

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Caldwell offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 287 and 288, insert:

5 Section 13. Subsection (24) of section 373.019, Florida
6 Statutes, is amended to read:

7 373.019 Definitions.—When appearing in this chapter or in
8 any rule, regulation, or order adopted pursuant thereto, the
9 term:

10 (24) "Water resource development" means the formulation
11 and implementation of regional water resource management
12 strategies, including the collection and evaluation of surface
13 water and groundwater data; structural and nonstructural
14 programs to protect and manage water resources; the development

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15 of regional water resource implementation programs; the
16 construction, operation, and maintenance of major public works
17 facilities to provide for flood control, surface and underground
18 water storage, and groundwater recharge augmentation; and
19 related technical assistance to local governments, ~~and to~~
20 government-owned and privately owned water utilities, and self-
21 suppliers to the extent assistance to self-suppliers promotes
22 the policies set forth in s. 373.016.

23 Section 14. Paragraph (b) of subsection (7) of section
24 373.036, Florida Statutes, is amended to read:

25 373.036 Florida water plan; district water management
26 plans.—

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

28 (b) The consolidated annual report shall contain the
29 following elements, as appropriate to that water management
30 district:

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

33 2. The department-approved minimum flows and minimum water
34 levels annual priority list and schedule required by s.
35 373.042(3) ~~373.042(2)~~.

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

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

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

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

44 7. The mitigation donation annual report required by s.
45 373.414(1) (b)2.

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

48 a. A list of all specific projects identified to implement
49 a basin management action plan or a recovery or prevention
50 strategy;

51 b. A priority ranking for each listed project for which
52 state funding through the water resources work program is
53 requested, which must be made available to the public for
54 comment at least 30 days before submission of the consolidated
55 annual report;

56 c. The estimated cost for each listed project;

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

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

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

64 9. A grade for each watershed, water body, or water
65 segment in which a project listed under subparagraph 8. is

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66 located representing the level of impairment and violations of
67 adopted minimum flow or minimum water level. The grading system
68 must reflect the severity of the impairment of the watershed,
69 waterbody, or water segment.

70 Section 15. Section 373.0465, Florida Statutes, is created
71 to read:

72 373.0465 Central Florida Water Initiative.-

73 (1) The Legislature finds that:

74 (a) Historically, the Floridan Aquifer system has supplied
75 the vast majority of the water used in the Central Florida
76 Coordination Area.

77 (b) Because the boundaries of the St. Johns River Water
78 Management District, the South Florida Water Management
79 District, and the Southwest Florida Water Management District
80 meet within the Central Florida Coordination Area, the three
81 districts and the Department of Environmental Protection have
82 worked cooperatively to determine that the Floridan Aquifer
83 system is locally approaching the sustainable limits of use and
84 are exploring the need to develop sources of water to meet the
85 long-term water needs of the area.

86 (c) The Central Florida Water Initiative is a
87 collaborative process involving the Department of Environmental
88 Protection, the St. Johns River Water Management District, the
89 South Florida Water Management District, the Southwest Florida
90 Water Management District, the Department of Agriculture and
91 Consumer Services, regional public water supply utilities, and

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92 other stakeholders. As set forth in the Central Florida Water
93 Initiative Guiding Document of January 30, 2015, the initiative
94 has developed an initial framework for a unified process to
95 address the current and long-term water supply needs of Central
96 Florida without causing harm to the water resources and
97 associated natural systems.

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

102 (2) (a) As used in this section, the term "Central Florida
103 Water Initiative Area" means all of Orange, Osceola, Polk, and
104 Seminole Counties, and southern Lake County, as designated by
105 the Central Florida Water Initiative Guiding Document of January
106 30, 2015.

107 (b) The department, the St. Johns River Water Management
108 District, the South Florida Water Management District, the
109 Southwest Florida Water Management District, and the Department
110 of Agriculture and Consumer Services shall:

111 1. Provide for a continuation of the collaborative process
112 in the Central Florida Water Initiative Area among the state
113 agencies, affected water management districts, regional public
114 water supply utilities, and other stakeholders;

115 2. Build upon the guiding principles and goals set forth
116 in the Central Florida Water Initiative Guiding Document of
117 January 30, 2015, and the work that has already been

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118 accomplished by the Central Florida Water Initiative
119 participants;

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

125 4. Provide for a single hydrologic planning model to
126 assess the availability of groundwater in the Central Florida
127 Water Initiative Area.

128 (c) In developing the water supply planning program
129 consistent with the goals set forth in this subsection, the
130 department, the St. Johns River Water Management District, the
131 South Florida Water Management District, the Southwest Florida
132 Water Management District, and the Department of Agriculture and
133 Consumer Services shall:

134 1. Consider limitations on groundwater use together with
135 opportunities for new, increased, or redistributed groundwater
136 uses that are consistent with the conditions established under
137 s. 373.223;

138 2. Establish a coordinated process for the identification
139 of water resources requiring new or revised conditions
140 consistent with the conditions established under s. 373.223;

141 3. Consider existing recovery or prevention strategies;

142 4. Include a list of water supply options sufficient to
143 meet the water needs of all existing and future reasonable-

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144 beneficial uses consistent with the conditions established under
145 s. 373.223; and

146 5. Identify, as necessary, which of the water supply
147 sources are preferred water supply sources pursuant to s.
148 373.2234.

149 (d) The department, in consultation with the St. Johns
150 River Water Management District, the South Florida Water
151 Management District, the Southwest Florida Water Management
152 District, and the Department of Agriculture and Consumer
153 Services, shall adopt uniform rules for application within the
154 Central Florida Water Initiative Area that include:

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

157 2. A single method for calculating residential per capita
158 water use;

159 3. A single process for permit reviews;

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

162 5. A goal for residential per capita water use for each
163 consumptive use permit; and

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

166
167 The uniform rules shall include existing recovery strategies
168 within the Central Florida Water Initiative Area adopted before
169 July 1, 2015. The department may grant variances to the uniform

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170 rules if there are unique circumstances or hydrogeological
171 factors that make application of the uniform rules unrealistic
172 or impractical.

173 (e) The department shall initiate rulemaking for the
174 uniform rules by December 31, 2015. The department's uniform
175 rules shall be applied by the water management districts only
176 within the Central Florida Water Initiative Area. Upon adoption
177 of the rules, the water management districts shall implement the
178 rules without further rulemaking pursuant to s. 120.54. The
179 rules adopted by the department pursuant to this section are
180 considered the rules of the water management districts.

181 (f) Water management district planning programs developed
182 pursuant this subsection shall be approved or adopted as
183 required under this chapter. However, such planning programs may
184 not serve to modify planning programs in areas of the affected
185 districts that are not within the Central Florida Water
186 Initiative Area, but may include interregional projects located
187 outside the Central Florida Water Initiative Area which are
188 consistent with planning and regulatory programs in the areas in
189 which they are located.

190 Section 16. Section 373.4591, Florida Statutes, is amended
191 to read:

192 373.4591 Improvements on private agricultural lands.—

193 (1) The Legislature encourages public-private partnerships
194 to accomplish water storage, groundwater recharge, and water
195 quality improvements on private agricultural lands. Priority

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196 consideration shall be given to public-private partnerships

197 that:

198 (a) Store or treat water on private lands for purposes of
199 enhancing hydrologic improvement, improving water quality, or
200 assisting in water supply;

201 (b) Provide critical ground water recharge; or

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

204 (2) (a) When an agreement is entered into between the
205 department, a water management district, or the Department of
206 Agriculture and Consumer Services and a private landowner to
207 establish such a public-private partnership that may create or
208 impact wetlands or other surface waters, a baseline condition
209 determining the extent of wetlands and other surface waters on
210 the property shall be established and documented in the
211 agreement before improvements are constructed.

212 (b) When an agreement is entered into between the
213 Department of Agriculture and Consumer Services and a private
214 landowner to implement best management practices pursuant to s.
215 403.067(7)(c), a baseline condition determining the extent of
216 wetlands and other surface water on the property may be
217 established at the option and expense of the private landowner
218 and documented in the agreement before improvements are
219 constructed. The Department of Agriculture and Consumer Services
220 shall submit the landowner's proposed baseline condition
221 documentation to the lead agency for review and approval, and

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222 the agency shall use its best efforts to complete the review
223 within 45 days.

224 (3) The Department of Agriculture and Consumer Services,
225 the department, and the water management districts shall provide
226 a process for reviewing these requests in the timeframe
227 specified. The determination of a baseline condition shall be
228 conducted using the methods set forth in the rules adopted
229 pursuant to s. 373.421. The baseline condition documented in an
230 agreement shall be considered the extent of wetlands and other
231 surface waters on the property for the purpose of regulation
232 under this chapter for the duration of the agreement and after
233 its expiration.

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

236 373.536 District budget and hearing thereon.—

237 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
238 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

239 (a) Each district must, by the date specified for each
240 item, furnish copies of the following documents to the Governor,
241 the President of the Senate, the Speaker of the House of
242 Representatives, the chairs of all legislative committees and
243 subcommittees having substantive or fiscal jurisdiction over the
244 districts, as determined by the President of the Senate or the
245 Speaker of the House of Representatives as applicable, the
246 secretary of the department, and the governing board of each

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247 county in which the district has jurisdiction or derives any
248 funds for the operations of the district:

249 1. The adopted budget, to be furnished within 10 days
250 after its adoption.

251 2. A financial audit of its accounts and records, to be
252 furnished within 10 days after its acceptance by the governing
253 board. The audit must be conducted in accordance with s. 11.45
254 and the rules adopted thereunder. In addition to the entities
255 named above, the district must provide a copy of the audit to
256 the Auditor General within 10 days after its acceptance by the
257 governing board.

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

263 4. A 5-year water resource development work program to be
264 furnished within 30 days after the adoption of the final budget.
265 The program must describe the district's implementation strategy
266 and include an annual funding plan for each of the 5 years
267 included in the plan for the water resource and, water supply,
268 development components, including and alternative water supply
269 development, components of each approved regional water supply
270 plan developed or revised under s. 373.709. The work program
271 must address all the elements of the water resource development
272 component in the district's approved regional water supply

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273 plans, as well as the water supply projects proposed for
274 district funding and assistance. The annual funding plan shall
275 identify both anticipated available district funding and
276 additional funding needs for the second through fifth years of
277 the funding plan. The work program ~~and~~ must identify projects in
278 the work program which will provide water; explain how each
279 water resource ~~and~~, water supply, ~~and alternative water supply~~
280 ~~development~~ project will produce additional water available for
281 consumptive uses; estimate the quantity of water to be produced
282 by each project; ~~and~~ provide an assessment of the contribution
283 of the district's regional water supply plans in supporting the
284 implementation of minimum flows and minimum water levels and
285 water reservations; and ensure ~~providing~~ sufficient water is
286 available ~~needed~~ to timely meet the water supply needs of
287 existing and future reasonable-beneficial uses for a 1-in-10-
288 year drought event and to avoid the adverse effects of
289 competition for water supplies.

290 (b) Within 30 days after its submittal, the department
291 shall review the proposed work program and submit its findings,
292 questions, and comments to the district. The review must include
293 a written evaluation of the program's consistency with the
294 furtherance of the district's approved regional water supply
295 plans, and the adequacy of proposed expenditures. As part of the
296 review, the department shall post the work program on its
297 website and give interested parties the opportunity to provide
298 written comments on each district's proposed work program.

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299 Within 45 days after receipt of the department's evaluation, the
300 governing board shall state in writing to the department which
301 of the changes recommended in the evaluation it will incorporate
302 into its work program submitted as part of the March 1
303 consolidated annual report required by s. 373.036(7) or specify
304 the reasons for not incorporating the changes. The department
305 shall include the district's responses in a final evaluation
306 report and shall submit a copy of the report to the Governor,
307 the President of the Senate, and the Speaker of the House of
308 Representatives.

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

311 373.703 Water production; general powers and duties.—In
312 the performance of, and in conjunction with, its other powers
313 and duties, the governing board of a water management district
314 existing pursuant to this chapter:

315 (9) May join with one or more other water management
316 districts, counties, municipalities, special districts, publicly
317 owned or privately owned water utilities, multijurisdictional
318 water supply entities, regional water supply authorities,
319 private landowners, or self-suppliers for the purpose of
320 carrying out its powers, and may contract with such other
321 entities to finance acquisitions, construction, operation, and
322 maintenance, provided that such contracts are consistent with
323 the public interest. The contract may provide for contributions
324 to be made by each party to the contract for the division and

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325 apportionment of the expenses of acquisitions, construction,
326 operation, and maintenance, and for the division and
327 apportionment of resulting benefits, services, and products. The
328 contracts may contain other covenants and agreements necessary
329 and appropriate to accomplish their purposes.

330 Section 19. Paragraph (b) of subsection (2), subsection
331 (3), and paragraph (b) of subsection (4) of section 373.705,
332 Florida Statutes, are amended, and subsection (5) is added to
333 that section, to read:

334 373.705 Water resource development; water supply
335 development.—

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

337 (b) Water management districts take the lead in
338 identifying and implementing water resource development
339 projects, and be responsible for securing necessary funding for
340 regionally significant water resource development projects,
341 including regionally significant projects that prevent or limit
342 adverse water resource impacts, avoid competition among water
343 users, or support the provision of new water supplies to meet a
344 minimum flow or minimum water level or to implement a recovery
345 or prevention strategy or water reservation.

346 (3) (a) The water management districts shall fund and
347 implement water resource development as defined in s. 373.019.
348 The water management districts are encouraged to implement water
349 resource development as expeditiously as possible in areas
350 subject to regional water supply plans.

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

353 1. The amount of funds for each project in the annual
354 funding plan developed pursuant to s. 373.536(6)(a)4.; and

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

358 (4)

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

363 1. The project brings about replacement of existing
364 sources ~~in order~~ to help implement a minimum flow or minimum
365 water level; ~~or~~

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

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

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

374 373.707 Alternative water supply development.—

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375 (3) The primary roles of the water management districts in
376 water resource development as it relates to supporting
377 alternative water supply development are:

378 (f) The provision of technical and financial assistance to
379 local governments and publicly owned and privately owned water
380 utilities for alternative water supply projects and for self-
381 suppliers for alternative water supply projects to the extent
382 assistance for self-suppliers promotes the policies in paragraph
383 (1) (f).

384 (6) (a) If state ~~The statewide~~ funds are provided through
385 specific appropriation or pursuant to the Water Protection and
386 Sustainability Program, such funds serve to supplement existing
387 water management district or basin board funding for alternative
388 water supply development assistance and should not result in a
389 reduction of such funding. For each project identified in the
390 annual funding plans prepared pursuant to s. 373.536(6) (a)4.
391 ~~Therefore,~~ the water management districts shall include in the
392 annual tentative and adopted budget submittals required under
393 this chapter the amount of funds allocated for water resource
394 development that supports alternative water supply development
395 and the funds allocated for alternative water supply projects
396 ~~selected for inclusion in the Water Protection and~~
397 ~~Sustainability Program.~~ It shall be the goal of each water
398 management district and basin boards that the combined funds
399 allocated annually for these purposes be, at a minimum, the
400 equivalent of 100 percent of the state funding provided to the

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401 water management district for alternative water supply
402 development. If this goal is not achieved, the water management
403 district shall provide in the budget submittal an explanation of
404 the reasons or constraints that prevent this goal from being
405 met, an explanation of how the goal will be met in future years,
406 and affirmation of match is required during the budget review
407 process as established under s. 373.536(5). The Suwannee River
408 Water Management District and the Northwest Florida Water
409 Management District shall not be required to meet the match
410 requirements of this paragraph; however, they shall try to
411 achieve the match requirement to the greatest extent
412 practicable.

413 (8)

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

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

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

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

430 Section 21. Paragraph (a) of subsection (2) and paragraphs
431 (a) and (e) of subsection (6) of section 373.709, Florida
432 Statutes, are amended to read:

433 373.709 Regional water supply planning.—

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

437 (a) A water supply development component for each water
438 supply planning region identified by the district which
439 includes:

440 1. A quantification of the water supply needs for all
441 existing and future reasonable-beneficial uses within the
442 planning horizon. The level-of-certainty planning goal
443 associated with identifying the water supply needs of existing
444 and future reasonable-beneficial uses must be based upon meeting
445 those needs for a 1-in-10-year drought event.

446 a. Population projections used for determining public
447 water supply needs must be based upon the best available data.
448 In determining the best available data, the district shall
449 consider the University of Florida ~~Florida's~~ Bureau of Economic
450 and Business Research (BEBR) medium population projections and
451 population projection data and analysis submitted by a local
452 government pursuant to the public workshop described in

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453 subsection (1) if the data and analysis support the local
454 government's comprehensive plan. Any adjustment of or deviation
455 from the BEBR projections must be fully described, and the
456 original BEBR data must be presented along with the adjusted
457 data.

458 b. Agricultural demand projections used for determining
459 the needs of agricultural self-suppliers must be based upon the
460 best available data. In determining the best available data for
461 agricultural self-supplied water needs, the district shall
462 consider the data indicative of future water supply demands
463 provided by the Department of Agriculture and Consumer Services
464 pursuant to s. 570.93 and agricultural demand projection data
465 and analysis submitted by a local government pursuant to the
466 public workshop described in subsection (1), if the data and
467 analysis support the local government's comprehensive plan. Any
468 adjustment of or deviation from the data provided by the
469 Department of Agriculture and Consumer Services must be fully
470 described, and the original data must be presented along with
471 the adjusted data.

472 2. A list of water supply development project options,
473 including traditional and alternative water supply project
474 options that are technically and financially feasible, from
475 which local government, government-owned and privately owned
476 utilities, regional water supply authorities,
477 multijurisdictional water supply entities, self-suppliers, and
478 others may choose for water supply development. In addition to

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479 projects listed by the district, such users may propose specific
480 projects for inclusion in the list of alternative water supply
481 projects. If such users propose a project to be listed as an
482 alternative water supply project, the district shall determine
483 whether it meets the goals of the plan, and, if so, it shall be
484 included in the list. The total capacity of the projects
485 included in the plan must exceed the needs identified in
486 subparagraph 1. and take into account water conservation and
487 other demand management measures, as well as water resources
488 constraints, including adopted minimum flows and minimum water
489 levels and water reservations. Where the district determines it
490 is appropriate, the plan should specifically identify the need
491 for multijurisdictional approaches to project options that,
492 based on planning level analysis, are appropriate to supply the
493 intended uses and that, based on such analysis, appear to be
494 permittable and financially and technically feasible. The list
495 of water supply development options must contain provisions that
496 recognize that alternative water supply options for agricultural
497 self-suppliers are limited.

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

500 a. An estimate of the amount of water to become available
501 through the project.

502 b. The timeframe in which the project option should be
503 implemented and the estimated planning-level costs for capital
504 investment and operating and maintaining the project.

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505 c. An analysis of funding needs and sources of possible
506 funding options. For alternative water supply projects, the
507 water management districts shall provide funding assistance
508 pursuant to s. 373.707(8).

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

511 (6) Annually and in conjunction with the reporting
512 requirements of s. 373.536(6)(a)4., the department shall submit
513 to the Governor and the Legislature a report on the status of
514 regional water supply planning in each district. The report
515 shall include:

516 (a) A compilation of the estimated costs ~~of~~ and an
517 analysis of the sufficiency of potential sources of funding from
518 all sources for water resource development and water supply
519 development projects as identified in the water management
520 district regional water supply plans.

521 (e) An overall assessment of the progress being made to
522 develop water supply in each district, including, but not
523 limited to, an explanation of how each project in the 5-year
524 water resource development work program developed pursuant to s.
525 373.536(6)(a)4., either alternative or traditional, will
526 produce, contribute to, or account for additional water being
527 made available for consumptive uses, minimum flows and minimum
528 water levels, or water reservations; an estimate of the quantity
529 of water to be produced by each project; and and an assessment of
530 the contribution of the district's regional water supply plan in

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531 providing sufficient water to meet the needs of existing and
532 future reasonable-beneficial uses for a 1-in-10-year drought
533 event, as well as the needs of the natural systems.

534 Section 22. Subsection (29) of section 403.061, Florida
535 Statutes, is amended to read:

536 403.061 Department; powers and duties.—The department
537 shall have the power and the duty to control and prohibit
538 pollution of air and water in accordance with the law and rules
539 adopted and promulgated by it and, for this purpose, to:

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

545 (b) Adopt by rule a specific surface water classification
546 to protect surface waters used for treated potable water supply.
547 These designated surface waters shall have the same water
548 quality criteria protections as waters designated for fish
549 consumption, recreation, and the propagation and maintenance of
550 a healthy, well-balanced population of fish and wildlife, and
551 shall be free from discharged substances at a concentration
552 that, alone or in combination with other discharged substances,
553 would require significant alteration of permitted treatment
554 processes at the permitted treatment facility or that would
555 otherwise prevent compliance with applicable state drinking
556 water standards in the treated water. Notwithstanding this

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557 classification or the inclusion of treated water supply as a
558 designated use of a surface water, a surface water used for
559 treated potable water supply may be reclassified to the potable
560 water supply classification.

561
562 The department shall implement such programs in conjunction with
563 its other powers and duties and shall place special emphasis on
564 reducing and eliminating contamination that presents a threat to
565 humans, animals or plants, or to the environment.

566 Section 23. Section 403.0623, Florida Statutes, is amended
567 to read:

568 403.0623 Environmental data; quality assurance.—

569 (1) The department must establish, by rule, appropriate
570 quality assurance requirements for environmental data submitted
571 to the department and the criteria by which environmental data
572 may be rejected by the department. The department may adopt and
573 enforce rules to establish data quality objectives and specify
574 requirements for training of laboratory and field staff, sample
575 collection methodology, proficiency testing, and audits of
576 laboratory and field sampling activities. Such rules may be in
577 addition to any laboratory certification provisions under ss.
578 403.0625 and 403.863.

579 (2) (a) The department, in coordination with the water
580 management districts, regional water supply authorities, and the
581 Department of Agriculture and Consumer Services shall establish
582 standards for the collection and analysis of water quantity,

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583 water quality, and related data to ensure quality, reliability,
584 and validity of the data and testing results.

585 (b) To the extent practicable, the department shall
586 coordinate with federal agencies to ensure that its collection
587 and analysis of water quality, water quantity, and related data,
588 which may be used by any state agency, water management
589 district, or local government, is consistent with this
590 subsection.

591 (c) To receive state funds for the acquisition of lands or
592 the financing of a water resource project, state agencies and
593 water management districts must show that they followed the
594 department's collection and analysis standards, if available, as
595 a prerequisite for any such request for funding.

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

598 Section 24. Subsection (7) of section 403.067, Florida
599 Statutes, is amended to read:

600 403.067 Establishment and implementation of total maximum
601 daily loads.—

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

604 (a) Basin management action plans.—

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

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609 watersheds and basins tributary to the water body. Such plan
610 must integrate the appropriate management strategies available
611 to the state through existing water quality protection programs
612 to achieve the total maximum daily loads and may provide for
613 phased implementation of these management strategies to promote
614 timely, cost-effective actions as provided for in s. 403.151.
615 The plan must establish a schedule implementing the management
616 strategies, establish a basis for evaluating the plan's
617 effectiveness, and identify feasible funding strategies for
618 implementing the plan's management strategies. The management
619 strategies may include regional treatment systems or other
620 public works, where appropriate, and voluntary trading of water
621 quality credits to achieve the needed pollutant load reductions.

622 2. A basin management action plan must equitably allocate,
623 pursuant to paragraph (6) (b), pollutant reductions to individual
624 basins, as a whole to all basins, or to each identified point
625 source or category of nonpoint sources, as appropriate. For
626 nonpoint sources for which best management practices have been
627 adopted, the initial requirement specified by the plan must be
628 those practices developed pursuant to paragraph (c). Where
629 appropriate, the plan may take into account the benefits of
630 pollutant load reduction achieved by point or nonpoint sources
631 that have implemented management strategies to reduce pollutant
632 loads, including best management practices, before the
633 development of the basin management action plan. The plan must

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634 also identify the mechanisms that will address potential future
635 increases in pollutant loading.

636 3. The basin management action planning process is
637 intended to involve the broadest possible range of interested
638 parties, with the objective of encouraging the greatest amount
639 of cooperation and consensus possible. In developing a basin
640 management action plan, the department shall assure that key
641 stakeholders, including, but not limited to, applicable local
642 governments, water management districts, the Department of
643 Agriculture and Consumer Services, other appropriate state
644 agencies, local soil and water conservation districts,
645 environmental groups, regulated interests, and affected
646 pollution sources, are invited to participate in the process.
647 The department shall hold at least one public meeting in the
648 vicinity of the watershed or basin to discuss and receive
649 comments during the planning process and shall otherwise
650 encourage public participation to the greatest practicable
651 extent. Notice of the public meeting must be published in a
652 newspaper of general circulation in each county in which the
653 watershed or basin lies not less than 5 days nor more than 15
654 days before the public meeting. A basin management action plan
655 does not supplant or otherwise alter any assessment made under
656 subsection (3) or subsection (4) or any calculation or initial
657 allocation.

658 4. Each new or revised basin management action plan shall
659 include:

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660 a. The appropriate management strategies available through
661 existing water quality protection programs to achieve total
662 maximum daily loads, which may provide for phased implementation
663 to promote timely, cost-effective actions as provided for in s.
664 403.151;

665 b. A description of best management practices adopted by
666 rule;

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

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

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

675 ~~5.4.~~ The department shall adopt all or any part of a basin
676 management action plan and any amendment to such plan by
677 secretarial order pursuant to chapter 120 to implement the
678 provisions of this section.

679 ~~6.5.~~ The basin management action plan must include
680 milestones for implementation and water quality improvement, and
681 an associated water quality monitoring component sufficient to
682 evaluate whether reasonable progress in pollutant load
683 reductions is being achieved over time. An assessment of
684 progress toward these milestones shall be conducted every 5
685 years, and revisions to the plan shall be made as appropriate.

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686 Revisions to the basin management action plan shall be made by
687 the department in cooperation with basin stakeholders. Revisions
688 to the management strategies required for nonpoint sources must
689 follow the procedures set forth in subparagraph (c)4. Revised
690 basin management action plans must be adopted pursuant to
691 subparagraph 4.

692 ~~7.6.~~ In accordance with procedures adopted by rule under
693 paragraph (9)(c), basin management action plans, and other
694 pollution control programs under local, state, or federal
695 authority as provided in subsection (4), may allow point or
696 nonpoint sources that will achieve greater pollutant reductions
697 than required by an adopted total maximum load or wasteload
698 allocation to generate, register, and trade water quality
699 credits for the excess reductions to enable other sources to
700 achieve their allocation; however, the generation of water
701 quality credits does not remove the obligation of a source or
702 activity to meet applicable technology requirements or adopted
703 best management practices. Such plans must allow trading between
704 NPDES permittees, and trading that may or may not involve NPDES
705 permittees, where the generation or use of the credits involve
706 an entity or activity not subject to department water discharge
707 permits whose owner voluntarily elects to obtain department
708 authorization for the generation and sale of credits.

709 ~~8.7.~~ The provisions of the department's rule relating to
710 the equitable abatement of pollutants into surface waters do not
711 apply to water bodies or water body segments for which a basin

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712 management plan that takes into account future new or expanded
713 activities or discharges has been adopted under this section.

714 (b) Total maximum daily load implementation.—

715 1. The department shall be the lead agency in coordinating
716 the implementation of the total maximum daily loads through
717 existing water quality protection programs. Application of a
718 total maximum daily load by a water management district must be
719 consistent with this section and does not require the issuance
720 of an order or a separate action pursuant to s. 120.536(1) or s.
721 120.54 for the adoption of the calculation and allocation
722 previously established by the department. Such programs may
723 include, but are not limited to:

724 a. Permitting and other existing regulatory programs,
725 including water-quality-based effluent limitations;

726 b. Nonregulatory and incentive-based programs, including
727 best management practices, cost sharing, waste minimization,
728 pollution prevention, agreements established pursuant to s.
729 403.061(21), and public education;

730 c. Other water quality management and restoration
731 activities, for example surface water improvement and management
732 plans approved by water management districts or basin management
733 action plans developed pursuant to this subsection;

734 d. Trading of water quality credits or other equitable
735 economically based agreements;

736 e. Public works including capital facilities; or

737 f. Land acquisition.

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738 2. For a basin management action plan adopted pursuant to
739 paragraph (a), any management strategies and pollutant reduction
740 requirements associated with a pollutant of concern for which a
741 total maximum daily load has been developed, including effluent
742 limits set forth for a discharger subject to NPDES permitting,
743 if any, must be included in a timely manner in subsequent NPDES
744 permits or permit modifications for that discharger. The
745 department may not impose limits or conditions implementing an
746 adopted total maximum daily load in an NPDES permit until the
747 permit expires, the discharge is modified, or the permit is
748 reopened pursuant to an adopted basin management action plan.

749 a. Absent a detailed allocation, total maximum daily loads
750 must be implemented through NPDES permit conditions that provide
751 for a compliance schedule. In such instances, a facility's NPDES
752 permit must allow time for the issuance of an order adopting the
753 basin management action plan. The time allowed for the issuance
754 of an order adopting the plan may not exceed 5 years. Upon
755 issuance of an order adopting the plan, the permit must be
756 reopened or renewed, as necessary, and permit conditions
757 consistent with the plan must be established. Notwithstanding
758 the other provisions of this subparagraph, upon request by an
759 NPDES permittee, the department as part of a permit issuance,
760 renewal, or modification may establish individual allocations
761 before the adoption of a basin management action plan.

762 b. For holders of NPDES municipal separate storm sewer
763 system permits and other stormwater sources, implementation of a

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764 total maximum daily load or basin management action plan must be
765 achieved, to the maximum extent practicable, through the use of
766 best management practices or other management measures.

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

770 d. Management strategies set forth in a basin management
771 action plan to be implemented by a discharger subject to
772 permitting by the department must be completed pursuant to the
773 schedule set forth in the basin management action plan. This
774 implementation schedule may extend beyond the 5-year term of an
775 NPDES permit.

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

781 f. For nonagricultural pollutant sources not subject to
782 NPDES permitting but permitted pursuant to other state,
783 regional, or local water quality programs, the pollutant
784 reduction actions adopted in a basin management action plan must
785 be implemented to the maximum extent practicable as part of
786 those permitting programs.

787 g. A nonpoint source discharger included in a basin
788 management action plan must demonstrate compliance with the
789 pollutant reductions established under subsection (6) by

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790 implementing the appropriate best management practices
791 established pursuant to paragraph (c) or conducting water
792 quality monitoring prescribed by the department or a water
793 management district. A nonpoint source discharger may, in
794 accordance with department rules, supplement the implementation
795 of best management practices with water quality credit trades ~~in~~
796 ~~order~~ to demonstrate compliance with the pollutant reductions
797 established under subsection (6).

798 h. A nonpoint source discharger included in a basin
799 management action plan may be subject to enforcement action by
800 the department or a water management district based upon a
801 failure to implement the responsibilities set forth in sub-
802 subparagraph g.

803 i. A landowner, discharger, or other responsible person
804 who is implementing applicable management strategies specified
805 in an adopted basin management action plan may not be required
806 by permit, enforcement action, or otherwise to implement
807 additional management strategies, including water quality credit
808 trading, to reduce pollutant loads to attain the pollutant
809 reductions established pursuant to subsection (6) and shall be
810 deemed to be in compliance with this section. This subparagraph
811 does not limit the authority of the department to amend a basin
812 management action plan as specified in subparagraph (a)6. ~~(a)5.~~

813 (c) Best management practices.—

814 1. The department, in cooperation with the water
815 management districts and other interested parties, as

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816 appropriate, may develop suitable interim measures, best
817 management practices, or other measures necessary to achieve the
818 level of pollution reduction established by the department for
819 nonagricultural nonpoint pollutant sources in allocations
820 developed pursuant to subsection (6) and this subsection. These
821 practices and measures may be adopted by rule by the department
822 and the water management districts and, where adopted by rule,
823 shall be implemented by those parties responsible for
824 nonagricultural nonpoint source pollution.

825 2. The Department of Agriculture and Consumer Services may
826 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54
827 suitable interim measures, best management practices, or other
828 measures necessary to achieve the level of pollution reduction
829 established by the department for agricultural pollutant sources
830 in allocations developed pursuant to subsection (6) and this
831 subsection or for programs implemented pursuant to paragraph
832 (12) (b) ~~(13) (b)~~. These practices and measures may be implemented
833 by those parties responsible for agricultural pollutant sources
834 and the department, the water management districts, and the
835 Department of Agriculture and Consumer Services shall assist
836 with implementation. In the process of developing and adopting
837 rules for interim measures, best management practices, or other
838 measures, the Department of Agriculture and Consumer Services
839 shall consult with the department, the Department of Health, the
840 water management districts, representatives from affected
841 farming groups, and environmental group representatives. Such

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842 rules must also incorporate provisions for a notice of intent to
843 implement the practices and a system to assure the
844 implementation of the practices, including site inspection and
845 recordkeeping requirements.

846 3. Where interim measures, best management practices, or
847 other measures are adopted by rule, the effectiveness of such
848 practices in achieving the levels of pollution reduction
849 established in allocations developed by the department pursuant
850 to subsection (6) and this subsection or in programs implemented
851 pursuant to paragraph (12) (b) ~~(13) (b)~~ must be verified at
852 representative sites by the department. The department shall use
853 best professional judgment in making the initial verification
854 that the best management practices are reasonably expected to be
855 effective and, where applicable, must notify the appropriate
856 water management district or the Department of Agriculture and
857 Consumer Services of its initial verification before the
858 adoption of a rule proposed pursuant to this paragraph.
859 Implementation, in accordance with rules adopted under this
860 paragraph, of practices that have been initially verified to be
861 effective, or verified to be effective by monitoring at
862 representative sites, by the department, shall provide a
863 presumption of compliance with state water quality standards and
864 release from the provisions of s. 376.307(5) for those
865 pollutants addressed by the practices, and the department is not
866 authorized to institute proceedings against the owner of the
867 source of pollution to recover costs or damages associated with

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868 the contamination of surface water or groundwater caused by
869 those pollutants. Research projects funded by the department, a
870 water management district, or the Department of Agriculture and
871 Consumer Services to develop or demonstrate interim measures or
872 best management practices shall be granted a presumption of
873 compliance with state water quality standards and a release from
874 the provisions of s. 376.307(5). The presumption of compliance
875 and release is limited to the research site and only for those
876 pollutants addressed by the interim measures or best management
877 practices. Eligibility for the presumption of compliance and
878 release is limited to research projects on sites where the owner
879 or operator of the research site and the department, a water
880 management district, or the Department of Agriculture and
881 Consumer Services have entered into a contract or other
882 agreement that, at a minimum, specifies the research objectives,
883 the cost-share responsibilities of the parties, and a schedule
884 that details the beginning and ending dates of the project.

885 4. Where water quality problems are demonstrated, despite
886 the appropriate implementation, operation, and maintenance of
887 best management practices and other measures required by rules
888 adopted under this paragraph, the department, a water management
889 district, or the Department of Agriculture and Consumer
890 Services, in consultation with the department, shall institute a
891 reevaluation of the best management practice or other measure.
892 Should the reevaluation determine that the best management
893 practice or other measure requires modification, the department,

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894 a water management district, or the Department of Agriculture
895 and Consumer Services, as appropriate, shall revise the rule to
896 require implementation of the modified practice within a
897 reasonable time period as specified in the rule.

898 5. Agricultural records relating to processes or methods
899 of production, costs of production, profits, or other financial
900 information held by the Department of Agriculture and Consumer
901 Services pursuant to subparagraphs 3. and 4. or pursuant to any
902 rule adopted pursuant to subparagraph 2. are confidential and
903 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
904 Constitution. Upon request, records made confidential and exempt
905 pursuant to this subparagraph shall be released to the
906 department or any water management district provided that the
907 confidentiality specified by this subparagraph for such records
908 is maintained.

909 6. The provisions of subparagraphs 1. and 2. do not
910 preclude the department or water management district from
911 requiring compliance with water quality standards or with
912 current best management practice requirements set forth in any
913 applicable regulatory program authorized by law for the purpose
914 of protecting water quality. Additionally, subparagraphs 1. and
915 2. are applicable only to the extent that they do not conflict
916 with any rules adopted by the department that are necessary to
917 maintain a federally delegated or approved program.

918 (d) Enforcement and verification of basin management
919 action plans and management strategies.-

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920 1. Basin management action plans are enforceable pursuant
921 to this section and ss. 403.121, 403.141, and 403.161.
922 Management strategies, including best management practices and
923 water quality monitoring, are enforceable under this chapter.
924 2. No later than January 1, 2016:
925 a. The department, in consultation with the water
926 management districts and the Department of Agriculture and
927 Consumer Services, shall initiate rulemaking to adopt procedures
928 to verify implementation of water quality monitoring required in
929 lieu of implementation of best management practices or other
930 measures pursuant to s. 403.067(7)(b)2.g.;
931 b. The department, in consultation with the water
932 management districts and the Department of Agriculture and
933 Consumer Services, shall initiate rulemaking to adopt procedures
934 to verify implementation of nonagricultural interim measures,
935 best management practices, or other measures adopted by rule
936 pursuant to s. 403.067(7)(c)1.; and
937 c. The Department of Agriculture and Consumer Services, in
938 consultation with the water management districts and the
939 department, shall initiate rulemaking to adopt procedures to
940 verify implementation of agricultural interim measures, best
941 management practices, or other measures adopted by rule pursuant
942 to s. 403.067(7)(c)2.
943
944 The rules required under this subparagraph shall include
945 enforcement procedures applicable to the landowner, discharger,

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946 or other responsible person required to implement applicable
947 management strategies, including best management practices or
948 water quality monitoring as a result of noncompliance.

949 Section 25. Section 403.0675, Florida Statutes, is created
950 to read:

951 403.0675 Progress reports.—On or before July 1 of each
952 year, beginning in 2017:

953 (1) The department, in conjunction with the water
954 management districts, shall post on its website and submit
955 electronically an annual progress report to the Governor, the
956 President of the Senate, and the Speaker of the House of
957 Representatives on the status of each total maximum daily load,
958 basin management action plan, minimum flow or minimum water
959 level, and recovery or prevention strategy adopted pursuant to
960 s. 403.067 or parts I and VIII of chapter 373. The report must
961 include the status of each project identified to achieve an
962 adopted total maximum daily load or an adopted minimum flow or
963 minimum water level, as applicable. If a report indicates that
964 any of the 5-year, 10-year, or 15-year milestones, or the 20-
965 year target date, if applicable, for achieving a total maximum
966 daily load or a minimum flow or minimum water level will not be
967 met, the report must include an explanation of the possible
968 causes and potential solutions. If applicable, the report must
969 include project descriptions, estimated costs, proposed priority
970 ranking for project implementation, and funding needed to
971 achieve the total maximum daily load or the minimum flow or

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972 minimum water level by the target date. Each water management
973 district shall post the department's report on its website.

974 (2) The Department of Agriculture and Consumer Services
975 shall post on its website and electronically submit to the
976 Governor, the President of the Senate, and the Speaker of the
977 House of Representatives an annual progress report on the status
978 of the implementation of the agricultural nonpoint source best
979 management practices including an implementation assurance
980 report summarizing survey responses and response rates, site
981 inspections and other methods used to verify implementation of
982 and compliance with best management practices pursuant to basin
983 management action plans.

984 Section 26. Subsection (21) is added to section 403.861,
985 Florida Statutes, to read:

986 403.861 Department; powers and duties.—The department
987 shall have the power and the duty to carry out the provisions
988 and purposes of this act and, for this purpose, to:

989 (21) (a) Upon issuance of a construction permit to
990 construct a new public water system drinking water treatment
991 facility to provide potable water supply using a surface water
992 that, at the time of the permit application, is not being used
993 as a potable water supply, the classification of which does not
994 include potable water supply as a designated use, the department
995 shall add treated potable water supply as a designated use of
996 the surface water segment in accordance with s. 403.061(29) (b).

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997 (b) For existing public water system drinking water
 998 treatment facilities that use a surface water as a treated
 999 potable water supply, which surface water classification does
 1000 not include potable water supply as a designated use, the
 1001 department shall add treated potable water supply as a
 1002 designated use of the surface water segment in accordance with
 1003 s. 403.061(29) (b) .

1004

1005 -----

1006 **T I T L E A M E N D M E N T**

1007 Remove line 50 and insert:
 1008 appropriation; amending s. 373.019, F.S.; revising the
 1009 definition of the term "water resource development" to
 1010 include technical assistance to self-suppliers under
 1011 certain circumstances; amending s. 373.036, F.S.;
 1012 requiring certain information to be included in the
 1013 consolidated annual report for all projects related to
 1014 water quality or water quantity; creating s. 373.0465,
 1015 F.S.; providing legislative intent; defining the term
 1016 "Central Florida Water Initiative Area"; requiring the
 1017 department, the St. Johns River Water Management
 1018 District, the South Florida Water Management District,
 1019 the Southwest Florida Water Management District, and
 1020 the Department of Agriculture and Consumer Services to
 1021 develop and implement a multidistrict regional water
 1022 supply plan; providing plan criteria and requirements;

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1023 providing applicability; requiring the department to
1024 adopt rules; amending s. 373.4591, F.S.; providing
1025 priority consideration to certain public-private
1026 partnerships for water storage, groundwater recharge,
1027 and water quality improvements on private agricultural
1028 lands; amending s. 373.536, F.S.; requiring a water
1029 management district to include an annual funding plan
1030 in the water resource development work program;
1031 directing the department to post the work program on
1032 its website; amending s. 373.703, F.S.; authorizing
1033 water management districts to join with private
1034 landowners for the purpose of carrying out its powers;
1035 amending s. 373.705, F.S.; revising legislative
1036 intent; requiring water management district governing
1037 boards to include certain information in their annual
1038 budget submittals; providing first consideration for
1039 funding assistance to certain water supply development
1040 projects; requiring water management districts to
1041 promote expanded cost-share criteria for additional
1042 conservation practices; amending s. 373.707, F.S.;
1043 authorizing water management districts to provide
1044 technical and financial assistance to certain self-
1045 suppliers and to waive certain construction costs of
1046 alternative water supply development projects
1047 sponsored by certain water users; amending s. 373.709,
1048 F.S.; requiring regional water supply plans to include

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1049 traditional and alternative water supply project
1050 options that are technically and financially feasible;
1051 directing the department to include certain funding
1052 analyses and project explanations in regional water
1053 supply planning reports; amending s. 403.061, F.S.;
1054 directing the department to adopt by rule a specific
1055 surface water classification to protect surface waters
1056 used for treated potable water supply; providing
1057 criteria for such rule; authorizing the
1058 reclassification of surface waters used for treated
1059 potable water supply notwithstanding such rule;
1060 amending s. 403.0623, F.S.; requiring the department
1061 to establish certain standards to ensure statewide
1062 consistency; requiring the department to establish
1063 standards for collection and analysis of water
1064 quantity and quality data; requiring state agencies
1065 and water management districts to show they followed
1066 the department's collection and analyses standards in
1067 order to receive certain funding; amending s. 403.067,
1068 F.S.; providing requirements for new or revised best
1069 management action plans; requiring the department
1070 adopt rules relating to the enforcement and
1071 verification of best management action plans and
1072 management strategies; creating s. 403.0675, F.S.;
1073 requiring the department to submit annual reports;
1074 amending s. 403.861, F.S.; directing the department to

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1075 | add treated potable water supply as a designated use
1076 | of a surface water segment under certain
1077 | circumstances; providing an effective date.

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