatment and disposal if  
1698 such disposal and treatment is done by approved alternative  
1699 treatment methodology at a facility located within the areas  
1700 designated by the Governor as rural areas of opportunity  
1701 pursuant to s. 288.0656. This additional line item is an  
1702 environmental protection disposal fee above the present sewer  
1703 rate and may not be considered a part of the present sewer rate  
1704 to customers, notwithstanding provisions to the contrary in  
1705 chapter 367. The fee shall be established by the county  
1706 commission or its designated assignee in the county in which the  
1707 alternative method treatment facility is located. The fee shall  
1708 be calculated to be no higher than that necessary to recover the  
1709 facility's prudent cost of providing the service. Upon request  
1710 by an affected county commission, the Florida Public Service  
1711 Commission will provide assistance in establishing the fee.

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1712 Further, for utilities and utility authorities that use the  
1713 additional line item environmental protection disposal fee, such  
1714 fee may not be considered a rate increase under the rules of the  
1715 Public Service Commission and shall be exempt from such rules.  
1716 Utilities using ~~the provisions of~~ this section may immediately  
1717 include in their sewer invoicing the new environmental  
1718 protection disposal fee. Proceeds from this environmental  
1719 protection disposal fee shall be used for treatment and disposal  
1720 of wastewater biosolids ~~residuals~~, including any treatment  
1721 technology that helps reduce the volume of biosolids ~~residuals~~  
1722 that require final disposal, but such proceeds may not be used  
1723 for transportation or shipment costs for disposal or any costs  
1724 relating to the land application of biosolids ~~residuals~~ in the  
1725 Lake Okeechobee watershed.

1726 18.e. No less frequently than once every 3 years, the  
1727 Florida Public Service Commission or the county commission  
1728 through the services of an independent auditor shall perform a  
1729 financial audit of all facilities receiving compensation from an  
1730 environmental protection disposal fee. The Florida Public  
1731 Service Commission or the county commission through the services  
1732 of an independent auditor shall also perform an audit of the  
1733 methodology used in establishing the environmental protection  
1734 disposal fee. The Florida Public Service Commission or the  
1735 county commission shall, within 120 days after completion of an  
1736 audit, file the audit report with the President of the Senate  
1737 and the Speaker of the House of Representatives and shall  
1738 provide copies to the county commissions of the counties set  
1739 forth in subparagraph 17. ~~sub-subparagraph b.~~ The books and  
1740 records of any facilities receiving compensation from an

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1741 environmental protection disposal fee shall be open to the  
1742 Florida Public Service Commission and the Auditor General for  
1743 review upon request.

1744 ~~19.7.~~ The Department of Health shall require all entities  
1745 disposing of septage within the Lake Okeechobee watershed to  
1746 develop and submit to that agency an agricultural use plan that  
1747 limits applications based upon phosphorus loading consistent  
1748 with the Lake Okeechobee Basin Management Action Plan adopted  
1749 pursuant to s. 403.067. ~~By July 1, 2005, phosphorus~~  
1750 ~~concentrations originating from these application sites may not~~  
1751 ~~exceed the limits established in the district's WOD program.~~

1752 20.8. The Department of Agriculture and Consumer Services  
1753 shall initiate rulemaking requiring entities within the Lake  
1754 Okeechobee watershed which land-apply animal manure to develop  
1755 resource management system level conservation plans, according  
1756 to United States Department of Agriculture criteria, which limit  
1757 such application. Such rules must ~~may~~ include criteria and  
1758 thresholds for the requirement to develop a conservation or  
1759 nutrient management plan, requirements for plan approval, site  
1760 inspection requirements, and recordkeeping requirements.

1761 21. The district shall revise chapter 40E-61, Florida  
1762 Administrative Code, to be consistent with this section and s.  
1763 403.067; provide for a monitoring program for nonpoint source  
1764 dischargers required to monitor water quality by s. 403.067; and  
1765 provide for the results of such monitoring to be reported to the  
1766 coordinating agencies.

1767 ~~9.~~ ~~The district, the department, or the Department of~~  
1768 ~~Agriculture and Consumer Services, as appropriate, shall~~  
1769 ~~implement those alternative nutrient reduction technologies~~



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1770 ~~determined to be feasible pursuant to subparagraph (d)6.~~

1771 ~~(d) Lake Okeechobee Watershed Research and Water Quality~~  
1772 ~~Monitoring Program. The district, in cooperation with the other~~  
1773 ~~coordinating agencies, shall establish a Lake Okeechobee~~  
1774 ~~Watershed Research and Water Quality Monitoring Program that~~  
1775 ~~builds upon the district's existing Lake Okeechobee research~~  
1776 ~~program. The program shall:~~

1777 ~~1. Evaluate all available existing water quality data~~  
1778 ~~concerning total phosphorus in the Lake Okeechobee watershed,~~  
1779 ~~develop a water quality baseline to represent existing~~  
1780 ~~conditions for total phosphorus, monitor long term ecological~~  
1781 ~~changes, including water quality for total phosphorus, and~~  
1782 ~~measure compliance with water quality standards for total~~  
1783 ~~phosphorus, including any applicable total maximum daily load~~  
1784 ~~for the Lake Okeechobee watershed as established pursuant to s.~~  
1785 ~~403.067. Every 3 years, the district shall reevaluate water~~  
1786 ~~quality and quantity data to ensure that the appropriate~~  
1787 ~~projects are being designated and implemented to meet the water~~  
1788 ~~quality and storage goals of the plan. The district shall also~~  
1789 ~~implement a total phosphorus monitoring program at appropriate~~  
1790 ~~structures owned or operated by the South Florida Water~~  
1791 ~~Management District and within the Lake Okeechobee watershed.~~

1792 ~~2. Develop a Lake Okeechobee water quality model that~~  
1793 ~~reasonably represents phosphorus dynamics of the lake and~~  
1794 ~~incorporates an uncertainty analysis associated with model~~  
1795 ~~predictions.~~

1796 ~~3. Determine the relative contribution of phosphorus from~~  
1797 ~~all identifiable sources and all primary and secondary land~~  
1798 ~~uses.~~

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1799 ~~4. Conduct an assessment of the sources of phosphorus from~~  
1800 ~~the Upper Kissimmee Chain of Lakes and Lake Istokpoga, and their~~  
1801 ~~relative contribution to the water quality of Lake Okeechobee.~~  
1802 ~~The results of this assessment shall be used by the coordinating~~  
1803 ~~agencies to develop interim measures, best management practices,~~  
1804 ~~or regulation, as applicable.~~

1805 ~~5. Assess current water management practices within the~~  
1806 ~~Lake Okeechobee watershed and develop recommendations for~~  
1807 ~~structural and operational improvements. Such recommendations~~  
1808 ~~shall balance water supply, flood control, estuarine salinity,~~  
1809 ~~maintenance of a healthy lake littoral zone, and water quality~~  
1810 ~~considerations.~~

1811 ~~6. Evaluate the feasibility of alternative nutrient~~  
1812 ~~reduction technologies, including sediment traps, canal and~~  
1813 ~~ditch maintenance, fish production or other aquaculture,~~  
1814 ~~bioenergy conversion processes, and algal or other biological~~  
1815 ~~treatment technologies.~~

1816 ~~7. Conduct an assessment of the water volumes and timing~~  
1817 ~~from the Lake Okeechobee watershed and their relative~~  
1818 ~~contribution to the water level changes in Lake Okeechobee and~~  
1819 ~~to the timing and volume of water delivered to the estuaries.~~

1820 (c)(e) *Lake Okeechobee Exotic Species Control Program.*—The  
1821 coordinating agencies shall identify the exotic species that  
1822 threaten the native flora and fauna within the Lake Okeechobee  
1823 watershed and develop and implement measures to protect the  
1824 native flora and fauna.

1825 (d)(f) *Lake Okeechobee Internal Phosphorus Management*  
1826 *Program.*—The district, in cooperation with the other  
1827 coordinating agencies and interested parties, shall evaluate the

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1828 feasibility of ~~complete a~~ Lake Okeechobee internal phosphorus  
1829 load removal projects ~~feasibility study~~. The evaluation  
1830 ~~feasibility study~~ shall be based on technical feasibility, as  
1831 well as economic considerations, and shall consider ~~address~~ all  
1832 reasonable methods of phosphorus removal. If projects ~~methods~~  
1833 are found to be feasible, the district shall immediately pursue  
1834 the design, funding, and permitting for implementing such  
1835 projects ~~methods~~.

1836 (e) ~~(g)~~ *Lake Okeechobee Watershed Protection Program Plan*  
1837 *implementation.*—The coordinating agencies shall be jointly  
1838 responsible for implementing the Lake Okeechobee Watershed  
1839 Protection Program Plan, consistent with the statutory authority  
1840 and responsibility of each agency. Annual funding priorities  
1841 shall be jointly established, and the highest priority shall be  
1842 assigned to programs and projects that address sources that have  
1843 the highest relative contribution to loading and the greatest  
1844 potential for reductions needed to meet the total maximum daily  
1845 loads. In determining funding priorities, the coordinating  
1846 agencies shall also consider the need for regulatory compliance,  
1847 the extent to which the program or project is ready to proceed,  
1848 and the availability of federal matching funds or other nonstate  
1849 funding, including public-private partnerships. Federal and  
1850 other nonstate funding shall be maximized to the greatest extent  
1851 practicable.

1852 (f) ~~(h)~~ *Priorities and implementation schedules.*—The  
1853 coordinating agencies are authorized and directed to establish  
1854 priorities and implementation schedules for the achievement of  
1855 total maximum daily loads, compliance with the requirements of  
1856 s. 403.067, and compliance with applicable water quality

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1857 standards within the waters and watersheds subject to this  
1858 section.

1859 ~~(i) Legislative ratification. The coordinating agencies~~  
1860 ~~shall submit the Phase II technical plan developed pursuant to~~  
1861 ~~paragraph (b) to the President of the Senate and the Speaker of~~  
1862 ~~the House of Representatives prior to the 2008 legislative~~  
1863 ~~session for review. If the Legislature takes no action on the~~  
1864 ~~plan during the 2008 legislative session, the plan is deemed~~  
1865 ~~approved and may be implemented.~~

1866 (4) CALOOSAHATCHEE RIVER WATERSHED PROTECTION PROGRAM AND  
1867 ST. LUCIE RIVER WATERSHED PROTECTION PROGRAM.—A protection  
1868 program shall be developed and implemented as specified in this  
1869 subsection. ~~In order~~ To protect and restore surface water  
1870 resources, the program shall address the reduction of pollutant  
1871 loadings, restoration of natural hydrology, and compliance with  
1872 applicable state water quality standards. The program shall be  
1873 achieved through a phased program of implementation. In  
1874 addition, pollutant load reductions based upon adopted total  
1875 maximum daily loads established in accordance with s. 403.067  
1876 shall serve as a program objective. In the development and  
1877 administration of the program, the coordinating agencies shall  
1878 maximize opportunities provided by federal and local government  
1879 cost-sharing programs and opportunities for partnerships with  
1880 the private sector and local government. The program plan shall  
1881 include a goal for salinity envelopes and freshwater inflow  
1882 targets for the estuaries based upon existing research and  
1883 documentation. The goal may be revised as new information is  
1884 available. This goal shall seek to reduce the frequency and  
1885 duration of undesirable salinity ranges while meeting the other

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1886 water-related needs of the region, including water supply and  
1887 flood protection, while recognizing the extent to which water  
1888 inflows are within the control and jurisdiction of the district.

1889 (a) *Caloosahatchee River Watershed Protection Plan.*—~~No~~  
1890 ~~later than January 1, 2009,~~ The district, in cooperation with  
1891 the other coordinating agencies, Lee County, and affected  
1892 counties and municipalities, shall complete a River Watershed  
1893 Protection Plan in accordance with this subsection. The  
1894 Caloosahatchee River Watershed Protection Plan shall identify  
1895 the geographic extent of the watershed, be coordinated as needed  
1896 with the plans developed pursuant to paragraph (3) (a) and  
1897 paragraph (c) ~~(b)~~ of this subsection, and ~~contain an~~  
1898 ~~implementation schedule for pollutant load reductions consistent~~  
1899 ~~with any adopted total maximum daily loads and compliance with~~  
1900 ~~applicable state water quality standards. The plan shall include~~  
1901 the Caloosahatchee River Watershed Construction Project and the  
1902 Caloosahatchee River Watershed Research and Water Quality  
1903 Monitoring Program.÷

1904 1. Caloosahatchee River Watershed Construction Project.—To  
1905 improve the hydrology, water quality, and aquatic habitats  
1906 within the watershed, the district shall, no later than January  
1907 1, 2012, plan, design, and construct the initial phase of the  
1908 Watershed Construction Project. In doing so, the district shall:

1909 a. Develop and designate the facilities to be constructed  
1910 to achieve stated goals and objectives of the Caloosahatchee  
1911 River Watershed Protection Plan.

1912 b. Conduct scientific studies that are necessary to support  
1913 the design of the Caloosahatchee River Watershed Construction  
1914 Project facilities.

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1915 c. Identify the size and location of all such facilities.

1916 d. Provide a construction schedule for all such facilities,  
1917 including the sequencing and specific timeframe for construction  
1918 of each facility.

1919 e. Provide a schedule for the acquisition of lands or  
1920 sufficient interests necessary to achieve the construction  
1921 schedule.

1922 f. Provide a schedule of costs and benefits associated with  
1923 each construction project and identify funding sources.

1924 g. To ensure timely implementation, coordinate the design,  
1925 scheduling, and sequencing of project facilities with the  
1926 coordinating agencies, Lee County, other affected counties and  
1927 municipalities, and other affected parties.

1928 2. Caloosahatchee River Watershed Research and Water  
1929 Quality Monitoring Program.—The district, in cooperation with  
1930 the other coordinating agencies and local governments, shall  
1931 implement a Caloosahatchee River Watershed Research and Water  
1932 Quality Monitoring Program that builds upon the district's  
1933 existing research program and that is sufficient to carry out,  
1934 comply with, or assess the plans, programs, and other  
1935 responsibilities created by this subsection. The program shall  
1936 also conduct an assessment of the water volumes and timing from  
1937 Lake Okeechobee and the Caloosahatchee River watershed and their  
1938 relative contributions to the timing and volume of water  
1939 delivered to the estuary.

1940 (b)2. Caloosahatchee River Watershed Basin Management  
1941 Action Plans Pollutant Control Program.—The basin management  
1942 action plans adopted pursuant to s. 403.067 for the  
1943 Caloosahatchee River watershed shall be the Caloosahatchee River

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1944 Watershed Pollutant Control Program. The plans shall be ~~is~~  
1945 designed to be a multifaceted approach to reducing pollutant  
1946 loads by improving the management of pollutant sources within  
1947 the Caloosahatchee River watershed through implementation of  
1948 regulations and best management practices, development and  
1949 implementation of improved best management practices,  
1950 improvement and restoration of the hydrologic function of  
1951 natural and managed systems, and utilization of alternative  
1952 technologies for pollutant reduction, such as cost-effective  
1953 biologically based, hybrid wetland/chemical and other innovative  
1954 nutrient control technologies. As provided in s.  
1955 403.067(7)(a)6., the Caloosahatchee River Watershed Basin  
1956 Management Action Plans must include milestones for  
1957 implementation and water quality improvement, and an associated  
1958 water quality monitoring component sufficient to evaluate  
1959 whether reasonable progress in pollutant load reductions is  
1960 being achieved over time. An assessment of progress toward these  
1961 milestones shall be conducted every 5 years and shall be  
1962 provided to the Governor, the President of the Senate, and the  
1963 Speaker of the House of Representatives. Revisions to the plans  
1964 shall be made, as appropriate, as a result of each 5-year  
1965 review. Revisions to the basin management action plans shall be  
1966 made by the department in cooperation with the basin  
1967 stakeholders. Revisions to best management practices or other  
1968 measures must follow the procedures set forth in s.  
1969 403.067(7)(c)4. Revised basin management action plans must be  
1970 adopted pursuant to s. 403.067(7)(a)5. The department shall  
1971 develop an implementation schedule establishing 5-year, 10-year,  
1972 and 15-year measurable milestones and targets to achieve the

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1973 total maximum daily load no more than 20 years after adoption of  
1974 the plan. The initial implementation schedule shall be used to  
1975 provide guidance for planning and funding purposes and is exempt  
1976 from chapter 120. Upon the first 5-year review, the  
1977 implementation schedule shall be adopted as part of the plans.  
1978 If achieving the total maximum daily load within 20 years is not  
1979 practicable, the implementation schedule must contain an  
1980 explanation of the constraints that prevent achievement of the  
1981 total maximum daily load within 20 years, an estimate of the  
1982 time needed to achieve the total maximum daily load, and  
1983 additional 5-year measurable milestones, as necessary. The  
1984 coordinating agencies shall facilitate the use ~~utilization~~ of  
1985 federal programs that offer opportunities for water quality  
1986 treatment, including preservation, restoration, or creation of  
1987 wetlands on agricultural lands.

1988 1.a. Nonpoint source best management practices consistent  
1989 with s. 403.067 ~~paragraph (3)(c)~~, designed to achieve the  
1990 objectives of the Caloosahatchee River Watershed Protection  
1991 Program, shall be implemented on an expedited basis. The  
1992 coordinating agencies may develop an intergovernmental agreement  
1993 with local governments to implement the nonagricultural,  
1994 nonpoint-source best management practices within their  
1995 respective geographic boundaries.

1996 2.b. This subsection does not preclude the department or  
1997 the district from requiring compliance with water quality  
1998 standards, adopted total maximum daily loads, or current best  
1999 management practices requirements set forth in any applicable  
2000 regulatory program authorized by law for the purpose of  
2001 protecting water quality. This subsection applies only to the



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2002 extent that it does not conflict with any rules adopted by the  
2003 department or district which are necessary to maintain a  
2004 federally delegated or approved program.

2005 ~~3.e.~~ Projects that make use of private lands, or lands held  
2006 in trust for Indian tribes, to reduce pollutant loadings or  
2007 concentrations within a basin, or that reduce the volume of  
2008 harmful discharges by one or more of the following methods:  
2009 restoring the natural hydrology of the basin, restoring wildlife  
2010 habitat or impacted wetlands, reducing peak flows after storm  
2011 events, or increasing aquifer recharge, are eligible for grants  
2012 available under this section from the coordinating agencies.

2013 ~~4.d.~~ The Caloosahatchee River Watershed Basin Management  
2014 Action Plans ~~Pollutant Control Program~~ shall require assessment  
2015 of current water management practices within the watershed and  
2016 shall require development of recommendations for structural,  
2017 nonstructural, and operational improvements. Such  
2018 recommendations shall consider and balance water supply, flood  
2019 control, estuarine salinity, aquatic habitat, and water quality  
2020 considerations.

2021 ~~5.e. After December 31, 2007,~~ The department may not  
2022 authorize the disposal of domestic wastewater biosolids  
2023 ~~residuals~~ within the Caloosahatchee River watershed unless the  
2024 applicant can affirmatively demonstrate that the nutrients in  
2025 the biosolids ~~residuals~~ will not add to nutrient loadings in the  
2026 watershed. This demonstration shall be based on achieving a net  
2027 balance between nutrient imports relative to exports on the  
2028 permitted application site. Exports shall include only nutrients  
2029 removed from the watershed through products generated on the  
2030 permitted application site. This prohibition does not apply to

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2031 Class AA biosolids ~~residuals~~ that are marketed and distributed  
2032 as fertilizer products in accordance with department rule.

2033 ~~6.f.~~ The Department of Health shall require all entities  
2034 disposing of septage within the Caloosahatchee River watershed  
2035 to develop and submit to that agency an agricultural use plan  
2036 that limits applications based upon nutrient loading consistent  
2037 with any basin management action plan adopted pursuant to s.  
2038 403.067. ~~By July 1, 2008, nutrient concentrations originating~~  
2039 ~~from these application sites may not exceed the limits~~  
2040 ~~established in the district's WOD program.~~

2041 ~~7.g.~~ The Department of Agriculture and Consumer Services  
2042 shall require ~~initiate rulemaking requiring~~ entities within the  
2043 Caloosahatchee River watershed which land-apply animal manure to  
2044 develop a resource management system level conservation plan,  
2045 according to United States Department of Agriculture criteria,  
2046 which limit such application. Such rules shall ~~may~~ include  
2047 criteria and thresholds for the requirement to develop a  
2048 conservation or nutrient management plan, requirements for plan  
2049 approval, site inspection requirements, and recordkeeping  
2050 requirements.

2051 8. The district shall initiate rulemaking to provide for a  
2052 monitoring program for nonpoint source dischargers required to  
2053 monitor water quality pursuant to s. 403.067(7) (b)2.g. or s.  
2054 403.067(7) (c)3. The results of such monitoring must be reported  
2055 to the coordinating agencies.

2056 ~~3. Caloosahatchee River Watershed Research and Water~~  
2057 ~~Quality Monitoring Program. The district, in cooperation with~~  
2058 ~~the other coordinating agencies and local governments, shall~~  
2059 ~~establish a Caloosahatchee River Watershed Research and Water~~

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2060 ~~Quality Monitoring Program that builds upon the district's~~  
2061 ~~existing research program and that is sufficient to carry out,~~  
2062 ~~comply with, or assess the plans, programs, and other~~  
2063 ~~responsibilities created by this subsection. The program shall~~  
2064 ~~also conduct an assessment of the water volumes and timing from~~  
2065 ~~the Lake Okeechobee and Caloosahatchee River watersheds and~~  
2066 ~~their relative contributions to the timing and volume of water~~  
2067 ~~delivered to the estuary.~~

2068 ~~(c)(b) St. Lucie River Watershed Protection Plan. No later~~  
2069 ~~than January 1, 2009,~~ The district, in cooperation with the  
2070 other coordinating agencies, Martin County, and affected  
2071 counties and municipalities shall complete a plan in accordance  
2072 with this subsection. The St. Lucie River Watershed Protection  
2073 Plan shall identify the geographic extent of the watershed, be  
2074 coordinated as needed with the plans developed pursuant to  
2075 paragraph (3) (a) and paragraph (a) of this subsection, and  
2076 ~~contain an implementation schedule for pollutant load reductions~~  
2077 ~~consistent with any adopted total maximum daily loads and~~  
2078 ~~compliance with applicable state water quality standards. The~~  
2079 ~~plan shall include the St. Lucie River Watershed Construction~~  
2080 ~~Project and St. Lucie River Watershed Research and Water Quality~~  
2081 ~~Monitoring Program.~~†

2082 1. St. Lucie River Watershed Construction Project.—To  
2083 improve the hydrology, water quality, and aquatic habitats  
2084 within the watershed, the district shall, no later than January  
2085 1, 2012, plan, design, and construct the initial phase of the  
2086 Watershed Construction Project. In doing so, the district shall:

2087 a. Develop and designate the facilities to be constructed  
2088 to achieve stated goals and objectives of the St. Lucie River

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2089 Watershed Protection Plan.

2090 b. Identify the size and location of all such facilities.

2091 c. Provide a construction schedule for all such facilities,  
2092 including the sequencing and specific timeframe for construction  
2093 of each facility.

2094 d. Provide a schedule for the acquisition of lands or  
2095 sufficient interests necessary to achieve the construction  
2096 schedule.

2097 e. Provide a schedule of costs and benefits associated with  
2098 each construction project and identify funding sources.

2099 f. To ensure timely implementation, coordinate the design,  
2100 scheduling, and sequencing of project facilities with the  
2101 coordinating agencies, Martin County, St. Lucie County, other  
2102 interested parties, and other affected local governments.

2103 2. St. Lucie River Watershed Research and Water Quality  
2104 Monitoring Program.—The district, in cooperation with the other  
2105 coordinating agencies and local governments, shall establish a  
2106 St. Lucie River Watershed Research and Water Quality Monitoring  
2107 Program that builds upon the district's existing research  
2108 program and that is sufficient to carry out, comply with, or  
2109 assess the plans, programs, and other responsibilities created  
2110 by this subsection. The district shall also conduct an  
2111 assessment of the water volumes and timing from Lake Okeechobee  
2112 and the St. Lucie River watershed and their relative  
2113 contributions to the timing and volume of water delivered to the  
2114 estuary.

2115 (d)2. St. Lucie River Watershed Basin Management Action  
2116 Plan Pollutant Control Program.—The basin management action plan  
2117 for the St. Lucie River watershed adopted pursuant to s. 403.067

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2118 shall be the St. Lucie River Watershed Pollutant Control Program  
2119 and shall be ~~is~~ designed to be a multifaceted approach to  
2120 reducing pollutant loads by improving the management of  
2121 pollutant sources within the St. Lucie River watershed through  
2122 implementation of regulations and best management practices,  
2123 development and implementation of improved best management  
2124 practices, improvement and restoration of the hydrologic  
2125 function of natural and managed systems, and use ~~utilization~~ of  
2126 alternative technologies for pollutant reduction, such as cost-  
2127 effective biologically based, hybrid wetland/chemical and other  
2128 innovative nutrient control technologies. As provided in s.  
2129 403.067(7)(a)6., the St. Lucie River Watershed Basin Management  
2130 Action Plan must include milestones for implementation and water  
2131 quality improvement, and an associated water quality monitoring  
2132 component sufficient to evaluate whether reasonable progress in  
2133 pollutant load reductions is being achieved over time. An  
2134 assessment of progress toward these milestones shall be  
2135 conducted every 5 years and shall be provided to the Governor,  
2136 the President of the Senate, and the Speaker of the House of  
2137 Representatives. Revisions to the plan shall be made, as  
2138 appropriate, as a result of each 5-year review. Revisions to the  
2139 basin management action plan shall be made by the department in  
2140 cooperation with the basin stakeholders. Revisions to best  
2141 management practices or other measures must follow the  
2142 procedures set forth in s. 403.067(7)(c)4. Revised basin  
2143 management action plans must be adopted pursuant to s.  
2144 403.067(7)(a)5. The department shall develop an implementation  
2145 schedule establishing 5-year, 10-year, and 15-year measurable  
2146 milestones and targets to achieve the total maximum daily load

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2147 no more than 20 years after adoption of the plan. The initial  
2148 implementation schedule shall be used to provide guidance for  
2149 planning and funding purposes and is exempt from chapter 120.  
2150 Upon the first 5-year review, the implementation schedule shall  
2151 be adopted as part of the plan. If achieving the total maximum  
2152 daily load within 20 years is not practicable, the  
2153 implementation schedule must contain an explanation of the  
2154 constraints that prevent achievement of the total maximum daily  
2155 load within 20 years, an estimate of the time needed to achieve  
2156 the total maximum daily load, and additional 5-year measurable  
2157 milestones, as necessary. The coordinating agencies shall  
2158 facilitate the use ~~utilization~~ of federal programs that offer  
2159 opportunities for water quality treatment, including  
2160 preservation, restoration, or creation of wetlands on  
2161 agricultural lands.

2162 1.a. Nonpoint source best management practices consistent  
2163 with s. 403.067 ~~paragraph (3)(c)~~, designed to achieve the  
2164 objectives of the St. Lucie River Watershed Protection Program,  
2165 shall be implemented on an expedited basis. The coordinating  
2166 agencies may develop an intergovernmental agreement with local  
2167 governments to implement the nonagricultural nonpoint source  
2168 best management practices within their respective geographic  
2169 boundaries.

2170 2.b. This subsection does not preclude the department or  
2171 the district from requiring compliance with water quality  
2172 standards, adopted total maximum daily loads, or current best  
2173 management practices requirements set forth in any applicable  
2174 regulatory program authorized by law for the purpose of  
2175 protecting water quality. This subsection applies only to the

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2176 extent that it does not conflict with any rules adopted by the  
2177 department or district which are necessary to maintain a  
2178 federally delegated or approved program.

2179 ~~3.e.~~ Projects that make use of private lands, or lands held  
2180 in trust for Indian tribes, to reduce pollutant loadings or  
2181 concentrations within a basin, or that reduce the volume of  
2182 harmful discharges by one or more of the following methods:  
2183 restoring the natural hydrology of the basin, restoring wildlife  
2184 habitat or impacted wetlands, reducing peak flows after storm  
2185 events, or increasing aquifer recharge, are eligible for grants  
2186 available under this section from the coordinating agencies.

2187 ~~4.d.~~ The St. Lucie River Watershed Basin Management Action  
2188 Plan ~~Pollutant Control Program~~ shall require assessment of  
2189 current water management practices within the watershed and  
2190 shall require development of recommendations for structural,  
2191 nonstructural, and operational improvements. Such  
2192 recommendations shall consider and balance water supply, flood  
2193 control, estuarine salinity, aquatic habitat, and water quality  
2194 considerations.

2195 ~~5.e. After December 31, 2007,~~ The department may not  
2196 authorize the disposal of domestic wastewater biosolids  
2197 ~~residuals~~ within the St. Lucie River watershed unless the  
2198 applicant can affirmatively demonstrate that the nutrients in  
2199 the biosolids ~~residuals~~ will not add to nutrient loadings in the  
2200 watershed. This demonstration shall be based on achieving a net  
2201 balance between nutrient imports relative to exports on the  
2202 permitted application site. Exports shall include only nutrients  
2203 removed from the St. Lucie River watershed through products  
2204 generated on the permitted application site. This prohibition

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2205 does not apply to Class AA biosolids ~~residuals~~ that are marketed  
2206 and distributed as fertilizer products in accordance with  
2207 department rule.

2208 ~~6.f.~~ The Department of Health shall require all entities  
2209 disposing of septage within the St. Lucie River watershed to  
2210 develop and submit to that agency an agricultural use plan that  
2211 limits applications based upon nutrient loading consistent with  
2212 any basin management action plan adopted pursuant to s. 403.067.  
2213 ~~By July 1, 2008, nutrient concentrations originating from these~~  
2214 ~~application sites may not exceed the limits established in the~~  
2215 ~~district's WOD program.~~

2216 ~~7.g.~~ The Department of Agriculture and Consumer Services  
2217 shall initiate rulemaking requiring entities within the St.  
2218 Lucie River watershed which land-apply animal manure to develop  
2219 a resource management system level conservation plan, according  
2220 to United States Department of Agriculture criteria, which limit  
2221 such application. Such rules shall ~~may~~ include criteria and  
2222 thresholds for the requirement to develop a conservation or  
2223 nutrient management plan, requirements for plan approval, site  
2224 inspection requirements, and recordkeeping requirements.

2225 8. The district shall initiate rulemaking to provide for a  
2226 monitoring program for nonpoint source dischargers required to  
2227 monitor water quality pursuant to s. 403.067(7) (b)2.g. or s.  
2228 403.067(7) (c)3. The results of such monitoring must be reported  
2229 to the coordinating agencies.

2230 ~~3. St. Lucie River Watershed Research and Water Quality~~  
2231 ~~Monitoring Program. The district, in cooperation with the other~~  
2232 ~~coordinating agencies and local governments, shall establish a~~  
2233 ~~St. Lucie River Watershed Research and Water Quality Monitoring~~



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2234 ~~Program that builds upon the district's existing research~~  
2235 ~~program and that is sufficient to carry out, comply with, or~~  
2236 ~~assess the plans, programs, and other responsibilities created~~  
2237 ~~by this subsection. The program shall also conduct an assessment~~  
2238 ~~of the water volumes and timing from the Lake Okeechobee and St.~~  
2239 ~~Lucie River watersheds and their relative contributions to the~~  
2240 ~~timing and volume of water delivered to the estuary.~~

2241 (e)~~(e)~~ *River Watershed Protection Plan implementation.*—The  
2242 coordinating agencies shall be jointly responsible for  
2243 implementing the River Watershed Protection Plans, consistent  
2244 with the statutory authority and responsibility of each agency.  
2245 Annual funding priorities shall be jointly established, and the  
2246 highest priority shall be assigned to programs and projects that  
2247 have the greatest potential for achieving the goals and  
2248 objectives of the plans. In determining funding priorities, the  
2249 coordinating agencies shall also consider the need for  
2250 regulatory compliance, the extent to which the program or  
2251 project is ready to proceed, and the availability of federal or  
2252 local government matching funds. Federal and other nonstate  
2253 funding shall be maximized to the greatest extent practicable.

2254 (f)~~(d)~~ *Evaluation.*—Beginning By March 1, 2020 ~~2012~~, and  
2255 every 5 ~~3~~ years thereafter, concurrent with the updates of the  
2256 basin management action plans adopted pursuant to s. 403.067,  
2257 the department, district in cooperation with the other  
2258 coordinating agencies, shall conduct an evaluation of any  
2259 pollutant load reduction goals, as well as any other specific  
2260 objectives and goals, as stated in the River Watershed  
2261 Protection Programs Plans. ~~Additionally~~, The district shall  
2262 identify modifications to facilities of the River Watershed

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2263 Construction Projects, as appropriate, or any other elements of  
2264 the River Watershed Protection Programs ~~Plans~~. The evaluation  
2265 shall be included in the annual progress report submitted  
2266 pursuant to this section.

2267 (g) ~~(e)~~ *Priorities and implementation schedules.*—The  
2268 coordinating agencies are authorized and directed to establish  
2269 priorities and implementation schedules for the achievement of  
2270 total maximum daily loads, the requirements of s. 403.067, and  
2271 compliance with applicable water quality standards within the  
2272 waters and watersheds subject to this section.

2273 ~~(f) Legislative ratification. The coordinating agencies~~  
2274 ~~shall submit the River Watershed Protection Plans developed~~  
2275 ~~pursuant to paragraphs (a) and (b) to the President of the~~  
2276 ~~Senate and the Speaker of the House of Representatives prior to~~  
2277 ~~the 2009 legislative session for review. If the Legislature~~  
2278 ~~takes no action on the plan during the 2009 legislative session,~~  
2279 ~~the plan is deemed approved and may be implemented.~~

2280 (5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY  
2281 LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.—The  
2282 department is directed to expedite development and adoption of  
2283 total maximum daily loads for the Caloosahatchee River and  
2284 estuary. The department is further directed to, ~~no later than~~  
2285 ~~December 31, 2008,~~ propose for final agency action total maximum  
2286 daily loads for nutrients in the tidal portions of the  
2287 Caloosahatchee River and estuary. The department shall initiate  
2288 development of basin management action plans for Lake  
2289 Okeechobee, the Caloosahatchee River watershed and estuary, and  
2290 the St. Lucie River watershed and estuary as provided in s.  
2291 403.067 ~~s. 403.067(7)(a)~~ as follows:

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2292 (a) Basin management action plans shall be developed as  
2293 soon as practicable as determined necessary by the department to  
2294 achieve the total maximum daily loads established for the Lake  
2295 Okeechobee watershed and the estuaries.

2296 (b) The Phase II technical plan development pursuant to  
2297 paragraph (3) (a) ~~(3) (b)~~, and the River Watershed Protection  
2298 Plans developed pursuant to paragraphs (4) (a) and (c) (b), shall  
2299 provide the basis for basin management action plans developed by  
2300 the department.

2301 (c) As determined necessary by the department ~~in order~~ to  
2302 achieve the total maximum daily loads, additional or modified  
2303 projects or programs that complement those in the legislatively  
2304 ratified plans may be included during the development of the  
2305 basin management action plan.

2306 (d) As provided in s. 403.067, management strategies and  
2307 pollution reduction requirements set forth in a basin management  
2308 action plan subject to permitting by the department under  
2309 subsection (7) must be completed pursuant to the schedule set  
2310 forth in the basin management action plan, as amended. The  
2311 implementation schedule may extend beyond the 5-year permit  
2312 term.

2313 (e) As provided in s. 403.067, management strategies and  
2314 pollution reduction requirements set forth in a basin management  
2315 action plan for a specific pollutant of concern are not subject  
2316 to challenge under chapter 120 at the time they are  
2317 incorporated, in an identical form, into a department or  
2318 district issued permit or a permit modification issued in  
2319 accordance with subsection (7).

2320 ~~(d) Development of basin management action plans that~~

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2321 ~~implement the provisions of the legislatively ratified plans~~  
2322 ~~shall be initiated by the department no later than September 30~~  
2323 ~~of the year in which the applicable plan is ratified. Where a~~  
2324 ~~total maximum daily load has not been established at the time of~~  
2325 ~~plan ratification, development of basin management action plans~~  
2326 ~~shall be initiated no later than 90 days following adoption of~~  
2327 ~~the applicable total maximum daily load.~~

2328       (6) ANNUAL PROGRESS REPORT.—Each March 1 the district, in  
2329 cooperation with the other coordinating agencies, shall report  
2330 on implementation of this section as part of the consolidated  
2331 annual report required in s. 373.036(7). The annual report shall  
2332 include a summary of the conditions of the hydrology, water  
2333 quality, and aquatic habitat in the northern Everglades based on  
2334 the results of the Research and Water Quality Monitoring  
2335 Programs, the status of the Lake Okeechobee Watershed  
2336 Construction Project, the status of the Caloosahatchee River  
2337 Watershed Construction Project, and the status of the St. Lucie  
2338 River Watershed Construction Project. In addition, the report  
2339 shall contain an annual accounting of the expenditure of funds  
2340 from the Save Our Everglades Trust Fund. At a minimum, the  
2341 annual report shall provide detail by program and plan,  
2342 including specific information concerning the amount and use of  
2343 funds from federal, state, or local government sources. In  
2344 detailing the use of these funds, the district shall indicate  
2345 those designated to meet requirements for matching funds. The  
2346 district shall prepare the report in cooperation with the other  
2347 coordinating agencies and affected local governments. The  
2348 department shall report on the status of the Lake Okeechobee  
2349 Basin Management Action Plan, the Caloosahatchee River Watershed

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2350 Basin Management Action Plan, and the St. Lucie River Watershed  
2351 Basin Management Action Plan. The Department of Agriculture and  
2352 Consumer Services shall report on the status of the  
2353 implementation of the agricultural nonpoint source best  
2354 management practices, including an implementation assurance  
2355 report summarizing survey responses and response rates, site  
2356 inspections, and other methods used to verify implementation of  
2357 and compliance with best management practices in the Lake  
2358 Okeechobee, Caloosahatchee River and St. Lucie River watersheds.

2359 (7) LAKE OKEECHOBEE PROTECTION PERMITS.—

2360 (a) The Legislature finds that the Lake Okeechobee  
2361 Watershed Protection Program will benefit Lake Okeechobee and  
2362 downstream receiving waters and is in ~~consistent with~~ the public  
2363 interest. The Lake Okeechobee Watershed Construction Project and  
2364 structures discharging into or from Lake Okeechobee shall be  
2365 constructed, operated, and maintained in accordance with this  
2366 section.

2367 (b) Permits obtained pursuant to this section are in lieu  
2368 of all other permits under this chapter or chapter 403, except  
2369 those issued under s. 403.0885, if applicable. ~~No~~ Additional  
2370 permits are not required for the Lake Okeechobee Watershed  
2371 Construction Project, or structures discharging into or from  
2372 Lake Okeechobee, if such project or structures are permitted  
2373 under this section. Construction activities related to  
2374 implementation of the Lake Okeechobee Watershed Construction  
2375 Project may be initiated before ~~prior to~~ final agency action, or  
2376 notice of intended agency action, on any permit from the  
2377 department under this section.

2378 (c) 1. ~~Within 90 days of completion of the diversion plans~~

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2379 ~~set forth in Department Consent Orders 91-0694, 91-0707, 91-~~  
2380 ~~0706, 91-0705, and RT50-205564, Owners or operators of existing~~  
2381 ~~structures which discharge into or from Lake Okeechobee that~~  
2382 ~~were subject to Department Consent Orders 91-0694, 91-0705, 91-~~  
2383 ~~0706, 91-0707, and RT50-205564 and that are subject to the~~  
2384 ~~provisions of s. 373.4592(4) (a) do not require a permit under~~  
2385 ~~this section and shall be governed by permits issued under apply~~  
2386 ~~for a permit from the department to operate and maintain such~~  
2387 ~~structures. By September 1, 2000, owners or operators of all~~  
2388 ~~other existing structures which discharge into or from Lake~~  
2389 ~~Okeechobee shall apply for a permit from the department to~~  
2390 ~~operate and maintain such structures. The department shall issue~~  
2391 ~~one or more such permits for a term of 5 years upon the~~  
2392 ~~demonstration of reasonable assurance that schedules and~~  
2393 ~~strategies to achieve and maintain compliance with water quality~~  
2394 ~~standards have been provided for, to the maximum extent~~  
2395 ~~practicable, and that operation of the structures otherwise~~  
2396 ~~complies with provisions of ss. 373.413 and 373.416 and the Lake~~  
2397 ~~Okeechobee Basin Management Action Plan adopted pursuant to s.~~  
2398 ~~403.067.~~

2399 ~~1. Permits issued under this paragraph shall also contain~~  
2400 ~~reasonable conditions to ensure that discharges of waters~~  
2401 ~~through structures:~~

2402 ~~a. Are adequately and accurately monitored;~~

2403 ~~b. Will not degrade existing Lake Okeechobee water quality~~  
2404 ~~and will result in an overall reduction of phosphorus input into~~  
2405 ~~Lake Okeechobee, as set forth in the district's Technical~~  
2406 ~~Publication 81-2 and the total maximum daily load established in~~  
2407 ~~accordance with s. 403.067, to the maximum extent practicable;~~

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2408 and

2409 e. ~~Do not pose a serious danger to public health, safety,~~  
2410 ~~or welfare.~~

2411 2. For the purposes of this paragraph, owners and operators  
2412 of existing structures which are subject to ~~the provisions of s.~~  
2413 373.4592(4) (a) and which discharge into or from Lake Okeechobee  
2414 shall be deemed in compliance with this paragraph ~~the term~~  
2415 ~~"maximum extent practicable"~~ if they are in full compliance with  
2416 the conditions of permits under chapter ~~chapters 40E-61 and 40E-~~  
2417 63, Florida Administrative Code.

2418 3. By January 1, 2017 ~~2004~~, the district shall submit to  
2419 the department a complete application for a permit modification  
2420 to the Lake Okeechobee structure permits to incorporate proposed  
2421 changes necessary to ensure that discharges through the  
2422 structures covered by this permit are consistent with the basin  
2423 management action plan adopted pursuant to achieve state water  
2424 quality standards, including the total maximum daily load  
2425 established in accordance with s. 403.067. These changes shall  
2426 be designed to achieve such compliance with state water quality  
2427 standards no later than January 1, 2015.

2428 (d) The department shall require permits for district  
2429 regional projects that are part of the Lake Okeechobee Watershed  
2430 Construction Project facilities. However, projects ~~identified in~~  
2431 ~~sub-subparagraph (3)(b)1.b.~~ that qualify as exempt pursuant to  
2432 s. 373.406 do shall not require need permits under this section.  
2433 Such permits shall be issued for a term of 5 years upon the  
2434 demonstration of reasonable assurances that:

2435 1. District regional projects that are part of the Lake  
2436 Okeechobee Watershed Construction Project shall facility, based

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2437 ~~upon the conceptual design documents and any subsequent detailed~~  
2438 ~~design documents developed by the district, will~~ achieve the  
2439 design objectives for phosphorus required in subparagraph  
2440 (3) (a) 1. ~~paragraph (3) (b);~~

2441 2. For water quality standards other than phosphorus, the  
2442 quality of water discharged from the facility is of equal or  
2443 better quality than the inflows;

2444 3. Discharges from the facility do not pose a serious  
2445 danger to public health, safety, or welfare; and

2446 4. Any impacts on wetlands or state-listed species  
2447 resulting from implementation of that facility of the Lake  
2448 Okeechobee Construction Project are minimized and mitigated, as  
2449 appropriate.

2450 (e) At least 60 days before ~~prior to~~ the expiration of any  
2451 permit issued under this section, the permittee may apply for a  
2452 renewal thereof for a period of 5 years.

2453 (f) Permits issued under this section may include any  
2454 standard conditions provided by department rule which are  
2455 appropriate and consistent with this section.

2456 (g) Permits issued under ~~pursuant to~~ this section may be  
2457 modified, as appropriate, upon review and approval by the  
2458 department.

2459 Section 16. Paragraph (a) of subsection (1) and subsection  
2460 (3) of section 373.467, Florida Statutes, are amended, to read:

2461 373.467 The Harris Chain of Lakes Restoration Council.—  
2462 There is created within the St. Johns River Water Management  
2463 District, with assistance from the Fish and Wildlife  
2464 Conservation Commission and the Lake County Water Authority, the  
2465 Harris Chain of Lakes Restoration Council.



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2466 (1) (a) The council shall consist of nine voting members,  
2467 which shall include~~+~~ a representative of waterfront property  
2468 owners, a representative of the sport fishing industry, a person  
2469 with experience in an environmental science or regulation  
2470 ~~engineer~~, a person with training in biology or another  
2471 scientific discipline, ~~a person with training as an attorney~~, a  
2472 physician, ~~a person with training as an engineer~~, and two  
2473 residents of the county who are ~~do~~ not required to meet any  
2474 additional ~~of the other~~ qualifications for membership ~~enumerated~~  
2475 ~~in this paragraph~~, each to be appointed by the Lake County  
2476 legislative delegation. The Lake County legislative delegation  
2477 may waive the qualifications for membership on a case-by-case  
2478 basis if good cause is shown. ~~A~~ ~~No~~ person serving on the council  
2479 may not be appointed to a council, board, or commission of any  
2480 council advisory group agency. The council members shall serve  
2481 as advisors to the governing board of the St. Johns River Water  
2482 Management District. The council is subject to ~~the provisions of~~  
2483 chapters 119 and 120.

2484 (3) The council shall meet at the call of its chair, at the  
2485 request of six of its members, or at the request of the chair of  
2486 the governing board of the St. Johns River Water Management  
2487 District. Resignation by a council member, or failure by a  
2488 council member to attend three consecutive meetings without an  
2489 excuse approved by the chair, results in a vacancy on the  
2490 council.

2491 Section 17. Paragraphs (a) and (b) of subsection (6) of  
2492 section 373.536, Florida Statutes, are amended to read:

2493 373.536 District budget and hearing thereon.—

2494 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;

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2495 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

2496 (a) Each district must, by the date specified for each  
2497 item, furnish copies of the following documents to the Governor,  
2498 the President of the Senate, the Speaker of the House of  
2499 Representatives, the chairs of all legislative committees and  
2500 subcommittees having substantive or fiscal jurisdiction over the  
2501 districts, as determined by the President of the Senate or the  
2502 Speaker of the House of Representatives as applicable, the  
2503 secretary of the department, and the governing board of each  
2504 county in which the district has jurisdiction or derives any  
2505 funds for the operations of the district:

2506 1. The adopted budget, to be furnished within 10 days after  
2507 its adoption.

2508 2. A financial audit of its accounts and records, to be  
2509 furnished within 10 days after its acceptance by the governing  
2510 board. The audit must be conducted in accordance with s. 11.45  
2511 and the rules adopted thereunder. In addition to the entities  
2512 named above, the district must provide a copy of the audit to  
2513 the Auditor General within 10 days after its acceptance by the  
2514 governing board.

2515 3. A 5-year capital improvements plan, to be included in  
2516 the consolidated annual report required by s. 373.036(7). The  
2517 plan must include expected sources of revenue for planned  
2518 improvements and must be prepared in a manner comparable to the  
2519 fixed capital outlay format set forth in s. 216.043.

2520 4. A 5-year water resource development work program to be  
2521 furnished within 30 days after the adoption of the final budget.  
2522 The program must describe the district's implementation strategy  
2523 and include an annual funding plan for each of the 5 years

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2524 included in the plan for the water resource and, water supply,  
2525 development components, including ~~and~~ alternative water supply  
2526 development, components of each approved regional water supply  
2527 plan developed or revised under s. 373.709. The work program  
2528 must address all the elements of the water resource development  
2529 component in the district's approved regional water supply  
2530 plans, as well as the water supply projects proposed for  
2531 district funding and assistance. The annual funding plan shall  
2532 identify both anticipated available district funding and  
2533 additional funding needs for the second through fifth years of  
2534 the funding plan. The work program ~~and~~ must identify projects in  
2535 the work program which will provide water; explain how each  
2536 water resource and, water supply, ~~and alternative water supply~~  
2537 ~~development~~ project will produce additional water available for  
2538 consumptive uses; estimate the quantity of water to be produced  
2539 by each project; ~~and~~ provide an assessment of the contribution  
2540 of the district's regional water supply plans in supporting the  
2541 implementation of minimum flows and minimum water levels and  
2542 water reservations; and ensure ~~providing~~ sufficient water is  
2543 available ~~needed~~ to timely meet the water supply needs of  
2544 existing and future reasonable-beneficial uses for a 1-in-10-  
2545 year drought event and to avoid the adverse effects of  
2546 competition for water supplies.

2547 (b) Within 30 days after its submittal, the department  
2548 shall review the proposed work program and submit its findings,  
2549 questions, and comments to the district. The review must include  
2550 a written evaluation of the program's consistency with the  
2551 furtherance of the district's approved regional water supply  
2552 plans, and the adequacy of proposed expenditures. As part of the

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2553 review, the department shall post the proposed work program on  
2554 its website and give interested parties the opportunity to  
2555 provide written comments on each district's proposed work  
2556 program. Within 45 days after receipt of the department's  
2557 evaluation, the governing board shall state in writing to the  
2558 department which of the changes recommended in the evaluation it  
2559 will incorporate into its work program submitted as part of the  
2560 March 1 consolidated annual report required by s. 373.036(7) or  
2561 specify the reasons for not incorporating the changes. The  
2562 department shall include the district's responses in a final  
2563 evaluation report and shall submit a copy of the report to the  
2564 Governor, the President of the Senate, and the Speaker of the  
2565 House of Representatives.

2566 Section 18. Subsection (9) of section 373.703, Florida  
2567 Statutes, is amended to read:

2568 373.703 Water production; general powers and duties.—In the  
2569 performance of, and in conjunction with, its other powers and  
2570 duties, the governing board of a water management district  
2571 existing pursuant to this chapter:

2572 (9) May join with one or more other water management  
2573 districts, counties, municipalities, special districts, publicly  
2574 owned or privately owned water utilities, multijurisdictional  
2575 water supply entities, regional water supply authorities,  
2576 private landowners, or self-suppliers for the purpose of  
2577 carrying out its powers, and may contract with such other  
2578 entities to finance acquisitions, construction, operation, and  
2579 maintenance, provided that such contracts are consistent with  
2580 the public interest. The contract may provide for contributions  
2581 to be made by each party to the contract for the division and

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2582 appportionment of the expenses of acquisitions, construction,  
2583 operation, and maintenance, and for the division and  
2584 appportionment of resulting benefits, services, and products. The  
2585 contracts may contain other covenants and agreements necessary  
2586 and appropriate to accomplish their purposes.

2587 Section 19. Paragraph (b) of subsection (2), subsection  
2588 (3), and paragraph (b) of subsection (4) of section 373.705,  
2589 Florida Statutes, are amended, and subsection (5) is added to  
2590 that section, to read:

2591 373.705 Water resource development; water supply  
2592 development.—

2593 (2) It is the intent of the Legislature that:

2594 (b) Water management districts take the lead in identifying  
2595 and implementing water resource development projects, and be  
2596 responsible for securing necessary funding for regionally  
2597 significant water resource development projects, including  
2598 regionally significant projects that prevent or limit adverse  
2599 water resource impacts, avoid competition among water users, or  
2600 support the provision of new water supplies in order to meet a  
2601 minimum flow or minimum water level or to implement a recovery  
2602 or prevention strategy or water reservation.

2603 (3) (a) The water management districts shall fund and  
2604 implement water resource development as defined in s. 373.019.  
2605 The water management districts are encouraged to implement water  
2606 resource development as expeditiously as possible in areas  
2607 subject to regional water supply plans.

2608 (b) Each governing board shall include in its annual budget  
2609 submittals required under this chapter:

2610 1. The amount of funds for each project in the annual

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2611 funding plan developed pursuant to s. 373.536(6)(a)4.; and

2612 2. The total amount needed for the fiscal year to implement  
2613 water resource development projects, as prioritized in its  
2614 regional water supply plans.

2615 (4)

2616 (b) Water supply development projects that meet the  
2617 criteria in paragraph (a) and that meet one or more of the  
2618 following additional criteria shall be given first consideration  
2619 for state or water management district funding assistance:

2620 1. The project brings about replacement of existing sources  
2621 in order to help implement a minimum flow or minimum water  
2622 level; ~~or~~

2623 2. The project implements reuse that assists in the  
2624 elimination of domestic wastewater ocean outfalls as provided in  
2625 s. 403.086(9); or

2626 3. The project reduces or eliminates the adverse effects of  
2627 competition between legal users and the natural system.

2628 (5) The water management districts shall promote expanded  
2629 cost-share criteria for additional conservation practices, such  
2630 as soil and moisture sensors and other irrigation improvements,  
2631 water-saving equipment, and water-saving household fixtures, and  
2632 software technologies that can achieve verifiable water  
2633 conservation by providing water use information to utility  
2634 customers.

2635 Section 20. Paragraph (f) of subsection (3), paragraph (a)  
2636 of subsection (6), and paragraph (e) of subsection (8) of  
2637 section 373.707, Florida Statutes, are amended to read:

2638 373.707 Alternative water supply development.—

2639 (3) The primary roles of the water management districts in

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2640 water resource development as it relates to supporting  
2641 alternative water supply development are:

2642 (f) The provision of technical and financial assistance to  
2643 local governments and publicly owned and privately owned water  
2644 utilities for alternative water supply projects and to self-  
2645 suppliers for alternative water supply projects to the extent  
2646 that such assistance to self-suppliers promotes the policies in  
2647 paragraph (1) (f).

2648 (6) (a) If state ~~The statewide~~ funds are provided through  
2649 specific appropriation or pursuant to the Water Protection and  
2650 Sustainability Program, such funds serve to supplement existing  
2651 water management district or basin board funding for alternative  
2652 water supply development assistance and should not result in a  
2653 reduction of such funding. For each project identified in the  
2654 annual funding plans prepared pursuant to s. 373.536(6) (a)4.

2655 ~~Therefore,~~ the water management districts shall include in the  
2656 annual tentative and adopted budget submittals required under  
2657 this chapter the amount of funds allocated for water resource  
2658 development that supports alternative water supply development  
2659 and the funds allocated for alternative water supply projects  
2660 ~~selected for inclusion in the Water Protection and~~  
2661 ~~Sustainability Program.~~ It shall be the goal of each water  
2662 management district and basin boards that the combined funds  
2663 allocated annually for these purposes be, at a minimum, the  
2664 equivalent of 100 percent of the state funding provided to the  
2665 water management district for alternative water supply  
2666 development. If this goal is not achieved, the water management  
2667 district shall provide in the budget submittal an explanation of  
2668 the reasons or constraints that prevent this goal from being

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2669 met, an explanation of how the goal will be met in future years,  
2670 and affirmation of match is required during the budget review  
2671 process as established under s. 373.536(5). The Suwannee River  
2672 Water Management District and the Northwest Florida Water  
2673 Management District shall not be required to meet the match  
2674 requirements of this paragraph; however, they shall try to  
2675 achieve the match requirement to the greatest extent  
2676 practicable.

2677 (8)

2678 (e) Applicants for projects that may receive funding  
2679 assistance pursuant to the Water Protection and Sustainability  
2680 Program shall, at a minimum, be required to pay 60 percent of  
2681 the project's construction costs. The water management districts  
2682 may, at their discretion, totally or partially waive this  
2683 requirement for projects sponsored by:

2684 1. Financially disadvantaged small local governments as  
2685 defined in former s. 403.885(5); or

2686 2. Water users for projects determined by a water  
2687 management district governing board to be in the public interest  
2688 pursuant to paragraph (1)(f), if the projects are not otherwise  
2689 financially feasible.

2690  
2691 The water management districts or basin boards may, at their  
2692 discretion, use ad valorem or federal revenues to assist a  
2693 project applicant in meeting the requirements of this paragraph.

2694 Section 21. Subsection (2) and paragraphs (a) and (e) of  
2695 subsection (6) of section 373.709, Florida Statutes, are amended  
2696 to read:

2697 373.709 Regional water supply planning.—



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2698 (2) Each regional water supply plan must be based on at  
2699 least a 20-year planning period and must include, but need not  
2700 be limited to:

2701 (a) A water supply development component for each water  
2702 supply planning region identified by the district which  
2703 includes:

2704 1. A quantification of the water supply needs for all  
2705 existing and future reasonable-beneficial uses within the  
2706 planning horizon. The level-of-certainty planning goal  
2707 associated with identifying the water supply needs of existing  
2708 and future reasonable-beneficial uses must be based upon meeting  
2709 those needs for a 1-in-10-year drought event.

2710 a. Population projections used for determining public water  
2711 supply needs must be based upon the best available data. In  
2712 determining the best available data, the district shall consider  
2713 the University of Florida ~~Florida's~~ Bureau of Economic and  
2714 Business Research (BEBR) medium population projections and  
2715 population projection data and analysis submitted by a local  
2716 government pursuant to the public workshop described in  
2717 subsection (1) if the data and analysis support the local  
2718 government's comprehensive plan. Any adjustment of or deviation  
2719 from the BEBR projections must be fully described, and the  
2720 original BEBR data must be presented along with the adjusted  
2721 data.

2722 b. Agricultural demand projections used for determining the  
2723 needs of agricultural self-suppliers must be based upon the best  
2724 available data. In determining the best available data for  
2725 agricultural self-supplied water needs, the district shall  
2726 consider the data indicative of future water supply demands

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2727 provided by the Department of Agriculture and Consumer Services  
2728 pursuant to s. 570.93 and agricultural demand projection data  
2729 and analysis submitted by a local government pursuant to the  
2730 public workshop described in subsection (1), if the data and  
2731 analysis support the local government's comprehensive plan. Any  
2732 adjustment of or deviation from the data provided by the  
2733 Department of Agriculture and Consumer Services must be fully  
2734 described, and the original data must be presented along with  
2735 the adjusted data.

2736       2. A list of water supply development project options,  
2737 including traditional and alternative water supply project  
2738 options that are technically and financially feasible, from  
2739 which local government, government-owned and privately owned  
2740 utilities, regional water supply authorities,  
2741 multijurisdictional water supply entities, self-suppliers, and  
2742 others may choose for water supply development. In addition to  
2743 projects listed by the district, such users may propose specific  
2744 projects for inclusion in the list of alternative water supply  
2745 projects. If such users propose a project to be listed as an  
2746 alternative water supply project, the district shall determine  
2747 whether it meets the goals of the plan, and, if so, it shall be  
2748 included in the list. The total capacity of the projects  
2749 included in the plan must exceed the needs identified in  
2750 subparagraph 1. and take into account water conservation and  
2751 other demand management measures, as well as water resources  
2752 constraints, including adopted minimum flows and minimum water  
2753 levels and water reservations. Where the district determines it  
2754 is appropriate, the plan should specifically identify the need  
2755 for multijurisdictional approaches to project options that,

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2756 based on planning level analysis, are appropriate to supply the  
2757 intended uses and that, based on such analysis, appear to be  
2758 permittable and financially and technically feasible. The list  
2759 of water supply development options must contain provisions that  
2760 recognize that alternative water supply options for agricultural  
2761 self-suppliers are limited.

2762 3. For each project option identified in subparagraph 2.,  
2763 the following must be provided:

2764 a. An estimate of the amount of water to become available  
2765 through the project.

2766 b. The timeframe in which the project option should be  
2767 implemented and the estimated planning-level costs for capital  
2768 investment and operating and maintaining the project.

2769 c. An analysis of funding needs and sources of possible  
2770 funding options. For alternative water supply projects, the  
2771 water management districts shall provide funding assistance  
2772 pursuant to s. 373.707(8).

2773 d. Identification of the entity that should implement each  
2774 project option and the current status of project implementation.

2775 (b) A water resource development component that includes:

2776 1. A listing of those water resource development projects  
2777 that support water supply development for all existing and  
2778 future reasonable-beneficial uses as described in paragraph  
2779 (2) (a) and for the natural systems as identified in the recovery  
2780 or prevention strategies for adopted minimum flows and minimum  
2781 water levels or water reservations.

2782 2. For each water resource development project listed:

2783 a. An estimate of the amount of water to become available  
2784 through the project for all existing and future reasonable-

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2785 beneficial uses as described in paragraph (2) (a) and for the  
2786 natural systems as identified in the recovery or prevention  
2787 strategies for adopted minimum flows and minimum water levels or  
2788 water reservations.

2789 b. The timeframe in which the project option should be  
2790 implemented and the estimated planning-level costs for capital  
2791 investment and for operating and maintaining the project.

2792 c. An analysis of funding needs and sources of possible  
2793 funding options.

2794 d. Identification of the entity that should implement each  
2795 project option and the current status of project implementation.

2796 (c) The recovery and prevention strategy described in s.  
2797 373.0421(2).

2798 (d) A funding strategy for water resource development  
2799 projects, which shall be reasonable and sufficient to pay the  
2800 cost of constructing or implementing all of the listed projects.

2801 (e) Consideration of how the project options addressed in  
2802 paragraph (a) serve the public interest or save costs overall by  
2803 preventing the loss of natural resources or avoiding greater  
2804 future expenditures for water resource development or water  
2805 supply development. However, unless adopted by rule, these  
2806 considerations do not constitute final agency action.

2807 (f) The technical data and information applicable to each  
2808 planning region which are necessary to support the regional  
2809 water supply plan.

2810 (g) The minimum flows and minimum water levels established  
2811 for water resources within each planning region.

2812 (h) Reservations of water adopted by rule pursuant to s.  
2813 373.223(4) within each planning region.

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2814 (i) Identification of surface waters or aquifers for which  
2815 minimum flows and minimum water levels are scheduled to be  
2816 adopted.

2817 (j) An analysis, developed in cooperation with the  
2818 department, of areas or instances in which the variance  
2819 provisions of s. 378.212(1)(g) or s. 378.404(9) may be used to  
2820 create water supply development or water resource development  
2821 projects.

2822 (k) An assessment of how the regional water supply plan and  
2823 the projects identified in the funding plans prepared pursuant  
2824 to sub-subparagraphs (a)3.c. and (b)2.c. support the recovery or  
2825 prevention strategies for implementation of adopted minimum  
2826 flows and minimum water levels or water reservations, including  
2827 minimum flows and minimum water levels for Outstanding Florida  
2828 Springs adopted pursuant to s. 373.805; while ensuring that  
2829 sufficient water will be available for all existing and future  
2830 reasonable-beneficial uses and the natural systems identified  
2831 herein; and that the adverse effects of competition for water  
2832 supplies will be avoided.

2833 (6) Annually and in conjunction with the reporting  
2834 requirements of s. 373.536(6)(a)4., the department shall submit  
2835 to the Governor and the Legislature a report on the status of  
2836 regional water supply planning in each district. The report  
2837 shall include:

2838 (a) A compilation of the estimated costs ~~of~~ and an analysis  
2839 of the sufficiency of potential sources of funding from all  
2840 sources for water resource development and water supply  
2841 development projects as identified in the water management  
2842 district regional water supply plans.

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2843 (e) An overall assessment of the progress being made to  
2844 develop water supply in each district, including, but not  
2845 limited to, an explanation of how each project in the 5-year  
2846 water resource development work program developed pursuant to s.  
2847 373.536(6)(a)4., either alternative or traditional, will  
2848 produce, contribute to, or account for additional water being  
2849 made available for consumptive uses, minimum flows and minimum  
2850 water levels, or water reservations; an estimate of the quantity  
2851 of water to be produced by each project;~~;~~ and an assessment of  
2852 the contribution of the district's regional water supply plan in  
2853 providing sufficient water to meet the needs of existing and  
2854 future reasonable-beneficial uses for a 1-in-10-year drought  
2855 event, as well as the needs of the natural systems.

2856 Section 22. Part VIII of chapter 373, Florida Statutes,  
2857 consisting of ss. 373.801-373.813, Florida Statutes, is created  
2858 and entitled the "Florida Springs and Aquifer Protection Act."

2859 Section 23. Section 373.801, Florida Statutes, is created  
2860 to read:

2861 373.801 Legislative findings and intent.—

2862 (1) The Legislature finds that springs are a unique part of  
2863 this state's scenic beauty. Springs provide critical habitat for  
2864 plants and animals, including many endangered or threatened  
2865 species. Springs also provide immeasurable natural,  
2866 recreational, economic, and inherent value. Springs are of great  
2867 scientific importance in understanding the diverse functions of  
2868 aquatic ecosystems. Water quality of springs is an indicator of  
2869 local conditions of the Floridan Aquifer, which is a source of  
2870 drinking water for many residents of this state. Water flows in  
2871 springs may reflect regional aquifer conditions. In addition,

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2872 springs provide recreational opportunities for swimming,  
2873 canoeing, wildlife watching, fishing, cave diving, and many  
2874 other activities in this state. These recreational opportunities  
2875 and the accompanying tourism they provide are a benefit to local  
2876 economies and the economy of the state as a whole.

2877 (2) The Legislature finds that the water quantity and water  
2878 quality in springs may be related. For regulatory purposes, the  
2879 department has primary responsibility for water quality; the  
2880 water management districts have primary responsibility for water  
2881 quantity; and the Department of Agriculture and Consumer  
2882 Services has primary responsibility for the development and  
2883 implementation of agricultural best management practices. Local  
2884 governments have primary responsibility for providing domestic  
2885 wastewater collection and treatment services and stormwater  
2886 management. The foregoing responsible entities must coordinate  
2887 to restore and maintain the water quantity and water quality of  
2888 the Outstanding Florida Springs.

2889 (3) The Legislature recognizes that:

2890 (a) A spring is only as healthy as its aquifer system. The  
2891 groundwater that supplies springs is derived from water that  
2892 recharges the aquifer system in the form of seepage from the  
2893 land surface and through direct conduits, such as sinkholes.  
2894 Springs may be adversely affected by polluted runoff from urban  
2895 and agricultural lands; discharges resulting from inadequate  
2896 wastewater and stormwater management practices; stormwater  
2897 runoff; and reduced water levels of the Floridan Aquifer. As a  
2898 result, the hydrologic and environmental conditions of a spring  
2899 or spring run are directly influenced by activities and land  
2900 uses within a springshed and by water withdrawals from the

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2901 Floridan Aquifer.

2902 (b) Springs, whether found in urban or rural settings, or  
2903 on public or private lands, may be threatened by actual or  
2904 potential flow reductions and declining water quality. Many of  
2905 this state's springs are demonstrating signs of significant  
2906 ecological imbalance, increased nutrient loading, and declining  
2907 flow. Without effective remedial action, further declines in  
2908 water quality and water quantity may occur.

2909 (c) Springshed boundaries and areas of high vulnerability  
2910 within a springshed need to be identified and delineated using  
2911 the best available data.

2912 (d) Springsheds typically cross water management district  
2913 boundaries and local government jurisdictional boundaries, so a  
2914 coordinated statewide springs protection plan is needed.

2915 (e) The aquifers and springs of this state are complex  
2916 systems affected by many variables and influences.

2917 (4) The Legislature recognizes that action is urgently  
2918 needed and, as additional data is acquired, action must be  
2919 modified.

2920 Section 24. Section 373.802, Florida Statutes, is created  
2921 to read:

2922 373.802 Definitions.—As used in this part, the term:

2923 (1) "Department" means the Department of Environmental  
2924 Protection, which includes the Florida Geological Survey or its  
2925 successor agencies.

2926 (2) "Local government" means a county or municipal  
2927 government the jurisdictional boundaries of which include an  
2928 Outstanding Florida Spring or any part of a springshed or  
2929 delineated priority focus area of an Outstanding Florida Spring.



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2930           (3) "Onsite sewage treatment and disposal system" means a  
2931 system that contains a standard subsurface, filled, or mound  
2932 drainfield system; an aerobic treatment unit; a graywater system  
2933 tank; a laundry wastewater system tank; a septic tank; a grease  
2934 interceptor; a pump tank; a solids or effluent pump; a  
2935 waterless, incinerating, or organic waste-composting toilet; or  
2936 a sanitary pit privy that is installed or proposed to be  
2937 installed beyond the building sewer on land of the owner or on  
2938 other land on which the owner has the legal right to install  
2939 such system. The term includes any item placed within, or  
2940 intended to be used as a part of or in conjunction with, the  
2941 system. The term does not include package sewage treatment  
2942 facilities and other treatment works regulated under chapter  
2943 403.

2944           (4) "Outstanding Florida Spring" includes all historic  
2945 first magnitude springs, including their associated spring runs,  
2946 as determined by the department using the most recent Florida  
2947 Geological Survey springs bulletin, and the following additional  
2948 springs, including their associated spring runs:

- 2949           (a) De Leon Springs;  
2950           (b) Peacock Springs;  
2951           (c) Poe Springs;  
2952           (d) Rock Springs;  
2953           (e) Wekiwa Springs; and  
2954           (f) Gemini Springs.

2955  
2956 The term does not include submarine springs or river rises.

2957           (5) "Priority focus area" means the area or areas of a  
2958 basin where the Floridan Aquifer is generally most vulnerable to

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2959 pollutant inputs where there is a known connectivity between  
2960 groundwater pathways and an Outstanding Florida Spring, as  
2961 determined by the department in consultation with the  
2962 appropriate water management districts, and delineated in a  
2963 basin management action plan.

2964 (6) "Springshed" means the areas within the groundwater and  
2965 surface water basins which contribute, based upon all relevant  
2966 facts, circumstances, and data, to the discharge of a spring as  
2967 defined by potentiometric surface maps and surface watershed  
2968 boundaries.

2969 (7) "Spring run" means a body of flowing water that  
2970 originates from a spring or whose primary source of water is a  
2971 spring or springs under average rainfall conditions.

2972 (8) "Spring vent" means a location where groundwater flows  
2973 out of a natural, discernible opening in the ground onto the  
2974 land surface or into a predominantly fresh surface water body.

2975 Section 25. Section 373.803, Florida Statutes, is created  
2976 to read:

2977 373.803 Delineation of priority focus areas for Outstanding  
2978 Florida Springs.—Using the best data available from the water  
2979 management districts and other credible sources, the department,  
2980 in coordination with the water management districts, shall  
2981 delineate priority focus areas for each Outstanding Florida  
2982 Spring or group of springs that contains one or more Outstanding  
2983 Florida Springs and is identified as impaired in accordance with  
2984 s. 373.807. In delineating priority focus areas, the department  
2985 shall consider groundwater travel time to the spring,  
2986 hydrogeology, nutrient load, and any other factors that may lead  
2987 to degradation of an Outstanding Florida Spring. The delineation

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2988 of priority focus areas must be completed by July 1, 2018, shall  
2989 use understood and identifiable boundaries such as roads or  
2990 political jurisdictions for ease of implementation, and is  
2991 effective upon incorporation in a basin management action plan.

2992 Section 26. Section 373.805, Florida Statutes, is created  
2993 to read:

2994 373.805 Minimum flows and minimum water levels for  
2995 Outstanding Florida Springs.—

2996 (1) At the time a minimum flow or minimum water level is  
2997 adopted pursuant to s. 373.042 for an Outstanding Florida  
2998 Spring, if the spring is below or is projected within 20 years  
2999 to fall below the minimum flow or minimum water level, a water  
3000 management district or the department shall concurrently adopt a  
3001 recovery or prevention strategy.

3002 (2) When a minimum flow or minimum water level for an  
3003 Outstanding Florida Spring is revised pursuant to s.  
3004 373.0421(3), if the spring is below or is projected within 20  
3005 years to fall below the minimum flow or minimum water level, a  
3006 water management district or the department shall concurrently  
3007 adopt a recovery or prevention strategy or modify an existing  
3008 recovery or prevention strategy. A district or the department  
3009 may adopt the revised minimum flow or minimum water level before  
3010 the adoption of a recovery or prevention strategy if the revised  
3011 minimum flow or minimum water level is less constraining on  
3012 existing or projected future consumptive uses.

3013 (3) For an Outstanding Florida Spring without an adopted  
3014 recovery or prevention strategy, if a district or the department  
3015 determines the spring has fallen below, or is projected within  
3016 20 years to fall below, the adopted minimum flow or minimum

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3017 water level, a water management district or the department shall  
3018 expeditiously adopt a recovery or prevention strategy.

3019 (4) The recovery or prevention strategy for each  
3020 Outstanding Florida Spring must, at a minimum, include:

3021 (a) A listing of all specific projects identified for  
3022 implementation of the plan;

3023 (b) A priority listing of each project;

3024 (c) For each listed project, the estimated cost of and the  
3025 estimated date of completion;

3026 (d) The source and amount of financial assistance to be  
3027 made available by the water management district for each listed  
3028 project, which may not be less than 25 percent of the total  
3029 project cost unless a specific funding source or sources are  
3030 identified which will provide more than 75 percent of the total  
3031 project cost. The Northwest Florida Water Management District  
3032 and the Suwannee River Water Management District are not  
3033 required to meet the minimum requirement to provide financial  
3034 assistance pursuant to this paragraph;

3035 (e) An estimate of each listed project's benefit to an  
3036 Outstanding Florida Spring; and

3037 (f) An implementation plan designed with a target to  
3038 achieve the adopted minimum flow or minimum water level no more  
3039 than 20 years after the adoption of a recovery or prevention  
3040 strategy.

3041  
3042 The water management district or the department shall develop a  
3043 schedule establishing 5-year, 10-year, and 15-year targets for  
3044 achieving the adopted minimum flows or minimum water levels. The  
3045 schedule shall be used to provide guidance for planning and

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3046 funding purposes and is exempt from chapter 120.

3047 (5) A local government may apply to the department for a  
3048 single extension of up to 5 years for any project in an adopted  
3049 recovery or prevention strategy. The department may grant the  
3050 extension if the local government provides to the department  
3051 sufficient evidence that an extension is in the best interest of  
3052 the public. For a local government in a rural area of  
3053 opportunity, as defined in s. 288.0656, the department may grant  
3054 a single extension of up to 10 years.

3055 Section 27. Section 373.807, Florida Statutes, is created  
3056 to read:

3057 373.807 Protection of water quality in Outstanding Florida  
3058 Springs.—By July 1, 2016, the department shall initiate  
3059 assessment, pursuant to s. 403.067(3), of Outstanding Florida  
3060 Springs or spring systems for which an impairment determination  
3061 has not been made under the numeric nutrient standards in effect  
3062 for spring vents. Assessments must be completed by July 1, 2018.

3063 (1) (a) Concurrent with the adoption of a nutrient total  
3064 maximum daily load for an Outstanding Florida Spring, the  
3065 department, or the department in conjunction with a water  
3066 management district, shall initiate development of a basin  
3067 management action plan, as specified in s. 403.067. For an  
3068 Outstanding Florida Spring with a nutrient total maximum daily  
3069 load adopted before July 1, 2016, the department, or the  
3070 department in conjunction with a water management district,  
3071 shall initiate development of a basin management action plan by  
3072 July 1, 2016. During the development of a basin management  
3073 action plan, if the department identifies onsite sewage  
3074 treatment and disposal systems as contributors of at least 20

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3075 percent of nonpoint source nitrogen pollution or if the  
3076 department determines remediation is necessary to achieve the  
3077 total maximum daily load, the basin management action plan shall  
3078 include an onsite sewage treatment and disposal system  
3079 remediation plan pursuant to subsection (3) for those systems  
3080 identified as requiring remediation.

3081 (b) A basin management action plan for an Outstanding  
3082 Florida Spring shall be adopted within 2 years after its  
3083 initiation and must include, at a minimum:

3084 1. A list of all specific projects and programs identified  
3085 to implement a nutrient total maximum daily load;

3086 2. A list of all specific projects identified in any  
3087 incorporated onsite sewage treatment and disposal system  
3088 remediation plan, if applicable;

3089 3. A priority rank for each listed project;

3090 4. For each listed project, a planning level cost estimate  
3091 and the estimated date of completion;

3092 5. The source and amount of financial assistance to be made  
3093 available by the department, a water management district, or  
3094 other entity for each listed project;

3095 6. An estimate of each listed project's nutrient load  
3096 reduction;

3097 7. Identification of each point source or category of  
3098 nonpoint sources, including, but not limited to, urban turf  
3099 fertilizer, sports turf fertilizer, agricultural fertilizer,  
3100 onsite sewage treatment and disposal systems, wastewater  
3101 treatment facilities, animal wastes, and stormwater facilities.

3102 An estimated allocation of the pollutant load must be provided  
3103 for each point source or category of nonpoint sources; and

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3104 8. An implementation plan designed with a target to achieve  
3105 the nutrient total maximum daily load no more than 20 years  
3106 after the adoption of a basin management action plan.

3107  
3108 The department shall develop a schedule establishing 5-year, 10-  
3109 year, and 15-year targets for achieving the nutrient total  
3110 maximum daily load. The schedule shall be used to provide  
3111 guidance for planning and funding purposes and is exempt from  
3112 chapter 120.

3113 (c) For a basin management action plan adopted before July  
3114 1, 2016, which addresses an Outstanding Florida Spring, the  
3115 department or the department in conjunction with a water  
3116 management district must revise the plan if necessary to comply  
3117 with this section by July 1, 2018.

3118 (d) A local government may apply to the department for a  
3119 single extension of up to 5 years for any project in an adopted  
3120 basin management action plan. A local government in a rural area  
3121 of opportunity, as defined in s. 288.0656, may apply for a  
3122 single extension of up to 10 years for such a project. The  
3123 department may grant the extension if the local government  
3124 provides to the department sufficient evidence that an extension  
3125 is in the best interest of the public.

3126 (2) By July 1, 2017, each local government, as defined in  
3127 s. 373.802(2), that has not adopted an ordinance pursuant to s.  
3128 403.9337, shall develop, enact, and implement an ordinance  
3129 pursuant to that section. It is the intent of the Legislature  
3130 that ordinances required to be adopted under this subsection  
3131 reflect the latest scientific information, advancements, and  
3132 technological improvements in the industry.

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3133       (3) As part of a basin management action plan that includes  
3134 an Outstanding Florida Spring, the department, the Department of  
3135 Health, relevant local governments, and relevant local public  
3136 and private wastewater utilities, shall develop an onsite sewage  
3137 treatment and disposal system remediation plan for a spring if  
3138 the department determines onsite sewage treatment and disposal  
3139 systems within a priority focus area contribute at least 20  
3140 percent of nonpoint source nitrogen pollution or if the  
3141 department determines remediation is necessary to achieve the  
3142 total maximum daily load. The plan shall identify cost-effective  
3143 and financially feasible projects necessary to reduce the  
3144 nutrient impacts from onsite sewage treatment and disposal  
3145 systems and shall be completed and adopted as part of the basin  
3146 management action plan no later than the first 5-year milestone  
3147 required by subparagraph (1)(b)8. The department is the lead  
3148 agency in coordinating the preparation of and the adoption of  
3149 the plan. The department shall:

3150       (a) Collect and evaluate credible scientific information on  
3151 the effect of nutrients, particularly forms of nitrogen, on  
3152 springs and springs systems; and

3153       (b) Develop a public education plan to provide area  
3154 residents with reliable, understandable information about onsite  
3155 sewage treatment and disposal systems and springs.

3156  
3157 In addition to the requirements in s. 403.067, the plan shall  
3158 include options for repair, upgrade, replacement, drainfield  
3159 modification, addition of effective nitrogen reducing features,  
3160 connection to a central sewerage system, or other action for an  
3161 onsite sewage treatment and disposal system or group of systems



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3162 within a priority focus area that contribute at least 20 percent  
3163 of nonpoint source nitrogen pollution or if the department  
3164 determines remediation is necessary to achieve a total maximum  
3165 daily load. For these systems, the department shall include in  
3166 the plan a priority ranking for each system or group of systems  
3167 that requires remediation and shall award funds to implement the  
3168 remediation projects contingent on an appropriation in the  
3169 General Appropriations Act, which may include all or part of the  
3170 costs necessary for repair, upgrade, replacement, drainfield  
3171 modification, addition of effective nitrogen reducing features,  
3172 initial connection to a central sewerage system, or other  
3173 action. In awarding funds, the department may consider expected  
3174 nutrient reduction benefit per unit cost, size and scope of  
3175 project, relative local financial contribution to the project,  
3176 and the financial impact on property owners and the community.  
3177 The department may waive matching funding requirements for  
3178 proposed projects within an area designated as a rural area of  
3179 opportunity under s. 288.0656.

3180 (4) The department shall provide notice to a local  
3181 government of all permit applicants under s. 403.814(12) in a  
3182 priority focus area of an Outstanding Florida Spring over which  
3183 the local government has full or partial jurisdiction.

3184 Section 28. Section 373.811, Florida Statutes, is created  
3185 to read:

3186 373.811 Prohibited activities within a priority focus  
3187 area.—The following activities are prohibited within a priority  
3188 focus area in effect for an Outstanding Florida Spring:

3189 (1) New domestic wastewater disposal facilities, including  
3190 rapid infiltration basins, with permitted capacities of 100,000

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3191 gallons per day or more, except for those facilities that meet  
3192 an advanced wastewater treatment standard of no more than 3 mg/l  
3193 total nitrogen, expressed as N, on an annual permitted basis, or  
3194 a more stringent treatment standard if the department determines  
3195 the more stringent standard is necessary to attain a total  
3196 maximum daily load for the Outstanding Florida Spring.

3197 (2) New onsite sewage treatment and disposal systems on  
3198 lots of less than 1 acre, if the addition of the specific  
3199 systems conflicts with an onsite treatment and disposal system  
3200 remediation plan incorporated into a basin management action  
3201 plan in accordance with s. 373.807(3).

3202 (3) New facilities for the disposal of hazardous waste.

3203 (4) The land application of Class A or Class B domestic  
3204 wastewater biosolids not in accordance with a department  
3205 approved nutrient management plan establishing the rate at which  
3206 all biosolids, soil amendments, and sources of nutrients at the  
3207 land application site can be applied to the land for crop  
3208 production while minimizing the amount of pollutants and  
3209 nutrients discharged to groundwater or waters of the state.

3210 (5) New agriculture operations that do not implement best  
3211 management practices, measures necessary to achieve pollution  
3212 reduction levels established by the department, or groundwater  
3213 monitoring plans approved by a water management district or the  
3214 department.

3215 Section 29. Section 373.813, Florida Statutes, is created  
3216 to read:

3217 373.813 Rules.—

3218 (1) The department shall adopt rules to improve water  
3219 quantity and water quality to administer this part, as

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3220 applicable.

3221 (2) (a) The Department of Agriculture and Consumer Services  
3222 is the lead agency coordinating the reduction of agricultural  
3223 nonpoint sources of pollution for the protection of Outstanding  
3224 Florida Springs. The Department of Agriculture and Consumer  
3225 Services and the department, pursuant to s. 403.067(7)(c)4.,  
3226 shall study new or revised agricultural best management  
3227 practices for improving and protecting Outstanding Florida  
3228 Springs and, if necessary, in cooperation with applicable local  
3229 governments and stakeholders, initiate rulemaking to require the  
3230 implementation of such practices within a reasonable period.

3231 (b) The department, the Department of Agriculture and  
3232 Consumer Services, and the University of Florida Institute of  
3233 Food and Agricultural Sciences shall cooperate in conducting the  
3234 necessary research and demonstration projects to develop  
3235 improved or additional nutrient management tools, including the  
3236 use of controlled release fertilizer that can be used by  
3237 agricultural producers as part of an agricultural best  
3238 management practices program. The development of such tools must  
3239 reflect a balance between water quality improvement and  
3240 agricultural productivity and, if applicable, must be  
3241 incorporated into the revised agricultural best management  
3242 practices adopted by rule by the Department of Agriculture and  
3243 Consumer Services.

3244 Section 30. Subsection (29) of section 403.061, Florida  
3245 Statutes, is amended to read:

3246 403.061 Department; powers and duties.—The department shall  
3247 have the power and the duty to control and prohibit pollution of  
3248 air and water in accordance with the law and rules adopted and

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3249 promulgated by it and, for this purpose, to:

3250       (29) (a) Adopt by rule special criteria to protect Class II  
3251 and Class III shellfish harvesting waters. Such rules may  
3252 include special criteria for approving docking facilities that  
3253 have 10 or fewer slips if the construction and operation of such  
3254 facilities will not result in the closure of shellfish waters.

3255       (b) Adopt by rule a specific surface water classification  
3256 to protect surface waters used for treated potable water supply.  
3257 These designated surface waters shall have the same water  
3258 quality criteria protections as waters designated for fish  
3259 consumption, recreation, and the propagation and maintenance of  
3260 a healthy, well-balanced population of fish and wildlife, and  
3261 shall be free from discharged substances at a concentration  
3262 that, alone or in combination with other discharged substances,  
3263 would require significant alteration of permitted treatment  
3264 processes at the permitted treatment facility or that would  
3265 otherwise prevent compliance with applicable state drinking  
3266 water standards in the treated water. Notwithstanding this  
3267 classification or the inclusion of treated water supply as a  
3268 designated use of a surface water, a surface water used for  
3269 treated potable water supply may be reclassified to the potable  
3270 water supply classification.

3271  
3272 The department shall implement such programs in conjunction with  
3273 its other powers and duties and shall place special emphasis on  
3274 reducing and eliminating contamination that presents a threat to  
3275 humans, animals or plants, or to the environment.

3276       Section 31. Section 403.0617, Florida Statutes, is created  
3277 to read:

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3278 403.0617 Innovative nutrient and sediment reduction and  
3279 conservation pilot project program.—

3280 (1) Contingent upon a specific appropriation in the General  
3281 Appropriation Act, the department may fund innovative nutrient  
3282 and sediment reduction and conservation pilot projects selected  
3283 pursuant to this section. These pilot projects are intended to  
3284 test the effectiveness of innovative or existing nutrient  
3285 reduction or water conservation technologies, programs, or  
3286 practices designed to minimize nutrient pollution or restore  
3287 flows in the water bodies of the state.

3288 (2) By October 1, 2016, the department shall initiate  
3289 rulemaking to establish criteria by which the department will  
3290 evaluate and rank pilot projects for funding. The criteria must  
3291 include a determination by the department that the pilot project  
3292 will not be harmful to the ecological resources in the study  
3293 area. The criteria must give preference to projects that will  
3294 result in the greatest improvement to water quality and water  
3295 quantity for the dollars to be expended for the project. At a  
3296 minimum, the department shall consider all of the following:

3297 (a) The level of nutrient impairment of the waterbody,  
3298 watershed, or water segment in which the project is located.

3299 (b) The quantity of nutrients the project is estimated to  
3300 remove from a water body, watershed, or water segment with a  
3301 nutrient total maximum daily load.

3302 (c) The potential for the project to provide a cost-  
3303 effective solution to pollution, including pollution caused by  
3304 onsite sewage treatment and disposal systems.

3305 (d) The anticipated impact the project will have on  
3306 restoring or increasing flow or water level.

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3307       (e) The amount of matching funds for the project which will  
3308 be provided by the entities responsible for implementing the  
3309 project.

3310       (f) Whether the project is located in a rural area of  
3311 opportunity, as defined in s. 288.0656, with preference given to  
3312 the local government responsible for implementing the project.

3313       (g) For multiple-year projects, whether the project has  
3314 funding sources that are identified and assured through the  
3315 expected completion date of the project.

3316       (h) The cost of the project and the length of time it will  
3317 take to complete relative to its expected benefits.

3318       (i) Whether the entities responsible for implementing the  
3319 project have used their own funds for projects to improve water  
3320 quality or conserve water use with preference given to those  
3321 entities that have expended such funds.

3322       Section 32. Section 403.0623, Florida Statutes, is amended  
3323 to read:

3324       403.0623 Environmental data; quality assurance.—

3325       (1) The department must establish, by rule, appropriate  
3326 quality assurance requirements for environmental data submitted  
3327 to the department and the criteria by which environmental data  
3328 may be rejected by the department. The department may adopt and  
3329 enforce rules to establish data quality objectives and specify  
3330 requirements for training of laboratory and field staff, sample  
3331 collection methodology, proficiency testing, and audits of  
3332 laboratory and field sampling activities. Such rules may be in  
3333 addition to any laboratory certification provisions under ss.  
3334 403.0625 and 403.863.

3335       (2) (a) The department, in coordination with the water

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3336 management districts, regional water supply authorities, and the  
3337 Department of Agriculture and Consumer Services shall establish  
3338 standards for the collection and analysis of water quantity,  
3339 water quality, and related data to ensure quality, reliability,  
3340 and validity of the data and testing results.

3341 (b) To the extent practicable, the department shall  
3342 coordinate with federal agencies to ensure that its collection  
3343 and analysis of water quality, water quantity, and related data,  
3344 which may be used by any state agency, water management  
3345 district, or local government, is consistent with this  
3346 subsection.

3347 (c) To receive state funds for the acquisition of land or  
3348 the financing of a water resource project, state agencies and  
3349 water management districts must show that they followed the  
3350 department's collection and analysis standards, if available, as  
3351 a prerequisite for any such request for funding.

3352 (d) The department and the water management districts may  
3353 adopt rules to implement this subsection.

3354 Section 33. Subsection (7) of section 403.067, Florida  
3355 Statutes, is amended to read:

3356 403.067 Establishment and implementation of total maximum  
3357 daily loads.—

3358 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND  
3359 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

3360 (a) *Basin management action plans.*—

3361 1. In developing and implementing the total maximum daily  
3362 load for a water body, the department, or the department in  
3363 conjunction with a water management district, may develop a  
3364 basin management action plan that addresses some or all of the

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3365 watersheds and basins tributary to the water body. Such plan  
3366 must integrate the appropriate management strategies available  
3367 to the state through existing water quality protection programs  
3368 to achieve the total maximum daily loads and may provide for  
3369 phased implementation of these management strategies to promote  
3370 timely, cost-effective actions as provided for in s. 403.151.  
3371 The plan must establish a schedule implementing the management  
3372 strategies, establish a basis for evaluating the plan's  
3373 effectiveness, and identify feasible funding strategies for  
3374 implementing the plan's management strategies. The management  
3375 strategies may include regional treatment systems or other  
3376 public works, where appropriate, and voluntary trading of water  
3377 quality credits to achieve the needed pollutant load reductions.

3378       2. A basin management action plan must equitably allocate,  
3379 pursuant to paragraph (6) (b), pollutant reductions to individual  
3380 basins, as a whole to all basins, or to each identified point  
3381 source or category of nonpoint sources, as appropriate. For  
3382 nonpoint sources for which best management practices have been  
3383 adopted, the initial requirement specified by the plan must be  
3384 those practices developed pursuant to paragraph (c). Where  
3385 appropriate, the plan may take into account the benefits of  
3386 pollutant load reduction achieved by point or nonpoint sources  
3387 that have implemented management strategies to reduce pollutant  
3388 loads, including best management practices, before the  
3389 development of the basin management action plan. The plan must  
3390 also identify the mechanisms that will address potential future  
3391 increases in pollutant loading.

3392       3. The basin management action planning process is intended  
3393 to involve the broadest possible range of interested parties,



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3394 with the objective of encouraging the greatest amount of  
3395 cooperation and consensus possible. In developing a basin  
3396 management action plan, the department shall assure that key  
3397 stakeholders, including, but not limited to, applicable local  
3398 governments, water management districts, the Department of  
3399 Agriculture and Consumer Services, other appropriate state  
3400 agencies, local soil and water conservation districts,  
3401 environmental groups, regulated interests, and affected  
3402 pollution sources, are invited to participate in the process.  
3403 The department shall hold at least one public meeting in the  
3404 vicinity of the watershed or basin to discuss and receive  
3405 comments during the planning process and shall otherwise  
3406 encourage public participation to the greatest practicable  
3407 extent. Notice of the public meeting must be published in a  
3408 newspaper of general circulation in each county in which the  
3409 watershed or basin lies not less than 5 days nor more than 15  
3410 days before the public meeting. A basin management action plan  
3411 does not supplant or otherwise alter any assessment made under  
3412 subsection (3) or subsection (4) or any calculation or initial  
3413 allocation.

3414 4. Each new or revised basin management action plan shall  
3415 include:

3416 a. The appropriate management strategies available through  
3417 existing water quality protection programs to achieve total  
3418 maximum daily loads, which may provide for phased implementation  
3419 to promote timely, cost-effective actions as provided for in s.  
3420 403.151;

3421 b. A description of best management practices adopted by  
3422 rule;

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3423 c. A list of projects in priority ranking with a planning-  
3424 level cost estimate and estimated date of completion for each  
3425 listed project;

3426 d. The source and amount of financial assistance to be made  
3427 available by the department, a water management district, or  
3428 other entity for each listed project, if applicable; and

3429 e. A planning-level estimate of each listed project's  
3430 expected load reduction, if applicable.

3431 ~~5.4.~~ The department shall adopt all or any part of a basin  
3432 management action plan and any amendment to such plan by  
3433 secretarial order pursuant to chapter 120 to implement the  
3434 provisions of this section.

3435 ~~6.5.~~ The basin management action plan must include  
3436 milestones for implementation and water quality improvement, and  
3437 an associated water quality monitoring component sufficient to  
3438 evaluate whether reasonable progress in pollutant load  
3439 reductions is being achieved over time. An assessment of  
3440 progress toward these milestones shall be conducted every 5  
3441 years, and revisions to the plan shall be made as appropriate.  
3442 Revisions to the basin management action plan shall be made by  
3443 the department in cooperation with basin stakeholders. Revisions  
3444 to the management strategies required for nonpoint sources must  
3445 follow the procedures set forth in subparagraph (c)4. Revised  
3446 basin management action plans must be adopted pursuant to  
3447 subparagraph 5 4.

3448 ~~7.6.~~ In accordance with procedures adopted by rule under  
3449 paragraph (9)(c), basin management action plans, and other  
3450 pollution control programs under local, state, or federal  
3451 authority as provided in subsection (4), may allow point or

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3452 nonpoint sources that will achieve greater pollutant reductions  
3453 than required by an adopted total maximum daily load or  
3454 wasteload allocation to generate, register, and trade water  
3455 quality credits for the excess reductions to enable other  
3456 sources to achieve their allocation; however, the generation of  
3457 water quality credits does not remove the obligation of a source  
3458 or activity to meet applicable technology requirements or  
3459 adopted best management practices. Such plans must allow trading  
3460 between NPDES permittees, and trading that may or may not  
3461 involve NPDES permittees, where the generation or use of the  
3462 credits involve an entity or activity not subject to department  
3463 water discharge permits whose owner voluntarily elects to obtain  
3464 department authorization for the generation and sale of credits.

3465 ~~8.7.~~ The provisions of the department's rule relating to  
3466 the equitable abatement of pollutants into surface waters do not  
3467 apply to water bodies or water body segments for which a basin  
3468 management plan that takes into account future new or expanded  
3469 activities or discharges has been adopted under this section.

3470 (b) *Total maximum daily load implementation.*—

3471 1. The department shall be the lead agency in coordinating  
3472 the implementation of the total maximum daily loads through  
3473 existing water quality protection programs. Application of a  
3474 total maximum daily load by a water management district must be  
3475 consistent with this section and does not require the issuance  
3476 of an order or a separate action pursuant to s. 120.536(1) or s.  
3477 120.54 for the adoption of the calculation and allocation  
3478 previously established by the department. Such programs may  
3479 include, but are not limited to:

3480 a. Permitting and other existing regulatory programs,

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3481 including water-quality-based effluent limitations;  
3482       b. Nonregulatory and incentive-based programs, including  
3483 best management practices, cost sharing, waste minimization,  
3484 pollution prevention, agreements established pursuant to s.  
3485 403.061(21), and public education;  
3486       c. Other water quality management and restoration  
3487 activities, for example surface water improvement and management  
3488 plans approved by water management districts or basin management  
3489 action plans developed pursuant to this subsection;  
3490       d. Trading of water quality credits or other equitable  
3491 economically based agreements;  
3492       e. Public works including capital facilities; or  
3493       f. Land acquisition.  
3494       2. For a basin management action plan adopted pursuant to  
3495 paragraph (a), any management strategies and pollutant reduction  
3496 requirements associated with a pollutant of concern for which a  
3497 total maximum daily load has been developed, including effluent  
3498 limits set forth for a discharger subject to NPDES permitting,  
3499 if any, must be included in a timely manner in subsequent NPDES  
3500 permits or permit modifications for that discharger. The  
3501 department may not impose limits or conditions implementing an  
3502 adopted total maximum daily load in an NPDES permit until the  
3503 permit expires, the discharge is modified, or the permit is  
3504 reopened pursuant to an adopted basin management action plan.  
3505       a. Absent a detailed allocation, total maximum daily loads  
3506 must be implemented through NPDES permit conditions that provide  
3507 for a compliance schedule. In such instances, a facility's NPDES  
3508 permit must allow time for the issuance of an order adopting the  
3509 basin management action plan. The time allowed for the issuance

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3510 of an order adopting the plan may not exceed 5 years. Upon  
3511 issuance of an order adopting the plan, the permit must be  
3512 reopened or renewed, as necessary, and permit conditions  
3513 consistent with the plan must be established. Notwithstanding  
3514 the other provisions of this subparagraph, upon request by an  
3515 NPDES permittee, the department as part of a permit issuance,  
3516 renewal, or modification may establish individual allocations  
3517 before the adoption of a basin management action plan.

3518 b. For holders of NPDES municipal separate storm sewer  
3519 system permits and other stormwater sources, implementation of a  
3520 total maximum daily load or basin management action plan must be  
3521 achieved, to the maximum extent practicable, through the use of  
3522 best management practices or other management measures.

3523 c. The basin management action plan does not relieve the  
3524 discharger from any requirement to obtain, renew, or modify an  
3525 NPDES permit or to abide by other requirements of the permit.

3526 d. Management strategies set forth in a basin management  
3527 action plan to be implemented by a discharger subject to  
3528 permitting by the department must be completed pursuant to the  
3529 schedule set forth in the basin management action plan. This  
3530 implementation schedule may extend beyond the 5-year term of an  
3531 NPDES permit.

3532 e. Management strategies and pollution reduction  
3533 requirements set forth in a basin management action plan for a  
3534 specific pollutant of concern are not subject to challenge under  
3535 chapter 120 at the time they are incorporated, in an identical  
3536 form, into a subsequent NPDES permit or permit modification.

3537 f. For nonagricultural pollutant sources not subject to  
3538 NPDES permitting but permitted pursuant to other state,

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3539 regional, or local water quality programs, the pollutant  
3540 reduction actions adopted in a basin management action plan must  
3541 be implemented to the maximum extent practicable as part of  
3542 those permitting programs.

3543 g. A nonpoint source discharger included in a basin  
3544 management action plan must demonstrate compliance with the  
3545 pollutant reductions established under subsection (6) by  
3546 implementing the appropriate best management practices  
3547 established pursuant to paragraph (c) or conducting water  
3548 quality monitoring prescribed by the department or a water  
3549 management district. A nonpoint source discharger may, in  
3550 accordance with department rules, supplement the implementation  
3551 of best management practices with water quality credit trades in  
3552 order to demonstrate compliance with the pollutant reductions  
3553 established under subsection (6).

3554 h. A nonpoint source discharger included in a basin  
3555 management action plan may be subject to enforcement action by  
3556 the department or a water management district based upon a  
3557 failure to implement the responsibilities set forth in sub-  
3558 subparagraph g.

3559 i. A landowner, discharger, or other responsible person who  
3560 is implementing applicable management strategies specified in an  
3561 adopted basin management action plan may not be required by  
3562 permit, enforcement action, or otherwise to implement additional  
3563 management strategies, including water quality credit trading,  
3564 to reduce pollutant loads to attain the pollutant reductions  
3565 established pursuant to subsection (6) and shall be deemed to be  
3566 in compliance with this section. This subparagraph does not  
3567 limit the authority of the department to amend a basin

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3568 management action plan as specified in subparagraph (a)6. ~~(a)5.~~

3569 (c) *Best management practices.*—

3570 1. The department, in cooperation with the water management  
3571 districts and other interested parties, as appropriate, may  
3572 develop suitable interim measures, best management practices, or  
3573 other measures necessary to achieve the level of pollution  
3574 reduction established by the department for nonagricultural  
3575 nonpoint pollutant sources in allocations developed pursuant to  
3576 subsection (6) and this subsection. These practices and measures  
3577 may be adopted by rule by the department and the water  
3578 management districts and, where adopted by rule, shall be  
3579 implemented by those parties responsible for nonagricultural  
3580 nonpoint source pollution.

3581 2. The Department of Agriculture and Consumer Services may  
3582 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54  
3583 suitable interim measures, best management practices, or other  
3584 measures necessary to achieve the level of pollution reduction  
3585 established by the department for agricultural pollutant sources  
3586 in allocations developed pursuant to subsection (6) and this  
3587 subsection or for programs implemented pursuant to paragraph  
3588 (12)(b). These practices and measures may be implemented by  
3589 those parties responsible for agricultural pollutant sources and  
3590 the department, the water management districts, and the  
3591 Department of Agriculture and Consumer Services shall assist  
3592 with implementation. In the process of developing and adopting  
3593 rules for interim measures, best management practices, or other  
3594 measures, the Department of Agriculture and Consumer Services  
3595 shall consult with the department, the Department of Health, the  
3596 water management districts, representatives from affected

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3597 farming groups, and environmental group representatives. Such  
3598 rules must also incorporate provisions for a notice of intent to  
3599 implement the practices and a system to assure the  
3600 implementation of the practices, including site inspection and  
3601 recordkeeping requirements.

3602 3. Where interim measures, best management practices, or  
3603 other measures are adopted by rule, the effectiveness of such  
3604 practices in achieving the levels of pollution reduction  
3605 established in allocations developed by the department pursuant  
3606 to subsection (6) and this subsection or in programs implemented  
3607 pursuant to paragraph (12) (b) must be verified at representative  
3608 sites by the department. The department shall use best  
3609 professional judgment in making the initial verification that  
3610 the best management practices are reasonably expected to be  
3611 effective and, where applicable, must notify the appropriate  
3612 water management district or the Department of Agriculture and  
3613 Consumer Services of its initial verification before the  
3614 adoption of a rule proposed pursuant to this paragraph.  
3615 Implementation, in accordance with rules adopted under this  
3616 paragraph, of practices that have been initially verified to be  
3617 effective, or verified to be effective by monitoring at  
3618 representative sites, by the department, shall provide a  
3619 presumption of compliance with state water quality standards and  
3620 release from the provisions of s. 376.307(5) for those  
3621 pollutants addressed by the practices, and the department is not  
3622 authorized to institute proceedings against the owner of the  
3623 source of pollution to recover costs or damages associated with  
3624 the contamination of surface water or groundwater caused by  
3625 those pollutants. Research projects funded by the department, a



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3626 water management district, or the Department of Agriculture and  
3627 Consumer Services to develop or demonstrate interim measures or  
3628 best management practices shall be granted a presumption of  
3629 compliance with state water quality standards and a release from  
3630 the provisions of s. 376.307(5). The presumption of compliance  
3631 and release is limited to the research site and only for those  
3632 pollutants addressed by the interim measures or best management  
3633 practices. Eligibility for the presumption of compliance and  
3634 release is limited to research projects on sites where the owner  
3635 or operator of the research site and the department, a water  
3636 management district, or the Department of Agriculture and  
3637 Consumer Services have entered into a contract or other  
3638 agreement that, at a minimum, specifies the research objectives,  
3639 the cost-share responsibilities of the parties, and a schedule  
3640 that details the beginning and ending dates of the project.

3641 4. Where water quality problems are demonstrated, despite  
3642 the appropriate implementation, operation, and maintenance of  
3643 best management practices and other measures required by rules  
3644 adopted under this paragraph, the department, a water management  
3645 district, or the Department of Agriculture and Consumer  
3646 Services, in consultation with the department, shall institute a  
3647 reevaluation of the best management practice or other measure.  
3648 Should the reevaluation determine that the best management  
3649 practice or other measure requires modification, the department,  
3650 a water management district, or the Department of Agriculture  
3651 and Consumer Services, as appropriate, shall revise the rule to  
3652 require implementation of the modified practice within a  
3653 reasonable time period as specified in the rule.

3654 5. Agricultural records relating to processes or methods of

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3655 production, costs of production, profits, or other financial  
3656 information held by the Department of Agriculture and Consumer  
3657 Services pursuant to subparagraphs 3. and 4. or pursuant to any  
3658 rule adopted pursuant to subparagraph 2. are confidential and  
3659 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
3660 Constitution. Upon request, records made confidential and exempt  
3661 pursuant to this subparagraph shall be released to the  
3662 department or any water management district provided that the  
3663 confidentiality specified by this subparagraph for such records  
3664 is maintained.

3665 6. The provisions of subparagraphs 1. and 2. do not  
3666 preclude the department or water management district from  
3667 requiring compliance with water quality standards or with  
3668 current best management practice requirements set forth in any  
3669 applicable regulatory program authorized by law for the purpose  
3670 of protecting water quality. Additionally, subparagraphs 1. and  
3671 2. are applicable only to the extent that they do not conflict  
3672 with any rules adopted by the department that are necessary to  
3673 maintain a federally delegated or approved program.

3674 (d) Enforcement and verification of basin management action  
3675 plans and management strategies.-

3676 1. Basin management action plans are enforceable pursuant  
3677 to this section and ss. 403.121, 403.141, and 403.161.

3678 Management strategies, including best management practices and  
3679 water quality monitoring, are enforceable under this chapter.

3680 2. No later than January 1, 2017:

3681 a. The department, in consultation with the water  
3682 management districts and the Department of Agriculture and  
3683 Consumer Services, shall initiate rulemaking to adopt procedures

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3684 to verify implementation of water quality monitoring required in  
3685 lieu of implementation of best management practices or other  
3686 measures pursuant to s. 403.067(7)(b)2.g.;

3687 b. The department, in consultation with the water  
3688 management districts and the Department of Agriculture and  
3689 Consumer Services, shall initiate rulemaking to adopt procedures  
3690 to verify implementation of nonagricultural interim measures,  
3691 best management practices, or other measures adopted by rule  
3692 pursuant to s. 403.067(7)(c)1.; and

3693 c. The Department of Agriculture and Consumer Services, in  
3694 consultation with the water management districts and the  
3695 department, shall initiate rulemaking to adopt procedures to  
3696 verify implementation of agricultural interim measures, best  
3697 management practices, or other measures adopted by rule pursuant  
3698 to s. 403.067(7)(c)2.

3699  
3700 The rules required under this subparagraph shall include  
3701 enforcement procedures applicable to the landowner, discharger,  
3702 or other responsible person required to implement applicable  
3703 management strategies, including best management practices or  
3704 water quality monitoring as a result of noncompliance.

3705 Section 34. Section 403.0675, Florida Statutes, is created  
3706 to read:

3707 403.0675 Progress reports.—On or before July 1 of each  
3708 year, beginning in 2018:

3709 (1) The department, in conjunction with the water  
3710 management districts, shall post on its website and submit  
3711 electronically an annual progress report to the Governor, the  
3712 President of the Senate, and the Speaker of the House of

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3713 Representatives on the status of each total maximum daily load,  
3714 basin management action plan, minimum flow or minimum water  
3715 level, and recovery or prevention strategy adopted pursuant to  
3716 s. 403.067 or parts I and VIII of chapter 373. The report must  
3717 include the status of each project identified to achieve a total  
3718 maximum daily load or an adopted minimum flow or minimum water  
3719 level, as applicable. If a report indicates that any of the 5-  
3720 year, 10-year, or 15-year milestones, or the 20-year target  
3721 date, if applicable, for achieving a total maximum daily load or  
3722 a minimum flow or minimum water level will not be met, the  
3723 report must include an explanation of the possible causes and  
3724 potential solutions. If applicable, the report must include  
3725 project descriptions, estimated costs, proposed priority ranking  
3726 for project implementation, and funding needed to achieve the  
3727 total maximum daily load or the minimum flow or minimum water  
3728 level by the target date. Each water management district shall  
3729 post the department's report on its website.

3730 (2) The Department of Agriculture and Consumer Services  
3731 shall post on its website and submit electronically an annual  
3732 progress report to the Governor, the President of the Senate,  
3733 and the Speaker of the House of Representatives on the status of  
3734 the implementation of the agricultural nonpoint source best  
3735 management practices, including an implementation assurance  
3736 report summarizing survey responses and response rates, site  
3737 inspections, and other methods used to verify implementation of  
3738 and compliance with best management practices pursuant to basin  
3739 management action plans.

3740 Section 35. Subsection (21) is added to section 403.861,  
3741 Florida Statutes, to read:

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3742 403.861 Department; powers and duties.—The department shall  
3743 have the power and the duty to carry out the provisions and  
3744 purposes of this act and, for this purpose, to:

3745 (21) (a) Upon issuance of a construction permit to construct  
3746 a new public water system drinking water treatment facility to  
3747 provide potable water supply using a surface water that, at the  
3748 time of the permit application, is not being used as a potable  
3749 water supply, and the classification of which does not include  
3750 potable water supply as a designated use, the department shall  
3751 add treated potable water supply as a designated use of the  
3752 surface water segment in accordance with s. 403.061(29) (b).

3753 (b) For existing public water system drinking water  
3754 treatment facilities that use a surface water as a treated  
3755 potable water supply, which surface water classification does  
3756 not include potable water supply as a designated use, the  
3757 department shall add treated potable water supply as a  
3758 designated use of the surface water segment in accordance with  
3759 s. 403.061(29) (b).

3760 Section 36. Section 403.928, Florida Statutes, is created  
3761 to read:

3762 403.928 Assessment of water resources and conservation  
3763 lands.—The Office of Economic and Demographic Research shall  
3764 conduct an annual assessment of Florida's water resources and  
3765 conservation lands.

3766 (1) WATER RESOURCES.—The assessment must include all of the  
3767 following:

3768 (a) Historical and current expenditures and projections of  
3769 future expenditures by federal, state, regional, and local  
3770 governments and public and private utilities based upon

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3771 historical trends and ongoing projects or initiatives associated  
3772 with:

3773 1. Water supply and demand; and

3774 2. Water quality protection and restoration.

3775 (b) An analysis and estimates of future expenditures by  
3776 federal, state, regional, and local governments and public and  
3777 private utilities necessary to comply with federal and state  
3778 laws and regulations governing subparagraphs (a)1. and (a)2. The  
3779 analysis and estimates must address future expenditures by  
3780 federal, state, regional, and local governments and all public  
3781 and private utilities necessary to achieve the legislature's  
3782 intent that sufficient water be available for all existing and  
3783 future reasonable-beneficial uses and the natural systems, and  
3784 that adverse effects of competition for water supplies be  
3785 avoided. The assessment must include a compilation of projected  
3786 water supply and demand data developed by each water management  
3787 district pursuant to ss. 373.036 and 373.709, with notations  
3788 regarding any significant differences between the methods used  
3789 by the districts to calculate the data.

3790 (c) Forecasts of federal, state, regional, and local  
3791 government revenues dedicated in current law for the purposes  
3792 specified in subparagraphs (a)1. and (a)2. or that have been  
3793 historically allocated for these purposes, as well as public and  
3794 private utility revenues.

3795 (d) An identification of gaps between projected revenues  
3796 and projected and estimated expenditures.

3797 (2) CONSERVATION LANDS.—The assessment must include all of  
3798 the following:

3799 (a) Historical and current expenditures and projections of

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3800 future expenditures by federal, state, regional, and local  
3801 governments based upon historical trends and ongoing projects or  
3802 initiatives associated with real property interests eligible for  
3803 funding under s. 259.105.

3804 (b) An analysis and estimates of future expenditures by  
3805 federal, state, regional, and local governments necessary to  
3806 purchase lands identified in plans set forth by state agencies  
3807 or water management districts.

3808 (c) An analysis of the ad valorem tax impacts, by county,  
3809 resulting from public ownership of conservation lands.

3810 (d) Forecasts of federal, state, regional, and local  
3811 government revenues dedicated in current law to maintain  
3812 conservation lands and the gap between projected expenditures  
3813 and revenues.

3814 (e) The total percentage of Florida real property that is  
3815 publicly owned for conservation purposes.

3816 (f) A comparison of the cost of acquiring and maintaining  
3817 conservation lands under fee simple or less than fee simple  
3818 ownership.

3819 (3) The assessment shall include analyses on a statewide,  
3820 regional, or geographic basis, as appropriate, and shall  
3821 identify analytical challenges in assessing information across  
3822 the different regions of the state.

3823 (4) The assessment must identify any overlap in the  
3824 expenditures for water resources and conservation lands.

3825 (5) The water management districts, the Department of  
3826 Environmental Protection, the Department of Agriculture and  
3827 Consumer Services, the Fish and Wildlife Conservation  
3828 Commission, counties, municipalities, and special districts

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3829 shall provide assistance to the Office of Economic and  
3830 Demographic Research related to their respective areas of  
3831 expertise.

3832 (6) The Office of Economic and Demographic Research must be  
3833 given access to any data held by an agency as defined in s.  
3834 112.312 if the Office of Economic and Demographic Research  
3835 considers the data necessary to complete the assessment,  
3836 including any confidential data.

3837 (7) The assessment shall be submitted to the President of  
3838 the Senate and the Speaker of the House of Representatives by  
3839 January 1, 2017, and by January 1 of each year thereafter.

3840 Section 37. (1) The Department of Environmental Protection  
3841 shall evaluate the feasibility and cost of creating and  
3842 maintaining a web-based, interactive map that includes, at a  
3843 minimum:

3844 (a) All watersheds and each water body within those  
3845 watersheds;

3846 (b) The county or counties in which the watershed or water  
3847 body is located;

3848 (c) The water management district or districts in which the  
3849 watershed or water body is located;

3850 (d) Whether, if applicable, a minimum flow or minimum water  
3851 level has been adopted for the water body and if such minimum  
3852 flow or minimum water level has not been adopted, the  
3853 anticipated adoption date;

3854 (e) Whether, if applicable, a recovery or prevention  
3855 strategy has been adopted for the watershed or water body and,  
3856 if such a plan has not been adopted, the anticipated adoption  
3857 date;



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- 3858       (f) The impairment status of each water body;  
3859       (g) Whether, if applicable, a total maximum daily load has  
3860 been adopted if the water body is listed as impaired and, if  
3861 such total maximum daily load has not been adopted, the  
3862 anticipated adoption date;  
3863       (h) Whether, if applicable, a basin management action plan  
3864 has been adopted for the watershed and, if such a plan has not  
3865 been adopted, the anticipated adoption date;  
3866       (i) Each project listed on the 5-year water resource  
3867 development work program developed pursuant to s.  
3868 373.536(6)(a)4.;  
3869       (j) The agency or agencies and local sponsor, if any,  
3870 responsible for overseeing the project;  
3871       (k) The total or estimated cost and completion date of each  
3872 project and the financial contribution of each entity;  
3873       (l) The estimated quantitative benefit to the watershed or  
3874 water body; and  
3875       (m) The water projects completed within the last 5 years  
3876 within the watershed or water body.  
3877       (2) On or before January 1, 2017, the department must  
3878 submit a report containing the findings on the feasibility study  
3879 to the President of the Senate and the Speaker of the House of  
3880 Representatives.  
3881       Section 38. The Legislature finds that a proper and  
3882 legitimate state purpose is served when protecting the  
3883 environmental resources of this state. Therefore, the  
3884 Legislature determines and declares that this act fulfills an  
3885 important state interest.  
3886       Section 39. This act shall take effect July 1, 2016.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Appropriations

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BILL: CS/CS/SB 552

INTRODUCER: Appropriations Committee; Environmental Preservation and Conservation Committee;  
and Senator Dean

SUBJECT: Environmental Resources

DATE: November 23, 2015 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hinton</u>	<u>Rogers</u>	<u>EP</u>	<u>Fav/CS</u>
2.	<u>Howard</u>	<u>Kynoch</u>	<u>AP</u>	<u>Fav/CS</u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 552:

- Creates the Florida Springs and Aquifer Protection Act to provide for the protection and restoration of Outstanding Florida Springs (OFSs);
- Codifies the Central Florida Water Initiative (CFWI) and ensures that the appropriate governmental entities continue to develop and implement uniform water supply planning, consumptive use permitting, and resource protection programs for the Central Florida Water Initiative;
- Updates and restructures the Northern Everglades and Estuaries Protection Program (NEEPP) to reflect and build upon the Department of Environmental Protection's (DEP) completion of basin management action plans (BMAPs) for Lake Okeechobee, the Caloosahatchee River and Estuary, and the St. Lucie River and Estuary, and the Department of Agriculture and Consumer Services' (DACCS) implementation of best management practices (BMPs);
- Modifies water supply and resource planning and processes to make them more stringent;
- Requires the Office of Economic and Demographic Research to conduct an annual assessment of water resources and conservation lands;
- Requires the DEP to publish an online, publicly accessible database of conservation lands on which public access is compatible with conservation and recreation purposes;
- Requires the DEP to conduct a feasibility study for creating and maintaining a web-based, interactive map of the state's waterbodies as well as regulatory information about each waterbody;

- Creates a pilot program for alternative water supply in restricted allocation areas and a pilot program for innovative nutrient and sediment reduction and conservation; and
- Revises certain considerations for water resource permits.

The bill requires a number of activities that will result in significant long-term costs for several government entities, including the DEP, the DACS, and the water management districts (WMDs). The total fiscal impact is indeterminate (see Section V. Fiscal Impact Statement). Resources to support the costs associated with this bill may be included each fiscal year in the General Appropriation Act.

The bill provides an effective date of July 1, 2016.

## II. Present Situation:

### State Lands Database

The Department of Environmental Protection (DEP) maintains a comprehensive system and automated inventory of all state lands and real property leased, owned, rented, occupied, or maintained by a state agency, judicial branch, or water management district (WMD).<sup>1</sup> In order to meet the requirement, the DEP created the Florida State Owned Lands and Records Information System (FL-SOLARIS). The database includes all state owned lands in which the state has a fee interest, including conservation easements acquired through a formal acquisition process for conservation.

The FL-SOLARIS system has been implemented by the DEP and the Department of Management Services (DMS) and includes two main components: the Facility Information Tracking System, which includes 332 users and 65 different agencies, and the Lands Information Tracking System, which includes 140 users and 50 different agencies.<sup>2</sup>

### Florida's Springs

Florida's springs are unique and beautiful resources. The historically crystal clear waters provide not only a variety of recreational opportunities and habitats, but also great economic value for recreation and tourism. Springs are major sources of stream flow in a number of rivers such as the Rainbow, Chassahowitzka, Homosassa, and Ichetucknee.<sup>3</sup> Additionally, Florida's springs provide a "window" into the Floridan aquifer system, which provides most of the state's drinking water.

The Floridan aquifer system is a limestone aquifer that has enormous freshwater storage and transmission capacity. The upper portion of the aquifer consists of thick carbonate rocks that have been heavily eroded and covered with unconsolidated sand and clay. The surficial aquifer is located within the sand deposits and forms the land surface that is present today. In portions of

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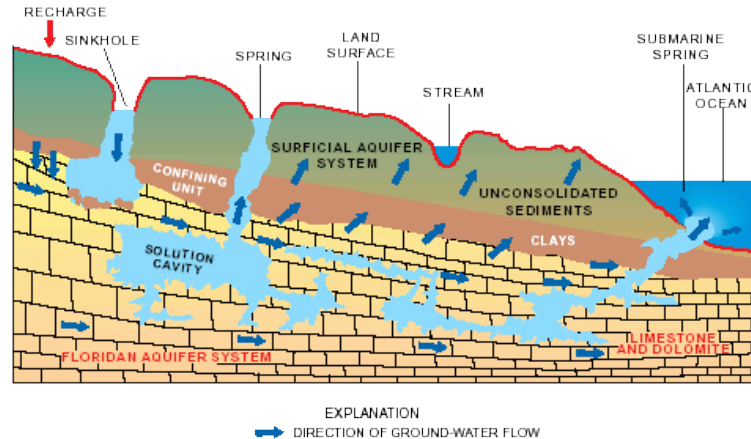
<sup>1</sup> Section 216.0153, F.S.

<sup>2</sup> State of Florida Lands and Facilities Inventory Search, <http://webapps.dep.state.fl.us/DslPi/splash?Create=new> (last visited Oct. 18, 2015).

<sup>3</sup> Department of Community Affairs, *Protecting Florida's Springs: An Implementation Guidebook*, 3-1 (Feb. 2008), available at <http://www.dep.state.fl.us/springs/reports/files/springsimplementguide.pdf> (last visited Oct. 18, 2015).

Florida, the surficial aquifer lies on top of deep layers of clay sediments that prevent the downward movement of water. Springs form when groundwater is forced out through natural openings in the ground.<sup>4</sup>

### The Water Cycle – Springs<sup>5</sup>



Florida has more than 700 recognized springs, categorized by flow in cubic feet per second. First magnitude springs are those that discharge 100 cubic feet of water per second or greater. Florida has 33 first magnitude springs in 18 counties that discharge more than 64 million gallons of water per day. Spring discharges, primarily from the Floridan aquifer, are used to determine groundwater quality and the degree of human impact on a spring's recharge area. Rainfall, surface conditions, soil type, mineralogy, the composition and porous nature of the aquifer system, flow, and length of time in the aquifer all contribute to groundwater chemistry.<sup>6</sup>

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

Spring protection zones are sub-areas of the groundwater and surface water basins of each spring or spring system that supply water to the spring and within which human activities, such as waste disposal or water use, are most likely to negatively impact the water discharging from the spring. When adverse conditions occur within a spring protection zone, the conditions can be minimized by:

- Land-use management and zoning regulations adopted by county or municipal government;
- Adoption of best management practices (BMPs);
- Educating the public concerning environmental sensitivity; and
- Regulatory action, if necessary.<sup>7</sup>

<sup>4</sup> *Id.* at 3-1 to 3-2.

<sup>5</sup> EPA, *The Water Cycle: Springs*, <http://water.usgs.gov/edu/watercyclesprings.html> (last visited Oct. 18, 2015).

<sup>6</sup> Florida Geological Survey, *Springs of Florida Bulletin No. 66*, available at <http://www.dep.state.fl.us/geology/geologictopics/springs/bulletin66.htm> (last visited Oct. 18, 2015).

<sup>7</sup> Upchurch, S.B. and Champion, K.M., *Delineation of Spring Protection Areas at Five, First-Magnitude Springs in North-Central Florida (Draft)*, 1 (Apr. 28, 2004), available at [www.waterinstitute.ufl.edu/suwannee-hydro-observ/pdf/delineation-of-spring-protection-zones.pdf](http://www.waterinstitute.ufl.edu/suwannee-hydro-observ/pdf/delineation-of-spring-protection-zones.pdf) (last visited Oct. 18, 2015). See also chs. 373 and 403, F.S.

## Nutrients

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

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

Excessive nutrient loads may result in harmful algal blooms, nuisance aquatic weeds, and the alteration of the natural community of plants and animals. Dense, harmful algal blooms can also cause human health problems, fish kills, problems for water treatment plants, and generally impair the aesthetics and tastes of waters. Growth of nuisance aquatic weeds tends to increase in nutrient-enriched waters, which can impact recreational activities.

While springs are valuable recreational and tourist attractions, they are also an indicator of reduced quality of the water in the aquifer. In pristine conditions, spring water is high quality and lacks contaminants. It can be used directly for public water supplies or for irrigation. When pollutants are introduced to the land surface, some will be retained, but some will travel into the aquifer and later appear in spring flow. Often, nutrients introduced close to a spring will quickly reach the spring, especially in unconfined areas of the aquifer.<sup>8</sup>

## Water Pollution Control Programs

### *Water Quality Standards (WQSs)*

Under s. 303 of the Federal Clean Water Act (CWA), states are incentivized to adopt WQSs for their navigable waters and must review and update those standards at least once every three years.<sup>9</sup> These standards include:

- Designation of a waterbody's beneficial uses, such as water supply, recreation, fish propagation, and navigation;
- Water quality criteria that define the amounts of pollutants, in either numeric or narrative standards, that a waterbody can contain without impairment of the designated beneficial uses; and
- Anti-degradation requirements.<sup>10</sup>

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<sup>8</sup> Department of Community Affairs, *Protecting Florida's Springs: An Implementation Guidebook*, 3-4 (Feb. 2008), available at <http://www.dep.state.fl.us/springs/reports/files/springsimplementguide.pdf> (last visited Oct. 18, 2015).

<sup>9</sup> 33 U.S.C. s. 1313(b)(1) and (c)(4). If states do not submit water quality standards within a certain time, or if the standards are not consistent with certain requirements, the EPA may step in and establish water quality standards.

<sup>10</sup> 33 U.S.C. s. 1313(c)(2)(A); 40 C.F.R. ss. 131.6 and 131.10-131.12.

The CWA requires that the surface waters of each state be classified according to their designated uses.<sup>11</sup> Florida has six classes that are arranged in order of the degree of protection required:

- Class I - Potable Water Supply
- Class II - Shellfish propagation or harvesting;
- Class III - Fish consumption, recreation, propagation and maintenance of a healthy, well-balanced population of fish and wildlife;
- Class III Limited - Fish consumption, recreation or limited recreation, and/or propagation and maintenance of a limited population of fish and wildlife;
- Class IV - Agricultural water supplies; and
- Class V - Navigation, utility, and industrial use.<sup>12</sup>

Each class has specific water quality criteria that must be met to maintain that classification.<sup>13</sup> Criteria applicable to a classification are designed to maintain the minimum conditions necessary to assure the suitability of water for the designated use of the classification. Activities allowed under a lower classification are allowable when withdrawing water from higher class waters. So, for example, a Class II surface water may also be used for any other use except for Class I purposes.<sup>14</sup>

### ***Reclassification***

Reclassification of a waterbody's designated beneficial use can be initiated by the DEP or by petition from another entity. A designation may be upgraded, but there must be credible information showing the existence or attainability of the beneficial use. For example, a waterbody designated as Class III may be upgraded to Class II if there is credible information showing that shellfish harvesting and consumption are routinely conducted in the waterbody and that the water quality criteria for Class II is attainable.<sup>15</sup>

For a waterbody to be considered for reclassification as a drinking water source, a petitioner must demonstrate that the water quality meets Class I water quality criteria or can meet those criteria after conventional treatment. Potential influences of reclassification on other users of the waterbody must be evaluated and permitting requirements must also be considered.<sup>16</sup>

Petitions to add a waterbody's designated use as drinking water source should determine if it is an existing use (now or since 1975) or an attainable use. Factors to consider when determining whether the use is an existing use can include the presence of drinking water withdrawals and permits authorizing withdrawal for consumptive use. Factors to consider when determining whether the designation is an attainable use can include proximity to wastewater sources and effects on water quality.<sup>17</sup>

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<sup>11</sup> 33 U.S.C. s. 1313(c).

<sup>12</sup> Fla. Admin. Code R. 62-302.400.

<sup>13</sup> See Fla. Admin. Code R. 62-302.500 and 62-302.530.

<sup>14</sup> Fla. Admin. Code R. 62-302.400(6).

<sup>15</sup> DEP, *Process for reclassifying the Designated Uses of Florida Surface Waters* 7, (June, 2010), available at [http://www.dep.state.fl.us/water/wqssp/docs/reclass/process\\_document\\_080510.pdf](http://www.dep.state.fl.us/water/wqssp/docs/reclass/process_document_080510.pdf) (last visited Oct. 27, 2015).

<sup>16</sup> *Id.* at 7-8.

<sup>17</sup> *Id.* at 6-7.

***Total Maximum Daily Load (TMDLs)***

A TMDL, which must be adopted by rule, is a scientific determination of the maximum amount of a given pollutant that can be absorbed by a waterbody and still meet WQSs.<sup>18</sup> Waterbodies, or sections of waterbodies, that do not meet the established WQSs are deemed impaired and, pursuant to the CWA, the DEP must establish a TMDL for the waterbody or section of the waterbody that is impaired.<sup>19</sup> A TMDL for an impaired waterbody is defined as the sum of the individual waste load allocations for point sources and the load allocations for nonpoint sources and natural background.<sup>20</sup> Waste load allocations are pollutant loads attributable to existing and future point sources. Load allocations are pollutant loads attributable to existing and future nonpoint sources. Point sources are discernible, confined, and discrete conveyances including pipes, ditches, and tunnels. Nonpoint sources are unconfined sources that include runoff from agricultural lands or residential areas.<sup>21</sup>

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

***Basin Management Action Plans (BMAPs) and Best Management Practices (BMPs)***

The DEP is the lead agency in coordinating the development and implementation of TMDLs. BMAPs are one of the primary mechanisms the DEP uses to achieve TMDLs. BMAPs are plans that use existing planning tools to address the entire pollution load, including point and nonpoint discharges, for a watershed. BMAPs generally include:

- Permitting and other existing regulatory programs, including water quality based effluent limitations;
- Non-regulatory and incentive-based programs, including best management practices (BMPs), cost sharing, waste minimization, pollution prevention, agreements established pursuant to s. 403.061(21), F.S., and public education;<sup>22</sup>

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<sup>18</sup> Section 403.067, F.S.

<sup>19</sup> *Id.*

<sup>20</sup> Section 403.031(21), F.S.

<sup>21</sup> Fla. Admin. Code R. 62-620.200(37). Point source means any discernible, confined, and discrete conveyance, including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. Nonpoint sources of pollution are essentially sources of pollution that are not point sources. They can include runoff from agricultural lands or residential areas; oil, grease and toxic materials from urban runoff; and sediment from improperly managed construction sites.

<sup>22</sup> Section 403.061, F.S., grants the DEP the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules adopted and promulgated by it. Furthermore, s. 403.061(21), F.S., allows the DEP to advise, consult, cooperate, and enter into agreements with other state agencies, the federal government, other states, interstate agencies, etc.

- Public works projects, including capital facilities; and
- Land acquisition.<sup>23</sup>

The DEP may establish a BMAP as part of the development and implementation of a TMDL for a specific waterbody. First, the BMAP equitably allocates pollutant reductions to individual basins, as a whole to all basins, or to each identified point source or category of nonpoint sources.<sup>24</sup> Then the BMAP establishes the schedule for implementing projects and activities to meet the pollution reduction allocations. The BMAP process has the flexibility to allow for adaptive changes if necessary. The BMAP development process provides an opportunity for local stakeholders, local government and community leaders, and the general public to collectively determine and share water quality clean-up responsibilities.<sup>25</sup>

BMAPs must include milestones for implementation and water quality improvement. They must also include an associated water quality monitoring component sufficient to evaluate whether reasonable progress in pollutant load reductions is being achieved over time. An assessment of progress toward these milestones must be conducted every five years and revisions to the plan must be made as appropriate.<sup>26</sup>

Producers of nonpoint source pollution included in a BMAP must comply with the established pollutant reductions by either implementing the appropriate BMPs or by conducting water quality monitoring.<sup>27</sup> A nonpoint source discharger may be subject to enforcement action by the DEP or a water management district (WMD) based on a failure to implement these requirements.<sup>28</sup> BMPs are developed for agricultural operations as well as for other activities, such as nutrient management on golf courses, silviculture (forestry) operations, and stormwater management.<sup>29</sup>

BMPs are designed to reduce the amount of nutrients, sediments, and pesticides that enter the water system and help reduce water use. Because much of the state is built on limestone, which allows water to return relatively unfiltered to the aquifer, pollutants can enter the water supply quickly, endangering the public and ecosystems.<sup>30</sup>

The DEP, in cooperation with the WMDs, establishes BMPs for nonagricultural nonpoint sources. The Department of Agriculture and Consumer Services (DACCS) establishes BMPs for agricultural nonpoint sources.<sup>31</sup> The DACCS has created two types of BMPs: management and structural BMPs. Management BMPs involve nutrient, pesticide, and irrigation management,

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<sup>23</sup> Section 403.067(7)(b), F.S.

<sup>24</sup> Section 403.067(7), F.S.

<sup>25</sup> DEP, *Basin Management Action Plans (BMAPs)*, available at <http://www.dep.state.fl.us/central/Home/Watershed/BMAP.htm> (last visited Oct. 18, 2015).

<sup>26</sup> Section 403.067(7)(a)5., F.S.

<sup>27</sup> Section 403.067(7)(b)2.g., F.S. BMPs for agriculture, for example, include activities such as managing irrigation water to minimize losses, limiting the use of fertilizers, and waste management.

<sup>28</sup> Section 403.067(7)(b)2.h., F.S.

<sup>29</sup> DEP, *Best Management Practices, Public Information, and Environmental Education Resources*, available at <http://www.dep.state.fl.us/water/nonpoint/pubs.htm#SILVICULTURE> BMP (last visited Oct. 27, 2015).

<sup>30</sup> *Id.*

<sup>31</sup> Section 403.067(7)(c), F.S.



such as when and how long to irrigate and how to use fertilizers and pesticides.<sup>32</sup> Structural BMPs involve changes to the land or installation of structures. Structural BMPs can include water control structures, fencing, and tailwater recovery systems.<sup>33</sup> The DACS works cooperatively with agricultural producers, industry groups, the DEP, the state university system, the WMDs, and other interested parties to develop and implement BMP programs that are economically and technically feasible.<sup>34</sup>

Provisions of a BMAP must be included in subsequent NPDES permits. The DEP is prohibited from imposing limits or conditions associated with an adopted TMDL in an NPDES permit until the permit expires, the discharge is modified, or the permit is reopened pursuant to an adopted BMAP.<sup>35</sup> NPDES permits issued between the time a TMDL is established and a BMAP is adopted contain a compliance schedule allowing time for the BMAP to be developed. Once the BMAP is developed, a permit will be reopened and individual allocations consistent with the BMAP will be established in the permit. The timeframe for this to occur cannot exceed five years. NPDES permittees may request an individual allocation during the interim, and the DEP may include an individual allocation in the permit.<sup>36</sup>

### ***Urban Fertilizer Usage and Florida's Model Ordinance***

Application of fertilizer in urban areas impacts springsheds when it runs off lawns and impervious surfaces into stormwater collection systems or directly into the surface water. The DEP has provided guidelines to minimize the impact of urban fertilizer use and adopted the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes. The model ordinance provides counties and municipalities with a range of options to help minimize fertilizer inputs from urban applications. Some of the suggestions contained in the model ordinance are:

- Restricting the times fertilizer may be applied, such as restricting its application during the rainy season;
- Creating fertilizer free zones around sensitive waterbodies such as ponds, streams, watercourses, lakes, canals, or wetlands;
- Controlling application practices by, for example, restricting fertilizer application on impervious surfaces and requiring prompt cleanup of any fertilizer that is spilled on impervious surfaces; and
- Managing grass clipping and vegetative matter by disposing of such materials properly rather than simply blowing them into the street, ditches, stormwater drains, or waterbodies.<sup>37</sup>

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<sup>32</sup> University of Florida Institute of Food and Agricultural Sciences, *Best Management Practices*, available at [http://solutionsforyourlife.ufl.edu/hot\\_topics/agriculture/bmps.shtml](http://solutionsforyourlife.ufl.edu/hot_topics/agriculture/bmps.shtml) (last visited Oct. 18, 2015).

<sup>33</sup> DACS, *Agriculture and Water Quality*, available at

[http://www.freshfromflorida.com/content/download/33106/813038/BMP\\_Backgrounder.pdf](http://www.freshfromflorida.com/content/download/33106/813038/BMP_Backgrounder.pdf) (last visited Oct. 27, 2015).

<sup>34</sup> DACS, Office of Agricultural Water Policy, *Home Page* (Jan. 8, 2014), available at

<http://www.freshfromflorida.com/Divisions-Offices/Agricultural-Water-Policy> (last visited Oct. 18, 2015).

<sup>35</sup> Section 403.067(7)(b)2., F.S.

<sup>36</sup> Section 403.067(7)(b)2.a., F.S.

<sup>37</sup> Section 403.9337, F.S. See also DEP, *Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes*, 6-9 (2015), available at <http://www.dep.state.fl.us/water/nonpoint/docs/nonpoint/dep-fert-modelord.pdf> (last visited Oct. 18, 2015).

## Onsite Sewage Treatment and Disposal Systems (OSTDs)

In Florida, septic systems are referred to as onsite sewage treatment and disposal systems. An OSTDS can contain any one of the following components: a septic tank; a subsurface drainfield; an aerobic treatment unit (ATU); a graywater tank; a laundry wastewater tank; a grease interceptor; a pump tank; a waterless, incinerating or organic waste-composting toilet; and a sanitary pit privy.<sup>38</sup> OSTDSs are located underground and treat sewage without the presence of oxygen. Sewage flows from a home or business through a pipe into the first chamber, where solids settle out. The liquid then flows into the second chamber where anaerobic bacteria in the sewage break down the organic matter, allowing cleaner water to flow out of the second chamber into a drainfield.<sup>39</sup> Engineers licensed in Florida may specially design OSTDSs to meet the needs of individual property owners. Engineer-designed OSTDS plans are subject to review by the local county health department and must be certified by the engineer as complying with all requirements pertaining to such system.<sup>40</sup>

The Department of Health (DOH) administers onsite sewage programs, develops statewide rules, and provides training and standardization for county health department employees responsible for issuing permits for the installation and repair of OSTDSs within the state.<sup>41</sup> The DOH also licenses over 700 septic tank contractors and oversees 2.6 million onsite wastewater systems in Florida.<sup>42</sup> OSTDSs serve approximately 31 percent of Florida's population<sup>43</sup> and approximately 25 percent of homes nationwide.<sup>44</sup>

The EPA concluded in its 1997 Report to Congress that “adequately managed decentralized wastewater systems are a cost-effective and long-term option for meeting public health and water quality goals, particularly in less densely populated areas.”<sup>45</sup> In Florida, development is dependent on OSTDSs due to the cost and time it takes to install central sewer systems. In rural areas and low-density developments, central sewer systems are not cost effective. Less than one percent of OSTDSs in Florida are actively managed. The remainder are generally serviced only when they fail, often leading to costly repairs that could have been avoided with routine

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<sup>38</sup> DEP, *Wastewater: Septic Systems*, available at <http://www.dep.state.fl.us/water/wastewater/dom/septic.htm> (last visited Oct. 18, 2015).

<sup>39</sup> EPA, *Primer for Municipal Wastewater Treatment Systems*, 22 (2004), available at [http://water.epa.gov/aboutow/owm/upload/2005\\_08\\_19\\_primer.pdf](http://water.epa.gov/aboutow/owm/upload/2005_08_19_primer.pdf) (last visited Oct. 18, 2015).

<sup>40</sup> See Fla. Admin. Code R. 64E-6.004.

<sup>41</sup> Section 381.0056, F.S. The DOH does not permit the use of onsite sewage treatment and disposal systems where the estimated domestic sewage flow from the establishment is over 10,000 gallons per day (gpd) or the commercial sewage flow is over 5,000 gpd; where there is a likelihood that the system will receive toxic, hazardous or industrial wastes; where a sewer system is available; or of any system or flow from the establishment is currently regulated by the DEP. The DEP issues the permits for systems that discharge more than 10,000 gpd.

<sup>42</sup> Hall, P. and Clancy, S.J., *Statewide Inventory of Onsite Sewage Treatment and Disposal Systems in Florida, Final Report*, 6 (June 29, 2009), available at [http://www.floridahealth.gov/healthy-environments/onsite-sewage/research/\\_documents/research-reports/\\_documents/inventory-report.pdf](http://www.floridahealth.gov/healthy-environments/onsite-sewage/research/_documents/research-reports/_documents/inventory-report.pdf) (last visited Oct. 18, 2015).

<sup>43</sup> DOH, *Report on Range of Costs to Implement a Mandatory Statewide 5-Year Septic Tank Inspection Program*, 1 (Oct. 2008), available at [http://www.floridahealth.gov/environmental-health/onsite-sewage/research/\\_documents/rrac/2008-11-06.pdf](http://www.floridahealth.gov/environmental-health/onsite-sewage/research/_documents/rrac/2008-11-06.pdf) (last visited Oct. 23, 2015).

<sup>44</sup> EPA, *Water: Septic (Onsite/Decentralized) Systems, Frequently Asked Questions*, (Mar. 8, 2013), available at <http://water.epa.gov/infrastructure/septic/FAQs.cfm> (last visited Oct. 23, 2015).

<sup>45</sup> EPA, *Handbook for Managing Onsite and Clustered (Decentralized) Wastewater Treatment Systems*, 1 (Dec. 2005), available at [http://water.epa.gov/infrastructure/septic/upload/onsite\\_handbook.pdf](http://water.epa.gov/infrastructure/septic/upload/onsite_handbook.pdf) (last visited Mar. 26, 2015).

maintenance.<sup>46</sup> In Florida, approximately 30-40 percent of effluent nitrogen is typically removed in the septic tank and drain field.<sup>47</sup> This still leaves significant amounts to percolate through the ground into the groundwater. Further, several studies have found that OSTDS drain field effluent is a significant contributor of nitrogen to groundwater.<sup>48</sup>

While most of Florida's OSTDSs are conventional OSTDSs, or "passive" septic systems, there are other advanced systems capable of providing additional or advanced treatment of wastewater prior to disposal in the drainfield.<sup>49</sup> Advanced systems differ in three respects from conventional treatment systems that consist of a septic tank with a drainfield. First, the design of advanced systems is more variable than that of conventional systems. Second, they need more frequent checkups and maintenance and they require operating permits. Third, the performance expectations are more specific, while failures for advanced systems are less defined.<sup>50</sup>

### **Biosolids**

Biosolids are the solid, semisolid, or liquid residue generated during the biological wastewater treatment process. Florida generates approximately 320,000 dry tons of biosolids annually. Biosolids are normally high in organic content and contain moderate amounts of nutrients such as nitrogen and phosphorus, making them valuable as a fertilizer or soil amendment.<sup>51</sup> They may be used beneficially or disposed of in landfills.<sup>52</sup>

Biosolids are classified as AA, A, or B. AA biosolids are considered the highest quality biosolids. They must be treated to a level that essentially eliminates pathogens and meets strict concentration limits for heavy metals. They may be used as fertilizer through commercial distribution.<sup>53</sup> Class A biosolids are biosolids that meet the same pathogen reduction

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<sup>46</sup> DOH, *Report on Range of Costs to Implement a Mandatory Statewide 5-Year Septic Tank Inspection Program*, 1 (Oct. 2008), available at [http://www.floridahealth.gov/environmental-health/onsite-sewage/research/\\_documents/rrac/2008-11-06.pdf](http://www.floridahealth.gov/environmental-health/onsite-sewage/research/_documents/rrac/2008-11-06.pdf) (last visited Oct. 23, 2015).

<sup>47</sup> University of Florida Institute of Food and Agricultural Sciences, *Onsite Sewage Treatment and Disposal Systems: Nitrogen 2*, available at <https://edis.ifas.ufl.edu/pdffiles/SS/SS55000.pdf> (last visited Oct. 19, 2015).

<sup>48</sup> See MACTEC, *Final Report Wekiva River Basin Nitrate Sourcing Study* (March 2010), available at <http://www.dep.state.fl.us/water/wekiva/docs/wekiva-basin-nitrate-sourcing-fr0310.pdf> (last visited Oct. 19, 2015); DOH, *Revised Estimates of Nitrogen Inputs and Nitrogen Loads in the Wekiva Study Area*, (May 19, 2008), available at <http://www.dep.state.fl.us/water/wekiva/docs/doh-wekiva-estimate-final2008.pdf> (last visited Oct. 19, 2015); University of Florida Institute of Food and Agricultural Sciences, *Onsite Sewage Treatment and Disposal Systems: Nitrogen*, available at <http://edis.ifas.ufl.edu/ss550> (last visited Oct. 19, 2015); EPA, *Onsite Wastewater Treatment Systems Manual*, (Feb. 2002), available at [http://water.epa.gov/aboutow/owm/upload/2004\\_07\\_07\\_septics\\_septic\\_2002\\_osdm\\_all.pdf](http://water.epa.gov/aboutow/owm/upload/2004_07_07_septics_septic_2002_osdm_all.pdf) (last visited Oct. 19, 2015).

<sup>49</sup> DOH, Assessment of Water Quality Protection, *Advanced Onsite Sewage Treatment and Disposal Systems: Performance, Management, Monitoring, Draft Final Report*, 14 (August 19, 2013), available at <http://www.floridahealth.gov/environmental-health/onsite-sewage/research/advancedostdsfinalreportdraft.pdf> (last visited Oct. 23, 2015).

<sup>50</sup> Prepared for DEP by DOH, Bureau of Onsite Sewage Programs, *Revised Quality Assurance Project Plan Assessment of Water Quality Protection by Advanced Onsite Sewage Treatment and Disposal Systems (OSTDS): Performance, Management, Monitoring*, 8 (Aug. 22, 2011), available at [http://www.floridahealth.gov/healthy-environments/onsite-sewage/research/\\_documents/final319qapp.pdf](http://www.floridahealth.gov/healthy-environments/onsite-sewage/research/_documents/final319qapp.pdf) (last visited Oct. 18, 2015).

<sup>51</sup> DEP, *Biosolids in Florida: 2013 Summary*, 3 (Dec. 2014), available at <https://www.dep.state.fl.us/water/wastewater/dom/docs/BiosolidsFlorida-2013-Summary.pdf> (last accessed Oct. 23, 2015).

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

requirements as Class AA biosolids, meet the same vector attraction (meaning the attraction of disease spreading animals) requirements as Class B biosolids, and meet a series of concentration limits for nine different elements.<sup>54</sup> Class B biosolids must be treated to significantly reduce pathogens and must meet certain concentration limits for heavy metals. Application rates are limited to crop nutrient needs. They are subject to site application restrictions and restrictions on harvesting, grazing, and public access. Also, cumulative heavy metals must be tracked for Class A and B biosolids; however, in Florida, land applied biosolids are almost exclusively Class B. In 2013, approximately 102,534 dry tons of Class B biosolids were land applied.<sup>55</sup>

### **Minimum Flows and Levels (MFLs)**

MFLs are established for waterbodies in order to prevent significant harm to the water resources or ecology of an area as a result of water withdrawals.<sup>56</sup> MFLs are typically determined based on evaluations of natural seasonal fluctuations in water flows or levels, nonconsumptive uses, and environmental values associated with coastal, estuarine, riverine, spring, aquatic, wetlands ecology, and other pertinent information associated with the water resource.<sup>57</sup> MFLs take into account the ability of wetlands and aquatic communities to adjust to changes in hydrologic conditions and allow for an acceptable level of hydrologic change to occur. When uses of water resources shift the hydrologic conditions below levels defined by MFLs, significant ecological harm can occur.<sup>58</sup> The goal of establishing an MFL is to ensure that there is enough water to satisfy the consumptive use of the water resource without causing significant harm to the resource.<sup>59</sup> Consumptive uses of water draw down water levels and reduce pressure in the aquifer.<sup>60</sup> By establishing MFLs for non-consumptive uses, the WMDs are able to determine how much water is available for consumptive use. This is useful when evaluating new or renewal consumptive use permit (CUP) applications.<sup>61</sup>

While the DEP has the authority to adopt MFLs under ch. 373, F.S., the WMDs have the primary responsibility for MFL adoption. The WMDs submit annual MFL priority lists and schedules to the DEP for review and approval. MFLs are calculated using the best information available<sup>62</sup> and are considered rules by the WMDs and are subject to ch. 120, F.S., challenges.<sup>63</sup> MFLs are subject to independent scientific peer review at the election of the DEP, a WMD, or, if requested, by a third party.<sup>64</sup>

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<sup>54</sup> Fla. Admin. Code R. 62-640.200(9).

<sup>55</sup> DEP, *Biosolids in Florida: 2013 Summary*, 13 (Dec. 2014), available at <https://www.dep.state.fl.us/water/wastewater/dom/docs/BiosolidsFlorida-2013-Summary.pdf> (last accessed Oct. 23, 2015).

<sup>56</sup> Section 373.042, F.S.

<sup>57</sup> Fla. Admin. Code R. 62-40.473(1).

<sup>58</sup> SJRWMD, *Water Supply: An Overview of Minimum Flows and Levels*, <http://www.sjrwmd.com/minimumflowsandlevels/> (last visited Oct. 18, 2015).

<sup>59</sup> DEP, *Minimum Flows and Levels*, available at <http://www.dep.state.fl.us/water/waterpolicy/mfl.htm> (last visited Oct. 18, 2015).

<sup>60</sup> Department of Community Affairs, *Protecting Florida's Springs: An Implementation Guidebook*, 3-5 (Feb. 2008), available at <http://www.dep.state.fl.us/springs/reports/files/springsimplementguide.pdf> (last visited Oct. 18, 2015).

<sup>61</sup> SJRWMD, *Water Supply*, available at <http://floridaswater.com/minimumflowsandlevels/FAQs.html> (last visited Oct. 28, 2015).

<sup>62</sup> Section 373.042(1), F.S.

<sup>63</sup> Section 373.042(6), F.S.

<sup>64</sup> Section 373.042(5)(a), F.S.

MFLs inform decisions affecting permit applications, declarations of water shortages, and assessments of water supply sources. Computer water budget models for surface waters and groundwater are used to evaluate the effects of existing and proposed consumptive uses and the likelihood they might cause significant harm. The WMD governing boards are required to expeditiously implement recovery or prevention strategies in those cases where a waterbody or watercourse currently does not or is anticipated to not meet an adopted MFL.<sup>65</sup>

### **Consumptive Use Permits (CUPs)**

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

- Be a “reasonable-beneficial use”;<sup>66</sup>
- Not interfere with any presently existing legal use of water; and
- Be consistent with the public interest.<sup>67</sup>

If two or more competing applications qualify equally, the applicable WMD or the DEP must give preference to a renewal application over an initial application.<sup>68</sup>

### **Alternative Water Supply Development**

One of the ways water demands can be met is through the development of alternative water supplies (AWSs).<sup>69</sup> Alternative water supplies include:

- Salt water;
- Brackish surface water and groundwater;
- Sources made available through the addition of new storage capacity for surface or groundwater, water that has been reclaimed after one or more public supply, municipal, industrial, commercial, or agricultural uses;
- The downstream augmentation of waterbodies with reclaimed water;
- Stormwater; and
- Any other water supply source that is designated as a nontraditional source for a water supply planning region in a regional water supply plan.<sup>70</sup>

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<sup>65</sup> Section 373.0421(2), F.S.

<sup>66</sup> Section 373.019(16), F.S., defines reasonable-beneficial use as, “the use of water in such quantity as is necessary for economic and efficient utilization for a purpose and in a manner which is both reasonable and consistent with the public interest.” *See also* Fla. Admin. Code R. 62-40.410(2) for additional factors to help determine if a water use is a reasonable-beneficial use.

<sup>67</sup> Fla. Admin. Code R. 62-40.410(1).

<sup>68</sup> Section 373.233(2), F.S.

<sup>69</sup> Sections 373.707(1)(a)-(b) and 373.1961(2)(a), F.S.

<sup>70</sup> Section 373.019(1), F.S.

Funding for the development of AWSs is a shared responsibility between water suppliers and users, the state, and the WMDs.<sup>71</sup> Water suppliers and users have the primary responsibility for providing funding, while the state and WMDs have the responsibility to provide funding assistance.<sup>72</sup>

AWS development projects may receive state funding through specific appropriation or through the Water Protection and Sustainability Program (WPSP) if funded by the Legislature.<sup>73</sup> Applicants for projects that receive funding through the WPSP are required to pay at least 60 percent of the project's construction costs.<sup>74</sup> A WMD may waive this requirement for projects developed by financially disadvantaged small local governments. Additionally, a WMD may, at its discretion, use ad valorem or federal revenues to assist a project applicant in meeting the match requirement.<sup>75</sup>

### **Consolidated Water Management District Annual Reports**

Each WMD must prepare and submit to the DEP, the Governor, and the Legislature a consolidated water management district annual report on the management of water resources. Copies of the report are available to the public.<sup>76</sup>

Each report must contain:

- A district water management plan annual report or the annual work plan report,<sup>77</sup> which details the implementation of the strategic plan for the previous fiscal year, addressing success indicators, deliverables, and milestones;<sup>78</sup>
- The DEP approved MFLs annual priority list and schedule;
- The annual 5-year capital improvements plan;
- The alternative water supplies annual report;
- The final annual 5-year water resource development work program;
- The Florida Forever Water Management District Work Plan annual report;
- The mitigation donation annual report; and
- Any additional information the WMD deems appropriate.<sup>79</sup>

Additionally, the South Florida Water Management District's (SFWMD's) report must include the:

- Lake Okeechobee Protection Program annual progress report;
- Everglades annual progress reports;
- Everglades restoration annual report; and
- Everglades Trust Fund annual expenditure report.<sup>80</sup>

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<sup>71</sup> Section 373.707(2)(c), F.S.

<sup>72</sup> *Id.*

<sup>73</sup> Section 373.707(1)(d), and (6), F.S.

<sup>74</sup> Section 373.707(8)(e), F.S.

<sup>75</sup> *Id.*

<sup>76</sup> Section 373.036(7)(a), F.S.

<sup>77</sup> Section 373.036(7)(b)1., F.S.

<sup>78</sup> Section 373.036(2)(e)4., F.S.

<sup>79</sup> Section 373.036(7)(b) and (d), F.S.

<sup>80</sup> Section 373.036(7)(e), F.S.

### **Rural Areas of Opportunity**

Rural areas of opportunity are rural communities and regions composed of rural communities designated by the Governor that have been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster, or that present a unique economic development opportunity of regional impact.<sup>81</sup>

Rural communities are defined as:

- Counties with a population of 75,000 or fewer;
- Counties with a population of 125,000 or fewer that are contiguous to a county with a population of 75,000 or fewer;
- Designated municipalities within a county that meet the thresholds of the two previous criteria; or
- An unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or less, and an employment base focused on traditional agricultural or resource-based industries, located in a county not defined as rural, which has at least three or more specified economic distress factors.<sup>82</sup>

### **Central and Southern Florida Project for Flood Control and Other Purposes (C&SF)**

After a major hurricane caused extensive flooding in 1947, Congress passed the Flood Control Act of 1948, authorizing the first phase of the comprehensive water resource project known as the Central and Southern Florida Project for Flood Control and Other Purposes (C&SF). The C&SF Project was authorized to provide flood control and water supply for municipal, industrial, and agricultural uses; to prevent salt water intrusion; and to protect fish and wildlife in the Everglades. The project included 1,000 miles of levees, 720 miles of canals, and approximately 200 water control structures. The C&SF Project also authorized the channelization of the Kissimmee River in order to provide flood protection for the surrounding agricultural areas. A portion of the area drained was designated the Everglades Agricultural Area, which spans approximately 700,000 acres south of Lake Okeechobee. The C&SF Project also included extending and raising the Herbert Hoover Dike to its present day elevation of 32 to 46 feet, which was accomplished in the 1960s. Most of these structures were constructed by the Army Corps of Engineers and are operated and maintained by the SFWMD.<sup>83</sup> The SFWMD continues to make infrastructure improvements to the area, and the levees are inspected by the Army Corps of Engineers.<sup>84</sup>

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<sup>81</sup> Section 288.0656(2)(d), F.S.

<sup>82</sup> Section 288.0656(2)(e), F.S.

<sup>83</sup> South Florida Water Management District, Canal Structure and Operations, *available at* <http://www.sfwmd.gov/portal/page/portal/xweb%20drought%20%20and%20%20flood/canal%20and%20structure%20operations> (last visited Nov. 3, 2015).

<sup>84</sup> South Florida Water Management District, Maintenance of South Florida's Levee System *available at* [http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd\\_repository\\_pdf/jtf\\_levee\\_maintenance.pdf](http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/jtf_levee_maintenance.pdf) (last visited Nov. 3, 2015).

**Northern Everglades and Estuaries Protection Program**



In 2000, the Legislature passed the Lake Okeechobee Protection Act (LOPA), which established a restoration and protection program for the lake. The Legislature amended the LOPA in 2007,<sup>85</sup> which expanded restoration efforts to include the St. Lucie and Caloosahatchee River Watersheds. It is now known as the Northern Everglades and Estuaries Protection Program (NEEPP). The NEEPP promotes a comprehensive, interconnected watershed approach to protect Lake Okeechobee and the Caloosahatchee and St. Lucie River watersheds. It includes the Lake Okeechobee Watershed Protection Program and the Caloosahatchee and St. Lucie Watershed Protection Program.<sup>86</sup>

<sup>85</sup> Chapter 2007-253, LAWS of Fla.

<sup>86</sup> SFWMD, *2014 South Florida Environmental Report: Lake Okeechobee Watershed Protection Program Annual and Three-Year Update*, 8-2 (2014), available at [http://my.sfwmd.gov/portal/page/portal/pg\\_grp\\_sfwmd\\_sfer/portlet\\_prevreport/2014\\_sfer/v1/chapters/v1\\_ch8.pdf](http://my.sfwmd.gov/portal/page/portal/pg_grp_sfwmd_sfer/portlet_prevreport/2014_sfer/v1/chapters/v1_ch8.pdf) (last visited Oct. 18, 2015).



The plans developed under the NEEPP for each of the three Northern Everglades watersheds identify actions to help achieve water quality and water quantity objectives for the watersheds and to restore habitat. Water quality objectives are based on TMDLs developed by the DEP. The TMDL for Lake Okeechobee is 140 metric tons of total phosphorus per year, of which 105 metric tons can come from the watershed tributaries and 35 metric tons can come from atmospheric deposition.<sup>87</sup>

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

Lake Okeechobee Watershed Protection Program
<ul style="list-style-type: none"> <li>• Lake Okeechobee Protection Plan;</li> <li>• Lake Okeechobee Watershed Construction Project, including the Phase I and II Technical Plans;</li> <li>• Lake Okeechobee Watershed Phosphorus Control Program;</li> <li>• Lake Okeechobee Watershed Research and Water Quality Monitoring Program;</li> <li>• Lake Okeechobee Exotic Species Control Program; and</li> <li>• Lake Okeechobee Internal Phosphorus Management Program.</li> </ul>

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Section 373.4595, F.S., describes the purposes of the six programs. The Lake Okeechobee Protection Plan describes the geographic extent of the watershed and contains an implementation schedule for phosphorus reduction. The Lake Okeechobee Watershed Construction Project improves the hydrology and water quality of Lake Okeechobee and downstream receiving waters, including the Caloosahatchee and St. Lucie Rivers and Estuaries. The Lake Okeechobee Watershed Phosphorus Control Program is designed to be a multifaceted approach to reducing phosphorus loads by improving the management of phosphorus sources within the Lake Okeechobee watershed. The Lake Okeechobee Watershed Research and Water Quality Monitoring Program assesses sources of phosphorus, evaluates the feasibility of alternative nutrient reduction technologies, and evaluates water quality data. The Lake Okeechobee Exotic Species Control Program identifies the exotic species that threaten the native flora and fauna within the Lake Okeechobee watershed and develops and implements measures to protect the native flora and fauna. Lastly, The Lake Okeechobee Internal Phosphorus Management Program addresses phosphorus removal.

**The Caloosahatchee and St. Lucie River Watershed Protection Program**

The Caloosahatchee and St. Lucie River Watershed Protection Program is designed to protect and restore surface water resources by addressing the reduction of pollutant loadings, restoration of natural hydrology, and compliance with applicable state water quality standards through a

<sup>87</sup> *Id.* at 8-10.

<sup>88</sup> Section 373.4595, F.S.

phased program.<sup>89</sup> The program's objectives are to reduce pollutant loads based upon adopted TMDLs. Both the Caloosahatchee and St. Lucie River Watershed Protection Plans, developed under the program, consist of a river watershed construction project, a watershed pollutant control program, and watershed research and water quality monitoring program.<sup>90</sup> To address nutrient pollution in the Caloosahatchee and St. Lucie Watersheds, the DEP adopted the Caloosahatchee Estuary BMAP in November 2012, and the St. Lucie River and Estuary BMAP in May 2013.<sup>91</sup>

### **Works of the District Permits**

The Works of the District rule<sup>92</sup> was implemented in 1989. The scope of the original rule was to implement the Surface Water Improvement and Management Plan for Lake Okeechobee, which was designed to reduce loading to Lake Okeechobee to 397 tons of phosphorus per year. In 2000, the passage of the Lake Okeechobee Protection Act required landowners in the Lake Okeechobee watershed to either implement BMPs or monitor to demonstrate compliance with the Works of the District program.<sup>93</sup>

In Lake Okeechobee, a Works of the District permit is required if an entity owns a parcel of land half an acre or greater within a Lake Okeechobee Drainage Basin that connects to or makes use of the Works of the District within the Lake Okeechobee Drainage Basin. The Works of the District are those projects and works including structures, remnant oxbows and sloughs, floodways and all tributaries, lakes, canals, channels, levees, structures, impoundments, reservoirs, wells, streams, and other water courses, together with associated facilities, lands, and wetlands.<sup>94</sup> The land areas and uses subject to the permits are described in Florida Administrative Code Rules 40E-61.041 and 40E-61.042, both of which relate to permits required in the Lake Okeechobee Drainage Basin. Works of the District Permits are also required for activities in the Everglades Agricultural Area and the C-139 Basin. Rules concerning permits in both areas may be found in Florida Administrative Code Rule 40E-63.

### ***Pumping by the 298 Water Control Districts and Closter Farms:***

Chapter 298, F.S., governs water control districts. Districts created under that chapter are called "298 districts." Prior to 1986, four 298 districts and Closter Farms, along the southern and eastern shore of Lake Okeechobee, discharged into the lake by back pumping into the lake to drain excess stormwater from the northern half of the Everglades Agricultural Area. Back pumping was performed without a permit issued by the Department of Environmental Preservation. Back pumping was accomplished by sending water through three pump stations,

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<sup>89</sup> See s. 373.4595, F.S.

<sup>90</sup> SFWMD, *2014 South Florida Environmental Report: Lake Okeechobee Watershed Protection Program Annual and Three-Year Update*, App. 10-2-3 (2012), available at [http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd\\_repository\\_pdf/crwpp\\_2012update\\_sfer\\_voli\\_app10\\_2.pdf](http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/crwpp_2012update_sfer_voli_app10_2.pdf) (last visited Oct. 18, 2015).

<sup>91</sup> DEP, *Basin Management Action Plans*, available at <http://www.dep.state.fl.us/water/watersheds/bmap.htm> (last visited Oct. 5, 2015).

<sup>92</sup> Fla. Admin. Code R. 40E-61.

<sup>93</sup> Section 373.4595(3)(c)1.b., F.S.

<sup>94</sup> Fla. Admin. Code R. 40E-61.021; Works of the District within the Lake Okeechobee Basin are detailed in Fla. Admin. Code R. 40E-61.024.

designated S-2, S-3, and S-4.<sup>95</sup> In 1985, the Governor of Florida issued Executive Order Number 86-150, which directed the DEP to regulate back pumping into Lake Okeechobee.<sup>96</sup> The water control districts and Closter Farms agreed to new pumping practices which went into effect following the construction of structures necessary to accommodate sending water south rather than north into the lake. The consent orders for the 298 districts provided the following conditions:

- Discharge pumping may only be performed after significant rainfall events and/or when farm canal water levels reach excessively high levels;
- Initiation of pumping must be delayed after a rainfall event;
- The duration of pumping events is limited; and
- The minimum water level each associated SFWMD canal can be lowered is limited.<sup>97</sup>

Closter Farms was limited by a different set of criteria that had the effect of limiting backpumping water into Lake Okeechobee based on canal levels, growing seasons, and potential harm to crops.

The 298 districts' and Closter Farms' pumping operations are controlled by the terms of the consent orders.<sup>98</sup> Except in emergency situations, the 298 districts and Closter Farms now send discharged water south into the stormwater treatment areas. Additionally, the areas controlled by the consent orders fall within an area that is permitted under two overlapping regulatory schemes, the SFWMD Works of the District under s. 373.4595, F.S., and Everglades Program under s. 373.4592, F.S. Consequently, entities in the four 298 districts and Closter Farms are statutorily required to have a NEEPP permit and may also be required to be permitted under the Everglades Program.

### **Central Florida Water Initiative (CFWI)**

The areas encompassed by the CFWI Planning Area, which consists of all of Orange, Osceola, Seminole, and Polk counties and southern Lake County, have traditionally relied on groundwater from the Floridan aquifer system as the primary source of water. The three WMDs serving the area are the SFWMD, the Southwest Florida Water Management District (SWFWMD), and the St. Johns River Water Management District (SJRWMD).<sup>99</sup>

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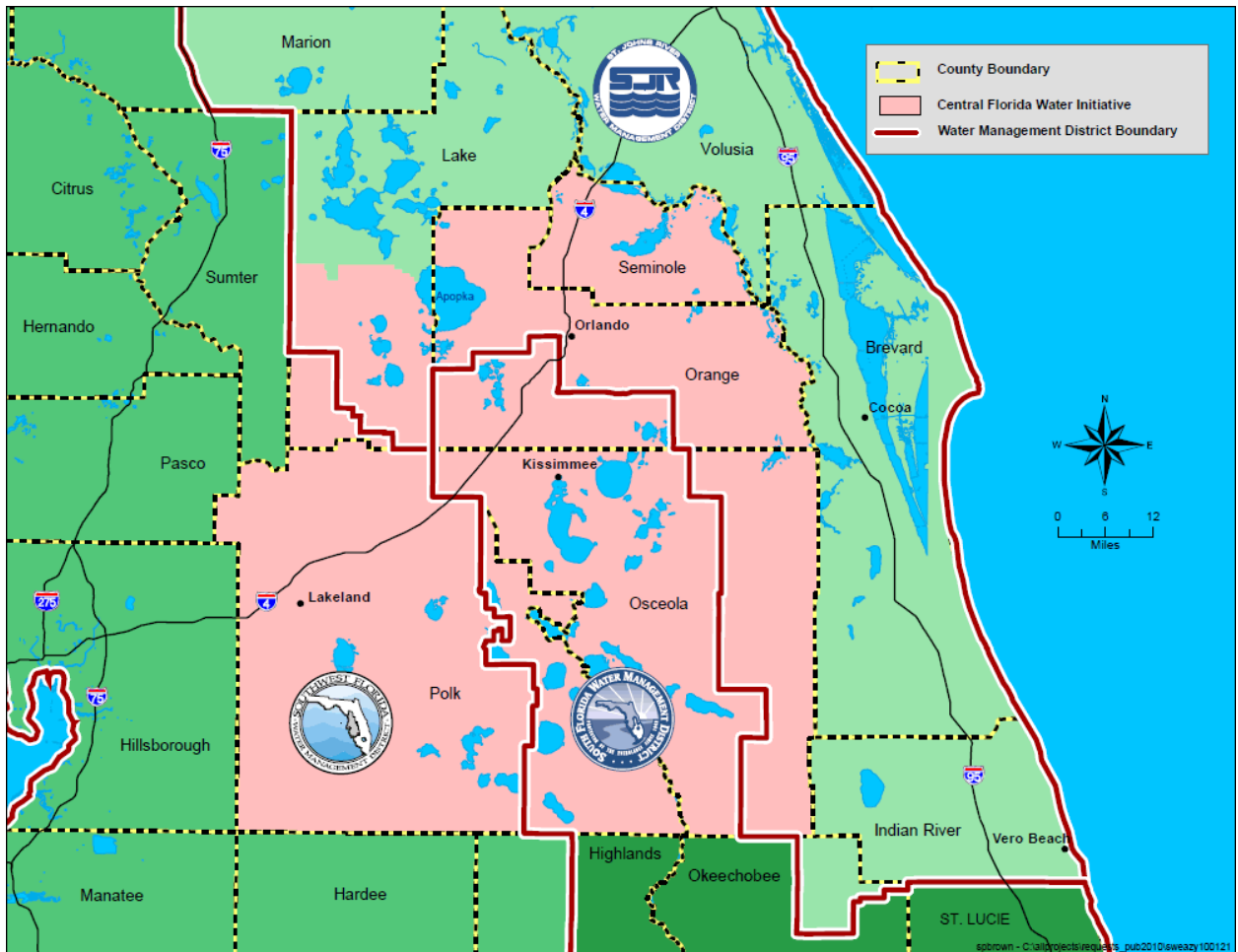
<sup>95</sup> SFWMD, *Assessing the Capability to Discharge Excess Lake Okeechobee Water South: Review of Systems Operations (January through mid-June 2013)* 4, available at [http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd\\_repository\\_pdf/final\\_lake\\_okeechobee\\_jan\\_jun\\_operations\\_report\\_2013.pdf](http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/final_lake_okeechobee_jan_jun_operations_report_2013.pdf) (last visited Oct. 22, 2015).

<sup>96</sup> 91-0695 South Shore Drainage District Consent Agreement 2 (on file with senate committee on Environmental Preservation and Conservation).

<sup>97</sup> *Id.* at 22 (Appendix A).

<sup>98</sup> See consent orders 91-0694-South Shore Drainage Dist Consent Agreement, 91-0705-East Beach Water Control Consent Agreement, 91-0706-East Shore Water Control Consent Agreement, 91-0707-South Florida Conservancy Consent Agreement, and RT50-205564-Closter Farms Consent Agreement (on file with the Senate Committee on Environmental Preservation and Conservation).

<sup>99</sup> Central Florida Water Initiative, *An Overview*, [http://cfwiwater.com/pdfs/2012/06-28/CFWI\\_Overview\\_fact\\_sheet.pdf](http://cfwiwater.com/pdfs/2012/06-28/CFWI_Overview_fact_sheet.pdf) (last accessed Oct. 18, 2015).



Map of the CFWI area.

In the past, the three WMDs worked independently to resolve water resource issues, but the decisions of one district can affect the water resources of another. Currently, the WMDs are working collaboratively with other agencies and stakeholders to implement consistent water resource planning, development, and management through the CFWI. However, each WMD currently relies on its own existing criteria to review CUP applications, which leads to inconsistencies and confusion as it relates to permit applications for projects that overlap multiple WMD boundaries.<sup>100</sup>

In 2006, the three WMDs agreed to a Central Florida Coordination Area Action Plan to address the near-term and long-term development of water supplies in the central Florida region.<sup>101</sup> Phase I of the action plan created a framework to deal with the short-term water resource issues and concluded with interim water use regulations limiting groundwater withdrawals to projected 2013 demands and required development of alternative water supplies for future needs. The

<sup>100</sup> *Id.*

<sup>101</sup> Central Florida Water Initiative, *Central Florida Water Initiative Guiding Document*, 2 (Jan. 30, 2015), available at [http://cfwiwater.com/pdfs/CFWI\\_Guiding\\_Document\\_2015-01-30.pdf](http://cfwiwater.com/pdfs/CFWI_Guiding_Document_2015-01-30.pdf) (last visited Oct. 18, 2015).

interim Central Florida Coordination Area rules expired on December 31, 2013, and additional rules specific to the Central Florida Coordination Area have not been promulgated.<sup>102</sup>

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

- Regional water supply planning;
- Investigations and development of traditional and alternative water supply projects;
- Assessment of environmental impacts and groundwater sustainability; and
- Development of water use rules and permitting criteria.<sup>103</sup>

The main planning tool for the Phase II process was the development and calibration of the necessary hydrologic models to determine the sustainability of the groundwater supplies. The Phase II process was suspended, however, because of the complexity of the effort and the desire for consensus among stakeholders. Because of those problems, the Phase II effort did not meet the rulemaking deadlines prior to expiration of the interim rule. Additionally, because of the economic downturn in central Florida, the need for and use of permitted water demands in 2013 was lower than expected.<sup>104</sup>

To address the limitations of the 2006 Central Florida Coordination Area Action Plan schedule and still fulfill the overarching objectives outlined in the plan, the CFWI was created in 2011. The CFWI builds on the work of the Central Florida Coordination Area. Both efforts focus on an area that includes all of Orange, Osceola, Seminole, and Polk Counties, and southern Lake County. The three affected WMDs, along with the DEP, the DACS, regional public water supply utilities, and other stakeholders are collaborating to develop a unified process to address central Florida's current and long-term water supply needs.<sup>105</sup> The CFWI is led by a steering committee comprised of:

- A public water supply utility representative;
- A designated governing board member from each of the WMDs;
- A representative from the DEP; and
- A representative from the DACS.<sup>106</sup>

The guiding principles of the CFWI are:

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

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<sup>102</sup> *Id.*

<sup>103</sup> *Id.*

<sup>104</sup> *Id.* at 3.

<sup>105</sup> *Id.* at 3.

<sup>106</sup> *Id.* at 5.

- Establish consistent rules and regulations for the three WMDs which meet the goals of the CFWI.<sup>107</sup>

The goals of the CFWI are:

- One hydrologic model;
- A uniform definition of “harm”, as it relates to water resources and associated natural systems;
- One reference condition;
- A process for permit reviews;
- A consistent process, where appropriate, to set MFLs and reservations; and
- A coordinated regional water supply plan, including any needed recovery and prevention strategies.<sup>108</sup>

The entities that make up the CFWI are in the process of developing a memorandum of understanding that codifies many of the principles of the initiative and duties of the entities, among other things, though it has not yet been finalized.

### **The Harris Chain of Lakes Restoration Council**

The Harris Chain of Lakes is located north and west of the Orlando metropolitan area and is in Lake and Orange counties.<sup>109</sup> It contains tens of thousands of acres of lakes and wetlands and is at the headwaters of the Ocklawaha River.<sup>110</sup> The Harris Chain of Lakes Council was created to:

- Review audits and all data related to lake restoration techniques and sport fish population recovery strategies;
- Evaluate whether additional studies are needed;
- Explore all possible sources of funding to conduct the restoration activities; and
- Report to the President of the Senate and the Speaker of the House of Representatives yearly before November 25 on the progress of the Harris Chain of Lakes restoration program and provide any recommendations for the next fiscal year.<sup>111</sup>

The council consists of nine voting members who are:

- A representative of waterfront property owners;
- A representative of the sport fishing industry;
- An environmental engineer;
- A person with training in biology or another scientific discipline;
- A person with training as an attorney;
- A physician;
- A person with training as an engineer; and

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<sup>107</sup> *Id.* at 5

<sup>108</sup> *Id.* at 5

<sup>109</sup> Harris Chain of Lakes Restoration Council, *Where is the Harris Chain of Lakes and What Does the Restoration Council Do?*, <http://harrischainoflakescouncil.com/> (last visited Oct. 18, 2015).

<sup>110</sup> *Id.*

<sup>111</sup> *Id.*

- Two residents of Lake County appointed by the Lake County legislative delegation who do not meet any of the other qualifications for membership on the council.<sup>112</sup>

The council works with an advisory group composed of regional, state, and federal entities.<sup>113</sup>

### **Office of Economic and Demographic Research (EDR)**

The Office of Economic and Demographic Research performs research for the Florida Legislature, principally focused on forecasting economic and social trends that affect policy making, revenues, and appropriations.<sup>114</sup> The EDR also researches projects for legislative committees, and works with agencies, statewide commissions, and task forces that have legislators among their membership to assess the impact of proposals they are considering submitting to the Legislature.<sup>115</sup> The EDR provides information related to:

- Economics;
- Demographics;
- Revenues;
- Education;
- Criminal Justice;
- Social Services;
- Workforce;
- Early Learning Programs;
- Self-Insurance; and
- The Florida Retirement System.<sup>116</sup>

### **III. Effect of Proposed Changes:**

**Section 1** amends s. 259.032, F.S., to require the Department of Environmental Protection (DEP) to develop, publish, update, and maintain a database of state conservation lands where public access is compatible with conservation and recreation. The bill requires the database to be available online by July 1, 2017. The database must include, at a minimum:

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

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

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<sup>112</sup> Section 373.467, F.S.

<sup>113</sup> *Id.*

<sup>114</sup> EDR, *Welcome*, <http://edr.state.fl.us/Content/> (last visited Oct. 18, 2016).

<sup>115</sup> EDR, *Function s of EDR*, <http://edr.state.fl.us/Content/about/functions.cfm> (last visited Oct. 26, 2015).

<sup>116</sup> Section 216.136, F.S.

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

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

The bill requires the DEP to submit a report by January 1 of each year to the Governor, the President of the Senate, and the Speaker of the House of Representatives, describing the percentage of public lands with public access purchased by the Board of Trustees of the Internal Improvement Trust Fund for conservation and recreational purposes, and efforts taken by the DEP to increase public access to such lands.

**Section 2** amends s. 373.019, F.S., to amend the definition of "water resource development" to add "self-suppliers" to the list of entities that may receive technical assistance as long as such assistance is consistent with specific legislative policy goals.

**Section 3** amends s. 373.036, F.S., to require additional information related to all water quality or water quantity projects as part of a 5-year work program. The following must be included in the Consolidated Water Management District Annual Report:

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

**Section 4** creates s. 373.037, F.S., to provide for a pilot program for alternative water supply development in restricted allocation areas.

The bill defines:

- Central Florida Water Initiative Area;
- Lower East Coast Regional Water Supply Planning Authority;
- Southern Water Use Caution Area; and
- Upper East Coast Regional Water Supply Planning Area.



The bill also defines “restricted allocation area” to mean an area within a specified water supply planning region where a WMD has determined that existing sources of water are not adequate to supply water for all existing and future reasonable-beneficial uses and to sustain the water resources and related natural systems and where the WMD has applied allocation restrictions with regard to the use of specific sources of water.

The bill provides the following legislative findings:

- There are significant challenges to securing funds for implementing large-scale alternative water supply projects in certain restricted allocation areas due to a variety of factors including:
  - The magnitude of the water resource challenges;
  - The large number of water users;
  - The difficulty of developing multijurisdictional solutions across district, county, or municipal boundaries; and
  - The expense of developing large-scale alternative water supply projects identified in the regional water supply plans.
- These factors make it necessary to provide other options for the South Florida Water Management District (SFWMD), the Southwest Florida Water Management District (SWFWMD), and the St. Johns River Water Management District (SJRWMD) to be able to take the lead in developing and implementing one alternative water supply project within a restricted allocation area as a pilot alternative water supply development project;
- Each pilot project must provide water supply and environmental benefits; and
- Consideration should be given to projects that provide reductions in damaging discharges to tide or that are part of a recovery or prevention strategy for Minimum Flows and Levels (MFLs).

The bill allows the SFWMD, SWFWMD, and the SJRWMD, at their sole discretion, to each designate and implement an existing alternative water supply project that is identified in each WMD’s regional water supply plan or amend its regional water supply plan to add a new alternative water supply project as its one pilot project.

The bill provides a deadline of July 1, 2017, to designate a pilot project and provides that it is not subject to rulemaking requirements under ch. 120, F.S., or subject to legal challenge pursuant to ss. 120.569 and 120.57, F.S.

The bill allows a WMD to designate an alternative water supply project located in another WMD if the project is located in a restricted allocation area designated by the other WMD and a substantial quantity of water provided by the alternative water supply project will be used within the boundaries of the water management district that designated the alternative water supply project.

The bill details powers and restrictions for the SFWMD, SWFWMD, and SJRWMD in implementing a pilot project under this section:

- The WMDs may not develop and implement a pilot project on privately owned land without the voluntary consent of the landowner as evidenced by deed, easement, license, contract, or other written legal instrument executed by the landowner after July 1, 2016.

- The WMDs may not engage in local water supply distribution or sell water to the pilot project participants.
- For the purpose of carrying out their powers, the WMDs may join with other entities;
- The WMDs may also contract with any of those entities to finance or otherwise implement acquisitions, construction, and operation and maintenance, if the contracts are consistent with the public interest and based upon independent cost estimates, including comparisons with other alternative water supply projects. The contracts may provide for contributions to be made by each party to the contract for the division and apportionment of resulting costs.

The bill allows a WMD to provide up to 50 percent funding assistance for a pilot project.

The bill provides that if the SFWMD, SWFWMD, or the SJRWMD elects to implement a pilot project, it must submit a report to the Governor and Legislature by July 1, 2020, on the effectiveness of its pilot project. The report must include:

- A description of the alternative water supply project selected as a pilot project, including the quantity of water the project has produced or is expected to produce and the consumptive users who are expected to use the water produced by the pilot project to meet their existing and future reasonable-beneficial uses;
- Progress made in developing and implementing the pilot project in comparison to development and implementation of other alternative water supply projects in the restricted allocation area;
- The capital and operating costs to be expended by the WMD in implementing the pilot project in comparison to other alternative water supply projects being developed and implemented in the restricted allocation area;
- The source of funds to be used by the WMD in developing and implementing the pilot project;
- The benefits to the WMD's water resources and natural systems from implementation of the pilot project; and
- A recommendation as to whether the traditional role of WMDs regarding the development and implementation of alternative water supply projects should be revised and, if so, identification of the statutory changes necessary to expand the scope of the pilot program.

**Section 5** amends s. 373.042, F.S., to amend the definition of "minimum water level" to add the phrase "or ecology." This changes the definition to: "the minimum water level is the level of groundwater in an aquifer and the level of surface water at which further withdrawals would be significantly harmful to the water resources or ecology of the area."

The bill provides that if a minimum flow and level (MFL) has not been adopted for an Outstanding Florida Springs (OFS), a WMD or the DEP must use emergency rulemaking authority to adopt an MFL no later than July 1, 2017, except for the Northwest Florida Water Management District (NFWFMD), which must use emergency rulemaking authority to adopt MFLs for OFSs no later than July 1, 2026. The bill requires recovery or prevention strategies to be adopted concurrently with the MFLs authorized adoption using emergency rulemaking procedures.

For OFSs identified on a WMD's priority list, which have the potential to be affected by withdrawals in an adjacent district, the adjacent WMD or WMDs and the DEP must collaboratively develop and implement a recovery or prevention strategy for an OFS not meeting an adopted MFL. Priority lists and schedules for the establishment of MFLs are prepared by the WMDs and submitted to the DEP for review and approval.

The bill provides that rules adopted under this section (s. 373.042, F.S., which concerns the adoption of MFLs) are not subject to legislative ratification.

**Section 6** amends s. 373.0421, F.S., to require the DEP or a WMD to adopt or modify a recovery or prevention strategy concurrently with the initial adoption or modification of an MFL if the existing flow or water level is below, or is projected to fall within 20 years below, the applicable MFL. For an existing MFL, the prevention or recovery strategy must be adopted expeditiously if the flow or water level falls below, or is projected to fall within 20 years below, the applicable MFL.

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

The bill requires a WMD to notify the DEP if an application for a water use permit is denied based upon the impact that the use will have on an adopted MFL. If notified, the DEP, in cooperation with the WMD, must conduct a review of the regional water supply plan to determine the plan's adequacy to provide sufficient water for all current and future users and natural systems and to avoid competition. If the regional water supply plan does not adequately address the legislative intent regarding water resource and supply development found in s. 373.705, F.S., the WMD must immediately initiate an update of the plan.

**Section 7** creates s. 373.0465, F.S., to codify the Central Florida Water Initiative (CFWI) in statute and provides legislative findings.

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

It directs the DEP, the SFWMD, the SWFWMD, the SJRWMD, and the Department of Agriculture and Consumer Services (DACS) to:

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

The bill specifies that the development of the water supply planning program must:

- Consider limitations on groundwater use together with opportunities for new, increased, or redistributed groundwater uses based on conditions established through the consumptive use permit (CUP) process;
- Establish a coordinated process for identification of water resources requiring new or revised conditions through the CUP process;
- Consider existing recovery or prevention strategies;
- Include a list of water supply options sufficient to meet the water needs of all existing and future reasonable-beneficial uses which meet CUP conditions; and
- Identify which of the water supply sources are preferred water supply sources.

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

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

The uniform rules must include existing recovery strategies within the CFWI Area adopted before July 1, 2016, and the DEP may grant variances to the uniform rules if there are unique circumstances or hydrogeological factors that make application of the uniform rules unrealistic or impractical.

The DEP is required to initiate rulemaking for the uniform rules by December 31, 2016. Those rules will be applied by the WMDs only in the CFWI Area. The rules must be implemented by the WMDs without further rulemaking and will be considered WMD rules.

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

**Section 8** amends s. 373.1501, F.S., to provide that the SFWMD will exercise the authority of the state to allocate water within its jurisdiction, including water supply in relation to the Central and Southern Florida (C&SF) Project, and be responsible for allocating water and assigning priorities among the other water uses served by the C&SF Project.

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

**Section 9** amends s. 373.219, F.S., to require the DEP, for OFSSs, to adopt uniform rules for issuing permits which prevent groundwater withdrawals that are harmful to the water resources and adopt by rule a uniform definition of the term “harmful to the water resources” for OFSSs to provide WMDs with minimum standards necessary to be consistent with the overall water policy of the state. This does not prohibit a WMD from adopting a definition that is more protective of the water resources consistent with local or regional conditions or objectives.

**Section 10** amends s. 373.223, F.S., to require a new, renewal of, or modification to a CUP authorizing withdrawal of 100,000 gallons or more per day from a well with an inside diameter of eight inches or more to be monitored by the permit holder for water usage at intervals and using methods determined by the applicable WMD and report the results to the WMD at least annually. The bill allows a WMD to continue to enforce rules in effect on July 1, 2016, and to adopt rules that are more stringent than those required in this section of the bill.

The bill provides rulemaking authority to the WMDs to implement this provision.

**Section 11** amends s. 373.2234, F.S., to direct the governing boards of the WMDs to consider the identification of preferred water supply sources for water users for whom access to or development of new water supplies is not technically or financially feasible. The identification of preferred water supply sources for such water users must be consistent with s. 373.016, F.S., which concerns the policy of Florida with respect to water resources.

**Section 12** amends s. 373.227, F.S., regarding water conservation, to:

- Prohibit modification of a CUP allocation during the permit term if documented conservation measures result in decreased water use, and requires WMDs to adopt rules providing water conservation incentives, which may include limited permit extension; and
- Prohibit the reduction of permitted water use authorized by a CUP for agricultural irrigation during the term of the CUP if actual water use is less than permitted use due to weather, crop disease, nursery stock availability, market conditions, or changes in crop type.

**Section 13** amends s. 373.233, F.S., to require a WMD or the DEP to give preference to the use or application of water closest to the preferred water source when deciding between two new competing applications that qualify equally.

**Section 14** amends s. 373.4591, F.S., to provide that public-private partnerships may be entered into for groundwater recharge on private agricultural lands. It also provides that priority consideration must be given to public-private partnerships for such lands that:

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

Currently, when a private landowner enters into an agreement with the DEP or a WMD, a baseline condition of wetlands on the property is established and documented. The bill adds the DACS to the list of entities that should document baseline wetlands in an agreement that the DACS makes with a private entity.

**Section 15** amends s. 373.4595, F.S., to make changes to the Northern Everglades and Estuaries Protection Program. Revisions throughout this section are made to clarify that the BMAP is now the primary pollution control planning tool for Lake Okeechobee, the Caloosahatchee River, and the St. Lucie River Watersheds. Similarly, revisions are made in this section to provide that the DEP has the primary responsibility for these BMAPs. This is a substantive change from the current s. 373.4595, F.S., because under existing law the SFWMD is tasked with the responsibilities for administering the pollution control programs for these watersheds.

The bill amends legislative intent, providing that the Lake Okeechobee, the Caloosahatchee River, and the St. Lucie River Watershed Protection Programs should be expeditiously implemented.

The bill defines “biosolids” and “soil amendment” and removes the definitions of “District’s Works of the District Program” and the “Lake Okeechobee Watershed Phosphorous Control Program,” as all references to those programs are removed throughout this section of the bill.

The definition of “Lake Okeechobee Watershed Protection Plan” is amended to specify that the plan consists of the Lake Okeechobee Watershed Construction Project and the Lake Okeechobee Watershed Research and Water Quality Monitoring Program.

### **Revisions to the Lake Okeechobee and the Caloosahatchee and St. Lucie Watershed Protection Programs**

The bill makes the following revisions to the provisions of the Lake Okeechobee and the Caloosahatchee and St. Lucie Watershed Protection Programs:

- Reorganizes the watershed protection plans to place the existing watershed construction projects and watershed research and water quality monitoring programs under the umbrella of the plans.
- Replaces the pollutant control programs with the BMAP process.
- Expressly sets forth the following requirements of the BMAP process, which are also included in existing law (s. 403.067(7), F.S.):
  - The BMAP must include milestones for implementation and water quality improvement and an associated water quality monitoring component sufficient to evaluate whether reasonable progress in pollutant load reduction is being achieved over time.
  - An assessment of progress every five years is required.
  - Revisions to the BMAP must be made as the result of each 5-year review as appropriate.
  - Best management practices (BMPs) or other measures must be reviewed and revised if they are leading to water quality problems.
- Requires each five year progress assessment to be submitted to the Governor and the Legislature.
- The bill requires the DEP to develop 5, 10, and 15-year measurable milestones and targets designed to meet the Total Maximum Daily Load (TMDL) no more than 20 years after adoption of the plan. The initial implementation schedule is not subject to chapter 120, F.S., but will be incorporated into the BMAP as part of the 5-year update of the BMAP, which includes adoption by secretarial order through the chapter 120, F.S., process.
- If achieving the TMDL is not practicable within 20 years, the DEP must provide:

- An explanation in the implementation schedule of the constraints that prevent achievement of the TMDL within 20 years;
- An estimate of the time needed to achieve the TMDL; and
- Additional five year milestones, as necessary.
- Requires the DACS to include in its rules relating to entities that land-apply animal manure criteria and thresholds for the following requirements:
  - To develop a conservation or nutrient management plan,
  - For plan approval,
  - Site inspection, and
  - Recordkeeping.
- Deletes the deadlines for developing certain plans because those plans have already been developed.
- Requires the SFWMD to initiate rulemaking to provide for a monitoring program for nonpoint source dischargers required to monitor water quality pursuant to the BMAP process. The results of the monitoring must be reported to the coordinating agencies.

Beginning March 2020, and every five years thereafter, concurrent with BMAP revisions, the DEP, in cooperation with coordinating agencies, shall evaluate the pollutant reduction goals and other objectives of the River Watershed Protection Programs for dischargers in the Caloosahatchee and St. Lucie River watersheds.

**Components of the Lake Okeechobee Watershed Protection Program (LOWPP) under existing law and under changes proposed in the bill:**

Existing Law	Proposed Changes in the Bill
<ul style="list-style-type: none"> <li>● Lake Okeechobee Watershed Protection Plan;</li> <li>● Lake Okeechobee Watershed Construction Project, which includes the Phase I and II Technical Plans;</li> <li>● Lake Okeechobee Watershed Phosphorus Control Program;</li> <li>● Lake Okeechobee Watershed Research and Water Quality Monitoring Program;</li> <li>● Lake Okeechobee Exotic Species Control Program; and</li> <li>● Lake Okeechobee Internal Phosphorus Management Program.</li> </ul>	<ul style="list-style-type: none"> <li>● Lake Okeechobee Watershed Protection Plan, consisting of:                             <ul style="list-style-type: none"> <li>○ Lake Okeechobee Watershed Construction Project;</li> <li>○ Lake Okeechobee Watershed Research and Water Quality Monitoring Program;</li> </ul> </li> <li>● Lake Okeechobee Basin Management Action Plan, which is based on the Phase II Technical Plan;</li> <li>● Lake Okeechobee Exotic Species Control Program; and</li> <li>● Lake Okeechobee Internal Phosphorus Management Program.</li> </ul>

The bill amends s. 373.4595(3)(a), F.S., relating to the Lake Okeechobee Watershed Protection Plan, to:

- Require the SFWMD, beginning March 1, 2020, and every five years thereafter, to update the plan to ensure it is consistent with the Lake Okeechobee BMAP;

- Specify that the Phase II technical plan of the Lake Okeechobee Watershed Construction Project provides the basis for the Lake Okeechobee BMAP and remove a requirement that it be ratified by the Legislature;
- Require the DEP, within five years after adoption of the Lake Okeechobee BMAP, and every five years thereafter, to evaluate the Lake Okeechobee Watershed Construction Project to identify any further load reductions needed to achieve compliance with the Lake Okeechobee Total Maximum Daily Load (TMDL). Any modification to the Lake Okeechobee Watershed Construction Project resulting from the evaluation must be incorporated into the Lake Okeechobee BMAP; and
- Revise and reorganize the Lake Okeechobee Watershed Research and Water Quality Monitoring Program to reflect the role of that program in the BMAP process. Changes include:
  - Every five years, beginning March 1, 2020, the DEP will reevaluate water quality and quantity data to ensure the appropriate projects are being designated and incorporated into the Lake Okeechobee BMAP;
  - Information on the sources of phosphorus from the Upper Kissimmee Chain of Lakes and Lake Istokpoga and their relative contribution to the water quality of Lake Okeechobee will be used as part of the Lake Okeechobee BMAP to develop interim measures, BMPs, or regulations; and
  - Any alternative nutrient reduction technologies determined to be feasible will be included in the Lake Okeechobee BMAP.

The bill revises the existing requirement for an interagency agreement to allow the coordinating agencies to develop an intergovernmental agreement with local governments to implement nonagricultural nonpoint source BMPs within their respective geographic boundaries.

The bill also makes the following revisions related to nonpoint sources of pollution:

- When water quality problems are detected despite the appropriate implementation of agricultural or nonagricultural BMPs, the BMPs must be reevaluated and revised if the reevaluation determines that the BMPs require modification. The bill provides that the revised BMPs must be implemented within a reasonable amount of time.
- The DACS, in consultation with the SFWMD, the DEP, and affected parties, shall develop agricultural nonpoint source interim measures, BMPs, or other measures necessary for Lake Okeechobee Watershed TMDL reduction. The DACS shall adopt such practices by rule.
- The DEP, in consultation with the SFWMD and affected parties, shall develop nonagricultural nonpoint source interim measures, BMPs, or other measures necessary for Lake Okeechobee Watershed TMDL reduction. It directs the DEP or the SFWMD to adopt new practices by rule.
- DACS, in cooperation with the DEP and the SFWMD, will provide technical and financial assistance for implementation of agricultural and nonagricultural nonpoint source BMPs, subject to the availability of funds.

The bill amends s. 373.4595(3)(b)12., F.S., to address the requirements of agricultural nonpoint source dischargers located south of Lake Okeechobee. These dischargers are currently subject to regulation under s. 373.4595, F.S. (implemented in rule 40E-61, F.A.C.), which regulates the Lake Okeechobee Watershed, and s. 373.4592, F.S. (implemented in rule 40E-63, F.A.C.), which regulates the Everglades. Agricultural nonpoint source dischargers may either implement BMPs



or monitoring to comply with these regulatory schemes. The revisions to s. 373.4595(3)(b)12., F.S., in the bill state that the BMPs for the Everglades Program meet the BMP requirements for Lake Okeechobee (including the BMP requirements in the BMAP). The Everglades Program permit can be used in lieu of the requirements of the Lake Okeechobee BMAP (which would be BMPs or monitoring for nonpoint source dischargers) if the permit holder is in compliance with the BMPs set forth in the Everglades Program. However, subparagraph five of the section is still intended to apply to those dischargers. That subparagraph states that where water quality problems are detected for agricultural nonpoint sources despite the implementation of BMPs, the BMPs must be reviewed and revised within a reasonable period as specified in rule. The regulatory requirements of the Everglades Program still apply to these dischargers.

The bill provides that management strategies and pollution reduction requirements set forth in a BMAP are not subject to challenge under ch. 120, F.S., at the time they are incorporated into a permit.

The bill requires the SFWMD to revise Florida Administrative Code Rule 40E-61, regarding the Works of the District (WOD) program, to:

- Be consistent with the revised provisions of the Lake Okeechobee Watershed Protection Program and the implementation of TMDLs through the BMAP process,
- Provide for a monitoring program for nonpoint source dischargers required to monitor water quality by s. 403.067, F.S., and
- Provide the results to be reported to the coordinating agencies.

The bill amends s. 373.4595(6), F.S., to require the DEP to report March 1 of every year on the status of the Lake Okeechobee, Caloosahatchee River Watershed, and St. Lucie River Watershed BMAPs. It also requires the DACS to report on the status of the implementation of agricultural nonpoint source BMPs, including an implementation assurance report summarizing survey responses and response rates, site inspections, and other methods used to verify implementation and compliance with BMPs in the Lake Okeechobee, Caloosahatchee, and St. Lucie watersheds.

The bill amends s. 373.4595(7)(c), F.S., to remove the requirement that owners or operators of existing structures that discharge into or from Lake Okeechobee that were subject to certain consent orders must get a permit under s. 373.4595(7), F.S. The holders of the consent orders are primarily water control districts regulated under ch. 298, F.S., that are responsible for canals and other structures that control water flow around the south and east portions of Lake Okeechobee. One consent order is for the holder of a state agricultural lease that operated a culvert that discharged into the Lake and Rim Canal. These structures will still be subject to the requirements of ss. 373.413 and 373.416, F.S., which govern the construction, alteration, maintenance, or operation of these structures. These structures are also subject to the requirements of the Lake Okeechobee BMAP. Owners and operators of existing structures will be deemed in compliance if they meet the conditions of permits under rule 40E-63, F.A.C., governing the Everglades Program.

**Section 16** amends s. 373.467, F.S., to revise the membership requirements for the Harris Chain of Lakes Restoration Council. One member must be a person with experience in environmental science or regulation, rather than an environmental engineer. It requires an attorney and an engineer, rather than individuals that have training in either discipline. It also clarifies that the

two members, who are residents of the county, are not required to meet any of the other requirements of membership to be appointed to the council. As the statute is currently written, it appears those two members are prohibited from meeting any of the other requirements for membership. The bill provides that the Lake County legislative delegation may waive the qualifications for membership on a case-by-case basis for good cause. The bill provides that resignation by a council member or the failure of a member to attend three consecutive meetings without being excused by the chair of the committee results in a vacancy.

**Section 17** amends s. 373.536, F.S., to require the WMDs to include an annual funding plan for each of the five years included in their plans for water resource and water supply development components of the plans.

The bill specifies that the funding plan must address the water supply projects proposed for funding and assistance. The plan must identify both anticipated available district funding and additional funding needs for the second through fifth years of the funding plan. Projects included in the work program must be shown to support the implementation of MFLs and water reservations and must avoid the adverse effects of competition for water supplies.

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

**Section 18** amends s. 373.703, F.S., regarding water production, to include private landowners on the list of entities that a WMD is authorized to join with in carrying out its duties.

**Section 19** amends s. 373.705, F.S., to specify that for regionally significant water resource development projects, the WMDs are responsible for securing necessary funding for regionally significant projects that: prevent or limit adverse water resource impacts, avoid competition among water users, or support the provision of new water supplies in order to meet an MFL or to implement a recovery or prevention strategy or water reservation.

It also requires the WMDs to include in their annual budget submittals the amount of funds for each project in the annual funding plan.

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

The bill requires the WMDs to promote expanded cost-share criteria for additional conservation practices, such as soil and moisture sensors and other irrigation improvements, water-saving equipment, and water-saving household fixtures, and software technologies that can achieve verifiable water conservation by providing water use information to utility customers.

**Section 20** amends s. 373.707, F.S., to include self-suppliers as entities that may receive technical and financial assistance from a WMD for alternative water supply projects if the projects help avoid the adverse effects of competition for limited water supplies.

In addition to the provision of funds via the Water Protection and Sustainability Program, the bill provides that when state funds are provided through specific appropriation, those funds serve to

supplement existing WMD or basin board funding for alternative water supply development assistance and should not result in a reduction of such funding.

WMDs are required to include the amount of funds allocated for water resource development that supports alternative water supply development and funds allocated for alternative water supply projects. The bill specifies that those funds relate to projects identified in the annual funding plans developed by the WMDs as part of a five year water resource development work program.

Under existing law, only fiscally disadvantaged small local governments are eligible for a waiver from the 60 percent cost-share requirement for funding that is set forth in this section. The bill authorizes the WMDs to waive the match requirement for any water user for projects determined by the WMD to be in the public interest and that are not otherwise financially feasible.

**Section 21** amends s. 373.709, F.S., to limit water supply development project options in each regional water supply plan to options that are technically and financially feasible.

For the required list of water resource development projects that support water supply development, the bill requires the list to include all existing and future reasonable-beneficial uses and for the natural systems identified in recovery or prevention strategies for adopted MFLs or water reservations.

Each listed water resource development project must include an estimate of the amount of water to become available through the project. The bill requires the estimate to be for all existing and future reasonable-beneficial uses and for natural systems identified in recovery or prevention strategies for adopted MFLs or water reservations.

The bill requires the inclusion of an assessment of how the regional water supply plan, and projects in the funding plans, support the recovery or prevention strategies for implementation of adopted MFLs or water reservations, including MFLs for OFSs, while ensuring that sufficient water will be available for all existing and future reasonable-beneficial uses and for natural systems, and that the adverse effects of competition for water supplies will be avoided.

It also requires the DEP's report on the status of regional water supply planning in each WMD to include an analysis of the sufficiency of potential sources of funding from all sources for water resource development and water supply development projects. The report must also include an explanation of how each project identified in the 5-year water resource development work program will contribute to additional water for MFLs or water reservations

**Section 22** creates Part VIII of ch. 373, F.S., to consist of ss. 373.801, 373.802, 373.803, 373.805, 373.807, 373.811, and 373.813, F.S., and provides the title, "Florida Springs and Aquifer Protection Act."

**Section 23** creates s. 373.801, F.S., to provide legislative findings and intent:

- Detailing the importance of Florida's springs, and various benefits they provide to the state including providing critical habitat for plants and animals. Springs provide immeasurable natural, recreational, economic, and inherent value. Springs are of great scientific importance

in understanding the diverse functions aquatic ecosystems. Water quality in springs is an indicator of local conditions of the Floridan Aquifer. Water flows in springs reflect regional aquifer conditions. Springs also provide recreational opportunities for Floridians and visitors to the state and economically benefit local and state economies.

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

**Section 24** creates s. 373.802, F.S., to provide definitions for “department,” “local government,” “onsite sewage and treatment disposal system,” “spring run,” “springshed,” and “spring vent.”

The bill also defines:

- “Outstanding Florida Springs,” which includes all historic first magnitude springs, including their associated spring runs, as determined by the DEP using the most recent version of the Florida Geological Survey's springs bulletin. The following springs and their associated spring runs are also considered OFSs: DeLeon Springs, Peacock Springs, Poe Spring Rock Springs, Wekiwa Springs, and Gemini Springs. The term does not include submarine springs or river rises.
- “Priority Focus Area,” meaning “the area or areas of a basin where the Floridan Aquifer is generally most vulnerable to pollutant inputs where there is a known connectivity between groundwater pathways and an Outstanding Florida Spring, as determined by the department in consultation with the appropriate water management districts, and delineated in a basin management action plan.”

**Section 25** creates s. 373.803, F.S., to direct the DEP, in consultation with the WMDs, to delineate priority focus areas for each OFS or group of springs that contain one or more OFS and is identified as impaired, using the best available data. The DEP must use understood and identifiable boundaries such as roads or political jurisdictions for ease of implementation. The bill requires the delineation of the priority focus areas to be completed by July 1, 2018, and provides that a priority focus area will be effective upon its incorporation in a BMAP. It directs the DEP to consider groundwater travel time, hydrogeology, nutrient load, and any other factors that may lead to degradation of an OFS when delineating the areas.

**Section 26** creates s. 373.805, F.S., to direct either a WMD or the DEP to adopt a recovery or prevention strategy concurrently with the adoption of an MFL for an OFS, if it is below, or projected within 20 years to fall below, an MFL.

When an MFL for an OFS is revised, if the spring is below or projected within 20 years to fall below the MFL, a WMD or the DEP must concurrently adopt or modify a recovery or prevention strategy. The bill provides that a WMD or the DEP may adopt the revised MFL before the adoption of a recovery or prevention strategy if the revised MFL is less constraining on existing or projected future consumptive uses.

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

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

- A list of all specific projects identified for implementation of the plan;
- A priority listing of each project;
- For each project, the estimated cost and date of completion;
- The source and amount of financial assistance from the WMD for each project which may not be less than 25 percent of the total cost unless there are funding sources that provide more than 75 percent of the total cost of the project. The NFWFMD and the Suwannee River Water Management District (SRWMD) are not required to meet the minimum requirement to provide financial assistance;
- An estimate of each project's benefit to an OFS; and
- An implementation plan designed with a target to achieve the adopted MFL within 20 years or less after the adoption of a recovery or prevention strategy.

The WMD or the DEP must develop a schedule of 5, 10, and 15-year targets for achieving the adopted MFL. The schedule is not a rule but is intended to provide guidance for planning and funding purposes.

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

**Section 27** creates s. 373.807, F.S., to provide a deadline of July 1, 2016, for the DEP to initiate assessment of any OFSs or spring systems for which a determination of impairment has not been made and under the numeric nutrient standards for spring vents. The assessment must be complete by July 1, 2018. The bill requires that:

- When a TMDL is adopted, the DEP, or the DEP in coordination with a WMD, will concurrently initiate development of a BMAP;
- For an OFS that has an adopted nutrient TMDL before July 1, 2016, the DEP, or the DEP in coordination with a WMD, will initiate development of a BMAP by July 1, 2016; and

- As the BMAP is developed, if Onsite Sewage Treatment and Disposal Systems (OSTDSs) are identified as contributors of at least 20 percent of nonpoint source nitrogen pollution or if the DEP determines remediation is necessary to achieve the TMDL, the BMAP will include an OSTDS remediation plan for those systems identified as requiring remediation.

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

- A list of all projects and programs for implementing a nutrient TMDL;
- A list of all projects in any incorporated OSTDS remediation plan, if applicable;
- A priority ranking of all projects;
- A planning-level cost estimate and completion date of each project;
- The source and amount of any financial assistance from the DEP, the WMD, or other entity;
- The estimate of each project's nutrient load reduction;
- The identification of each point source or category of nonpoint sources with an estimated allocation of the pollutant load for each point source and category of nonpoint sources; and
- An implementation plan designed with a target to achieve the nutrient TMDL no more than 20 years after the adoption of a BMAP.

The bill requires the WMD or the DEP to develop a schedule of 5, 10, and 15-year targets for achieving the adopted nutrient TMDL. The schedule is not a rule but is intended to provide guidance for planning and funding purposes and is exempt from rulemaking.

The bill requires BMAPs adopted by July 1, 2016, that address an OFS to be revised by the DEP, or the DEP in conjunction with a WMD, if necessary to comply with this section by July 1, 2018. Additionally, a local government may apply for an extension of up to five years, or 10 years in the case of a local government within a rural area of opportunity, for any project in an adopted BMAP upon showing that an extension is in the best interest of the public.

By July 1, 2017, each local government that has not adopted an ordinance modeled after the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes, must develop, enact, and implement an ordinance based on the model ordinance to control urban fertilizer use in springsheds or priority focus areas of an OFS. The bill also provides legislative intent that ordinances adopted under this subsection should reflect the latest scientific information, advancements, and technological improvements in the industry.

As part of a BMAP that includes an OFS, the DEP, the Department of Health (DOH) and relevant local governments and local public and private wastewater utilities, will develop an OSTDS remediation plan for a spring if the DEP determines OSTDSs within a priority focus area contribute at least 20 percent of nonpoint source nitrogen pollution, or if the DEP determines remediation is necessary to achieve the TMDL. The plan must identify cost-effective and financially feasible projects necessary to reduce the nutrient impacts from OSTDSs and it must be completed and adopted as part of the BMAP no later than the first five year milestone.

The DEP is the lead agency in coordinating the preparation of and adoption of the remediation plan. In preparing the plan, the DEP will:

- Collect and evaluate credible scientific information on the effect of nutrients, particularly forms of nitrogen, on springs and springs systems; and

- Develop a public education plan to provide area residents with reliable, understandable information about OSTDSs and springs.

In addition to requirements in s. 403.067, F.S., which details the establishment and implementation of the state's TMDL program, the remediation plan must include options for:

- Repair;
- Upgrade;
- Replacement;
- Drainfield modification;
- Addition of effective nitrogen reducing features;
- Connection to a central sewerage system; or
- Other action for an OSTDS or group of systems within a priority focus area that contribute at least 20 percent of nonpoint source nitrogen pollution, or are determined by the DEP to require remediation.

The DEP will include in the remediation plan a priority ranking for each system or group of systems that requires remediation and will award funds to implement the remediation projects contingent on an appropriation in the General Appropriations Act, which may include all or part of the costs necessary for repair, upgrade, replacement, drainfield modification, addition of effective nitrogen reducing features, initial connection to a central sewerage system, or other action.

In awarding funds, the DEP may consider expected nutrient reduction benefit per unit cost, size and scope of the project, relative local financial contribution to the project, and financial impact on property owners and the community. The DEP may waive matching funding requirements for proposed projects within an area designated as a rural area of opportunity.

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

**Section 28** creates s. 373.811, F.S., to detail prohibited activities in a priority focus area in effect for an Outstanding Florida Springs.

Activities prohibited within a priority focus area are:

- Construction of domestic wastewater disposal systems with permitted capacities of 100,000 gallons per day or greater unless the system meets a treatment standard of three mg/L total nitrogen on an annual permitted basis, unless the DEP determines a higher standard is necessary to attain a TMDL for the OFS;
- Construction of OSTDSs on lots less than one acre, if the addition of the specific systems conflicts with an onsite treatment and disposal system remediation plan incorporated into a BMAP;
- Construction of facilities for the disposal of hazardous waste;
- Land application of Class A or Class B domestic wastewater biosolids not in accordance with a DEP approved nutrient management plan establishing the rate at which all biosolids, soil

amendments, and sources of nutrients at the land application site can be applied to the land for crop production while minimizing the amount of pollutants and nutrients discharged to groundwater or waters of the state; and

- New agriculture operations that do not implement BMPs, measures necessary to achieve pollution reduction levels established by the DEP, or groundwater monitoring plans approved by a WMD or the DEP.

**Section 29** creates s. 373.813, F.S., to direct the DEP to adopt rules to improve water quantity and quality to administer Florida Springs and Aquifer Protection Act.

The bill specifies the DACS is the lead agency for coordinating the reduction of agricultural nonpoint sources of pollution for the protection of OFSSs. The DACS and the DEP will study and, if necessary, initiate rulemaking within a reasonable amount of time to implement new or revised agricultural BMPs, in cooperation with applicable local governments and stakeholders.

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

**Section 30** amends s. 403.061, F.S., to require the DEP to adopt by rule a specific surface water classification to protect surface waters used for treated potable water supply. Waters classified under this section must have the same water quality criteria as that for Class III waters. This new classification will allow utilities to withdraw water for potable use from a waterbody classified as Class II or III, so long as it does not require significant alteration of permitted treatment processes or prevent compliance with applicable state drinking water standards. Regardless, this classification or the inclusion of treated water supply as a designated use of a surface water does not prevent a surface water used for treated potable water supply from being reclassified as water designated for potable water supply (Class I).

**Section 31** creates s. 403.0617, F.S., to implement an innovative nutrient and sediment reduction and conservation pilot project program. Project funding by the DEP is contingent upon a specific appropriation. The intent of the pilot projects are to test the effectiveness of innovative or existing nutrient reduction or water conservation technologies, programs or practices designed to minimize nutrient pollution or restore flows.

The bill directs the DEP to initiate rulemaking by October 1, 2016, to establish criteria to evaluate and rank pilot projects for funding. The projects may not be harmful to the ecological resources in the study area and the criteria must give preference to projects that will result in the greatest improvement to water quality and quantity for the funds expended.

The bill provides the following minimum considerations:

- Level of impairment of the waterbody, watershed, or water segment in which the project is located;
- Quantity of nutrients the project is estimated to remove;



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

**Section 32** amends s. 403.0623, F.S., to direct the DEP, in coordination with the WMDs, regional water supply authorities, and the DACS, to establish statewide standards for the collection and analysis of water quantity, water quality, and related data to ensure quality, reliability, and validity of the data and testing results. The bill directs the DEP to coordinate with federal agencies, to the extent practicable, to ensure its collection and analysis of data is consistent with these data collection standards.

The bill requires state agencies and the WMDs to show that they followed the DEP's collection and analysis standards, if available, in order to request state funds for the acquisition of lands or the financing of a water resource project.

The bill provides rulemaking authority to the DEP and the WMDs to implement these standards.

**Section 33** amends s. 403.067, F.S., to provide that each new or revised BMAP must include:

- The appropriate management strategies available through existing water quality protection programs to achieve TMDLs, which may provide for phased implementation to promote timely, cost-effective actions;
- A description of BMPs adopted by rule;
- A list of projects in priority ranking with a planning-level cost estimate and estimated date of completion for each listed project;
- The source and amount of financial assistance to be made available by the DEP, a WMD, or other entity for each listed project, if applicable; and
- A planning-level estimate of each listed project's expected load reduction, if applicable.

The bill provides that BMAPs are enforceable pursuant to ss. 403.067 (establishment and implementation of TMDLs), 403.121 (judicial and administrative remedies available to the DEP for violations of ch. 403, F.S.), 403.141 (concerning civil liability), and 403.161 (concerning prohibitions and penalties), F.S., and that management strategies, including BMPs and water quality monitoring, are enforceable under ch. 403, F.S. The bill also provides authority to the

DACS to include provisions for site inspections in its existing rulemaking authority to address agricultural pollution control.

The bill provides that no later than January 1, 2017:

- The DEP, in consultation with the WMDs and the DACS, will initiate rulemaking to adopt procedures to verify implementation of water quality monitoring required in lieu of implementation of BMPs or other measures;
- The DEP, in consultation with the WMDs and the DACS, will initiate rulemaking to adopt procedures to verify implementation of nonagricultural interim measures, BMPs, or other measures adopted by rule; and
- The DACS, in consultation with the WMDs and the DEP, will initiate rulemaking to adopt procedures to verify implementation of agricultural interim measures, BMPs, or other measures adopted by rule.

Those rules are required to include enforcement procedures applicable to the landowner, discharger, or other responsible person required to implement applicable management strategies, including BMPs, or water quality monitoring as a result of noncompliance.

**Section 34** creates s. 403.0675, F.S., to require the DEP, in conjunction with the WMDs, to post on its website and submit electronically an annual progress report to the Governor and the Legislature on the status of each TMDL, BMAP, MFL, and recovery or prevention strategy adopted pursuant to s. 403.067, F.S., or parts I and VIII of ch. 373, F.S. The report must include the status of each project identified to achieve an adopted TMDL or an adopted minimum flow or minimum water level, as applicable. The report must be posted and submitted by July 1 of each year, beginning in 2018.

If a report indicates that any of the 5, 10, or 15-year milestones, or the 20-year target date, if applicable, for achieving a TMDL or MFL will not be met, the report must include an explanation of the possible causes and potential solutions.

If applicable, the report must include project descriptions, estimated costs, proposed priority ranking for project implementation, and funding needed to achieve the TMDL or the MFL by the target date. Each WMD must also post the DEP's report on its website.

The DACS will post on its website and submit electronically an annual progress report by July 1 of each year, beginning in 2018, to the Governor and the Legislature on the status of the implementation of the agricultural nonpoint source BMPs including an implementation assurance report summarizing survey responses and response rates, site inspections and other methods used to verify implementation of and compliance with BMPs pursuant to BMAPs.

**Section 35** amends s. 403.861, F.S. to require the DEP to establish rules concerning the use of surface waters for treated potable public water supply.

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

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

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

**Section 36** creates s. 403.928, F.S. to require the Office of Economic and Demographic Research (EDR) to conduct an annual assessment of Florida's water resources and conservation lands.

Concerning water resources, the assessment must include:

- Historical and current expenditures and projections of future expenditures by federal, state, regional, and local governments and public and private utilities based upon historical trends and ongoing projects or initiatives associated with water supply and demand and water quality protection and restoration;
- An analysis and estimates of future expenditures by federal, state, regional, and local governments and public and private utilities necessary to comply with federal and state laws and regulations. The analysis and estimates must address future expenditures by federal, state, regional, and local governments and all public and private utilities necessary to achieve the legislature's intent that sufficient water be available for all existing and future reasonable-beneficial uses and the natural systems, and that adverse effects of competition for water supplies be avoided. The assessment must include a compilation of projected water supply and demand data developed by each WMD pursuant to s. 373.036, F.S., which relates to the Florida water plan, WMD water management plans, and the consolidated WMD annual reports, and 373.709, F.S., which relates to regional water supply planning. The EDR must note any significant differences between the methods used by the WMDs to calculate the data;
- Forecasts of federal, state, regional, and local government revenues dedicated in current law for the purposes of the water supply demand and water quality protection and restoration, or that have been historically allocated for these purposes, as well as public and private utility revenues; and
- An identification of gaps between projected revenues and projected and estimated expenditures.

Concerning conservation lands, the assessment must also include:

- Historical and current expenditures and projections of future expenditures by federal, state, regional, and local governments based upon historical trends and ongoing projects or initiatives associated with real property interests eligible for funding under the Florida Forever Act;
- An analysis and estimates of future expenditures by federal, state, regional, and local governments necessary to purchaser lands identified in plans produced by state agencies or WMDs;
- An analysis of the ad valorem tax impacts, by county, resulting from public ownership of conservation lands;

- Forecasts of federal, state, regional, and local government revenues dedicated in current law to maintain conservation lands and the gap between projected expenditures and revenues;
- The total percentage of Florida real property that is publicly owned for conservation purposes;
- A comparison of the cost of acquiring and maintaining conservation lands under fee simple or less than fee simple ownership.

The assessment must also include:

- Analyses on a statewide, regional, or geographic basis, as appropriate;
- Any analytical challenges in assessing information across the different regions; and
- Any overlap in expenditures for water resources and conservation lands.

Various agencies and local governmental entities are directed to aid the EDR with their respective areas of expertise, and any agency must provide access to the EDR with any information, confidential or otherwise, the EDR considers necessary.

The assessment must be submitted to the President of the Senate and the Speaker of the House of Representatives by January 1, 2017, and by January 1 each year thereafter.

**Section 37** creates an undesignated section of law to require the DEP to evaluate the feasibility and cost of creating and maintaining a web-based, interactive map that includes, at a minimum:

- All watersheds and each waterbody within them;
- The county or counties in which the watershed or waterbody is located;
- The WMD or districts in which the watershed or waterbody is located;
- Whether, if applicable, an MFL has been adopted for the waterbody and, if it has not been adopted, when it is anticipated to be adopted;
- Whether, if applicable, a recovery or prevention strategy has been adopted for the watershed or waterbody and, if it has not been adopted, when it is anticipated to be adopted;
- The impairment status of each waterbody;
- Whether, if applicable, a TMDL has been adopted if the waterbody is listed as impaired and, if one has not been adopted, the anticipated adoption date;
- Whether, if applicable, a BMAP has been adopted and, if it has not been adopted, when it is anticipated to be adopted;
- Each project listed on the five year water resources work program;
- The agency or agencies and local sponsor, if any, responsible for overseeing the project;
- The total or estimated cost and completion date of each project and the financial contribution of each entity;
- The estimated quantitative benefit to the watershed or waterbody; and
- The water projects completed within the last five years within the watershed or waterbody.

The bill requires the DEP to submit a report on the feasibility study to the President of the Senate and the Speaker of the House of Representatives by January 1, 2017.

**Section 38** creates an undesignated section of law to provide that the act fulfills an important state interest.

**Section 39** provides an effective date of July 1, 2016.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

The county/municipality mandates provision of Art. VII, section 18, of the Florida Constitution may apply because this bill may require local governments to expend funds to comply with planning schedules, adopt fertilizer ordinances, and expend funds for OSTDS remediation. If this bill rises to the level of a mandate, exceptions may apply due to the fact that similarly situated persons are required to comply with the provisions of the bill and funds are likely to be appropriated to cover the cost of the bill to the extent that those costs exceed those already required under current law.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The exact impact of CS/CS/SB 552 on the private sector and individuals cannot be calculated, as many of the costs are dependent on activities, such as delineation of priority focus areas, that have not occurred. Potential private sector impacts include:

- Provisions that will require some property owners in priority focus areas to upgrade their Onsite Sewage Treatment and Disposal Systems (OSTDSs) or connect to a central sewerage system. This could result in higher rates for sewage disposal compared to the costs of using an OSTDS. Aerobic Treatment Units (ATUs) are also more costly to operate than conventional OSTDSs;
- Rate payers may pay for ongoing operation and maintenance for advanced wastewater treatment plants through rate increases;
- Property owners may have to pay more for passive nitrogen removing systems installed in OSTDSs in new developments with lots of less than one acre. They may also face more expensive pump out costs as a result of more expensive disposal options;
- Urban fertilizer use may decrease because of ordinances causing a reduction in revenue for fertilizer companies;
- Septic tank contractors may benefit due to increased scrutiny and required upgrades to OSTDSs; and

- Entities required to monitor water use could see a negative fiscal impact due to the costs of conducting monitoring.

C. Government Sector Impact:

The bill requires a number of activities that will result in significant increased costs for several government entities, including the Department of Environmental Protection (DEP), the Department of Agriculture and Consumer Services (DACS), the Water Management Districts (WMDs), and local governments. The estimated costs are listed below.

The bill requires the DEP to develop, publish, update, and maintain a database of state conservation lands where public access is compatible with conservation and recreation. In addition, DEP is required to evaluate the feasibility and cost of creating and maintaining a web-based, interactive map. The DEP will utilize existing staff to cover the majority of the workload for these requirements; however, additional funding support is needed and listed below.

Description	FTE	Recurring	Non-Recurring	Total
Conservation Lands Public Access Database	2.00	\$251,120	\$739,464	\$990,584
Web-based Interactive Map Feasibility			\$135,700	\$135,700
TOTAL	2.00	\$251,120	\$875,164	\$1,126,284

<sup>117</sup>

The DACS has requested eight positions and \$22.9 million from the Land Acquisition Trust Fund and \$1.4 million from the General Inspection Trust Fund in the department’s 2016-2017 Legislative Budget Request to assist with BMP development and implementation, and for nutrient reduction and water retention projects in the Lake Okeechobee watershed. In addition, the DACS has requested \$1.5 million in general revenue funding to provide water use data for inclusion in the water management districts’ regional water supply plans.<sup>118</sup> Total funding support is listed below.

<sup>117</sup> See 2016 Department of Environmental Protection Bill Analysis for SB 552, November 9, 2015 (on file with the Senate Committee on Appropriations.)

<sup>118</sup> See 2016 Department of Agriculture and Consumer Services’ Legislative Bill Analysis for SB 552, in the Agency Bill Analysis Request (ABAR) system.

Description	FTE	Recurring	Non-Recurring	Total
BMP Development and Implementation	8.00	\$7,655,149	\$1,657,115	\$9,312,264
Nutrient Reduction & Water Retention Projects			\$15,000,000	\$15,000,000
Water Supply Planning			\$1,500,000	\$1,500,000
TOTAL	8.00	\$7,655,149	\$18,157,115	\$25,812,264

Additional costs that are indeterminate include:

- Minimum Flows and Levels (MFLs) - The bill would require the WMDs and the DEP to adopt MFLs by certain deadlines for springs. According to the DEP, these costs range from \$280,000 to \$2.25 million per MFL, including agency costs for extensive data collection, analysis and modeling, stakeholder coordination, and rulemaking. Costs can vary widely depending on the complexity of the system and the amount and type of scientific and technical data that exists or must be collected.
- MFLs Recovery or Prevention Strategies - The WMDs (excluding the Northwest Florida and Suwannee River WMDs) would be required to fund at least 25 percent of recovery or prevention strategies projects. However, the WMDs may provide less than a 25 percent match if another specific source(s) of funding will provide more than 75 percent of the project cost. Since the number of project applicants and project costs is unknown, the fiscal impact is indeterminate at this time.
- Alternative Water Supply Projects – The water management districts that provide technical and financial assistance to self-suppliers for alternative water supply projects will result in increased costs. The actual cost is indeterminate.
- Alternative Water Supply Pilot Program – The bill allows the South Florida Water Management District, Southwest Florida Water Management District, and the St. Johns River Water Management District to designate and implement alternative water supply projects. WMDs that choose to implement a new alternative water supply project as part of the program could incur additional costs to develop and administer the project. Since the WMDs have the option of developing and implementing an alternative water supply project, actual costs are indeterminate.
- Annual Assessment of Florida’s Water Resources and Conservation Lands – The bill requires the Office of Economic and Demographic Research (EDR) to conduct an annual assessment of Florida’s water resources and conservation lands. Various agencies and local governmental entities are directed to aid EDR with their respective areas of expertise. The DEP estimates they would use existing staff to assist with the assessment. However, additional costs may be needed if new data systems have to be built in order to collect, organize, validate, and supply the information on an ongoing, annual basis. Some of the data does not exist in a single repository. These additional costs are indeterminate.

Potential costs to local governments related to springs and septic tank remediation plans are indeterminate. These costs are dependent on the nature and scale of remediation, the number of affected properties, and the difficulty of building collection and transmission

systems, availability of wastewater treatment facilities, and other factors. Existing grant and loan programs within the DEP, such as the Clean Water State Revolving Fund, may be available to provide financial resources for some costs.

The DEP, the WMDs, and the DACS have indicated that the costs associated with rulemaking and rule revisions should be minimal and will be addressed within existing resources.

### **Technical Deficiencies:**

None.

### **VI. Related Issues:**

“Self Suppliers” is not defined, which could lead to some confusion over its meaning.

### **VII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 259.032, 373.019, 373.036, 373.042, 373.0421, 373.1501, 373.219, 373.223, 373.2234, 373.227, 373.233, 373.4591, 373.4595, 373.467, 373.536, 373.703, 373.705, 373.707, 373.709, 403.061, 403.0623, 403.067, and 403.861.

This bill creates the following sections of the Florida Statutes: 373.037, 373.0465, 373.801, 373.802, 373.803, 373.805, 373.807, 373.811, 373.813, 403.0617, 403.0675, and 403.928.

This bill creates two undesignated sections of Florida law.

### **VIII. Additional Information:**

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

#### **CS/CS by Appropriations on November 19, 2015:**

The committee substitute:

- Clarifies that the Water Management District (WMD) that designated the alternative water supply project is the district that is allowed to designate an alternative water supply project located in another WMD.
- Clarifies that if there is an existing minimum flow or level for a water body and the water body is below or projected to fall below the minimum flow level, prevention or recovery strategies will be established expeditiously, rather than concurrently, with the minimum flow or level.
- Provides an allowance for WMDs to enforce existing rules or adopt more stringent rules relating to consumptive use permits for certain types of groundwater withdrawals.

#### **CS by Environmental Preservation and Conservation on November 4, 2015:**

The word “receive” on line 3016 was changed to “provide”.



B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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By Senator Negron

32-00714-16

2016746\_\_

1 A bill to be entitled  
 2 An act relating to vessel registrations; amending s.  
 3 328.72, F.S.; defining terms; reducing vessel  
 4 registration fees for recreational vessels equipped  
 5 with certain position indicating and locating beacons;  
 6 providing criteria for such reduction; amending s.  
 7 328.66, F.S.; clarifying county optional registration  
 8 fees; providing an appropriation; providing an  
 9 effective date.

10  
 11 Be It Enacted by the Legislature of the State of Florida:

12  
 13 Section 1. Subsection (1) of section 328.72, Florida  
 14 Statutes, is amended, and subsection (18) is added to that  
 15 section, to read:

16 328.72 Classification; registration; fees and charges;  
 17 surcharge; disposition of fees; fines; marine turtle stickers.-

18 (1) VESSEL REGISTRATION FEE.—Vessels that are required to  
 19 be registered shall be classified for registration purposes  
 20 according to the following schedule, and, except as provided in  
 21 subsection (18), the registration certificate fee shall be in  
 22 the following amounts:

23 (a) Class A-1—Less than 12 feet in length, and all canoes  
 24 to which propulsion motors have been attached, regardless of  
 25 length: \$5.50 for each 12-month period registered.

26 (b) Class A-2—12 feet or more and less than 16 feet in  
 27 length: \$16.25 for each 12-month period registered.

28 (To county): 2.85 for each 12-month period registered.

29 (c) Class 1—16 feet or more and less than 26 feet in

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30 length: \$28.75 for each 12-month period registered.

31 (To county): 8.85 for each 12-month period registered.

32 (d) Class 2-26 feet or more and less than 40 feet in  
33 length: \$78.25 for each 12-month period registered.

34 (To county): 32.85 for each 12-month period registered.

35 (e) Class 3-40 feet or more and less than 65 feet in  
36 length: \$127.75 for each 12-month period registered.

37 (To county): 56.85 for each 12-month period registered.

38 (f) Class 4-65 feet or more and less than 110 feet in  
39 length: \$152.75 for each 12-month period registered.

40 (To county): 68.85 for each 12-month period registered.

41 (g) Class 5-110 feet or more in length: \$189.75 for each  
42 12-month period registered.

43 (To county): 86.85 for each 12-month period registered.

44 (h) Dealer registration certificate: \$25.50 for each 12-  
45 month period registered.

46 The county portion of the vessel registration fee is derived  
47 from recreational vessels only.

48 (18) REDUCED VESSEL REGISTRATION FEE.-

49 (a) For the purposes of this subsection, the term:

50 1. "Emergency Position Indicating Radio Beacon" means an  
51 electronic device designed to be installed on a vessel which,  
52 when activated, transmits a distress call on a designated  
53 emergency frequency to a satellite receiver and is used by  
54 rescue personnel to locate the position of the signal.

55 2. "Personal Locator Beacon" means an electronic device  
56 designed to be carried on a person which, when activated, will  
57 transmit a distress call on a designated emergency frequency to  
58 a satellite receiver and is used by rescue personnel to locate

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59 the position of the signal.

60 (b) The registration certificate fee imposed pursuant to  
61 subsection (1) for a recreational vessel equipped with an  
62 Emergency Position Indicating Radio Beacon or for a recreational  
63 vessel whose owner owns a Personal Locator Beacon shall be  
64 reduced to the following amounts:

- 65 1. Class A-1: \$2.95 for each 12-month period registered.
- 66 2. Class A-2: \$11.00 for each 12-month period registered.
- 67 3. Class 1: \$20.40 for each 12-month period registered.
- 68 4. Class 2: \$57.50 for each 12-month period registered.
- 69 5. Class 3: \$94.65 for each 12-month period registered.
- 70 6. Class 4: \$113.40 for each 12-month period registered.
- 71 7. Class 5: \$141.15 for each 12-month period registered.

72 (c) A person who owns a Personal Locator Beacon and who  
73 owns more than one recreational vessel may only apply the  
74 applicable reduced fee pursuant to this subsection to one  
75 vessel.

76 (d) In order to qualify for reduced vessel registration  
77 fees pursuant to this subsection, a vessel owner must  
78 demonstrate that the Emergency Position Indicating Radio Beacon  
79 or Personal Locator Beacon is registered with the National  
80 Oceanic and Atmospheric Administration under 47 C.F.R. part 80  
81 or part 95. The owner must provide proof of registration from  
82 the National Oceanic and Atmospheric Administration.

83 Section 2. Subsection (1) of section 328.66, Florida  
84 Statutes, is amended to read:

85 328.66 County and municipality optional registration fee.—

86 (1) Any county may impose an annual registration fee on  
87 vessels registered, operated, used, or stored on the waters of

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2016746\_\_

88 this state within its jurisdiction. This fee shall be 50 percent  
89 of the applicable state registration fee as listed in the s.  
90 328.72(1)(a)-(g) fee schedule, without considering the reduced  
91 vessel registration fee provisions as specified in s.  
92 328.72(18). However, the first \$1 of every registration imposed  
93 under this subsection shall be remitted to the state for deposit  
94 in the Save the Manatee Trust Fund created within the Fish and  
95 Wildlife Conservation Commission, and shall be used only for the  
96 purposes specified in s. 379.2431(4). All other moneys received  
97 from such fee shall be expended for the patrol, regulation, and  
98 maintenance of the lakes, rivers, and waters and for other  
99 boating-related activities of such municipality or county. A  
100 municipality that was imposing a registration fee before April  
101 1, 1984, may continue to levy such fee, notwithstanding the  
102 provisions of this section.

103 Section 3. For the 2016-2017 fiscal year, the sum of \$5  
104 million in recurring funds is appropriated from the General  
105 Revenue Fund to the Department of Highway Safety and Motor  
106 Vehicles for the purpose of offsetting the reduction in the base  
107 vessel registration fees as provided by this act.

108 Section 4. This act shall take effect July 1, 2016.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

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BILL: SB 746

INTRODUCER: Senators Negron and Sachs

SUBJECT: Vessel Registrations

DATE: January 12, 2016

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Eichin	TR	<b>Favorable</b>
2.	Gusky	Miller	ATD	<b>Recommended: Favorable</b>
3.			AP	

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**I. Summary:**

SB 746 reduces state vessel registration fees for recreational vessels equipped with an Emergency Position Indicating Radio Beacon or whose owner owns a Personal Locator Beacon. The beacon must be registered with the National Oceanic and Atmospheric Administration in order for the owner to qualify for the reduced registration fee. Annual base vessel registration fees are reduced by a minimum of \$2.55 and a maximum of \$48.60, depending on the length of the vessel.

The bill appropriates \$5 million in recurring funds from the General Revenue Fund to the Department of Highway Safety and Motor Vehicles for the 2016-2017 fiscal year to offset the reduction in the base vessel registration fees.

The bill has an effective date of July 1, 2016.

**II. Present Situation:**

**Vessel Registration**

The term “vessel” is synonymous with boat and includes every description of watercraft, barge, or airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.<sup>1</sup> Vessels operated, used, or stored on the waters of this state must be registered with the Department of Highway Safety and Motor Vehicles (DHSMV) as a commercial or recreational<sup>2</sup> vessel, unless:

- The vessel is operated, used, and stored exclusively on private lakes and ponds;
- The vessel is owned by the U.S. Government;

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<sup>1</sup> Section 327.02(43), F.S.

<sup>2</sup> Section 327.02(37), F.S. defines a “recreational vessel” as a vessel manufactured and used primarily for noncommercial purposes, or a vessel leased, rented, or chartered to a person for his or her noncommercial use.

- The vessel is used exclusively as a ship's lifeboat; or
- The vessel is non-motor-powered and less than 16 feet in length or a non-motor-powered canoe, kayak, racing shell, or rowing scull, regardless of length.<sup>3</sup>

Section 328.72(12), F.S., provides that vessel registration periods are for 12 or 24 months. An individual who owns a vessel is eligible to register the vessel for a 12 or 24 month period that begins the first day of the birth month of the owner and ends the last day of the month preceding the owner's birth month. The registration period for vessels owned by companies, corporations, governmental entities, and registrations issued to dealers and manufacturers is July 1 to June 30.<sup>4</sup>

The base registration fee for vessels is determined by the length of the vessel. The vessel registration fee for a 12-month period is as follows:

- *Class A-1*: Less than 12 feet in length and all canoes to which propulsion motors have been attached, regardless of length: \$5.50;
- *Class A-2*: 12 feet or more and less than 16 feet in length: \$16.25;
- *Class 1*: 16 feet or more and less than 26 feet in length: \$28.75;
- *Class 2*: 26 feet or more and less than 40 feet in length: \$78.25;
- *Class 3*: 40 feet or more and less than 65 feet in length: \$127.75;
- *Class 4*: 65 feet or more and less than 110 feet in length: \$152.75;
- *Class 5*: 110 feet or more in length: \$189.75; and
- *Dealer Registration Certificate*: \$25.50.

Additionally, any county may impose an annual registration fee on vessels registered, operated, used, or stored on waters within its jurisdiction. This fee is 50 percent of the applicable state registration fee, and the first \$1 of every registration must be remitted to the state for deposit into the Save the Manatee Trust Fund.<sup>5</sup> The Optional County Fee is retained by the county where the vessel is registered and is to be used for patrol, regulation, and maintenance of the lakes, rivers, and waters and for other boating-related activities within the county.<sup>6</sup> According to the DHSMV, the counties of Broward, Charlotte, Collier, Dade, Hillsborough, Lee, Manatee, Martin, Monroe, Palm Beach, Pinellas, Polk, Sarasota, and Volusia charge the Optional County Fee.<sup>7</sup>

### **NOAA Search and Rescue Satellite Aided Tracking**

The National Oceanic and Atmospheric Administration (NOAA) operates the nation's Search and Rescue Satellite Aided Tracking (SARSAT) system to detect mariners, aviators, and others all over the globe by using satellites in low-earth and geostationary orbits to detect and locate beacon-users in distress.<sup>8</sup>

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<sup>3</sup> Section 328.48(2), F.S.

<sup>4</sup> Section 328.72(12)(c)2., F.S.

<sup>5</sup> Section 328.66, F.S.

<sup>6</sup> *Id.*

<sup>7</sup> See Department of Highway Safety and Motor Vehicles, *Vessel Registration Chart*, available at: <http://www3.flhsmv.gov/dmv/proc/fees/fees-04.pdf> (last visited Nov. 24, 2015).

<sup>8</sup> See the NOAA SARSAT website: <http://www.sarsat.noaa.gov/index.html>. (last visited Dec. 14, 2015).

The United States and the governments of Canada, France, and Russia have an agreement to provide for long-term operation of the COSPAS-SARSAT<sup>9</sup> (C-S) Program, which also provides space-based relay of distress signals or alerts from emergency beacons. The program provides alerts to search and rescue authorities internationally.

Ground stations are called Local User Terminals (LUTs), which are satellite receiving units. LUTs are fully automated and unmanned. When an LUT receives a distress signal detected by satellite, it is transmitted to the mission control center (MCC) that operates that particular LUT. The MCC collects, stores, and sorts alerts from LUTs and other MCCs and distributes the alerts to search and rescue authorities and other MCCs.<sup>10</sup>

### **Locator Beacons**

The emergency beacons used to detect those in distress operate only in the 406.0 to 406.1 megahertz (MHz) frequency band to transmit digital messages to satellites for transmission to the appropriate LUT. The frequency is restricted to low power satellite emergency position-indicating beacons in the mobile satellite service. According to NOAA, two types of 406 MHz emergency beacons are:

- *Emergency Position-Indicating Radio Beacons*, or EPIRBs:
  - An EPIRB is an emergency position-indicating radio beacon used in maritime watercraft that can be automatically or manually activated to transmit a distress signal to a satellite. EPIRBs that activate automatically typically have a hydro-static release mechanism that, when immersed, allows the beacon to release from its bracket, float to the surface and start transmitting. The beacon, along with the bracket, has to sink to approximately 3 meters before it will activate automatically. This should be taken into account when mounting an automatic EPIRB; and
- *Personal Locator Beacons*, or PLBs:
  - A PLB is a personal locator beacon designed to be carried by an individual that can only be activated manually. PLBs can be used by people operating in remote areas.<sup>11</sup>

According to NOAA, the average cost of a global positioning system (GPS)-equipped EPIRB is \$800; the average cost of a PLB is \$300.<sup>12</sup>

### **Registration of Beacons with NOAA**

Registration of a 406 MHz emergency beacon, and subsequent updating if the information changes, is free and required by Title 47 of the Code of Federal Regulations, part 80 for EPIRBs and part 95 for PLBs. Information provided in a registration is used by search and rescue authorities, along with the distress signal from the beacon, solely to help locate and rescue those

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<sup>9</sup> COSPAS is a Russian acronym for “Space System for Search of Vessels in Distress.” See the SARSAT FAQ website: <http://www.sarsat.noaa.gov/faq%202.html>. (last visited Nov. 24, 2015).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> See *supra*, note 8.



in distress. NOAA provides an online system for initial and updated beacon registrations, and registration must be renewed every two years.<sup>13</sup>

NOAA indicated, as of October 6, 2015, 12,295 EPIRBs were registered indicating the vessel was registered in Florida, and 26,078 PLBs were registered indicating boat usage with a Florida mailing addresses.<sup>14</sup> Based on this data, approximately 10 percent of vessels currently registered in Florida would qualify for the reduced registration fee.

**III. Effect of Proposed Changes:**

**Section 1** of the bill reduces vessel registration fees for recreational vessels that are equipped with an EPIRB registered with NOAA or whose owner owns a PLB registered with NOAA. A person who owns a PLB and more than one recreational vessel may only receive a reduced registration fee for one vessel.

This reduction in fees may increase the amount of vessels or owners of vessels equipped with locator beacons. The registration fees are reduced as follows:

<b>Recreational Vessel Registration Fees for Each 12-Month Period</b>		
<i>Class of Vessel</i>	<i>Current Base Fee</i>	<i>Reduced Base Fee</i>
Class A-1	\$5.50	\$2.95
Class A-2	\$16.25	\$11.00
Class 1	\$28.75	\$20.40
Class 2	\$78.25	\$57.50
Class 3	\$127.75	\$94.65
Class 4	\$152.75	\$113.40
Class 5	\$189.75	\$141.15

**Section 2** provides that the County Optional Fee for vessel registrations remains 50 percent of the applicable state registration fee *without* consideration of the reduced fees.

**Section 3** appropriates \$5 million in recurring funds from the General Revenue Fund to the DHSMV for the 2016-2017 fiscal year to offset the reduction in base vessel registration fees.

**Section 4** provides that the bill takes effect July 1, 2016.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

<sup>13</sup> *Id.*, NOAA prefers owners register beacons online at [www.beaconregistration.noaa.gov](http://www.beaconregistration.noaa.gov), however individuals may also mail or fax signed registration forms.

<sup>14</sup> Revenue Estimating Conference, *Analysis of HB 427 - Vessel Registration Location Indicating Services* (Oct. 29, 2015) available at: [http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2016/\\_pdf/Impact1029.pdf](http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2016/_pdf/Impact1029.pdf) (last visited Nov. 25, 2015).

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

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

The bill reduces recreational vessel registration fees for vessels equipped with or whose owner owns certain registered locator beacons. The Revenue Estimating Conference (REC) reviewed the related bill, HB 427, on October 29, 2015, and estimated the bill will reduce the total sum of recreational vessel registration fees collected by the DHSMV as follows:

Fiscal Year 2016-2017 – (\$500,000)  
Fiscal Year 2017-2018 – (\$600,000)  
Fiscal Year 2018-2019 – (\$600,000)  
Fiscal Year 2019-2020 – (\$700,000)  
Fiscal Year 2020-2021 – (\$800,000).<sup>15</sup>

The actual reduction in fees collected will depend on the number of vessel owners and the size of their vessels that qualify for the reduced fee.

**B. Private Sector Impact:**

Individuals who have certain locator beacons registered with NOAA will receive a discount in recreational vessel registration fees.

**C. Government Sector Impact:**

The bill appropriates \$5 million in recurring funds from the General Revenue Fund to the DHSMV for the purpose of offsetting the reduction in recreational vessel registration fees. According to the DHSMV, reducing the registration fees will solely reduce the funds distributed to the Marine Resources Conservation Trust Fund.<sup>16</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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<sup>15</sup> *Id.*

<sup>16</sup> Department of Highway Safety and Motor Vehicles, *SB 746 Agency Bill Analysis* (December 4, 2015) (on file with the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development).

**VIII. Statutes Affected:**

This bill substantially amends sections 328.72 and 328.66 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

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

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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1                   A bill to be entitled  
2           An act relating to recreational vessel registration;  
3           amending s. 328.72, F.S.; providing definitions;  
4           providing for a reduced recreational vessel  
5           registration fee when the vessel is equipped with an  
6           emergency position indicating radio beacon or the  
7           owner of the vessel owns a personal locator beacon;  
8           limiting application to one vessel per owner;  
9           authorizing the Department of Highway Safety and Motor  
10          Vehicles to adopt rules relating to proof of  
11          qualification; providing for certain funds to  
12          supplement the reduced amounts collected; amending s.  
13          328.76, F.S., relating to the Marine Resources  
14          Conservation Trust Fund; providing for use of the  
15          supplemental funds; amending s. 328.66, F.S., relating  
16          to county and municipality optional registration fees;  
17          specifying that the reduced fees do not apply to the  
18          limitation on registration fees charged by a county;  
19          providing an effective date.

20  
21   Be It Enacted by the Legislature of the State of Florida:

22  
23           Section 1. Subsection (1) of section 328.72, Florida  
24   Statutes, is amended, and subsection (18) is added to that  
25   section, to read:

26           328.72   Classification; registration; fees and charges;

27 surcharge; disposition of fees; fines; marine turtle stickers.—

28 (1) VESSEL REGISTRATION FEE.—

29 (a) Vessels that are required to be registered shall be  
 30 classified for registration purposes according to the following  
 31 schedule, and, except as provided in subsection (18), the  
 32 registration certificate fee shall be in the following amounts:

33 1. Class A-1—Less than 12 feet in length, and all canoes  
 34 to which propulsion motors have been attached, regardless of  
 35 length: \$5.50 for each 12-month period registered.

36 2. Class A-2—12 feet or more and less than 16 feet in  
 37 length: \$16.25 for each 12-month period registered. ~~(To county):~~  
 38 2.85 for each 12-month period registered.

39 3. Class 1—16 feet or more and less than 26 feet in length:  
 40 \$28.75 for each 12-month period registered. ~~(To county):~~ 8.85  
 41 for each 12-month period registered.

42 4. Class 2—26 feet or more and less than 40 feet in  
 43 length: \$78.25 for each 12-month period registered. ~~(To county):~~  
 44 32.85 for each 12-month period registered.

45 5. Class 3—40 feet or more and less than 65 feet in  
 46 length: \$127.75 for each 12-month period registered. ~~(To~~  
 47 ~~county):~~ 56.85 for each 12-month period registered.

48 6. Class 4—65 feet or more and less than 110 feet in  
 49 length: \$152.75 for each 12-month period registered. ~~(To~~  
 50 ~~county):~~ 68.85 for each 12-month period registered.

51 7. Class 5—110 feet or more in length: \$189.75 for each  
 52 12-month period registered. ~~(To county):~~ 86.85 for each 12-month

53 period registered.

54 8. Dealer registration certificate: \$25.50 for each 12-  
55 month period registered.

56 (b) The county portion of the vessel registration fee is  
57 derived from recreational vessels only.

58 (18) REDUCED VESSEL REGISTRATION FEE.—

59 (a) As used in this subsection, the term:

60 1. "Emergency position-indicating radio beacon" means a  
61 device installed on the vessel being registered that:

62 a. Transmits distress signals at a frequency between 406.0  
63 and 406.1 MHz;

64 b. Is manufactured by a company approved to manufacture  
65 beacons by the International Cospas-Sarsat Programme; and

66 c. Is registered with the United States National Oceanic  
67 and Atmospheric Administration.

68 2. "Full registration fee amount" means the registration  
69 fee as provided in subsection (1) and not the reduced vessel  
70 registration fee specified in this subsection.

71 3. "Personal locator beacon" means a device designed to be  
72 carried by an individual that:

73 a. Transmits distress signals at a frequency between 406.0  
74 and 406.1 MHz;

75 b. Is manufactured by a company approved to manufacture  
76 beacons by the International Cospas-Sarsat Programme; and

77 c. Is registered with the United States National Oceanic  
78 and Atmospheric Administration.

79        (b) The registration certificate fee imposed under  
 80 subsection (1) for a recreational vessel equipped with an  
 81 emergency position-indicating radio beacon, or for a  
 82 recreational vessel the owner of which owns a personal locator  
 83 beacon, shall be reduced to the following amounts for each 12-  
 84 month period registered:

- 85            1. Class A-1-\$4.13.
- 86            2. Class A-2-\$12.19.
- 87            3. Class 1-\$21.56.
- 88            4. Class 2-\$58.69.
- 89            5. Class 3-\$95.81.
- 90            6. Class 4-\$114.56.
- 91            7. Class 5-\$142.31.

92        (c) A person who owns a personal locator beacon and who  
 93 owns more than one recreational vessel qualifies to pay the  
 94 reduced fee under paragraph (b) for only one such vessel.

95        (d) In order to qualify for reduced registration fees  
 96 under this subsection, a vessel owner must, at the time of  
 97 registration, demonstrate that the vessel is equipped with an  
 98 emergency position-indicating radio beacon or that the vessel  
 99 owner owns a personal locator beacon. The Department of Highway  
 100 Safety and Motor Vehicles may adopt rules specifying what  
 101 constitutes sufficient proof to qualify for reduced registration  
 102 fees under this subsection, but such proof must contain, at a  
 103 minimum, the following:

- 104            1. The name of the beacon owner.

- 105        2. The expiration date of the beacon's registration.
- 106        3. The unique identification number of the beacon.
- 107        4. For vessels equipped with an emergency position-
- 108 indicating radio beacon, identification of the vessel equipped
- 109 with the beacon.

110        (e) For each vessel registration qualifying for reduced  
 111 registration fees under this subsection, an amount equal to the  
 112 difference between the full registration fee amount and the  
 113 actual amount of registration fee paid for such vessel  
 114 registration shall be transferred from the General Revenue Fund  
 115 to the Department of Highway Safety and Motor Vehicles and shall  
 116 be distributed pursuant to s. 328.76.

117        Section 2. Subsection (1) of section 328.76, Florida  
 118 Statutes, is amended to read:

119        328.76 Marine Resources Conservation Trust Fund; vessel  
 120 registration funds; appropriation and distribution.—

121        (1) Except as otherwise specified in this subsection and  
 122 less the amount equal to any administrative costs which shall be  
 123 deposited in the Highway Safety Operating Trust Fund, in each  
 124 fiscal year beginning on or after July 1, 2001, all funds  
 125 collected from the registration of vessels through the  
 126 Department of Highway Safety and Motor Vehicles and the tax  
 127 collectors of the state and funds transferred from the General  
 128 Revenue Fund pursuant to s. 328.72(18), except for those funds  
 129 designated as the county portion pursuant to s. 328.72(1), shall  
 130 be deposited in the Marine Resources Conservation Trust Fund for



131 recreational channel marking; public launching facilities; law  
 132 enforcement and quality control programs; aquatic weed control;  
 133 manatee protection, recovery, rescue, rehabilitation, and  
 134 release; and marine mammal protection and recovery. The funds  
 135 collected pursuant to s. 328.72(1) shall be transferred as  
 136 follows:

137 (a) In each fiscal year, an amount equal to \$1.50 for each  
 138 commercial and recreational vessel registered in this state  
 139 shall be transferred by the Department of Highway Safety and  
 140 Motor Vehicles to the Save the Manatee Trust Fund and shall be  
 141 used only for the purposes specified in s. 379.2431(4).

142 (b) An amount equal to \$2 from each recreational vessel  
 143 registration fee, except that for class A-1 vessels, shall be  
 144 transferred by the Department of Highway Safety and Motor  
 145 Vehicles to the Invasive Plant Control Trust Fund in the Fish  
 146 and Wildlife Conservation Commission for aquatic weed research  
 147 and control.

148 (c) An amount equal to 40 percent of the registration fees  
 149 from commercial vessels shall be transferred by the Department  
 150 of Highway Safety and Motor Vehicles to the Invasive Plant  
 151 Control Trust Fund in the Fish and Wildlife Conservation  
 152 Commission for aquatic plant research and control.

153 (d) An amount equal to 40 percent of the registration fees  
 154 from commercial vessels shall be transferred by the Department  
 155 of Highway Safety and Motor Vehicles, on a monthly basis, to the  
 156 General Inspection Trust Fund of the Department of Agriculture

157 and Consumer Services. These funds shall be used for shellfish  
 158 and aquaculture development and quality control programs.

159 (e) After all administrative costs are funded and the  
 160 distributions in paragraphs (a)-(d) have been made, up to  
 161 \$400,000 shall be transferred by the Department of Highway  
 162 Safety and Motor Vehicles to the General Inspection Trust Fund  
 163 of the Department of Agriculture and Consumer Services to fund  
 164 activities relating to the protection, restoration, and research  
 165 of the natural oyster reefs and beds of the state. This  
 166 paragraph expires July 1, 2017.

167 (f) After all administrative costs are funded and the  
 168 distributions in paragraphs (a)-(d) have been made, up to  
 169 \$300,000 may be used by the Fish and Wildlife Conservation  
 170 Commission for boating safety education. This paragraph expires  
 171 July 1, 2017.

172 Section 3. Subsection (1) of section 328.66, Florida  
 173 Statutes, is amended to read:

174 328.66 County and municipality optional registration fee.—

175 (1) Any county may impose an annual registration fee on  
 176 vessels registered, operated, used, or stored on the waters of  
 177 this state within its jurisdiction. This fee shall be 50 percent  
 178 of the applicable state registration fee as provided in s.  
 179 328.72(1) and not the reduced vessel registration fee specified  
 180 in s. 328.72(18). However, the first \$1 of every registration  
 181 imposed under this subsection shall be remitted to the state for  
 182 deposit in the Save the Manatee Trust Fund created within the

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183 Fish and Wildlife Conservation Commission, and shall be used  
184 only for the purposes specified in s. 379.2431(4). All other  
185 moneys received from such fee shall be expended for the patrol,  
186 regulation, and maintenance of the lakes, rivers, and waters and  
187 for other boating-related activities of such municipality or  
188 county. A municipality that was imposing a registration fee  
189 before April 1, 1984, may continue to levy such fee,  
190 notwithstanding the provisions of this section.

191 Section 4. This act shall take effect July 1, 2016.

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 427 Recreational Vessel Registration

**SPONSOR(S):** Magar and others

**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee	11 Y, 0 N, As CS	Whittaker	Smith
2) Transportation & Economic Development Appropriations Subcommittee			
3) Economic Affairs Committee			

### SUMMARY ANALYSIS

The bill reduces state vessel registration fees for recreational vessels equipped with an Emergency Position-Indicating Radio Beacon, or for a recreational vessel where the owner owns a Personal Locator Beacon. The beacon must be registered with the National Oceanic and Atmospheric Administration in order for the owner to qualify for the reduced registration fee. A person who owns a personal locator beacon and who owns more than one recreational vessel qualifies to pay the reduced fee for only one of their vessels.

As provided in the bill, an **Emergency Position-Indicating Radio Beacon** means a device installed on the vessel being registered that:

- Transmits distress signals at a frequency between 406.0 and 406.1 MHz;
- Is manufactured by a company approved to manufacture beacons by the International Cospas-Sarsat Programme; and
- Is registered with the United States National Oceanic and Atmospheric Administration.

A **Personal Locator Beacon** means a device designed to be carried by an individual that:

- Transmits distress signals at a frequency between 406.0 and 406.1 MHz;
- Is manufactured by a company approved to manufacture beacons by the International Cospas-Sarsat Programme; and
- Is registered with the United States National Oceanic and Atmospheric Administration.

The bill will have a significant negative impact on state revenue. (See Fiscal Section)

The bill provides an effective date of July 1, 2016.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Present Situation

##### **Vessel Registration**

Vessels operated, used, or stored on the waters of this state must be registered with the Department of Highway Safety and Motor Vehicles (DHSMV) as a commercial or recreational<sup>1</sup> vessel, unless:

- The vessel is operated, used, and stored exclusively on private lakes and ponds;
- The vessel is owned by the U.S. Government;
- The vessel is used exclusively as a ship's lifeboat; or
- The vessel is non-motor-powered and less than 16 feet in length or a non-motor-powered canoe, kayak, racing shell, or rowing scull, regardless of length.<sup>2</sup>

Vessels are classified by their length which determines the base registration fee. The vessel registration fee for a 12-month period is as follows:

- *Class A-1*: Less than 12 feet in length, and all canoes to which propulsion motors have been attached, regardless of length: \$5.50;
- *Class A-2*: 12 feet or more and less than 16 feet in length: \$16.25;
- *Class 1*: 16 feet or more and less than 26 feet in length: \$28.75;
- *Class 2*: 26 feet or more and less than 40 feet in length: \$78.25;
- *Class 3*: 40 feet or more and less than 65 feet in length: \$127.75;
- *Class 4*: 65 feet or more and less than 110 feet in length: \$152.75;
- *Class 5*: 110 feet or more in length: \$189.75; and
- *Dealer registration certificate*: \$25.50.<sup>3</sup>

Additionally, any county may impose an annual registration fee on vessels registered, operated, used, or stored on the waters of this state within its jurisdiction. This fee is 50 percent of the applicable state registration fee, however the first \$1 of every registration must be remitted to the state for deposit in the Save the Manatee Trust Fund.<sup>4</sup> This optional county fee is retained by the county where the vessel is registered and is to be used for patrol, regulation, and maintenance of the lakes, rivers, and waters and for other boating-related activities within the municipality or county.<sup>5</sup>

##### **NOAA Search and Rescue Satellite Aided Tracking**

The National Oceanic and Atmospheric Administration (NOAA) operates the nation's Search and Rescue Satellite Aided Tracking (SARSAT) system to detect mariners, aviators, and others all over the globe by using satellites in low-earth and geostationary orbits to detect and locate beacon-users in distress.<sup>6</sup>

The United States and the governments of Canada, France, and Russia have an agreement to provide for long-term operation of the COSPAS-SARSAT<sup>7</sup> (C-S) Program, which also provides space-based relay of distress signals or alerts from emergency beacons. The program provides alerts to search and rescue authorities internationally.

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<sup>1</sup> s. 327.02(37), F.S. defines a "recreational vessel" as a vessel manufactured and used primarily for noncommercial purposes, or a vessel leased, rented, or chartered to a person for his or her noncommercial use.

<sup>2</sup> s. 328.48(2), F.S.

<sup>3</sup> s. 328.72(1), F.S.

<sup>4</sup> s. 328.66, F.S.

<sup>5</sup> *Id.*

<sup>6</sup> NOAA, *Welcome to SARSAT*, <http://www.sarsat.noaa.gov/index.html>. (last visited January 5, 2016).

<sup>7</sup> COSPAS is a Russian acronym for "Space System for Search of Vessels in Distress." See the SARSAT FAQ website:

<http://www.sarsat.noaa.gov/faq%202.html>. (last visited January 5, 2016).

Ground stations are called Local User Terminals (LUTs), which are satellite receiving units. LUTs are fully automated and unmanned. When an LUT receives a distress signal detected by satellite, it is transmitted to the mission control center (MCC) that operates that particular LUT. The MCC collects, stores, and sorts alerts from LUTs and other MCCs and distributes the alerts to search and rescue authorities and other MCCs.<sup>8</sup>

### Locator Beacons

The emergency beacons used to detect those in distress operate only in the 406.0 to 406.1 megahertz (MHz) frequency band to transmit digital messages to satellites for transmission to the appropriate LUT. The frequency is restricted to low power satellite emergency position-indicating beacons in the mobile satellite service. According to NOAA, two types of 406 MHz emergency beacons are:

- *Emergency Position-Indicating Radio Beacons*, or EPIRBs:  
An EPIRB is an emergency position-indicating radio beacon used in maritime watercraft that can be automatically or manually activated to transmit a distress signal to a satellite. EPIRBs that activate automatically typically have a hydro-static release mechanism that, when immersed, allows the beacon to release from its bracket, float to the surface and start transmitting. The beacon, along with the bracket, has to sink to approximately 3 meters before it will activate automatically. This should be taken into account when mounting an automatic EPIRB; and
- *Personal Locator Beacons*, or PLBs:  
A PLB is a personal locator beacon designed to be carried by an individual that can only be activated manually. PLBs can be used by people operating in remote areas.<sup>9</sup>

### Registration of Beacons with NOAA

Registration of a 406 MHz emergency beacon, and subsequent updating if the information changes, is free and required by Title 47 of the Code of Federal Regulations, part 80 for EPIRBs and part 95 for PLBs. Information provided in a registration is used by search and rescue authorities, along with the distress signal from the beacon, solely to help locate and rescue those in distress. NOAA provides an online system for initial and updated beacon registrations, and registration must be renewed every two years.<sup>10</sup>

NOAA indicated, as of October 6, 2015, 12,295 EPIRBs were registered indicating the vessel was registered in Florida, and 26,078 PLBs were registered indicating boat usage with a Florida mailing addresses.<sup>11</sup> Based on this data, approximately 10 percent of vessels currently registered in Florida would qualify for the reduced registration fee.

### Proposed Change

**Section 1** of the bill amends s. 328.72, F.S., reducing state vessel registration fees for recreational vessels equipped with an Emergency Position-Indicating Radio Beacon, or for a recreational vessel where the owner owns a Personal Locator Beacon. The beacon must be registered with the National Oceanic and Atmospheric Administration in order for the owner to qualify for the reduced registration fee. A person who owns a personal locator beacon and who owns more than one recreational vessel qualifies to pay the reduced fee for only one of their vessels. The registration fees are reduced as follows:

<b>Recreational Vessel Registration Fees for Each 12-Month Period</b>
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<sup>8</sup> Id.

<sup>9</sup> Id.

<sup>10</sup> Id., NOAA prefers owners register beacons online at [www.beaconregistration.noaa.gov](http://www.beaconregistration.noaa.gov), however individuals may also mail or fax signed registration forms.

<sup>11</sup> Revenue Estimating Conference, *Analysis of HB 427 – Vessel Registration Location Indicating Devices* (Oct. 29, 2015) available at: [http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2016/\\_pdf/Impact1029.pdf](http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2016/_pdf/Impact1029.pdf) (last visited January 5, 2016).

<i>Class of Vessel</i>	<i>Current Base Fee</i>	<i>Reduced Base Fee</i>
Class A-1	\$5.50	\$4.13
Class A-2	\$16.25	\$12.19
Class 1	\$28.75	\$21.56
Class 2	\$78.25	\$58.69
Class 3	\$127.75	\$95.81
Class 4	\$152.75	\$114.56
Class 5	\$189.75	\$142.31

The Department of Highway Safety and Motor Vehicles (DHSMV) may adopt rules specifying what constitutes sufficient proof to qualify for the reduced registration fees, but the proof must contain at least:

- The name of the beacon owner.
- The expiration date of the beacon's registration.
- The unique identification number of the beacon.
- For vessels equipped with an emergency position-indicating radio beacon, identification of the vessel equipped with the beacon.

For each vessel registration qualifying for reduced registration fees, an amount equal to the difference between the full registration fee amount and the actual amount of the registration fee paid for such vessel registration shall be transferred from the General Revenue Fund to the Department of Highway Safety and Motor Vehicles and shall be distributed pursuant to s. 328.76, F.S..

**Section 2** provides that the funds transferred from the General Revenue Fund may be deposited as specified in the Marine Resources Conservation Trust Fund.

**Section 3** provides that the County Optional Fee for vessel registration remains 50 percent of the applicable state registration fee *without* consideration of the reduced fees.

**Section 4** provides that the bill has an effective date of July 1, 2016.

#### B. SECTION DIRECTORY:

**Section 1** Amends s. 328.72, F.S., providing definitions; providing for a reduced recreational vessel registration fee when the vessel is equipped with an emergency position indicating radio beacon or the owner of the vessel owns a personal locator beacon; limiting application to one vessel per owner; authorizing the Department of Highway Safety and Motor Vehicles to adopt rules relating to proof of qualification; providing for certain funds to supplement the reduced amounts collected.

**Section 2** Amends s. 328.76, F.S., relating to the Marine Resources Conservation Trust Fund; providing for use of the supplemental funds.

**Section 3** Amends s. 328.66, F.S., relating to county and municipality optional registration fees; specifying that the reduced fees do not apply to the limitation on registration fees charged by a county.

**Section 4** Provides an effective date of July 1, 2016.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

The Revenue Estimating Conference (REC) reviewed the bill on October 29, 2015, and estimated the bill will reduce the total sum of recreational vessel registration fees collected by DHSMV by

\$500,000 for Fiscal Year 2016-2017 resulting in a negative impact on General Revenue funds of \$500,000 per fiscal year on a recurring basis.<sup>12</sup>

2. Expenditures:

DHSMV estimates 790 programming hours will be required for implementation at a cost of \$57,280.<sup>13</sup>

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill reduces recreational vessel registration fees for vessels equipped with or whose owner owns certain registered location beacons.

D. FISCAL COMMENTS:

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

The bill provides that DHSMV may adopt rules specifying what constitutes sufficient proof to qualify for reduced vessel registration fees. The bill specifies a minimum level of proof requirements.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

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<sup>12</sup> Revenue Estimating Conference, *Analysis of HB 427 – Vessel Registration Location Indicating Devices* (Oct. 29, 2015) available at: [http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2016/\\_pdf/Impact1029.pdf](http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2016/_pdf/Impact1029.pdf) (last visited January 5, 2016).

<sup>13</sup> Department of Highway Safety and Motor Vehicles, *Agency Analysis of 2016 House Bill 427*, p.5 (October 28, 2015) (On file with the House Highway and Waterway Safety Subcommittee).



#### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On January 13, 2016, The Highway and Waterway Safety Subcommittee adopted one amendment to HB 427 and reported the bill favorably as a committee substitute. The amendment:

- Brings the registration discount to a uniform 25% across each class.

This analysis is drafted to the committee substitute as reported by the Highway and Waterway Safety Subcommittee.

By Senator Ring

29-00359-16

2016644\_\_

1                   A bill to be entitled  
2           An act relating to boating safety; amending s. 327.39,  
3           F.S.; revising the minimum age to operate personal  
4           watercraft; conforming a provision to changes made by  
5           the act; amending s. 327.395, F.S.; removing the  
6           exemption from the photographic identification and  
7           boating safety identification card requirement for a  
8           person accompanied in the vessel by another person who  
9           meets certain criteria; reenacting s. 327.73(1)(p),  
10          F.S., relating to noncriminal infractions, to  
11          incorporate the amendment made to s. 327.39, F.S., in  
12          a reference thereto; providing an effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
16           Section 1. Subsections (5) and (6) of section 327.39,  
17           Florida Statutes, are amended to read:

18           327.39 Personal watercraft regulated.—

19           (5) No person under the age of 16 years ~~may~~ ~~shall~~  
20           operate any personal watercraft on the waters of this state.

21           (6) (a) It is unlawful for the owner of any personal  
22           watercraft or any person having charge over or control of a  
23           personal watercraft to authorize or knowingly permit the same to  
24           be operated by a person under the age of 16 ~~14 years~~ ~~of age~~ in  
25           violation of this section.

26           (b)1. It is unlawful for the owner of any leased, hired, or  
27           rented personal watercraft, or any person having charge over or  
28           control of a leased, hired, or rented personal watercraft, to  
29           authorize or knowingly permit the watercraft to be operated by

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30 any person who has not received instruction in the safe handling  
31 of personal watercraft, in compliance with rules established by  
32 the commission.

33 2. Any person receiving instruction in the safe handling of  
34 personal watercraft pursuant to a program established by rule of  
35 the commission must provide the owner of, or person having  
36 charge of or control over, a leased, hired, or rented personal  
37 watercraft with a written statement attesting to the same.

38 3. The commission shall have the authority to establish  
39 rules pursuant to chapter 120 prescribing the instruction to be  
40 given, which shall take into account the nature and operational  
41 characteristics of personal watercraft and general principles  
42 and regulations pertaining to boating safety.

43 (c) Any person who violates this subsection commits a  
44 misdemeanor of the second degree, punishable as provided in s.  
45 775.082 or s. 775.083.

46 Section 2. Subsection (6) of section 327.395, Florida  
47 Statutes, is amended to read:

48 327.395 Boating safety identification cards.—

49 (6) A person is exempt from subsection (1) if he or she:

50 (a) Is licensed by the United States Coast Guard to serve  
51 as master of a vessel.

52 (b) Operates a vessel only on a private lake or pond.

53 ~~(c) Is accompanied in the vessel by a person who is exempt~~  
54 ~~from this section or who holds an identification card in~~  
55 ~~compliance with this section, is 18 years of age or older, and~~  
56 ~~is attendant to the operation of the vessel and responsible for~~  
57 ~~the safe operation of the vessel and for any violation that~~  
58 ~~occurs during the operation of the vessel.~~

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59        (c)~~(d)~~ Is a nonresident who has in his or her possession  
60 proof that he or she has completed a boater education course or  
61 equivalency examination in another state which meets or exceeds  
62 the requirements of subsection (1).

63        (d)~~(e)~~ Is operating a vessel within 90 days after the  
64 purchase of that vessel and has available for inspection aboard  
65 that vessel a bill of sale meeting the requirements of s.  
66 328.46(1).

67        (e)~~(f)~~ Is operating a vessel within 90 days after  
68 completing the requirements of paragraph (1)(a) or paragraph  
69 (1)(b) and has a photographic identification card and a boater  
70 education certificate available for inspection as proof of  
71 having completed a boater education course. The boater education  
72 certificate must provide, at a minimum, the student's first and  
73 last name, the student's date of birth, and the date that he or  
74 she passed the course examination.

75        (f)~~(g)~~ Is exempted by rule of the commission.

76        Section 3. For the purpose of incorporating the amendment  
77 made by this act to section 327.39, Florida Statutes, in a  
78 reference thereto, paragraph (p) of subsection (1) of section  
79 327.73, Florida Statutes, is reenacted to read:

80        327.73 Noncriminal infractions.—

81        (1) Violations of the following provisions of the vessel  
82 laws of this state are noncriminal infractions:

83        (p) Section 327.39(1), (2), (3), and (5), relating to  
84 personal watercraft.

85

86 Any person cited for a violation of any provision of this  
87 subsection shall be deemed to be charged with a noncriminal

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88 infraction, shall be cited for such an infraction, and shall be  
89 cited to appear before the county court. The civil penalty for  
90 any such infraction is \$50, except as otherwise provided in this  
91 section. Any person who fails to appear or otherwise properly  
92 respond to a uniform boating citation shall, in addition to the  
93 charge relating to the violation of the boating laws of this  
94 state, be charged with the offense of failing to respond to such  
95 citation and, upon conviction, be guilty of a misdemeanor of the  
96 second degree, punishable as provided in s. 775.082 or s.  
97 775.083. A written warning to this effect shall be provided at  
98 the time such uniform boating citation is issued.

99 Section 4. This act shall take effect July 1, 2016.

1                                   A bill to be entitled  
 2           An act relating to boating safety; creating s.  
 3           327.385, F.S.; providing requirements for the  
 4           operation of recreational vessels by persons younger  
 5           than a specified age; amending s. 327.39, F.S.;  
 6           revising the minimum age to operate personal  
 7           watercraft; conforming a provision to changes made by  
 8           the act; amending s. 327.395, F.S.; removing the  
 9           exemption from the photographic identification and  
 10          boating safety identification card requirement for a  
 11          person accompanied in the vessel by another person who  
 12          meets certain criteria; amending s. 327.54, F.S.;  
 13          conforming a cross-reference; reenacting s.  
 14          327.73(1)(p), F.S., relating to noncriminal  
 15          infractions, to incorporate the amendment made to s.  
 16          327.39, F.S., in a reference thereto; providing an  
 17          effective date.

18  
 19   Be It Enacted by the Legislature of the State of Florida:

20  
 21           Section 1.   Section 327.385, Florida Statutes, is created  
 22   to read:

23           327.385   Operation of recreational vessels by persons  
 24   younger than 16 years of age.—A person who is younger than 16  
 25   years of age may not operate a recreational vessel on the waters  
 26   of this state unless he or she is accompanied by a person 21

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27 years of age or older who has a valid boating safety  
28 identification card or who is exempt from the boating safety  
29 identification card requirements of s. 327.395.

30 Section 2. Subsections (5) and (6) of section 327.39,  
31 Florida Statutes, are amended to read:

32 327.39 Personal watercraft regulated.—

33 (5) No person under the age of 16 years ~~may 14~~ ~~shall~~  
34 operate any personal watercraft on the waters of this state.

35 (6) (a) It is unlawful for the owner of any personal  
36 watercraft or any person having charge over or control of a  
37 personal watercraft to authorize or knowingly permit the same to  
38 be operated by a person under the age of 16 ~~14 years of age~~ in  
39 violation of this section.

40 (b)1. It is unlawful for the owner of any leased, hired,  
41 or rented personal watercraft, or any person having charge over  
42 or control of a leased, hired, or rented personal watercraft, to  
43 authorize or knowingly permit the watercraft to be operated by  
44 any person who has not received instruction in the safe handling  
45 of personal watercraft, in compliance with rules established by  
46 the commission.

47 2. Any person receiving instruction in the safe handling  
48 of personal watercraft pursuant to a program established by rule  
49 of the commission must provide the owner of, or person having  
50 charge of or control over, a leased, hired, or rented personal  
51 watercraft with a written statement attesting to the same.

52 3. The commission shall have the authority to establish

53 rules pursuant to chapter 120 prescribing the instruction to be  
 54 given, which shall take into account the nature and operational  
 55 characteristics of personal watercraft and general principles  
 56 and regulations pertaining to boating safety.

57 (c) Any person who violates this subsection commits a  
 58 misdemeanor of the second degree, punishable as provided in s.  
 59 775.082 or s. 775.083.

60 Section 3. Subsection (6) of section 327.395, Florida  
 61 Statutes, is amended to read:

62 327.395 Boating safety identification cards.—

63 (6) A person is exempt from subsection (1) if he or she:

64 (a) Is licensed by the United States Coast Guard to serve  
 65 as master of a vessel.

66 (b) Operates a vessel only on a private lake or pond.

67 ~~(c) Is accompanied in the vessel by a person who is exempt~~  
 68 ~~from this section or who holds an identification card in~~  
 69 ~~compliance with this section, is 18 years of age or older, and~~  
 70 ~~is attendant to the operation of the vessel and responsible for~~  
 71 ~~the safe operation of the vessel and for any violation that~~  
 72 ~~occurs during the operation of the vessel.~~

73 (c) ~~(d)~~ Is a nonresident who has in his or her possession  
 74 proof that he or she has completed a boater education course or  
 75 equivalency examination in another state which meets or exceeds  
 76 the requirements of subsection (1).

77 (d) ~~(e)~~ Is operating a vessel within 90 days after the  
 78 purchase of that vessel and has available for inspection aboard



79 | that vessel a bill of sale meeting the requirements of s.  
80 | 328.46(1).

81 |     (e)~~(f)~~ Is operating a vessel within 90 days after  
82 | completing the requirements of paragraph (1)(a) or paragraph  
83 | (1)(b) and has a photographic identification card and a boater  
84 | education certificate available for inspection as proof of  
85 | having completed a boater education course. The boater education  
86 | certificate must provide, at a minimum, the student's first and  
87 | last name, the student's date of birth, and the date that he or  
88 | she passed the course examination.

89 |     (f)~~(g)~~ Is exempted by rule of the commission.

90 |     Section 4. Subsection (2) of section 327.54, Florida  
91 | Statutes, is amended to read:

92 |         327.54 Liveries; safety regulations; penalty.—

93 |         (2) A livery may not knowingly lease, hire, or rent any  
94 | vessel powered by a motor of 10 horsepower or greater to any  
95 | person who is required to comply with s. 327.395, unless such  
96 | person presents to the livery photographic identification and a  
97 | valid boater safety identification card as required under s.  
98 | 327.395(1), or meets the exemption provided under s.

99 | 327.395(6)(e) ~~327.395(6)(f)~~.

100 |     Section 5. For the purpose of incorporating the amendment  
101 | made by this act to section 327.39, Florida Statutes, in a  
102 | reference thereto, paragraph (p) of subsection (1) of section  
103 | 327.73, Florida Statutes, is reenacted to read:

104 |         327.73 Noncriminal infractions.—

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105 (1) Violations of the following provisions of the vessel  
106 laws of this state are noncriminal infractions:

107 (p) Section 327.39(1), (2), (3), and (5), relating to  
108 personal watercraft.

109

110 Any person cited for a violation of any provision of this  
111 subsection shall be deemed to be charged with a noncriminal  
112 infraction, shall be cited for such an infraction, and shall be  
113 cited to appear before the county court. The civil penalty for  
114 any such infraction is \$50, except as otherwise provided in this  
115 section. Any person who fails to appear or otherwise properly  
116 respond to a uniform boating citation shall, in addition to the  
117 charge relating to the violation of the boating laws of this  
118 state, be charged with the offense of failing to respond to such  
119 citation and, upon conviction, be guilty of a misdemeanor of the  
120 second degree, punishable as provided in s. 775.082 or s.  
121 775.083. A written warning to this effect shall be provided at  
122 the time such uniform boating citation is issued.

123 Section 6. This act shall take effect July 1, 2016.

By Senators Negrón and Benacquisto

32-01093B-16

20161168\_\_

1                   A bill to be entitled  
2           An act relating to implementation of the water and  
3           land conservation constitutional amendment; amending  
4           s. 375.041, F.S.; requiring a minimum specified  
5           percentage of funds within the Land Acquisition Trust  
6           Fund to be appropriated for Everglades restoration  
7           projects; providing a preference in the use of funds  
8           to certain projects that reduce harmful discharges to  
9           the St. Lucie Estuary and the Caloosahatchee Estuary;  
10          providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14           Section 1. Subsection (3) of section 375.041, Florida  
15 Statutes, is amended to read:

16           375.041 Land Acquisition Trust Fund.—

17           (3) Funds distributed into the Land Acquisition Trust Fund  
18 pursuant to s. 201.15 shall be applied:

19           (a) First, to pay debt service or to fund debt service  
20 reserve funds, rebate obligations, or other amounts payable with  
21 respect to Florida Forever bonds issued under s. 215.618; and  
22 pay debt service, provide reserves, and pay rebate obligations  
23 and other amounts due with respect to Everglades restoration  
24 bonds issued under s. 215.619; and

25           (b) Of the funds remaining after the payments required  
26 under paragraph (a) but before funds may be appropriated or  
27 dedicated for other uses, a minimum of the lesser of 25 percent  
28 or \$200 million shall be appropriated annually for Everglades  
29 projects that implement the Comprehensive Everglades Restoration  
30 Plan as set forth in s. 373.470, including the Central  
31 Everglades Planning Project subject to congressional  
32 authorization; the Long-Term Plan as defined in s. 373.4592(2);

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33 and the Northern Everglades and Estuaries Protection Program as  
34 set forth in s. 373.4595. From these funds, \$32 million shall be  
35 distributed each fiscal year through the 2023-2024 fiscal year  
36 to the South Florida Water Management District for the Long-Term  
37 Plan as defined in s. 373.4592(2). After deducting the \$32  
38 million distributed under this paragraph, from the funds  
39 remaining, a minimum of the lesser of 76.5 percent or \$100  
40 million shall be appropriated each fiscal year through the 2025-  
41 2026 fiscal year for the planning, design, engineering, and  
42 construction of the Comprehensive Everglades Restoration Plan as  
43 set forth in s. 373.470, including the Central Everglades  
44 Planning Project subject to congressional authorization. The  
45 Department of Environmental Protection and the South Florida  
46 Water Management District shall give preference to those  
47 Everglades restoration projects that reduce harmful discharges  
48 of water from Lake Okeechobee to the St. Lucie or Caloosahatchee  
49 estuaries in a timely manner ~~Then, to pay the debt service on~~  
50 ~~bonds issued before February 1, 2009, by the South Florida Water~~  
51 ~~Management District and the St. Johns River Water Management~~  
52 ~~District, which are secured by revenues provided pursuant to~~  
53 ~~former s. 373.59, Florida Statutes 2014, or which are necessary~~  
54 ~~to fund debt service reserve funds, rebate obligations, or other~~  
55 ~~amounts payable with respect to such bonds. This paragraph~~  
56 ~~expires July 1, 2016; and~~

57 ~~(c) Then, to distribute \$32 million each fiscal year to the~~  
58 ~~South Florida Water Management District for the Long-Term Plan~~  
59 ~~as defined in s. 373.4592(2). This paragraph expires July 1,~~  
60 ~~2024.~~

61 Section 2. This act shall take effect July 1, 2016.

1                                   A bill to be entitled  
 2           An act relating to implementation of the water and  
 3           land conservation constitutional amendment; amending  
 4           s. 375.041, F.S.; requiring a minimum specified  
 5           percentage of funds within the Land Acquisition Trust  
 6           Fund to be appropriated for Everglades restoration  
 7           projects; providing a preference in the use of funds  
 8           to certain projects that reduce discharges to the St.  
 9           Lucie and Caloosahatchee estuaries; providing an  
 10          effective date.

11

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

13

14           Section 1. Subsection (3) of section 375.041, Florida  
 15 Statutes, is amended to read:

16           375.041 Land Acquisition Trust Fund.—

17           (3) Funds distributed into the Land Acquisition Trust Fund  
 18 pursuant to s. 201.15 shall be applied:

19           (a) First, to pay debt service or to fund debt service  
 20 reserve funds, rebate obligations, or other amounts payable with  
 21 respect to Florida Forever bonds issued under s. 215.618; and  
 22 pay debt service, provide reserves, and pay rebate obligations  
 23 and other amounts due with respect to Everglades restoration  
 24 bonds issued under s. 215.619; and

25           (b) Of the funds remaining after the payments required  
 26 under paragraph (a) but before funds may be appropriated or

27 dedicated for other uses, a minimum of the lesser of 25 percent  
28 or \$200 million shall be appropriated annually for Everglades  
29 projects that implement the Comprehensive Everglades Restoration  
30 Plan as set forth in s. 373.470, the Long-Term Plan as defined  
31 in s. 373.4592(2), including the Central Everglades Planning  
32 Project subject to congressional authorization, and the Northern  
33 Everglades and Estuaries Protection Program as set forth in s.  
34 373.4595. From these funds, \$32 million shall be distributed  
35 each fiscal year through the 2023-2024 fiscal year to the South  
36 Florida Water Management District for the Long-Term Plan as  
37 defined in s. 373.4592(2). After deducting the \$32 million  
38 distributed under this paragraph, from the funds remaining, a  
39 minimum of the lesser of 76.5 percent or \$100 million shall be  
40 appropriated each fiscal year through the 2025-2026 fiscal year  
41 for the planning, design, engineering, and construction of the  
42 Comprehensive Everglades Restoration Plan as set forth in s.  
43 373.470, including the Central Everglades Planning Project  
44 subject to congressional authorization. The Department of  
45 Environmental Protection and the South Florida Water Management  
46 District shall give preference to those Everglades restoration  
47 projects that reduce harmful discharges of water from Lake  
48 Okeechobee to the St. Lucie or Caloosahatchee estuaries in a  
49 timely manner ~~Then, to pay the debt service on bonds issued~~  
50 ~~before February 1, 2009, by the South Florida Water Management~~  
51 ~~District and the St. Johns River Water Management District,~~  
52 ~~which are secured by revenues provided pursuant to former s.~~

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53 ~~373.59, Florida Statutes 2014, or which are necessary to fund~~  
54 ~~debt service reserve funds, rebate obligations, or other amounts~~  
55 ~~payable with respect to such bonds. This paragraph expires July~~  
56 ~~1, 2016; and~~

57 ~~(c) Then, to distribute \$32 million each fiscal year to~~  
58 ~~the South Florida Water Management District for the Long Term~~  
59 ~~Plan as defined in s. 373.4592(2). This paragraph expires July~~  
60 ~~1, 2024.~~

61 Section 2. This act shall take effect July 1, 2016.

By Senator Simpson

18-01671-16

20161260\_\_

1 A bill to be entitled  
 2 An act relating to recreational boating zones;  
 3 creating s. 327.4107, F.S.; prohibiting overnight  
 4 anchoring or mooring of vessels in specified  
 5 recreational boating zones; amending s. 327.73, F.S.;

6 providing penalties; providing an effective date.

7  
 8 Be It Enacted by the Legislature of the State of Florida:

9  
 10 Section 1. Section 327.4107, Florida Statutes, is created  
 11 to read:

12 327.4107 Anchoring or mooring of vessels in recreational  
 13 boating zones.—

14 (1) A person may not anchor or moor a vessel at any time  
 15 between the hours from one-half hour after sunset to one-half  
 16 hour before sunrise in the following recreational boating zones:

17 (a) The section of Middle River lying between Northeast  
 18 21st Court and the Intracoastal Waterway in Broward County.

19 (b) Sunset Lake in Miami-Dade County.

20 (c) The sections of Biscayne Bay in Miami-Dade County lying  
 21 between:

22 1. Rivo Alto Island and Di Lido Island.

23 2. San Marino Island and San Marco Island.

24 3. San Marco Island and Biscayne Island.

25 (d) Crab Island in Choctawhatchee Bay at the East Pass in  
 26 Okaloosa County.

27 (2) A violation of this section is punishable as provided  
 28 in s. 327.73(1)(y).

29 Section 2. Paragraph (y) is added to subsection (1) of  
 30 section 327.73, Florida Statutes, to read:

31 327.73 Noncriminal infractions.—

32 (1) Violations of the following provisions of the vessel



18-01671-16

20161260\_\_

33 laws of this state are noncriminal infractions:

34 (y) Section 327.4107, relating to the anchoring or mooring  
35 of vessels in recreational boating zones.

36

37 Any person cited for a violation of any provision of this  
38 subsection shall be deemed to be charged with a noncriminal  
39 infraction, shall be cited for such an infraction, and shall be  
40 cited to appear before the county court. The civil penalty for  
41 any such infraction is \$50, except as otherwise provided in this  
42 section. Any person who fails to appear or otherwise properly  
43 respond to a uniform boating citation shall, in addition to the  
44 charge relating to the violation of the boating laws of this  
45 state, be charged with the offense of failing to respond to such  
46 citation and, upon conviction, be guilty of a misdemeanor of the  
47 second degree, punishable as provided in s. 775.082 or s.  
48 775.083. A written warning to this effect shall be provided at  
49 the time such uniform boating citation is issued.

50 Section 3. This act shall take effect July 1, 2016.

1                                   A bill to be entitled  
 2           An act relating to recreational boating zones;  
 3           creating s. 327.4107, F.S.; prohibiting overnight  
 4           anchoring or mooring of vessels in specified  
 5           recreational boating zones; amending s. 327.73, F.S.;  
 6           providing penalties; providing an effective date.

7  
 8   Be It Enacted by the Legislature of the State of Florida:

9  
 10           Section 1. Section 327.4107, Florida Statutes, is created  
 11           to read:

12           327.4107 Anchoring or mooring of vessels in recreational  
 13           boating zones.—

14           (1) A person may not anchor or moor a vessel at any time  
 15           between the hours from one-half hour after sunset to one-half  
 16           hour before sunrise in the following recreational boating zones:

17           (a) The section of Middle River lying between Northeast  
 18           21st Court and the Intracoastal Waterway in Broward County.

19           (b) Sunset Lake in Miami-Dade County.

20           (c) The sections of Biscayne Bay in Miami-Dade County  
 21           lying between:

22           1. Rivo Alto Island and Di Lido Island.

23           2. San Marino Island and San Marco Island.

24           3. San Marco Island and Biscayne Island.

25           (d) Crab Island in Choctawhatchee Bay at the East Pass in  
 26           Okaloosa County.

27 (2) A violation of this section is punishable as provided  
 28 in s. 327.73(1)(y).

29 Section 2. Paragraph (y) is added to subsection (1) of  
 30 section 327.73, Florida Statutes, to read:

31 327.73 Noncriminal infractions.—

32 (1) Violations of the following provisions of the vessel  
 33 laws of this state are noncriminal infractions:

34 (y) Section 327.4107, relating to the anchoring or mooring  
 35 of vessels in recreational boating zones.

36  
 37 Any person cited for a violation of any provision of this  
 38 subsection shall be deemed to be charged with a noncriminal  
 39 infraction, shall be cited for such an infraction, and shall be  
 40 cited to appear before the county court. The civil penalty for  
 41 any such infraction is \$50, except as otherwise provided in this  
 42 section. Any person who fails to appear or otherwise properly  
 43 respond to a uniform boating citation shall, in addition to the  
 44 charge relating to the violation of the boating laws of this  
 45 state, be charged with the offense of failing to respond to such  
 46 citation and, upon conviction, be guilty of a misdemeanor of the  
 47 second degree, punishable as provided in s. 775.082 or s.  
 48 775.083. A written warning to this effect shall be provided at  
 49 the time such uniform boating citation is issued.

50 Section 3. This act shall take effect July 1, 2016.

1                                   A bill to be entitled  
 2           An act relating to driving or boating under the  
 3           influence; providing a short title; amending ss.  
 4           316.193 and 327.35, F.S.; providing that a person with  
 5           a specified amount of delta 9-tetrahydrocannabinol per  
 6           milliliter of blood commits the offense of driving  
 7           under the influence or boating under the influence,  
 8           respectively; providing an effective date.

9  
 10   Be It Enacted by the Legislature of the State of Florida:

11  
 12           Section 1. This act may be cited as the "Naomi Pomerance  
 13 Victim Safety Act."

14           Section 2. Subsection (1) of section 316.193, Florida  
 15 Statutes, is amended to read:

16           316.193 Driving under the influence; penalties.—

17           (1) A person commits ~~is guilty of~~ the offense of driving  
 18 under the influence and is subject to punishment as provided in  
 19 subsection (2) if the person is driving or in actual physical  
 20 control of a vehicle within this state and:

21           (a) The person is under the influence of alcoholic  
 22 beverages, any chemical substance set forth in s. 877.111, or  
 23 any substance controlled under chapter 893, when affected to the  
 24 extent that the person's normal faculties are impaired;

25           (b) The person has a blood-alcohol level of 0.08 or more  
 26 grams of alcohol per 100 milliliters of blood; ~~or~~

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27 (c) The person has a breath-alcohol level of 0.08 or more  
 28 grams of alcohol per 210 liters of breath; or

29 (d) The person has a blood level of 5 nanograms or more of  
 30 delta 9-tetrahydrocannabinol per milliliter of blood, as shown  
 31 by analysis of the person's blood.

32 Section 3. Subsection (1) of section 327.35, Florida  
 33 Statutes, is amended to read:

34 327.35 Boating under the influence; penalties; "designated  
 35 drivers."—

36 (1) A person commits ~~is guilty of~~ the offense of boating  
 37 under the influence and is subject to punishment as provided in  
 38 subsection (2) if the person is operating a vessel within this  
 39 state and:

40 (a) The person is under the influence of alcoholic  
 41 beverages, any chemical substance set forth in s. 877.111, or  
 42 any substance controlled under chapter 893, when affected to the  
 43 extent that the person's normal faculties are impaired;

44 (b) The person has a blood-alcohol level of 0.08 or more  
 45 grams of alcohol per 100 milliliters of blood; ~~or~~

46 (c) The person has a breath-alcohol level of 0.08 or more  
 47 grams of alcohol per 210 liters of breath; or

48 (d) The person has a blood level of 5 nanograms or more of  
 49 delta 9-tetrahydrocannabinol per milliliter of blood, as shown  
 50 by analysis of the person's blood.

51 Section 4. This act shall take effect October 1, 2016.

By Senator Brandes

22-01822A-16

20161506\_\_

1                   A bill to be entitled  
2           An act relating to manatees; amending s. 215.22, F.S.;  
3           exempting, until a specified date, certain revenue  
4           deposited in the Save the Manatee Trust Fund from a  
5           service charge assessed against state trust funds;  
6           amending s. 379.2431, F.S.; authorizing the  
7           expenditure of funds from the Save the Manatee Trust  
8           Fund to conduct a manatee speed zone study and  
9           statewide manatee distribution and abundance surveys  
10          and reports; creating s. 379.2434, F.S.; requiring the  
11          Fish and Wildlife Conservation Commission to contract  
12          with an independent, qualified party to conduct a  
13          manatee speed zone effectiveness study; requiring the  
14          commission to submit a report detailing the findings  
15          of the study to the Governor and Legislature by a  
16          specified date; requiring the commission to conduct a  
17          statewide manatee distribution and abundance survey  
18          and report; authorizing the commission to conduct  
19          additional surveys and reports as necessary;  
20          authorizing the expenditure of funds from the Save the  
21          Manatee Trust Fund to conduct the manatee speed zone  
22          study and statewide manatee distribution and abundance  
23          surveys and reports; providing an effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

26  
27           Section 1. Paragraph (w) is added to subsection (1) of  
28           section 215.22, Florida Statutes, to read:

29           215.22 Certain income and certain trust funds exempt.—

30           (1) The following income of a revenue nature or the  
31           following trust funds shall be exempt from the appropriation  
32           required by s. 215.20(1):

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33 (w) Until July 1, 2026, the Save the Manatee Trust Fund.

34 Section 2. Subsection (4) of section 379.2431, Florida  
35 Statutes, is amended to read:

36 379.2431 Marine animals; regulation.—

37 (4) ~~ANNUAL~~ FUNDING OF PROGRAMS FOR MARINE ANIMALS.—

38 (a) Each fiscal year the Save the Manatee Trust Fund shall  
39 be available to fund an impartial scientific benchmark census of  
40 the manatee population in the state. Weather permitting, the  
41 study shall be conducted annually by the Fish and Wildlife  
42 Conservation Commission and the results shall be made available  
43 to the President of the Senate, the Speaker of the House of  
44 Representatives, and the Governor and Cabinet for use in the  
45 evaluation and development of manatee protection measures. In  
46 addition, the Save the Manatee Trust Fund shall be available for  
47 annual funding of the provisions specified in s. 379.2434;  
48 activities of public and private organizations and those of the  
49 commission intended to provide manatee and marine mammal  
50 protection and recovery effort; manufacture and erection of  
51 informational and regulatory signs; production, publication, and  
52 distribution of educational materials; participation in manatee  
53 and marine mammal research programs, including carcass salvage  
54 and other programs; programs intended to assist the recovery of  
55 the manatee as an endangered species, assist the recovery of the  
56 endangered or threatened marine mammals, and prevent the  
57 endangerment of other species of marine mammals; and other  
58 similar programs intended to protect and enhance the recovery of  
59 the manatee and other species of marine mammals.

60 (b) By December 1 each year, the Fish and Wildlife  
61 Conservation Commission shall provide the President of the

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62 Senate and the Speaker of the House of Representatives a written  
63 report, enumerating the amounts and purposes for which all  
64 proceeds in the Save the Manatee Trust Fund for the previous  
65 fiscal year are expended, in a manner consistent with those  
66 recovery tasks enumerated within the manatee recovery plan as  
67 required by the Endangered Species Act.

68 (c) When the federal and state governments remove the  
69 manatee from status as an endangered or threatened species, the  
70 annual allocation may be reduced.

71 (d) Up to 10 percent of the annual use fee deposited in the  
72 Save the Manatee Trust Fund from the sale of the manatee license  
73 plate authorized in s. 320.08058 may be used to promote and  
74 market the license plate issued by the Department of Highway  
75 Safety and Motor Vehicles after June 30, 2007.

76 Section 3. Section 379.2434, Florida Statutes, is created  
77 to read:

78 379.2434 Manatee speed zone effectiveness study; manatee  
79 distribution and abundance survey and report.-

80 (1) The commission shall contract with an independent,  
81 qualified party to conduct a study evaluating the effectiveness  
82 of manatee speed zones including if, and to what extent, risks  
83 to manatees are reduced by such zones. The commission shall  
84 submit a report to the Governor, the President of the Senate,  
85 and the Speaker of the House of Representatives by January 1,  
86 2019, detailing the findings of the study.

87 (2) By July 1, 2018, the commission shall conduct a  
88 statewide manatee distribution and abundance survey and report.

89 (a) The survey and report must achieve a scientifically  
90 reliable population estimate.



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91       (b) The commission may repeat, as necessary to determine  
92 best practices, the statewide manatee distribution and abundance  
93 survey and report until at least July 1, 2026.

94       (3) To provide additional funding for the speed zone  
95 effectiveness study and the manatee distribution and abundance  
96 surveys and reports, the Save the Manatee Trust Fund is exempted  
97 until July 1, 2026, from the requirement to contribute a service  
98 charge to the General Revenue Fund under s. 215.20. Funds  
99 required to implement the study, surveys, and reports may be  
100 appropriated from the Save the Manatee Trust Fund to the extent  
101 that funding is not available from other sources.

102       Section 4. This act shall take effect July 1, 2016.

HB 1273

2016

1 A bill to be entitled

2 An act relating to manatees; amending s. 215.22, F.S.;

3 exempting, until a specified date, certain revenue

4 deposited in the Save the Manatee Trust Fund from a

5 service charge assessed against state trust funds;

6 amending s. 379.2431, F.S.; authorizing the

7 expenditure of funds from the Save the Manatee Trust

8 Fund to conduct a manatee speed zone study and

9 statewide manatee distribution and abundance surveys

10 and reports; creating s. 379.2434, F.S.; requiring the

11 Fish and Wildlife Conservation Commission to contract

12 with an independent, qualified party to conduct a

13 manatee speed zone effectiveness study; requiring the

14 commission to submit a report detailing the findings

15 of the study to the Governor and Legislature by a

16 specified date; requiring the commission to conduct a

17 statewide manatee distribution and abundance survey

18 and report; authorizing the commission to conduct

19 additional surveys and reports as necessary;

20 authorizing the expenditure of funds from the Save the

21 Manatee Trust Fund to conduct the manatee speed zone

22 study and statewide manatee distribution and abundance

23 surveys and reports; providing an effective date.

24

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

26

27 Section 1. Paragraph (w) is added to subsection (1) of  
 28 section 215.22, Florida Statutes, to read:

29 215.22 Certain income and certain trust funds exempt.—

30 (1) The following income of a revenue nature or the  
 31 following trust funds shall be exempt from the appropriation  
 32 required by s. 215.20(1):

33 (w) Until July 1, 2026, the Save the Manatee Trust Fund.

34 Section 2. Subsection (4) of section 379.2431, Florida  
 35 Statutes, is amended to read:

36 379.2431 Marine animals; regulation.—

37 (4) ~~ANNUAL~~ FUNDING OF PROGRAMS FOR MARINE ANIMALS.—

38 (a) Each fiscal year the Save the Manatee Trust Fund shall  
 39 be available to fund an impartial scientific benchmark census of  
 40 the manatee population in the state. Weather permitting, the  
 41 study shall be conducted annually by the Fish and Wildlife  
 42 Conservation Commission and the results shall be made available  
 43 to the President of the Senate, the Speaker of the House of  
 44 Representatives, and the Governor and Cabinet for use in the  
 45 evaluation and development of manatee protection measures. In  
 46 addition, the Save the Manatee Trust Fund shall be available for  
 47 annual funding of the provisions specified in s. 379.2434;  
 48 activities of public and private organizations and those of the  
 49 commission intended to provide manatee and marine mammal  
 50 protection and recovery effort; manufacture and erection of  
 51 informational and regulatory signs; production, publication, and  
 52 distribution of educational materials; participation in manatee

53 and marine mammal research programs, including carcass salvage  
54 and other programs; programs intended to assist the recovery of  
55 the manatee as an endangered species, assist the recovery of the  
56 endangered or threatened marine mammals, and prevent the  
57 endangerment of other species of marine mammals; and other  
58 similar programs intended to protect and enhance the recovery of  
59 the manatee and other species of marine mammals.

60 (b) By December 1 each year, the Fish and Wildlife  
61 Conservation Commission shall provide the President of the  
62 Senate and the Speaker of the House of Representatives a written  
63 report, enumerating the amounts and purposes for which all  
64 proceeds in the Save the Manatee Trust Fund for the previous  
65 fiscal year are expended, in a manner consistent with those  
66 recovery tasks enumerated within the manatee recovery plan as  
67 required by the Endangered Species Act.

68 (c) When the federal and state governments remove the  
69 manatee from status as an endangered or threatened species, the  
70 annual allocation may be reduced.

71 (d) Up to 10 percent of the annual use fee deposited in  
72 the Save the Manatee Trust Fund from the sale of the manatee  
73 license plate authorized in s. 320.08058 may be used to promote  
74 and market the license plate issued by the Department of Highway  
75 Safety and Motor Vehicles after June 30, 2007.

76 Section 3. Section 379.2434, Florida Statutes, is created  
77 to read:

78 379.2434 Manatee speed zone effectiveness study; manatee

79 distribution and abundance survey and report.—

80 (1) The commission shall contract with an independent,  
81 qualified party to conduct a study evaluating the effectiveness  
82 of manatee speed zones including if, and to what extent, risks  
83 to manatees are reduced by such zones. The commission shall  
84 submit a report to the Governor, the President of the Senate,  
85 and the Speaker of the House of Representatives by January 1,  
86 2019, detailing the findings of the study.

87 (2) By July 1, 2018, the commission shall conduct a  
88 statewide manatee distribution and abundance survey and report.

89 (a) The survey and report must achieve a scientifically  
90 reliable population estimate.

91 (b) The commission may repeat, as necessary to determine  
92 best practices, the statewide manatee distribution and abundance  
93 survey and report until at least July 1, 2026.

94 (3) To provide additional funding for the speed zone  
95 effectiveness study and the manatee distribution and abundance  
96 surveys and reports, the Save the Manatee Trust Fund is exempted  
97 until July 1, 2026, from the requirement to contribute a service  
98 charge to the General Revenue Fund under s. 215.20. Funds  
99 required to implement the study, surveys, and reports may be  
100 appropriated from the Save the Manatee Trust Fund to the extent  
101 that funding is not available from other sources.

102 Section 4. This act shall take effect July 1, 2016.