

1 A bill to be entitled
2 An act relating to water resources; amending s.
3 373.019, F.S.; revising the definition of "water
4 resource development" to include self-suppliers;
5 amending s. 373.0421, F.S.; directing the Department
6 of Environmental Protection and water management
7 district governing boards to implement certain
8 recovery or prevention strategies concurrent with the
9 adoption of minimum flows and levels; providing
10 criteria for such recovery or prevention strategies;
11 requiring revisions to regional water supply plans to
12 be concurrent with relevant portions of the recovery
13 or prevention strategy; directing water management
14 districts to notify the department when water use
15 permit applications are denied for a specified reason;
16 providing for the review and update of regional water
17 supply plans in such cases; creating s. 373.0465,
18 F.S.; providing legislative intent; defining the term
19 "Central Florida Water Initiative Area"; providing for
20 an interagency agreement between the Department of
21 Environmental Protection, the St. Johns River Water
22 Management District, the South Florida Water
23 Management District, the Southwest Florida Water
24 Management District, and the Department of Agriculture
25 and Consumer Services to develop and implement a
26 multi-district regional water supply plan; providing

27 | plan criteria and requirements; providing
28 | applicability; amending s. 373.1501, F.S.; specifying
29 | authority of the South Florida Water Management
30 | District to allocate quantities of, and assign
31 | priorities for the use of, water within its
32 | jurisdiction; directing the district to provide
33 | recommendations to the United States Army Corps of
34 | Engineers when developing or implementing certain
35 | water control plans or regulation schedules; amending
36 | s. 373.2234, F.S.; directing water management district
37 | governing boards to give priority consideration to the
38 | identification of preferred water supply sources for
39 | certain water users; amending s. 373.233, F.S.;
40 | providing conditions under which the department and
41 | water management district governing boards are
42 | directed to give preference to certain applications;
43 | amending s. 373.4591, F.S.; providing priority
44 | consideration to certain public-private partnerships
45 | for water storage, groundwater recharge, and water
46 | quality improvements on private agricultural lands;
47 | amending s. 373.4595, F.S.; revising and providing
48 | definitions relating to the Northern Everglades and
49 | Estuaries Protection Program; clarifying provisions of
50 | the Lake Okeechobee Watershed Protection Program;
51 | directing the South Florida Water Management District
52 | to revise certain rules and provide for a water

53 quality monitoring program; revising provisions for
54 the Caloosahatchee River Watershed Protection Program
55 and the St. Lucie River Watershed Protection Program;
56 revising permitting and annual reporting requirements
57 relating to the Northern Everglades and Estuaries
58 Protection Program; amending s. 373.536, F.S.;
59 requiring a water management district to include an
60 annual funding plan in the water resource development
61 work program; directing the department to post the
62 work program on its website; amending s. 373.703,
63 F.S.; authorizing water management districts to
64 contract with private landowners for water production;
65 amending s. 373.705, F.S.; providing first
66 consideration for funding assistance to certain water
67 supply development projects; requiring governing
68 boards to include certain information in their annual
69 budget submittals; amending s. 373.707, F.S.;
70 authorizing water management districts to provide
71 technical and financial assistance to self-suppliers
72 and to waive certain construction costs of alternative
73 water supply development projects by certain water
74 users; amending s. 373.709, F.S.; requiring water
75 supply plans to include traditional and alternative
76 water supply project options that are technically and
77 financially feasible; directing the department to
78 include certain funding analyses and project

79 | explanations in regional water supply planning
80 | reports; creating part VIII of chapter 373, F.S.,
81 | relating to the Florida Springs and Aquifer Act;
82 | providing legislative findings and intent; defining
83 | terms; providing criteria and requirements for the
84 | development of recovery or prevention strategies for
85 | Priority Florida Springs; directing the department to
86 | perform water quality assessments, establish total
87 | maximum daily loads, and establish basin management
88 | action plans for Priority Florida Springs; providing
89 | criteria and requirements for agricultural best
90 | management practices within the geographic area
91 | encompassed by a basin management action plan that
92 | includes a Priority Florida Spring; requiring each
93 | person engaged in the occupation of agriculture within
94 | such geographic area to implement certain best
95 | management practices or conduct certain water quality
96 | monitoring; amending s. 403.061, F.S.; directing the
97 | department to adopt by rule a specific surface water
98 | classification to protect surface waters used for
99 | treated potable water supply; providing criteria for
100 | such rule; authorizing the reclassification of surface
101 | waters used for treated potable water supply
102 | notwithstanding such rule; amending s. 403.067, F.S.;
103 | directing the department to establish working groups
104 | in areas where sewage treatment and disposal systems

105 represent sources of excess nitrate-nitrite in certain
106 springs or spring systems; providing duties for the
107 working groups; requiring the department to award
108 funds, subject to appropriation, for projects relating
109 to reducing nutrient impacts; authorizing the
110 department to consider certain factors in awarding
111 funds for capital outlay projects; amending s.
112 403.861, F.S.; directing the department to establish
113 rules concerning the use of surface waters for public
114 water supply; requiring permit applicants using
115 surface water to provide potable public water supply
116 to petition the department to reclassify the surface
117 water or to certify that the potable public water
118 supply will meet certain drinking water standards;
119 directing the department to designate treated potable
120 water supplies as a use of surface water; providing an
121 effective date.

122

123 Be It Enacted by the Legislature of the State of Florida:

124

125 Section 1. Subsection (24) of section 373.019, Florida
126 Statutes, is amended to read:

127 373.019 Definitions.—When appearing in this chapter or in
128 any rule, regulation, or order adopted pursuant thereto, the
129 term:

130 (24) "Water resource development" means the formulation

131 and implementation of regional water resource management
132 strategies, including the collection and evaluation of surface
133 water and groundwater data; structural and nonstructural
134 programs to protect and manage water resources; the development
135 of regional water resource implementation programs; the
136 construction, operation, and maintenance of major public works
137 facilities to provide for flood control, surface and underground
138 water storage, and groundwater recharge augmentation; and
139 related technical assistance to local governments, and to
140 government-owned and privately owned water utilities, and self-
141 suppliers.

142 Section 2. Subsection (2) of section 373.0421, Florida
143 Statutes, is amended, subsection (3) is renumbered as subsection
144 (5), and new subsections (3) and (4) are added to that section,
145 to read:

146 373.0421 Establishment and implementation of minimum flows
147 and levels.—

148 (2) If the existing flow or level in a water body is
149 below, or is projected to fall within 20 years below, the
150 applicable minimum flow or level established pursuant to s.
151 373.042, the department or governing board, concurrent with the
152 adoption of the minimum flow or level and as part of the
153 regional water supply plan described in s. 373.709, shall
154 expeditiously implement a recovery or prevention strategy, which
155 includes the development of additional water supplies and other
156 actions, consistent with the authority granted by this chapter,

157 to:

158 (a) Achieve recovery to the established minimum flow or
159 level as soon as practicable; or

160 (b) Prevent the existing flow or level from falling below
161 the established minimum flow or level.

162

163 The recovery or prevention strategy shall include phasing or a
164 timetable which will allow for the provision of sufficient water
165 supplies for all existing and projected reasonable-beneficial
166 uses, including development of additional water supplies and
167 implementation of conservation and other efficiency measures
168 concurrent with, to the maximum extent practical, and to offset,
169 reductions in permitted withdrawals, consistent with ~~the~~
170 ~~provisions of~~ this chapter. The recovery or prevention strategy
171 may not depend solely on water shortage restrictions declared
172 pursuant to s. 373.175 or s. 373.246.

173 (3) In order to ensure that sufficient water is available
174 for all existing and future reasonable-beneficial uses and the
175 natural systems, the applicable regional water supply plan
176 prepared pursuant to s. 373.709 shall be amended to include any
177 water supply development projects and water resource development
178 projects identified in a recovery or prevention strategy. Such
179 amendment shall be approved concurrently with relevant portions
180 of the recovery or prevention strategy.

181 (4) The water management district shall notify the
182 department if an application for a water use permit is denied

183 based upon the impact that the use will have on an established
 184 minimum flow or level. Upon receipt of such notice, the
 185 department shall, as soon as practicable and in cooperation with
 186 the water management district, conduct a review of the
 187 applicable regional water supply plan prepared pursuant to s.
 188 373.709. Such review shall include an assessment by the
 189 department of the adequacy of the plan to meet the legislative
 190 intent of s. 373.705(2)(b) that sufficient water be available
 191 for all existing and future reasonable-beneficial uses and the
 192 natural systems and that the adverse effects of competition for
 193 water supplies be avoided. If the department determines, based
 194 upon this review, that the regional water supply plan does not
 195 adequately address the legislative intent of s. 373.705(2)(b),
 196 the water management district shall immediately initiate an
 197 update of the plan consistent with s. 373.709.

198 Section 3. Section 373.0465, Florida Statutes, is created
 199 to read:

200 373.0465 Central Florida Water Initiative.-

201 (1) FINDINGS.—The Legislature finds that:

202 (a) Historically, the Floridan aquifer system has supplied
 203 the vast majority of the water used in the Central Florida
 204 Coordination Area, as defined in s. 373.0363, which includes
 205 southern Lake County and all of Orange, Osceola, Polk, and
 206 Seminole Counties.

207 (b) Because the boundaries of the St. Johns River Water
 208 Management District, the South Florida Water Management

209 District, and the Southwest Florida Water Management District
210 meet within the Central Florida Coordination Area, the three
211 districts and the Department of Environmental Protection have
212 worked cooperatively to determine that the Floridan aquifer
213 system is locally approaching the sustainable limits of use and
214 are exploring the need to develop sources of water to meet the
215 long-term water needs of the area.

216 (c) The Central Florida Water Initiative, a collaborative
217 process involving the Department of Environmental Protection,
218 the St. Johns River Water Management District, the South Florida
219 Water Management District, the Southwest Florida Water
220 Management District, the Department of Agriculture and Consumer
221 Services, regional public water supply utilities, and other
222 stakeholders, has developed a framework, as set forth in the
223 Central Florida Water Initiative Guiding Document of June 27,
224 2014, for a unified process to address the current and long-term
225 water supply needs of central Florida without causing harm to
226 the water resources and associated natural systems.

227 (d) In order to ensure that the Central Florida Water
228 Initiative participants continue to develop and implement an
229 effective and consistent long-term water resource planning,
230 development, and management strategy for the central Florida
231 area an interagency agreement between the Department of
232 Environmental Protection, the St. Johns River Water Management
233 District, the South Florida Water Management District, the
234 Southwest Florida Water Management District, and the Department

235 of Agriculture and Consumer Services is needed.

236 (e) Developing water sources as an alternative to
 237 continued reliance on the Floridan aquifer will benefit human
 238 and natural systems beyond the boundaries of the Central Florida
 239 Water Initiative.

240 (2) CENTRAL FLORIDA WATER INITIATIVE INTERAGENCY
 241 AGREEMENT.—

242 (a) As used in this subsection, the term "Central Florida
 243 Water Initiative Area" means all of Orange, Osceola, Polk, and
 244 Seminole Counties, and southern Lake County, as designated by
 245 the Southwest Florida Water Management District, the South
 246 Florida Water Management District, and the St. Johns River Water
 247 Management District.

248 (b) By December 31, 2015, the Department of Environmental
 249 Protection shall complete a Central Florida Water Initiative
 250 interagency agreement pursuant to s. 373.046 with the St. Johns
 251 River Water Management District, the South Florida Water
 252 Management District, the Southwest Florida Water Management
 253 District, and the Department of Agriculture and Consumer
 254 Services. The interagency agreement shall apply only to the
 255 Central Florida Water Initiative Area and shall be adopted
 256 pursuant to chapter 120 in the same manner as a rule.

257 (c) The interagency agreement shall:

258 1. Provide for a continuation of the collaborative process
 259 among the state agencies, affected water management districts,
 260 regional public water supply utilities, and other stakeholders.

261 2. Include the guiding principles and goals set forth in
262 the Central Florida Water Initiative Guiding Document of June
263 27, 2014, and build upon the work that has already been
264 accomplished by the Central Florida Water Initiative
265 participants in addressing these guiding principles and goals.

266 3. Require, as set forth in the Central Florida Water
267 Initiative Guiding Document of June 27, 2014, the development
268 and implementation of a single multi-district regional water
269 supply plan, including any needed recovery or prevention
270 strategies and the approved list of water resource or water
271 supply development projects, by the affected water management
272 districts.

273 4. Require uniform rules for regulatory programs that
274 include:

275 a. A single hydrologic model to assess the availability of
276 groundwater.

277 b. A single, uniform definition of "harmful to the water
278 resources" consistent with the term's usage in s. 373.219.

279 c. A single reference condition.

280 d. A single process for permit reviews.

281 e. A single, consistent process, as appropriate, to set
282 minimum flows and levels and reservations.

283 f. A single method for calculating residential per capita
284 water use.

285 (d) In developing the water supply planning and regulatory
286 program consistent with the goals set forth in paragraph (c),

287 the parties to the interagency agreement shall:

288 1. Consider limitations on groundwater use together with
 289 opportunities for new, increased, or redistributed groundwater
 290 uses that are based on environmental constraints.

291 2. Establish a coordinated process for the identification
 292 of new or revised environmental constraints.

293 3. Consider existing prevention and recovery strategies.

294 4. Include a list of water supply options sufficient to
 295 meet the water needs of all existing and future reasonable-
 296 beneficial uses which avoid environmental harm and are
 297 consistent with the public interest.

298 5. Identify which of the water supply sources are
 299 preferred water supply sources pursuant to s. 373.2234.

300 6. Provide for partnership agreements among the Department
 301 of Environmental Protection, the Department of Agriculture and
 302 Consumer Services, water management districts, and water users.

303 (e) Water management district planning and regulatory
 304 programs developed pursuant to the interagency agreement shall
 305 be approved or adopted as required under this chapter. However,
 306 such planning and regulatory programs may not serve to modify
 307 planning and regulatory programs in areas of the affected
 308 districts that are not within the Central Florida Water
 309 Initiative Area, but may include interregional projects located
 310 outside the Central Florida Water Initiative Area that are
 311 consistent with planning and regulatory programs in the areas in
 312 which they are located.

313 Section 4. Subsection (4) of section 373.1501, Florida
 314 Statutes, is amended, subsections (7) and (8) are renumbered as
 315 subsections (8) and (9), respectively, and a new subsection (7)
 316 is added to that section, to read:

317 373.1501 South Florida Water Management District as local
 318 sponsor.—

319 (4) The district is authorized to act as local sponsor of
 320 the project for those project features within the district as
 321 provided in this subsection and subject to the oversight of the
 322 department as further provided in s. 373.026. The district shall
 323 continue to exercise the authority of the state to allocate
 324 quantities of water within its jurisdiction, including the water
 325 supply in relation to the project, and be responsible for
 326 allocating water and assigning priorities among the other water
 327 uses served by the project pursuant to state law. The district
 328 may:

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

331 (b) Continue data gathering, analysis, research, and
 332 design of project components, participate in preconstruction
 333 engineering and design documents for project components, and
 334 further refine the Comprehensive Plan of the restudy as a guide
 335 and framework for identifying other project components.~~†~~

336 (c) Construct pilot projects that will assist in
 337 determining the feasibility of technology included in the
 338 Comprehensive Plan of the restudy.~~†~~ and

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

340 (7) When developing or implementing water control plans or
 341 regulation schedules required for the operation of the project,
 342 the district shall provide recommendations to the United States
 343 Army Corps of Engineers that are consistent with all district
 344 programs and plans.

345 Section 5. Section 373.2234, Florida Statutes, is amended
 346 to read:

347 373.2234 Preferred water supply sources.—

348 (1) The governing board of a water management district is
 349 authorized to adopt rules that identify preferred water supply
 350 sources for consumptive uses for which there is sufficient data
 351 to establish that a preferred source will provide a substantial
 352 new water supply to meet the existing and projected reasonable-
 353 beneficial uses of a water supply planning region identified
 354 pursuant to s. 373.709(1), while sustaining existing water
 355 resources and natural systems. At a minimum, such rules must
 356 contain a description of the preferred water supply source and
 357 an assessment of the water the preferred source is projected to
 358 produce.

359 (2) (a) If an applicant proposes to use a preferred water
 360 supply source, that applicant's proposed water use is subject to
 361 s. 373.223(1), except that the proposed use of a preferred water
 362 supply source must be considered by a water management district
 363 when determining whether a permit applicant's proposed use of
 364 water is consistent with the public interest pursuant to s.

365 373.223(1)(c).

366 (b) The governing board of a water management district
367 shall consider the identification of preferred water supply
368 sources for water users for whom access to or development of new
369 water supplies is not technically or financially feasible.

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

374 (3)(a) Nothing in This section does not shall be construed
375 to:

376 1. Exempt the use of preferred water supply sources from
377 the provisions of ss. 373.016(4) and 373.223(2) and (3), or be
378 construed to

379 2. Provide that permits issued for the use of a
380 nonpreferred water supply source must be issued for a duration
381 of less than 20 years or that the use of a nonpreferred water
382 supply source is not consistent with the public interest.

383 3. Additionally, nothing in this section shall be
384 interpreted to Require the use of a preferred water supply
385 source or to restrict or prohibit the use of a nonpreferred
386 water supply source.

387 (b) Rules adopted by the governing board of a water
388 management district to implement this section shall specify that
389 the use of a preferred water supply source is not required and
390 that the use of a nonpreferred water supply source is not

391 restricted or prohibited.

392 Section 6. Subsection (2) of section 373.233, Florida
 393 Statutes, is amended to read:

394 373.233 Competing applications.—

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

399 (b) If two or more competing applications qualify equally
 400 under subsection (1) and none of the competing applications is a
 401 renewal application, the governing board or the department shall
 402 give preference to the use for which an alternate water supply
 403 is not technically or financially feasible.

404 Section 7. Section 373.4591, Florida Statutes, is amended
 405 to read:

406 373.4591 Improvements on private agricultural lands.—

407 (1) The Legislature encourages public-private partnerships
 408 to accomplish water storage, groundwater recharge, and water
 409 quality improvements on private agricultural lands. Priority
 410 consideration shall be given to public-private partnerships
 411 that:

412 (a) Store or treat water on private lands for purposes of
 413 hydrologic improvement, water quality, or water supply;

414 (b) Provide critical ground water recharge; or

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

417 (2) (a) When an agreement is entered into between the
418 department, a water management district, or the Department of
419 Agriculture and Consumer Services and a private landowner to
420 establish ~~such~~ a public-private partnership that may create or
421 impact wetlands or other surface waters, a baseline condition
422 determining the extent of wetlands and other surface waters on
423 the property shall be established and documented in the
424 agreement before improvements are constructed.

425 (b) When an agreement is entered into between the
426 Department of Agriculture and Consumer Services and a private
427 landowner to implement best management practices pursuant to s.
428 403.067(7)(c), a baseline condition determining the extent of
429 wetlands and other surface water on the property may be
430 established at the option and expense of the private landowner
431 and documented in the agreement before improvements are
432 constructed. The Department of Agriculture and Consumer Services
433 shall submit the landowner's proposed baseline condition
434 documentation to the lead agency for review and approval, and
435 the agency shall use its best efforts to complete the review
436 within 45 days.

437 (3) The Department of Agriculture and Consumer Services,
438 the department, and the water management districts shall provide
439 a process for reviewing these requests in the timeframe
440 specified. The determination of a baseline condition shall be
441 conducted using the methods set forth in the rules adopted
442 pursuant to s. 373.421. The baseline condition documented in an

443 agreement shall be considered the extent of wetlands and other
444 surface waters on the property for the purpose of regulation
445 under this chapter for the duration of the agreement and after
446 its expiration.

447 Section 8. Paragraph (h) of subsection (1) and subsections
448 (2) through (7) of section 373.4595, Florida Statutes, are
449 amended to read:

450 373.4595 Northern Everglades and Estuaries Protection
451 Program.—

452 (1) FINDINGS AND INTENT.—

453 (h) The Legislature finds that the expeditious
454 implementation of the Lake Okeechobee Watershed Protection
455 Program, the Caloosahatchee River Watershed Protection Program,
456 ~~Plan~~ and the St. Lucie River Watershed Protection Program Plans
457 is needed to improve the quality, quantity, timing, and
458 distribution of water in the northern Everglades ecosystem and
459 that this section, in conjunction with s. 403.067, including the
460 implementation of the plans developed and approved pursuant to
461 subsections (3) and (4), and any related basin management action
462 plan developed and implemented pursuant to s. 403.067(7)(a),
463 provide a reasonable means of achieving the total maximum daily
464 load requirements and achieving and maintaining compliance with
465 state water quality standards.

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

467 (a) "Best management practice" means a practice or
468 combination of practices determined by the coordinating

469 agencies, based on research, field-testing, and expert review,
470 to be the most effective and practicable on-location means,
471 including economic and technological considerations, for
472 improving water quality in agricultural and urban discharges.
473 Best management practices for agricultural discharges shall
474 reflect a balance between water quality improvements and
475 agricultural productivity.

476 (b) "Biosolids" means the solid, semisolid, or liquid
477 residue generated during the treatment of domestic wastewater in
478 a domestic wastewater treatment facility, formerly known as
479 "domestic wastewater residuals" or "residuals," and includes
480 products and treated material from biosolids treatment
481 facilities and septage management facilities regulated by the
482 department. The term does not include the treated effluent or
483 reclaimed water from a domestic wastewater treatment facility,
484 solids removed from pump stations and lift stations, screenings
485 and grit removed from the preliminary treatment components of
486 domestic wastewater treatment facilities, or ash generated
487 during the incineration of biosolids.

488 (c) ~~(b)~~ "Caloosahatchee River watershed" means the
489 Caloosahatchee River, its tributaries, its estuary, and the area
490 within Charlotte, Glades, Hendry, and Lee Counties from which
491 surface water flow is directed or drains, naturally or by
492 constructed works, to the river, its tributaries, or its
493 estuary.

494 (d) ~~(e)~~ "Coordinating agencies" means the Department of

495 Agriculture and Consumer Services, the Department of
 496 Environmental Protection, and the South Florida Water Management
 497 District.

498 (e)~~(d)~~ "Corps of Engineers" means the United States Army
 499 Corps of Engineers.

500 (f)~~(e)~~ "Department" means the Department of Environmental
 501 Protection.

502 (g)~~(f)~~ "District" means the South Florida Water Management
 503 District.

504 ~~(g) "District's WOD program" means the program implemented~~
 505 ~~pursuant to rules adopted as authorized by this section and ss.~~
 506 ~~373.016, 373.044, 373.085, 373.086, 373.109, 373.113, 373.118,~~
 507 ~~373.451, and 373.453, entitled "Works of the District Basin."~~

508 (h) "Lake Okeechobee Watershed Construction Project" means
 509 the construction project developed pursuant to this section
 510 ~~paragraph (3)(b).~~

511 (i) "Lake Okeechobee Watershed Protection Plan" means the
 512 Lake Okeechobee Watershed Construction Project and the Lake
 513 Okeechobee Watershed Research and Water Quality Monitoring
 514 Program ~~plan developed pursuant to this section and ss. 373.451-~~
 515 ~~373.459.~~

516 (j) "Lake Okeechobee watershed" means Lake Okeechobee, its
 517 tributaries, and the area within which surface water flow is
 518 directed or drains, naturally or by constructed works, to the
 519 lake or its tributaries.

520 ~~(k) "Lake Okeechobee Watershed Phosphorus Control Program"~~

521 ~~means the program developed pursuant to paragraph (3)(c).~~

522 (k)~~(l)~~ "Northern Everglades" means the Lake Okeechobee
 523 watershed, the Caloosahatchee River watershed, and the St. Lucie
 524 River watershed.

525 (l)~~(m)~~ "Project component" means any structural or
 526 operational change, resulting from the Restudy, to the Central
 527 and Southern Florida Project as it existed and was operated as
 528 of January 1, 1999.

529 (m)~~(n)~~ "Restudy" means the Comprehensive Review Study of
 530 the Central and Southern Florida Project, for which federal
 531 participation was authorized by the Federal Water Resources
 532 Development Acts of 1992 and 1996 together with related
 533 Congressional resolutions and for which participation by the
 534 South Florida Water Management District is authorized by s.
 535 373.1501. The term includes all actions undertaken pursuant to
 536 the aforementioned authorizations which will result in
 537 recommendations for modifications or additions to the Central
 538 and Southern Florida Project.

539 (n)~~(o)~~ "River Watershed Protection Plans" means the
 540 Caloosahatchee River Watershed Protection Plan and the St. Lucie
 541 River Watershed Protection Plan developed pursuant to this
 542 section.

543 (o) "Soil amendment" means any substance or mixture of
 544 substances sold or offered for sale for soil enriching or
 545 corrective purposes, intended or claimed to be effective in
 546 promoting or stimulating plant growth, increasing soil or plant

547 productivity, improving the quality of crops, or producing any
548 chemical or physical change in the soil, except amendments,
549 conditioners, additives, and related products that are derived
550 solely from inorganic sources and that contain no recognized
551 plant nutrients.

552 (p) "St. Lucie River watershed" means the St. Lucie River,
553 its tributaries, its estuary, and the area within Martin,
554 Okeechobee, and St. Lucie Counties from which surface water flow
555 is directed or drains, naturally or by constructed works, to the
556 river, its tributaries, or its estuary.

557 (q) "Total maximum daily load" means the sum of the
558 individual wasteload allocations for point sources and the load
559 allocations for nonpoint sources and natural background adopted
560 pursuant to s. 403.067. Before ~~Prior to~~ determining individual
561 wasteload allocations and load allocations, the maximum amount
562 of a pollutant that a water body or water segment can assimilate
563 from all sources without exceeding water quality standards must
564 first be calculated.

565 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—The Lake
566 Okeechobee Watershed Protection Program shall consist of the
567 Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee
568 Basin Management Action Plan adopted pursuant to s. 403.067, the
569 Lake Okeechobee Exotic Species Control Program, and the Lake
570 Okeechobee Internal Phosphorus Management Program. The Lake
571 Okeechobee Basin Management Action Plan adopted pursuant to s.
572 403.067 shall be the component of the Lake Okeechobee Watershed

573 Protection ~~A protection~~ Program for Lake Okeechobee that
574 achieves phosphorus load reductions for Lake Okeechobee ~~shall be~~
575 ~~immediately implemented as specified in this subsection.~~ The
576 Lake Okeechobee Watershed Protection Program shall address the
577 reduction of phosphorus loading to the lake from both internal
578 and external sources. Phosphorus load reductions shall be
579 achieved through a phased program of implementation. ~~Initial~~
580 ~~implementation actions shall be technology-based, based upon a~~
581 ~~consideration of both the availability of appropriate technology~~
582 ~~and the cost of such technology, and shall include phosphorus~~
583 ~~reduction measures at both the source and the regional level.~~
584 ~~The initial phase of phosphorus load reductions shall be based~~
585 ~~upon the district's Technical Publication 81-2 and the~~
586 ~~district's WOD program, with subsequent phases of phosphorus~~
587 ~~load reductions based upon the total maximum daily loads~~
588 ~~established in accordance with s. 403.067.~~ In the development
589 and administration of the Lake Okeechobee Watershed Protection
590 Program, the coordinating agencies shall maximize opportunities
591 provided by federal cost-sharing programs and opportunities for
592 partnerships with the private sector.

593 (a) Lake Okeechobee Watershed Protection Plan.—In order to
594 protect and restore surface water resources, the district, in
595 cooperation with the other coordinating agencies, shall complete
596 a Lake Okeechobee Watershed Protection Plan in accordance with
597 this section and ss. 373.451-373.459. Beginning March 1, 2020,
598 and every 5 years thereafter, the district shall update the Lake

599 Okeechobee Watershed Protection Plan to ensure that it is
600 consistent with the Lake Okeechobee Basin Management Action Plan
601 adopted pursuant to s. 403.067. The Lake Okeechobee Watershed
602 Protection Plan shall identify the geographic extent of the
603 watershed, be coordinated with the plans developed pursuant to
604 paragraphs (4) (a) and (c) ~~(b)~~, and include the Lake Okeechobee
605 Watershed Construction Project and the Lake Okeechobee Watershed
606 Research and Water Quality Monitoring Program ~~contain an~~
607 implementation schedule for subsequent phases of phosphorus load
608 reduction consistent with the total maximum daily loads
609 established in accordance with s. 403.067. The plan shall
610 consider and build upon a review and analysis of ~~the following:~~
611 1. the performance of projects constructed during Phase I
612 and Phase II of the Lake Okeechobee Watershed Construction
613 Project, pursuant to subparagraph 1.; ~~paragraph (b)~~.
614 2. relevant information resulting from the Lake Okeechobee
615 Basin Management Action Plan ~~Watershed Phosphorus Control~~
616 Program, pursuant to paragraph (b); ~~(e)~~.
617 3. relevant information resulting from the Lake Okeechobee
618 Watershed Research and Water Quality Monitoring Program,
619 pursuant to subparagraph 2.; ~~paragraph (d)~~.
620 4. relevant information resulting from the Lake Okeechobee
621 Exotic Species Control Program, pursuant to paragraph (c); and
622 ~~(e)~~.
623 5. relevant information resulting from the Lake Okeechobee
624 Internal Phosphorus Management Program, pursuant to paragraph

625 (d) ~~(f)~~.

626 1.~~(b)~~ Lake Okeechobee Watershed Construction Project.—To
627 improve the hydrology and water quality of Lake Okeechobee and
628 downstream receiving waters, including the Caloosahatchee and
629 St. Lucie Rivers and their estuaries, the district, in
630 cooperation with the other coordinating agencies, shall design
631 and construct the Lake Okeechobee Watershed Construction
632 Project. The project shall include:

633 a.1. Phase I.—Phase I of the Lake Okeechobee Watershed
634 Construction Project shall consist of a series of project
635 features consistent with the recommendations of the South
636 Florida Ecosystem Restoration Working Group's Lake Okeechobee
637 Action Plan. Priority basins for such projects include S-191, S-
638 154, and Pools D and E in the Lower Kissimmee River. In order to
639 obtain phosphorus load reductions to Lake Okeechobee as soon as
640 possible, the following actions shall be implemented:

641 (I)a. The district shall serve as a full partner with the
642 Corps of Engineers in the design and construction of the Grassy
643 Island Ranch and New Palm Dairy stormwater treatment facilities
644 as components of the Lake Okeechobee Water Retention/Phosphorus
645 Removal Critical Project. The Corps of Engineers shall have the
646 lead in design and construction of these facilities. Should
647 delays be encountered in the implementation of either of these
648 facilities, the district shall notify the department and
649 recommend corrective actions.

650 (II)b. The district shall obtain permits and complete

651 construction of two of the isolated wetland restoration projects
652 that are part of the Lake Okeechobee Water Retention/Phosphorus
653 Removal Critical Project. The additional isolated wetland
654 projects included in this critical project shall further reduce
655 phosphorus loading to Lake Okeechobee.

656 (III)e. The district shall work with the Corps of
657 Engineers to expedite initiation of the design process for the
658 Taylor Creek/Nubbins Slough Reservoir Assisted Stormwater
659 Treatment Area, a project component of the Comprehensive
660 Everglades Restoration Plan. The district shall propose to the
661 Corps of Engineers that the district take the lead in the design
662 and construction of the Reservoir Assisted Stormwater Treatment
663 Area and receive credit towards the local share of the total
664 cost of the Comprehensive Everglades Restoration Plan.

665 b.2. Phase II technical plan and construction. ~~By February~~
666 ~~1, 2008,~~ The district, in cooperation with the other
667 coordinating agencies, shall develop a detailed technical plan
668 for Phase II of the Lake Okeechobee Watershed Construction
669 Project which provides the basis for the Lake Okeechobee Basin
670 Management Action Plan adopted by the department pursuant to s.
671 403.067. The detailed technical plan shall include measures for
672 the improvement of the quality, quantity, timing, and
673 distribution of water in the northern Everglades ecosystem,
674 including the Lake Okeechobee watershed and the estuaries, and
675 for facilitating the achievement of water quality standards. Use
676 of cost-effective biologically based, hybrid wetland/chemical

677 and other innovative nutrient control technologies shall be
678 incorporated in the plan where appropriate. The detailed
679 technical plan shall also include a Process Development and
680 Engineering component to finalize the detail and design of Phase
681 II projects and identify additional measures needed to increase
682 the certainty that the overall objectives for improving water
683 quality and quantity can be met. Based on information and
684 recommendations from the Process Development and Engineering
685 component, the Phase II detailed technical plan shall be
686 periodically updated. Phase II shall include construction of
687 additional facilities in the priority basins identified in sub-
688 subparagraph 1.a. subparagraph 1., as well as facilities for
689 other basins in the Lake Okeechobee watershed. ~~This detailed~~
690 ~~technical plan will require legislative ratification pursuant to~~
691 ~~paragraph (i).~~ The technical plan shall:

692 (I)a. Identify Lake Okeechobee Watershed Construction
693 Project facilities designed to contribute to achieving all
694 applicable total maximum daily loads established pursuant to s.
695 403.067 within the Lake Okeechobee watershed.

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

698 (III)c. Provide a construction schedule for all such Lake
699 Okeechobee Watershed Construction Project facilities, including
700 the sequencing and specific timeframe for construction of each
701 Lake Okeechobee Watershed Construction Project facility.

702 (IV)d. Provide a schedule for the acquisition of lands or

703 sufficient interests necessary to achieve the construction
704 schedule.

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

707 (VI)~~f~~. Identify, to the maximum extent practicable,
708 impacts on wetlands and state-listed species expected to be
709 associated with construction of such facilities, including
710 potential alternatives to minimize and mitigate such impacts, as
711 appropriate.

712 (VII)~~g~~. Provide for additional measures, including
713 voluntary water storage and quality improvements on private
714 land, to increase water storage and reduce excess water levels
715 in Lake Okeechobee and to reduce excess discharges to the
716 estuaries.

717 (VIII) ~~The technical plan shall also~~ Develop the
718 appropriate water quantity storage goal to achieve the desired
719 Lake Okeechobee range of lake levels and inflow volumes to the
720 Caloosahatchee and St. Lucie estuaries while meeting the other
721 water-related needs of the region, including water supply and
722 flood protection.

723 (IX)~~h~~. Provide for additional source controls needed to
724 enhance performance of the Lake Okeechobee Watershed
725 Construction Project facilities. Such additional source controls
726 shall be incorporated into the Lake Okeechobee Basin Management
727 Action Plan ~~Watershed Phosphorous Control Program~~ pursuant to
728 paragraph (b) ~~(e)~~.

729 c.3. Evaluation.—Within 5 years after the adoption of the
730 Lake Okeechobee Basin Management Action Plan pursuant to s.
731 403.067 and every 5 ~~By January 1, 2004, and every 3~~ years
732 thereafter, the department ~~district~~, in cooperation with the
733 other coordinating agencies, shall conduct an evaluation of the
734 Lake Okeechobee Watershed Construction Project and identify any
735 further load reductions necessary to achieve compliance with the
736 ~~all~~ Lake Okeechobee ~~watershed~~ total maximum daily loads
737 established pursuant to s. 403.067. ~~Additionally,~~ The district
738 shall identify modifications to facilities of the Lake
739 Okeechobee Watershed Construction Project as appropriate to meet
740 the total maximum daily loads. Modifications to the Lake
741 Okeechobee Watershed Construction Project resulting from this
742 evaluation shall be incorporated into the Lake Okeechobee Basin
743 Management Action Plan and ~~The evaluation shall be included in~~
744 the applicable annual progress report submitted pursuant to
745 subsection (6).

746 d.4. Coordination and review.—To ensure the timely
747 implementation of the Lake Okeechobee Watershed Construction
748 Project, the design of project facilities shall be coordinated
749 with the department and other interested parties, including
750 affected local governments, to the maximum extent practicable.
751 Lake Okeechobee Watershed Construction Project facilities shall
752 be reviewed and commented upon by the department before ~~prior to~~
753 the execution of a construction contract by the district for
754 that facility.

755 2. Lake Okeechobee Watershed Research and Water Quality
756 Monitoring Program.—The coordinating agencies shall implement a
757 Lake Okeechobee Watershed Research and Water Quality Monitoring
758 Program. Results from the program shall be used by the
759 department, in cooperation with the other coordinating agencies,
760 to make modifications to the Lake Okeechobee Basin Management
761 Action Plan adopted pursuant to s. 403.067, as appropriate. The
762 program shall:

763 a. Evaluate all available existing water quality data
764 concerning total phosphorus in the Lake Okeechobee watershed,
765 develop a water quality baseline to represent existing
766 conditions for total phosphorus, monitor long-term ecological
767 changes, including water quality for total phosphorus, and
768 measure compliance with water quality standards for total
769 phosphorus, including any applicable total maximum daily load
770 for the Lake Okeechobee watershed as established pursuant to s.
771 403.067. Beginning March 1, 2020, and every 5 years thereafter,
772 the department shall reevaluate water quality and quantity data
773 to ensure that the appropriate projects are being designated and
774 incorporated into the Lake Okeechobee Basin Management Action
775 Plan adopted pursuant to s. 403.067. The district shall
776 implement a total phosphorus monitoring program at appropriate
777 structures owned or operated by the district and within the Lake
778 Okeechobee watershed.

779 b. Develop a Lake Okeechobee water quality model that
780 reasonably represents the phosphorus dynamics of Lake Okeechobee

781 and incorporates an uncertainty analysis associated with model
782 predictions.

783 c. Determine the relative contribution of phosphorus from
784 all identifiable sources and all primary and secondary land
785 uses.

786 d. Conduct an assessment of the sources of phosphorus from
787 the Upper Kissimmee Chain-of-Lakes and Lake Istokpoga, and their
788 relative contribution to the water quality of Lake Okeechobee.
789 The results of this assessment shall be used by the coordinating
790 agencies as part of the Lake Okeechobee Basin Management Action
791 Plan adopted pursuant to s. 403.067 to develop interim measures,
792 best management practices, or regulations, as applicable.

793 e. Assess current water management practices within the
794 Lake Okeechobee watershed and develop recommendations for
795 structural and operational improvements. Such recommendations
796 shall balance water supply, flood control, estuarine salinity,
797 maintenance of a healthy lake littoral zone, and water quality
798 considerations.

799 f. Evaluate the feasibility of alternative nutrient
800 reduction technologies, including sediment traps, canal and
801 ditch maintenance, fish production or other aquaculture,
802 bioenergy conversion processes, and algal or other biological
803 treatment technologies and include any alternative nutrient
804 reduction technologies determined to be feasible in the Lake
805 Okeechobee Basin Management Action Plan adopted pursuant to s.
806 403.067.

807 g. Conduct an assessment of the water volumes and timing
808 from the Lake Okeechobee watershed and their relative
809 contribution to the water level changes in Lake Okeechobee and
810 to the timing and volume of water delivered to the estuaries.

811 (b) ~~(e)~~ Lake Okeechobee Basin Management Action Plan
812 Watershed Phosphorus Control Program.—The Lake Okeechobee Basin
813 Management Action Plan adopted pursuant to s. 403.067 shall be
814 the watershed phosphorus control component for Lake Okeechobee
815 and shall be ~~Program is~~ designed to be a multifaceted approach
816 to reducing phosphorus loads by improving the management of
817 phosphorus sources within the Lake Okeechobee watershed through
818 implementation of regulations and best management practices,
819 continued development and continued implementation of improved
820 best management practices, improvement and restoration of the
821 hydrologic function of natural and managed systems, and use
822 utilization of alternative technologies for nutrient reduction.
823 The plan shall contain an implementation schedule for pollutant
824 load reductions consistent with the adopted total maximum daily
825 load. The coordinating agencies shall develop an interagency
826 agreement pursuant to ss. 373.046 and 373.406 that is consistent
827 with the department taking the lead on water quality protection
828 measures through the Lake Okeechobee Basin Management Action
829 Plan adopted pursuant to s. 403.067; the district taking the
830 lead on hydrologic improvements pursuant to paragraph (3) (a);
831 and the Department of Agriculture and Consumer Services taking
832 the lead on agricultural interim measures, best management

833 practices, and other measures adopted pursuant to s. 403.067.
834 The interagency agreement shall specify how best management
835 practices for nonagricultural nonpoint sources are developed and
836 how all best management practices are implemented and verified
837 consistent with s. 403.067 and this section. The interagency
838 agreement shall address measures to be taken by the coordinating
839 agencies during any best management practice reevaluation
840 performed pursuant to subparagraphs 5. and 10. The department
841 shall use best professional judgment in making the initial
842 determination of best management practice effectiveness. The
843 coordinating agencies may develop an intergovernmental agreement
844 with local governments to implement nonagricultural nonpoint
845 source best management practices within their respective
846 geographic boundaries. The coordinating agencies shall
847 facilitate the application of federal programs that offer
848 opportunities for water quality treatment, including
849 preservation, restoration, or creation of wetlands on
850 agricultural lands.

851 1. Agricultural nonpoint source best management practices,
852 developed in accordance with s. 403.067 and designed to achieve
853 the objectives of the Lake Okeechobee Watershed Protection
854 Program as part of a phased approach of management strategies
855 within the Lake Okeechobee Basin Management Action Plan, shall
856 be implemented on an expedited basis. ~~The coordinating agencies~~
857 ~~shall develop an interagency agreement pursuant to ss. 373.046~~
858 ~~and 373.406(5) that assures the development of best management~~

859 ~~practices that complement existing regulatory programs and~~
860 ~~specifies how those best management practices are implemented~~
861 ~~and verified. The interagency agreement shall address measures~~
862 ~~to be taken by the coordinating agencies during any best~~
863 ~~management practice reevaluation performed pursuant to sub-~~
864 ~~paragraph d. The department shall use best professional~~
865 ~~judgment in making the initial determination of best management~~
866 ~~practice effectiveness.~~

867 2.a. As provided in s. 403.067 ~~403.067(7)(e)~~, the
868 Department of Agriculture and Consumer Services, in consultation
869 with the department, the district, and affected parties, shall
870 initiate rule development for interim measures, best management
871 practices, conservation plans, nutrient management plans, or
872 other measures necessary for Lake Okeechobee watershed total
873 maximum daily load reduction. The rule shall include thresholds
874 for requiring conservation and nutrient management plans and
875 criteria for the contents of such plans. Development of
876 agricultural nonpoint source best management practices shall
877 initially focus on those priority basins listed in paragraph (a)
878 ~~subparagraph (b)~~¹. The Department of Agriculture and Consumer
879 Services, in consultation with the department, the district, and
880 affected parties, shall conduct an ongoing program for
881 improvement of existing and development of new agricultural
882 nonpoint source interim measures and ~~or~~ best management
883 practices. The Department of Agriculture and Consumer Services
884 shall adopt ~~for the purpose of adoption of~~ such practices by

885 rule. The Department of Agriculture and Consumer Services shall
886 work with the University of Florida ~~Florida's~~ Institute of Food
887 and Agriculture Sciences to review and, where appropriate,
888 develop revised nutrient application rates for all agricultural
889 soil amendments in the watershed.

890 ~~3.b.~~ As provided in s. 403.067, where agricultural
891 nonpoint source best management practices or interim measures
892 have been adopted by rule of the Department of Agriculture and
893 Consumer Services, the owner or operator of an agricultural
894 nonpoint source addressed by such rule shall either implement
895 interim measures or best management practices or demonstrate
896 compliance with state water quality standards addressed by the
897 Lake Okeechobee Basin Management Action Plan adopted pursuant to
898 s. 403.067 ~~the district's WOD program~~ by conducting monitoring
899 prescribed by the department or the district. Owners or
900 operators of agricultural nonpoint sources who implement interim
901 measures or best management practices adopted by rule of the
902 Department of Agriculture and Consumer Services shall be subject
903 to ~~the provisions of s. 403.067~~ 403.067(7). ~~The Department of~~
904 ~~Agriculture and Consumer Services, in cooperation with the~~
905 ~~department and the district, shall provide technical and~~
906 ~~financial assistance for implementation of agricultural best~~
907 ~~management practices, subject to the availability of funds.~~

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

911 ~~5.d.~~ Where water quality problems are detected for
912 agricultural nonpoint sources despite the appropriate
913 implementation of adopted best management practices, ~~the~~
914 ~~Department of Agriculture and Consumer Services, in consultation~~
915 ~~with the other coordinating agencies and affected parties, shall~~
916 institute a reevaluation of the best management practices shall
917 be conducted pursuant to s. 403.067(7)(c)4. and make appropriate
918 changes to the rule adopting best management practices.

919 ~~6.2.~~ As provided in s. 403.067, nonagricultural nonpoint
920 source best management practices, developed in accordance with
921 s. 403.067 and designed to achieve the objectives of the Lake
922 Okeechobee Watershed Protection Program as part of a phased
923 approach of management strategies within the Lake Okeechobee
924 Basin Management Action Plan, shall be implemented on an
925 expedited basis. ~~The department and the district shall develop~~
926 ~~an interagency agreement pursuant to ss. 373.046 and 373.406(5)~~
927 ~~that assures the development of best management practices that~~
928 ~~complement existing regulatory programs and specifies how those~~
929 ~~best management practices are implemented and verified. The~~
930 ~~interagency agreement shall address measures to be taken by the~~
931 ~~department and the district during any best management practice~~
932 ~~reevaluation performed pursuant to sub-subparagraph d.~~

933 ~~7.a.~~ The department and the district are directed to work
934 with the University of Florida ~~Florida's~~ Institute of Food and
935 Agricultural Sciences to develop appropriate nutrient
936 application rates for all nonagricultural soil amendments in the

937 watershed. As provided in s. 403.067 ~~403.067(7)(e)~~, the
938 department, in consultation with the district and affected
939 parties, shall develop nonagricultural nonpoint source interim
940 measures, best management practices, or other measures necessary
941 for Lake Okeechobee watershed total maximum daily load
942 reduction. Development of nonagricultural nonpoint source best
943 management practices shall initially focus on those priority
944 basins listed in paragraph (a) ~~subparagraph (b)~~¹. The
945 department, the district, and affected parties shall conduct an
946 ongoing program for improvement of existing and development of
947 new interim measures and ~~or~~ best management practices. The
948 department or the district shall adopt such practices by rule
949 ~~The district shall adopt technology-based standards under the~~
950 ~~district's WOD program for nonagricultural nonpoint sources of~~
951 ~~phosphorus. Nothing in this sub-subparagraph shall affect the~~
952 ~~authority of the department or the district to adopt basin-~~
953 ~~specific criteria under this part to prevent harm to the water~~
954 ~~resources of the district.~~

955 8.b. Where nonagricultural nonpoint source best management
956 practices or interim measures have been developed by the
957 department and adopted by the district, the owner or operator of
958 a nonagricultural nonpoint source shall implement interim
959 measures or best management practices and be subject to ~~the~~
960 ~~provisions of s. 403.067 403.067(7).~~ ~~The department and district~~
961 ~~shall provide technical and financial assistance for~~
962 ~~implementation of nonagricultural nonpoint source best~~

963 ~~management practices, subject to the availability of funds.~~

964 9.e. As provided in s. 403.067, the district or the
965 department shall conduct monitoring at representative sites to
966 verify the effectiveness of nonagricultural nonpoint source best
967 management practices.

968 10.d. Where water quality problems are detected for
969 nonagricultural nonpoint sources despite the appropriate
970 implementation of adopted best management practices, ~~the~~
971 ~~department and the district shall institute~~ a reevaluation of
972 the best management practices shall be conducted pursuant to s.
973 403.067(7)(c)4.

974 11.3. ~~The provisions of Subparagraphs 1. and 2. and 7. do~~
975 ~~may~~ not preclude the department or the district from requiring
976 compliance with water quality standards or with current best
977 management practices requirements set forth in any applicable
978 regulatory program authorized by law for the purpose of
979 protecting water quality. ~~Additionally,~~ Subparagraphs ~~1. and 2.~~
980 and 7. are applicable only to the extent that they do not
981 conflict with any rules adopted by the department that are
982 necessary to maintain a federally delegated or approved program.

983 12. The program of agricultural best management practices
984 set forth in chapter 40E-63, Florida Administrative Code, meets
985 the requirements of this paragraph and s. 403.067(7) for the
986 Lake Okeechobee watershed. An entity in compliance with best
987 management practices set forth in chapter 40E-63, Florida
988 Administrative Code, may elect to use that permit in lieu of the

989 requirements of this paragraph. The provisions of s.
990 373.4595(3)(b)5. apply to this subparagraph.

991 13. The Department of Agriculture and Consumer Services,
992 in cooperation with the department and the district, shall
993 provide technical and financial assistance for implementation of
994 agricultural best management practices, subject to the
995 availability of funds. The department and district shall provide
996 technical and financial assistance for implementation of
997 nonagricultural nonpoint source best management practices,
998 subject to the availability of funds.

999 14.4- Projects that reduce the phosphorus load originating
1000 from domestic wastewater systems within the Lake Okeechobee
1001 watershed shall be given funding priority in the department's
1002 revolving loan program under s. 403.1835. The department shall
1003 coordinate and provide assistance to those local governments
1004 seeking financial assistance for such priority projects.

1005 15.5- Projects that make use of private lands, or lands
1006 held in trust for Indian tribes, to reduce nutrient loadings or
1007 concentrations within a basin by one or more of the following
1008 methods: restoring the natural hydrology of the basin, restoring
1009 wildlife habitat or impacted wetlands, reducing peak flows after
1010 storm events, increasing aquifer recharge, or protecting range
1011 and timberland from conversion to development, are eligible for
1012 grants available under this section from the coordinating
1013 agencies. For projects of otherwise equal priority, special
1014 funding priority will be given to those projects that make best

1015 use of the methods outlined above that involve public-private
1016 partnerships or that obtain federal match money. Preference
1017 ranking above the special funding priority will be given to
1018 projects located in a rural area of opportunity designated by
1019 the Governor. Grant applications may be submitted by any person
1020 or tribal entity, and eligible projects may include, but are not
1021 limited to, the purchase of conservation and flowage easements,
1022 hydrologic restoration of wetlands, creating treatment wetlands,
1023 development of a management plan for natural resources, and
1024 financial support to implement a management plan.

1025 ~~16.6.a.~~ The department shall require all entities
1026 disposing of domestic wastewater biosolids ~~residuals~~ within the
1027 Lake Okeechobee watershed and the remaining areas of Okeechobee,
1028 Glades, and Hendry Counties to develop and submit to the
1029 department an agricultural use plan that limits applications
1030 based upon phosphorus loading consistent with the Lake
1031 Okeechobee Basin Management Action Plan adopted pursuant to s.
1032 403.067. ~~By July 1, 2005, phosphorus concentrations originating~~
1033 ~~from these application sites may not exceed the limits~~
1034 ~~established in the district's WOD program. After December 31,~~
1035 ~~2007,~~ The department may not authorize the disposal of domestic
1036 wastewater biosolids ~~residuals~~ within the Lake Okeechobee
1037 watershed unless the applicant can affirmatively demonstrate
1038 that the phosphorus in the biosolids ~~residuals~~ will not add to
1039 phosphorus loadings in Lake Okeechobee or its tributaries. This
1040 demonstration shall be based on achieving a net balance between

1041 phosphorus imports relative to exports on the permitted
 1042 application site. Exports shall include only phosphorus removed
 1043 from the Lake Okeechobee watershed through products generated on
 1044 the permitted application site. This prohibition does not apply
 1045 to Class AA biosolids ~~residuals~~ that are marketed and
 1046 distributed as fertilizer products in accordance with department
 1047 rule.

1048 17.b. Private and government-owned utilities within
 1049 Monroe, Miami-Dade, Broward, Palm Beach, Martin, St. Lucie,
 1050 Indian River, Okeechobee, Highlands, Hendry, and Glades Counties
 1051 that dispose of wastewater biosolids ~~residual~~ sludge from
 1052 utility operations and septic removal by land spreading in the
 1053 Lake Okeechobee watershed may use a line item on local sewer
 1054 rates to cover wastewater biosolids ~~residual~~ treatment and
 1055 disposal if such disposal and treatment is done by approved
 1056 alternative treatment methodology at a facility located within
 1057 the areas designated by the Governor as rural areas of
 1058 opportunity pursuant to s. 288.0656. This additional line item
 1059 is an environmental protection disposal fee above the present
 1060 sewer rate and may not be considered a part of the present sewer
 1061 rate to customers, notwithstanding provisions to the contrary in
 1062 chapter 367. The fee shall be established by the county
 1063 commission or its designated assignee in the county in which the
 1064 alternative method treatment facility is located. The fee shall
 1065 be calculated to be no higher than that necessary to recover the
 1066 facility's prudent cost of providing the service. Upon request

1067 by an affected county commission, the Florida Public Service
 1068 Commission will provide assistance in establishing the fee.
 1069 Further, for utilities and utility authorities that use the
 1070 additional line item environmental protection disposal fee, such
 1071 fee may not be considered a rate increase under the rules of the
 1072 Public Service Commission and shall be exempt from such rules.
 1073 Utilities using ~~the provisions of~~ this section may immediately
 1074 include in their sewer invoicing the new environmental
 1075 protection disposal fee. Proceeds from this environmental
 1076 protection disposal fee shall be used for treatment and disposal
 1077 of wastewater biosolids residuals, including any treatment
 1078 technology that helps reduce the volume of biosolids residuals
 1079 that require final disposal, but such proceeds may not be used
 1080 for transportation or shipment costs for disposal or any costs
 1081 relating to the land application of biosolids residuals in the
 1082 Lake Okeechobee watershed.

1083 18.e. No less frequently than once every 3 years, the
 1084 Florida Public Service Commission or the county commission
 1085 through the services of an independent auditor shall perform a
 1086 financial audit of all facilities receiving compensation from an
 1087 environmental protection disposal fee. The Florida Public
 1088 Service Commission or the county commission through the services
 1089 of an independent auditor shall also perform an audit of the
 1090 methodology used in establishing the environmental protection
 1091 disposal fee. The Florida Public Service Commission or the
 1092 county commission shall, within 120 days after completion of an

1093 audit, file the audit report with the President of the Senate
 1094 and the Speaker of the House of Representatives and shall
 1095 provide copies to the county commissions of the counties set
 1096 forth in subparagraph 17 ~~sub-subparagraph b~~. The books and
 1097 records of any facilities receiving compensation from an
 1098 environmental protection disposal fee shall be open to the
 1099 Florida Public Service Commission and the Auditor General for
 1100 review upon request.

1101 19.7. The Department of Health shall require all entities
 1102 disposing of septage within the Lake Okeechobee watershed to
 1103 develop and submit to that agency an agricultural use plan that
 1104 limits applications based upon phosphorus loading consistent
 1105 with the Lake Okeechobee Basin Management Action Plan adopted
 1106 pursuant to s. 403.067. ~~By July 1, 2005, phosphorus~~
 1107 ~~concentrations originating from these application sites may not~~
 1108 ~~exceed the limits established in the district's WOD program.~~

1109 20.8. The Department of Agriculture and Consumer Services
 1110 shall initiate rulemaking requiring entities within the Lake
 1111 Okeechobee watershed which land-apply animal manure to develop
 1112 resource management system level conservation plans, according
 1113 to United States Department of Agriculture criteria, which limit
 1114 such application. Such rules may include criteria and thresholds
 1115 for the requirement to develop a conservation or nutrient
 1116 management plan, requirements for plan approval, and
 1117 recordkeeping requirements.

1118 21. The district shall revise chapter 40E-61, Florida

1119 Administrative Code, to be consistent with this section and s.
 1120 403.067; provide for a monitoring program for nonpoint source
 1121 dischargers required to monitor water quality by s. 403.067; and
 1122 provide for the results of such monitoring to be reported to the
 1123 coordinating agencies.

1124 ~~9. The district, the department, or the Department of~~
 1125 ~~Agriculture and Consumer Services, as appropriate, shall~~
 1126 ~~implement those alternative nutrient reduction technologies~~
 1127 ~~determined to be feasible pursuant to subparagraph (d)6.~~

1128 ~~(d) Lake Okeechobee Watershed Research and Water Quality~~
 1129 ~~Monitoring Program. The district, in cooperation with the other~~
 1130 ~~coordinating agencies, shall establish a Lake Okeechobee~~
 1131 ~~Watershed Research and Water Quality Monitoring Program that~~
 1132 ~~builds upon the district's existing Lake Okeechobee research~~
 1133 ~~program. The program shall:~~

1134 ~~1. Evaluate all available existing water quality data~~
 1135 ~~concerning total phosphorus in the Lake Okeechobee watershed,~~
 1136 ~~develop a water quality baseline to represent existing~~
 1137 ~~conditions for total phosphorus, monitor long term ecological~~
 1138 ~~changes, including water quality for total phosphorus, and~~
 1139 ~~measure compliance with water quality standards for total~~
 1140 ~~phosphorus, including any applicable total maximum daily load~~
 1141 ~~for the Lake Okeechobee watershed as established pursuant to s.~~
 1142 ~~403.067. Every 3 years, the district shall reevaluate water~~
 1143 ~~quality and quantity data to ensure that the appropriate~~
 1144 ~~projects are being designated and implemented to meet the water~~

1145 ~~quality and storage goals of the plan. The district shall also~~
1146 ~~implement a total phosphorus monitoring program at appropriate~~
1147 ~~structures owned or operated by the South Florida Water~~
1148 ~~Management District and within the Lake Okeechobee watershed.~~

1149 ~~2. Develop a Lake Okeechobee water quality model that~~
1150 ~~reasonably represents phosphorus dynamics of the lake and~~
1151 ~~incorporates an uncertainty analysis associated with model~~
1152 ~~predictions.~~

1153 ~~3. Determine the relative contribution of phosphorus from~~
1154 ~~all identifiable sources and all primary and secondary land~~
1155 ~~uses.~~

1156 ~~4. Conduct an assessment of the sources of phosphorus from~~
1157 ~~the Upper Kissimmee Chain of Lakes and Lake Istokpoga, and their~~
1158 ~~relative contribution to the water quality of Lake Okeechobee.~~
1159 ~~The results of this assessment shall be used by the coordinating~~
1160 ~~agencies to develop interim measures, best management practices,~~
1161 ~~or regulation, as applicable.~~

1162 ~~5. Assess current water management practices within the~~
1163 ~~Lake Okeechobee watershed and develop recommendations for~~
1164 ~~structural and operational improvements. Such recommendations~~
1165 ~~shall balance water supply, flood control, estuarine salinity,~~
1166 ~~maintenance of a healthy lake littoral zone, and water quality~~
1167 ~~considerations.~~

1168 ~~6. Evaluate the feasibility of alternative nutrient~~
1169 ~~reduction technologies, including sediment traps, canal and~~
1170 ~~ditch maintenance, fish production or other aquaculture,~~

1171 ~~bioenergy conversion processes, and algal or other biological~~
1172 ~~treatment technologies.~~

1173 ~~7. Conduct an assessment of the water volumes and timing~~
1174 ~~from the Lake Okeechobee watershed and their relative~~
1175 ~~contribution to the water level changes in Lake Okeechobee and~~
1176 ~~to the timing and volume of water delivered to the estuaries.~~

1177 ~~(c)-(e)~~ Lake Okeechobee Exotic Species Control Program.—The
1178 coordinating agencies shall identify the exotic species that
1179 threaten the native flora and fauna within the Lake Okeechobee
1180 watershed and develop and implement measures to protect the
1181 native flora and fauna.

1182 ~~(d)-(f)~~ Lake Okeechobee Internal Phosphorus Management
1183 Program.—The district, in cooperation with the other
1184 coordinating agencies and interested parties, shall evaluate the
1185 feasibility of ~~complete a~~ Lake Okeechobee internal phosphorus
1186 load removal projects ~~feasibility study~~. The evaluation
1187 ~~feasibility study~~ shall be based on technical feasibility, as
1188 well as economic considerations, and shall consider ~~address~~ all
1189 reasonable methods of phosphorus removal. If projects ~~methods~~
1190 are found to be feasible, the district shall immediately pursue
1191 the design, funding, and permitting for implementing such
1192 projects ~~methods~~.

1193 ~~(e)-(g)~~ Lake Okeechobee Watershed Protection Program Plan
1194 implementation.—The coordinating agencies shall be jointly
1195 responsible for implementing the Lake Okeechobee Watershed
1196 Protection Program Plan, consistent with the statutory authority

1197 and responsibility of each agency. Annual funding priorities
1198 shall be jointly established, and the highest priority shall be
1199 assigned to programs and projects that address sources that have
1200 the highest relative contribution to loading and the greatest
1201 potential for reductions needed to meet the total maximum daily
1202 loads. In determining funding priorities, the coordinating
1203 agencies shall also consider the need for regulatory compliance,
1204 the extent to which the program or project is ready to proceed,
1205 and the availability of federal matching funds or other nonstate
1206 funding, including public-private partnerships. Federal and
1207 other nonstate funding shall be maximized to the greatest extent
1208 practicable.

1209 (f)~~(h)~~ Priorities and implementation schedules.—The
1210 coordinating agencies are authorized and directed to establish
1211 priorities and implementation schedules for the achievement of
1212 total maximum daily loads, compliance with the requirements of
1213 s. 403.067, and compliance with applicable water quality
1214 standards within the waters and watersheds subject to this
1215 section.

1216 ~~(i) Legislative ratification. The coordinating agencies~~
1217 ~~shall submit the Phase II technical plan developed pursuant to~~
1218 ~~paragraph (b) to the President of the Senate and the Speaker of~~
1219 ~~the House of Representatives prior to the 2008 legislative~~
1220 ~~session for review. If the Legislature takes no action on the~~
1221 ~~plan during the 2008 legislative session, the plan is deemed~~
1222 ~~approved and may be implemented.~~

1223 (4) CALOOSAHATCHEE RIVER WATERSHED PROTECTION PROGRAM AND
 1224 ST. LUCIE RIVER WATERSHED PROTECTION PROGRAM.—A protection
 1225 program shall be developed and implemented as specified in this
 1226 subsection. In order to protect and restore surface water
 1227 resources, the program shall address the reduction of pollutant
 1228 loadings, restoration of natural hydrology, and compliance with
 1229 applicable state water quality standards. The program shall be
 1230 achieved through a phased program of implementation. In
 1231 addition, pollutant load reductions based upon adopted total
 1232 maximum daily loads established in accordance with s. 403.067
 1233 shall serve as a program objective. In the development and
 1234 administration of the program, the coordinating agencies shall
 1235 maximize opportunities provided by federal and local government
 1236 cost-sharing programs and opportunities for partnerships with
 1237 the private sector and local government. The program plan shall
 1238 include a goal for salinity envelopes and freshwater inflow
 1239 targets for the estuaries based upon existing research and
 1240 documentation. The goal may be revised as new information is
 1241 available. This goal shall seek to reduce the frequency and
 1242 duration of undesirable salinity ranges while meeting the other
 1243 water-related needs of the region, including water supply and
 1244 flood protection, while recognizing the extent to which water
 1245 inflows are within the control and jurisdiction of the district.

1246 (a) Caloosahatchee River Watershed Protection Plan.—~~No~~
 1247 ~~later than January 1, 2009,~~ The district, in cooperation with
 1248 the other coordinating agencies, Lee County, and affected

1249 counties and municipalities, shall complete a River Watershed
 1250 Protection Plan in accordance with this subsection. The
 1251 Caloosahatchee River Watershed Protection Plan shall identify
 1252 the geographic extent of the watershed, be coordinated as needed
 1253 with the plans developed pursuant to paragraph (3) (a) and
 1254 paragraph (c) ~~(b)~~ of this subsection, and ~~contain an~~
 1255 ~~implementation schedule for pollutant load reductions consistent~~
 1256 ~~with any adopted total maximum daily loads and compliance with~~
 1257 ~~applicable state water quality standards. The plan shall include~~
 1258 the Caloosahatchee River Watershed Construction Project and the
 1259 Caloosahatchee River Watershed Research and Water Quality
 1260 Monitoring Program.÷

- 1261 1. Caloosahatchee River Watershed Construction Project.—To
 1262 improve the hydrology, water quality, and aquatic habitats
 1263 within the watershed, the district shall, no later than January
 1264 1, 2012, plan, design, and construct the initial phase of the
 1265 Watershed Construction Project. In doing so, the district shall:
- 1266 a. Develop and designate the facilities to be constructed
 1267 to achieve stated goals and objectives of the Caloosahatchee
 1268 River Watershed Protection Plan.
 - 1269 b. Conduct scientific studies that are necessary to
 1270 support the design of the Caloosahatchee River Watershed
 1271 Construction Project facilities.
 - 1272 c. Identify the size and location of all such facilities.
 - 1273 d. Provide a construction schedule for all such
 1274 facilities, including the sequencing and specific timeframe for

1275 construction of each facility.

1276 e. Provide a schedule for the acquisition of lands or
 1277 sufficient interests necessary to achieve the construction
 1278 schedule.

1279 f. Provide a schedule of costs and benefits associated
 1280 with each construction project and identify funding sources.

1281 g. To ensure timely implementation, coordinate the design,
 1282 scheduling, and sequencing of project facilities with the
 1283 coordinating agencies, Lee County, other affected counties and
 1284 municipalities, and other affected parties.

1285 2. Caloosahatchee River Watershed Research and Water
 1286 Quality Monitoring Program.—The district, in cooperation with
 1287 the other coordinating agencies and local governments, shall
 1288 implement a Caloosahatchee River Watershed Research and Water
 1289 Quality Monitoring Program that builds upon the district's
 1290 existing research program and that is sufficient to carry out,
 1291 comply with, or assess the plans, programs, and other
 1292 responsibilities created by this subsection. The program shall
 1293 also conduct an assessment of the water volumes and timing from
 1294 Lake Okeechobee and the Caloosahatchee River watershed and their
 1295 relative contributions to the timing and volume of water
 1296 delivered to the estuary.

1297 (b)2. Caloosahatchee River Watershed Basin Management
 1298 Action Plans Pollutant Control Program.—The basin management
 1299 action plans adopted pursuant to s. 403.067 for the
 1300 Caloosahatchee River watershed shall be the Caloosahatchee River

1301 Watershed Pollutant Control Program. The plans shall be ~~is~~
 1302 designed to be a multifaceted approach to reducing pollutant
 1303 loads by improving the management of pollutant sources within
 1304 the Caloosahatchee River watershed through implementation of
 1305 regulations and best management practices, development and
 1306 implementation of improved best management practices,
 1307 improvement and restoration of the hydrologic function of
 1308 natural and managed systems, and utilization of alternative
 1309 technologies for pollutant reduction, such as cost-effective
 1310 biologically based, hybrid wetland/chemical and other innovative
 1311 nutrient control technologies. The plans shall contain an
 1312 implementation schedule for pollutant load reductions consistent
 1313 with the adopted total maximum daily load. The coordinating
 1314 agencies shall facilitate the use ~~utilization~~ of federal
 1315 programs that offer opportunities for water quality treatment,
 1316 including preservation, restoration, or creation of wetlands on
 1317 agricultural lands.

1318 ~~1.a.~~ Nonpoint source best management practices consistent
 1319 with s. 403.067 ~~paragraph (3)(c)~~, designed to achieve the
 1320 objectives of the Caloosahatchee River Watershed Protection
 1321 Program, shall be implemented on an expedited basis. The
 1322 coordinating agencies may develop an intergovernmental agreement
 1323 with local governments to implement the nonagricultural,
 1324 nonpoint-source best management practices within their
 1325 respective geographic boundaries.

1326 ~~2.b.~~ This subsection does not preclude the department or

1327 the district from requiring compliance with water quality
1328 standards, adopted total maximum daily loads, or current best
1329 management practices requirements set forth in any applicable
1330 regulatory program authorized by law for the purpose of
1331 protecting water quality. This subsection applies only to the
1332 extent that it does not conflict with any rules adopted by the
1333 department or district which are necessary to maintain a
1334 federally delegated or approved program.

1335 3.e. Projects that make use of private lands, or lands
1336 held in trust for Indian tribes, to reduce pollutant loadings or
1337 concentrations within a basin, or that reduce the volume of
1338 harmful discharges by one or more of the following methods:
1339 restoring the natural hydrology of the basin, restoring wildlife
1340 habitat or impacted wetlands, reducing peak flows after storm
1341 events, or increasing aquifer recharge, are eligible for grants
1342 available under this section from the coordinating agencies.

1343 4.d. The Caloosahatchee River Watershed Basin Management
1344 Action Plans ~~Pollutant Control Program~~ shall require assessment
1345 of current water management practices within the watershed and
1346 shall require development of recommendations for structural,
1347 nonstructural, and operational improvements. Such
1348 recommendations shall consider and balance water supply, flood
1349 control, estuarine salinity, aquatic habitat, and water quality
1350 considerations.

1351 5.e. ~~After December 31, 2007,~~ The department may not
1352 authorize the disposal of domestic wastewater biosolids

1353 ~~residuals~~ within the Caloosahatchee River watershed unless the
1354 applicant can affirmatively demonstrate that the nutrients in
1355 the biosolids ~~residuals~~ will not add to nutrient loadings in the
1356 watershed. This demonstration shall be based on achieving a net
1357 balance between nutrient imports relative to exports on the
1358 permitted application site. Exports shall include only nutrients
1359 removed from the watershed through products generated on the
1360 permitted application site. This prohibition does not apply to
1361 Class AA biosolids ~~residuals~~ that are marketed and distributed
1362 as fertilizer products in accordance with department rule.

1363 ~~6.f.~~ The Department of Health shall require all entities
1364 disposing of septage within the Caloosahatchee River watershed
1365 to develop and submit to that agency an agricultural use plan
1366 that limits applications based upon nutrient loading consistent
1367 with any basin management action plan adopted pursuant to s.
1368 403.067. ~~By July 1, 2008, nutrient concentrations originating~~
1369 ~~from these application sites may not exceed the limits~~
1370 ~~established in the district's WOD program.~~

1371 ~~7.g.~~ The Department of Agriculture and Consumer Services
1372 shall require ~~initiate rulemaking requiring~~ entities within the
1373 Caloosahatchee River watershed which land-apply animal manure to
1374 develop a resource management system level conservation plan,
1375 according to United States Department of Agriculture criteria,
1376 which limit such application. Such rules may include criteria
1377 and thresholds for the requirement to develop a conservation or
1378 nutrient management plan, requirements for plan approval, and

1379 recordkeeping requirements.

1380 ~~3.— Caloosahatchee River Watershed Research and Water~~
 1381 ~~Quality Monitoring Program. The district, in cooperation with~~
 1382 ~~the other coordinating agencies and local governments, shall~~
 1383 ~~establish a Caloosahatchee River Watershed Research and Water~~
 1384 ~~Quality Monitoring Program that builds upon the district's~~
 1385 ~~existing research program and that is sufficient to carry out,~~
 1386 ~~comply with, or assess the plans, programs, and other~~
 1387 ~~responsibilities created by this subsection. The program shall~~
 1388 ~~also conduct an assessment of the water volumes and timing from~~
 1389 ~~the Lake Okeechobee and Caloosahatchee River watersheds and~~
 1390 ~~their relative contributions to the timing and volume of water~~
 1391 ~~delivered to the estuary.~~

1392 ~~(c)(b)~~ St. Lucie River Watershed Protection Plan. ~~No later~~
 1393 ~~than January 1, 2009,~~ The district, in cooperation with the
 1394 other coordinating agencies, Martin County, and affected
 1395 counties and municipalities shall complete a plan in accordance
 1396 with this subsection. The St. Lucie River Watershed Protection
 1397 Plan shall identify the geographic extent of the watershed, be
 1398 coordinated as needed with the plans developed pursuant to
 1399 paragraph (3) (a) and paragraph (a) of this subsection, and
 1400 ~~contain an implementation schedule for pollutant load reductions~~
 1401 ~~consistent with any adopted total maximum daily loads and~~
 1402 ~~compliance with applicable state water quality standards. The~~
 1403 ~~plan shall~~ include the St. Lucie River Watershed Construction
 1404 Project and St. Lucie River Watershed Research and Water Quality

1405 Monitoring Program.÷
 1406 1. St. Lucie River Watershed Construction Project.—To
 1407 improve the hydrology, water quality, and aquatic habitats
 1408 within the watershed, the district shall, no later than January
 1409 1, 2012, plan, design, and construct the initial phase of the
 1410 Watershed Construction Project. In doing so, the district shall:
 1411 a. Develop and designate the facilities to be constructed
 1412 to achieve stated goals and objectives of the St. Lucie River
 1413 Watershed Protection Plan.
 1414 b. Identify the size and location of all such facilities.
 1415 c. Provide a construction schedule for all such
 1416 facilities, including the sequencing and specific timeframe for
 1417 construction of each facility.
 1418 d. Provide a schedule for the acquisition of lands or
 1419 sufficient interests necessary to achieve the construction
 1420 schedule.
 1421 e. Provide a schedule of costs and benefits associated
 1422 with each construction project and identify funding sources.
 1423 f. To ensure timely implementation, coordinate the design,
 1424 scheduling, and sequencing of project facilities with the
 1425 coordinating agencies, Martin County, St. Lucie County, other
 1426 interested parties, and other affected local governments.
 1427 2. St. Lucie River Watershed Research and Water Quality
 1428 Monitoring Program.—The district, in cooperation with the other
 1429 coordinating agencies and local governments, shall establish a
 1430 St. Lucie River Watershed Research and Water Quality Monitoring

1431 Program that builds upon the district's existing research
1432 program and that is sufficient to carry out, comply with, or
1433 assess the plans, programs, and other responsibilities created
1434 by this subsection. The program shall also conduct an assessment
1435 of the water volumes and timing from Lake Okeechobee and the St.
1436 Lucie River watershed and their relative contributions to the
1437 timing and volume of water delivered to the estuary.

1438 (d)2. St. Lucie River Watershed Basin Management Action
1439 Plans Pollutant Control Program.~~Basin management action plans~~
1440 for the St. Lucie River watershed adopted pursuant to s. 403.067
1441 shall be the St. Lucie River Watershed Pollutant Control Program
1442 and shall be ~~is~~ designed to be a multifaceted approach to
1443 reducing pollutant loads by improving the management of
1444 pollutant sources within the St. Lucie River watershed through
1445 implementation of regulations and best management practices,
1446 development and implementation of improved best management
1447 practices, improvement and restoration of the hydrologic
1448 function of natural and managed systems, and use ~~utilization~~ of
1449 alternative technologies for pollutant reduction, such as cost-
1450 effective biologically based, hybrid wetland/chemical and other
1451 innovative nutrient control technologies. The plan shall contain
1452 an implementation schedule for pollutant load reductions
1453 consistent with the adopted total maximum daily load. The
1454 coordinating agencies shall facilitate the use ~~utilization~~ of
1455 federal programs that offer opportunities for water quality
1456 treatment, including preservation, restoration, or creation of

1457 wetlands on agricultural lands.

1458 1.a. Nonpoint source best management practices consistent
1459 with s. 403.067 ~~paragraph (3)(c)~~, designed to achieve the
1460 objectives of the St. Lucie River Watershed Protection Program,
1461 shall be implemented on an expedited basis. The coordinating
1462 agencies may develop an intergovernmental agreement with local
1463 governments to implement the nonagricultural nonpoint source
1464 best management practices within their respective geographic
1465 boundaries.

1466 2.b. This subsection does not preclude the department or
1467 the district from requiring compliance with water quality
1468 standards, adopted total maximum daily loads, or current best
1469 management practices requirements set forth in any applicable
1470 regulatory program authorized by law for the purpose of
1471 protecting water quality. This subsection applies only to the
1472 extent that it does not conflict with any rules adopted by the
1473 department or district which are necessary to maintain a
1474 federally delegated or approved program.

1475 3.e. Projects that make use of private lands, or lands
1476 held in trust for Indian tribes, to reduce pollutant loadings or
1477 concentrations within a basin, or that reduce the volume of
1478 harmful discharges by one or more of the following methods:
1479 restoring the natural hydrology of the basin, restoring wildlife
1480 habitat or impacted wetlands, reducing peak flows after storm
1481 events, or increasing aquifer recharge, are eligible for grants
1482 available under this section from the coordinating agencies.

1483 ~~4.d.~~ The St. Lucie River Watershed Basin Management Action
1484 Plans ~~Pollutant Control Program~~ shall require assessment of
1485 current water management practices within the watershed and
1486 shall require development of recommendations for structural,
1487 nonstructural, and operational improvements. Such
1488 recommendations shall consider and balance water supply, flood
1489 control, estuarine salinity, aquatic habitat, and water quality
1490 considerations.

1491 ~~5.e.~~ ~~After December 31, 2007,~~ The department may not
1492 authorize the disposal of domestic wastewater biosolids
1493 ~~residuals~~ within the St. Lucie River watershed unless the
1494 applicant can affirmatively demonstrate that the nutrients in
1495 the biosolids ~~residuals~~ will not add to nutrient loadings in the
1496 watershed. This demonstration shall be based on achieving a net
1497 balance between nutrient imports relative to exports on the
1498 permitted application site. Exports shall include only nutrients
1499 removed from the St. Lucie River watershed through products
1500 generated on the permitted application site. This prohibition
1501 does not apply to Class AA biosolids ~~residuals~~ that are marketed
1502 and distributed as fertilizer products in accordance with
1503 department rule.

1504 ~~6.f.~~ The Department of Health shall require all entities
1505 disposing of septage within the St. Lucie River watershed to
1506 develop and submit to that agency an agricultural use plan that
1507 limits applications based upon nutrient loading consistent with
1508 any basin management action plan adopted pursuant to s. 403.067.

1509 ~~By July 1, 2008, nutrient concentrations originating from these~~
1510 ~~application sites may not exceed the limits established in the~~
1511 ~~district's WOD program.~~

1512 7.g. The Department of Agriculture and Consumer Services
1513 shall initiate rulemaking requiring entities within the St.
1514 Lucie River watershed which land-apply animal manure to develop
1515 a resource management system level conservation plan, according
1516 to United States Department of Agriculture criteria, which limit
1517 such application. Such rules may include criteria and thresholds
1518 for the requirement to develop a conservation or nutrient
1519 management plan, requirements for plan approval, and
1520 recordkeeping requirements.

1521 ~~3.— St. Lucie River Watershed Research and Water Quality~~
1522 ~~Monitoring Program.—The district, in cooperation with the other~~
1523 ~~coordinating agencies and local governments, shall establish a~~
1524 ~~St. Lucie River Watershed Research and Water Quality Monitoring~~
1525 ~~Program that builds upon the district's existing research~~
1526 ~~program and that is sufficient to carry out, comply with, or~~
1527 ~~assess the plans, programs, and other responsibilities created~~
1528 ~~by this subsection. The program shall also conduct an assessment~~
1529 ~~of the water volumes and timing from the Lake Okeechobee and St.~~
1530 ~~Lucie River watersheds and their relative contributions to the~~
1531 ~~timing and volume of water delivered to the estuary.~~

1532 (e) ~~(e)~~ River Watershed Protection Plan implementation.—The
1533 coordinating agencies shall be jointly responsible for
1534 implementing the River Watershed Protection Plans, consistent

1535 with the statutory authority and responsibility of each agency.
1536 Annual funding priorities shall be jointly established, and the
1537 highest priority shall be assigned to programs and projects that
1538 have the greatest potential for achieving the goals and
1539 objectives of the plans. In determining funding priorities, the
1540 coordinating agencies shall also consider the need for
1541 regulatory compliance, the extent to which the program or
1542 project is ready to proceed, and the availability of federal or
1543 local government matching funds. Federal and other nonstate
1544 funding shall be maximized to the greatest extent practicable.

1545 (f)~~(d)~~ Evaluation.—Beginning ~~By~~ March 1, 2020 ~~2012~~, and
1546 every 5 ~~3~~ years thereafter concurrent with the updates of the
1547 basin management action plans adopted pursuant to s. 403.067,
1548 the district, in cooperation with the other coordinating
1549 agencies, shall conduct an evaluation of any pollutant load
1550 reduction goals, as well as any other specific objectives and
1551 goals, as stated in the River Watershed Protection Programs
1552 ~~Plans. Additionally,~~ The district shall identify modifications
1553 to facilities of the River Watershed Construction Projects, as
1554 appropriate, or any other elements of the River Watershed
1555 Protection Programs ~~Plans~~. The evaluation shall be included in
1556 the annual progress report submitted pursuant to this section.

1557 (g)~~(e)~~ Priorities and implementation schedules.—The
1558 coordinating agencies are authorized and directed to establish
1559 priorities and implementation schedules for the achievement of
1560 total maximum daily loads, the requirements of s. 403.067, and

1561 compliance with applicable water quality standards within the
1562 waters and watersheds subject to this section.

1563 ~~(f) Legislative ratification. The coordinating agencies~~
1564 ~~shall submit the River Watershed Protection Plans developed~~
1565 ~~pursuant to paragraphs (a) and (b) to the President of the~~
1566 ~~Senate and the Speaker of the House of Representatives prior to~~
1567 ~~the 2009 legislative session for review. If the Legislature~~
1568 ~~takes no action on the plan during the 2009 legislative session,~~
1569 ~~the plan is deemed approved and may be implemented.~~

1570 (5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY
1571 LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.—The
1572 department is directed to expedite development and adoption of
1573 total maximum daily loads for the Caloosahatchee River and
1574 estuary. The department is further directed to, ~~no later than~~
1575 ~~December 31, 2008,~~ propose for final agency action total maximum
1576 daily loads for nutrients in the tidal portions of the
1577 Caloosahatchee River and estuary. The department shall initiate
1578 development of basin management action plans for Lake
1579 Okeechobee, the Caloosahatchee River watershed and estuary, and
1580 the St. Lucie River watershed and estuary as provided in s.
1581 403.067 ~~403.067(7)(a)~~ as follows:

1582 (a) Basin management action plans shall be developed as
1583 soon as practicable as determined necessary by the department to
1584 achieve the total maximum daily loads established for the Lake
1585 Okeechobee watershed and the estuaries.

1586 (b) The Phase II technical plan development pursuant to

1587 paragraph (3) (a) ~~(3) (b)~~, and the River Watershed Protection Plans
1588 developed pursuant to paragraphs (4) (a) and (c) ~~(b)~~, shall
1589 provide the basis for basin management action plans developed by
1590 the department.

1591 (c) As determined necessary by the department in order to
1592 achieve the total maximum daily loads, additional or modified
1593 projects or programs that complement those in the legislatively
1594 ratified plans may be included during the development of the
1595 basin management action plan.

1596 (d) As provided in s. 403.067, management strategies and
1597 pollution reduction requirements set forth in a basin management
1598 action plan subject to permitting by the department under
1599 subsection (7) must be completed pursuant to the schedule set
1600 forth in the basin management action plan, as amended. The
1601 implementation schedule may extend beyond the 5-year permit
1602 term.

1603 (e) As provided in s. 403.067, management strategies and
1604 pollution reduction requirements set forth in a basin management
1605 action plan for a specific pollutant of concern are not subject
1606 to challenge under chapter 120 at the time they are
1607 incorporated, in an identical form, into a department or
1608 district issued permit or a permit modification issued in
1609 accordance with subsection (7).

1610 ~~(d) Development of basin management action plans that~~
1611 ~~implement the provisions of the legislatively ratified plans~~
1612 ~~shall be initiated by the department no later than September 30~~

1613 ~~of the year in which the applicable plan is ratified. Where a~~
1614 ~~total maximum daily load has not been established at the time of~~
1615 ~~plan ratification, development of basin management action plans~~
1616 ~~shall be initiated no later than 90 days following adoption of~~
1617 ~~the applicable total maximum daily load.~~

1618 (6) ANNUAL PROGRESS REPORT.—Each March 1 the district, in
1619 cooperation with the other coordinating agencies, shall report
1620 on implementation of this section as part of the consolidated
1621 annual report required in s. 373.036(7). The annual report shall
1622 include a summary of the conditions of the hydrology, water
1623 quality, and aquatic habitat in the northern Everglades based on
1624 the results of the Research and Water Quality Monitoring
1625 Programs, the status of the Lake Okeechobee Watershed
1626 Construction Project, the status of the Caloosahatchee River
1627 Watershed Construction Project, and the status of the St. Lucie
1628 River Watershed Construction Project. In addition, the report
1629 shall contain an annual accounting of the expenditure of funds
1630 from the Save Our Everglades Trust Fund. At a minimum, the
1631 annual report shall provide detail by program and plan,
1632 including specific information concerning the amount and use of
1633 funds from federal, state, or local government sources. In
1634 detailing the use of these funds, the district shall indicate
1635 those designated to meet requirements for matching funds. The
1636 district shall prepare the report in cooperation with the other
1637 coordinating agencies and affected local governments. The
1638 department shall report on the status of the Lake Okeechobee

1639 Basin Management Action Plan, the Caloosahatchee Estuary Basin
 1640 Management Action Plan, and the St. Lucie River and Estuary
 1641 Basin Management Action Plan. The Department of Agriculture and
 1642 Consumer Services shall report on the status of the
 1643 implementation of the agricultural nonpoint source best
 1644 management practices.

1645 (7) LAKE OKEECHOBEE PROTECTION PERMITS.—

1646 (a) The Legislature finds that the Lake Okeechobee
 1647 Watershed Protection Program will benefit Lake Okeechobee and
 1648 downstream receiving waters and is in ~~consistent with~~ the public
 1649 interest. The Lake Okeechobee Watershed Construction Project,
 1650 and structures discharging into or from Lake Okeechobee shall be
 1651 constructed, operated, and maintained in accordance with this
 1652 section.

1653 (b) Permits obtained pursuant to this section are in lieu
 1654 of all other permits under this chapter or chapter 403, except
 1655 those issued under s. 403.0885, if applicable. ~~No~~ Additional
 1656 permits are not required for the Lake Okeechobee Watershed
 1657 Construction Project, or structures discharging into or from
 1658 Lake Okeechobee, ~~if~~ such projects or structures are permitted
 1659 under this section. Construction activities related to
 1660 implementation of the Lake Okeechobee Watershed Construction
 1661 Project may be initiated before ~~prior to~~ final agency action, or
 1662 notice of intended agency action, on any permit from the
 1663 department under this section.

1664 (c) 1. ~~Within 90 days of completion of the diversion plans~~

1665 ~~set forth in Department Consent Orders 91-0694, 91-0707, 91-~~
1666 ~~0706, 91-0705, and RT50-205564, Owners or operators of existing~~
1667 ~~structures which discharge into or from Lake Okeechobee that~~
1668 ~~were subject to Department Consent Orders 91-0694, 91-0707, 91-~~
1669 ~~0706, 91-0705, and RT50-205564 and that~~ are subject to the
1670 ~~provisions of s. 373.4592(4) (a) do not require a permit under~~
1671 this section and shall be governed by permits issued under ~~apply~~
1672 ~~for a permit from the department to operate and maintain such~~
1673 ~~structures. By September 1, 2000, owners or operators of all~~
1674 ~~other existing structures which discharge into or from Lake~~
1675 ~~Okeechobee shall apply for a permit from the department to~~
1676 ~~operate and maintain such structures. The department shall issue~~
1677 ~~one or more such permits for a term of 5 years upon the~~
1678 ~~demonstration of reasonable assurance that schedules and~~
1679 ~~strategies to achieve and maintain compliance with water quality~~
1680 ~~standards have been provided for, to the maximum extent~~
1681 ~~practicable, and that operation of the structures otherwise~~
1682 ~~complies with provisions of ss. 373.413 and 373.416~~ and the Lake
1683 Okeechobee Basin Management Action Plan adopted pursuant to s.
1684 403.067.

1685 ~~1. Permits issued under this paragraph shall also contain~~
1686 ~~reasonable conditions to ensure that discharges of waters~~
1687 ~~through structures:~~

- 1688 ~~a. Are adequately and accurately monitored;~~
- 1689 ~~b. Will not degrade existing Lake Okeechobee water quality~~
1690 ~~and will result in an overall reduction of phosphorus input into~~

1691 ~~Lake Okeechobee, as set forth in the district's Technical~~
1692 ~~Publication 81-2 and the total maximum daily load established in~~
1693 ~~accordance with s. 403.067, to the maximum extent practicable;~~
1694 ~~and~~

1695 ~~e. Do not pose a serious danger to public health, safety,~~
1696 ~~or welfare.~~

1697 2. For the purposes of this paragraph, owners and
1698 operators of existing structures which are subject to ~~the~~
1699 ~~provisions of s. 373.4592(4) (a) and which discharge into or from~~
1700 ~~Lake Okeechobee shall be deemed in compliance with this~~
1701 ~~paragraph the term "maximum extent practicable" if they are in~~
1702 ~~full compliance with the conditions of permits under chapter~~
1703 ~~chapters 40E-61 and 40E-63, Florida Administrative Code.~~

1704 3. ~~By January 1, 2004,~~ The district shall obtain from
1705 ~~submit to~~ the department a permit modification to the Lake
1706 Okeechobee structure permits to incorporate proposed changes
1707 necessary to ensure that discharges through the structures
1708 covered by this permit are consistent with the basin management
1709 action plan adopted pursuant to ~~achieve state water quality~~
1710 ~~standards, including the total maximum daily load established in~~
1711 ~~accordance with s. 403.067. These changes shall be designed to~~
1712 ~~achieve such compliance with state water quality standards no~~
1713 ~~later than January 1, 2015.~~

1714 (d) The department shall require permits for district
1715 regional projects that are part of the Lake Okeechobee Watershed
1716 ~~Construction Project facilities. However, projects identified in~~

1717 ~~sub-subparagraph (3)(b)1.b.~~ that qualify as exempt pursuant to
1718 s. 373.406 do ~~shall~~ not require ~~need~~ permits under this section.
1719 Such permits shall be issued for a term of 5 years upon the
1720 demonstration of reasonable assurances that:

1721 1. District regional projects that are part of the Lake
1722 Okeechobee Watershed Construction Project facility, ~~based upon~~
1723 ~~the conceptual design documents and any subsequent detailed~~
1724 ~~design documents developed by the district,~~ will shall achieve
1725 the design objectives for phosphorus required in subparagraph
1726 (3)(a)1. ~~paragraph (3)(b);~~

1727 2. For water quality standards other than phosphorus, the
1728 quality of water discharged from the facility is of equal or
1729 better quality than the inflows;

1730 3. Discharges from the facility do not pose a serious
1731 danger to public health, safety, or welfare; and

1732 4. Any impacts on wetlands or state-listed species
1733 resulting from implementation of that facility of the Lake
1734 Okeechobee Construction Project are minimized and mitigated, as
1735 appropriate.

1736 (e) At least 60 days before ~~prior to~~ the expiration of any
1737 permit issued under this section, the permittee may apply for a
1738 renewal thereof for a period of 5 years.

1739 (f) Permits issued under this section may include any
1740 standard conditions provided by department rule which are
1741 appropriate and consistent with this section.

1742 (g) Permits issued under ~~pursuant to~~ this section may be

1743 modified, as appropriate, upon review and approval by the
 1744 department.

1745 Section 9. Paragraphs (a) and (b) of subsection (6) of
 1746 section 373.536, Florida Statutes, are amended to read:

1747 373.536 District budget and hearing thereon.—

1748 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
 1749 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

1750 (a) Each district must, by the date specified for each
 1751 item, furnish copies of the following documents to the Governor,
 1752 the President of the Senate, the Speaker of the House of
 1753 Representatives, the chairs of all legislative committees and
 1754 subcommittees having substantive or fiscal jurisdiction over the
 1755 districts, as determined by the President of the Senate or the
 1756 Speaker of the House of Representatives as applicable, the
 1757 secretary of the department, and the governing board of each
 1758 county in which the district has jurisdiction or derives any
 1759 funds for the operations of the district:

1760 1. The adopted budget, to be furnished within 10 days
 1761 after its adoption.

1762 2. A financial audit of its accounts and records, to be
 1763 furnished within 10 days after its acceptance by the governing
 1764 board. The audit must be conducted in accordance with s. 11.45
 1765 and the rules adopted thereunder. In addition to the entities
 1766 named above, the district must provide a copy of the audit to
 1767 the Auditor General within 10 days after its acceptance by the
 1768 governing board.

1769 3. A 5-year capital improvements plan, to be included in
1770 the consolidated annual report required by s. 373.036(7). The
1771 plan must include expected sources of revenue for planned
1772 improvements and must be prepared in a manner comparable to the
1773 fixed capital outlay format set forth in s. 216.043.

1774 4. A 5-year water resource development work program to be
1775 furnished within 30 days after the adoption of the final budget.
1776 The program must describe the district's implementation strategy
1777 and include an annual funding plan for each of the 5 years
1778 included in the plan for the water resource and~~7~~ water supply~~7~~
1779 development components, including ~~and~~ alternative water supply
1780 development, ~~components~~ of each approved regional water supply
1781 plan developed or revised under s. 373.709. The work program
1782 must address all the elements of the water resource development
1783 component in the district's approved regional water supply
1784 plans, as well as the water supply projects proposed for
1785 district funding and assistance. The annual funding plan shall
1786 identify both anticipated available district funding and
1787 additional funding needs for the second through fifth years of
1788 the funding plan. The work program ~~and~~ must identify projects in
1789 the work program which will provide water; explain how each
1790 water resource, and water supply, ~~and alternative water supply~~
1791 ~~development~~ project will produce additional water available for
1792 consumptive uses; estimate the quantity of water to be produced
1793 by each project; and provide an assessment of the contribution
1794 of the district's regional water supply plans in supporting the

1795 implementation of minimum flows and levels and reservations; and
1796 ensure ~~providing~~ sufficient water is available ~~needed~~ to timely
1797 meet the water supply needs of existing and future reasonable-
1798 beneficial uses for a 1-in-10-year drought event and to avoid
1799 the adverse effects of competition for water supplies.

1800 (b) Within 30 days after its submittal, the department
1801 shall review the proposed work program and submit its findings,
1802 questions, and comments to the district. The review must include
1803 a written evaluation of the program's consistency with the
1804 furtherance of the district's approved regional water supply
1805 plans, and the adequacy of proposed expenditures. As part of the
1806 review, the department shall post the work program on its
1807 website and give interested parties the opportunity to provide
1808 written comments on each district's proposed work program.
1809 Within 45 days after receipt of the department's evaluation, the
1810 governing board shall state in writing to the department which
1811 of the changes recommended in the evaluation it will incorporate
1812 into its work program submitted as part of the March 1
1813 consolidated annual report required by s. 373.036(7) or specify
1814 the reasons for not incorporating the changes. The department
1815 shall include the district's responses in a final evaluation
1816 report and shall submit a copy of the report to the Governor,
1817 the President of the Senate, and the Speaker of the House of
1818 Representatives.

1819 Section 10. Subsection (9) of section 373.703, Florida
1820 Statutes, is amended to read:

1821 373.703 Water production; general powers and duties.—In
 1822 the performance of, and in conjunction with, its other powers
 1823 and duties, the governing board of a water management district
 1824 existing pursuant to this chapter:

1825 (9) May join with one or more other water management
 1826 districts, counties, municipalities, special districts, publicly
 1827 owned or privately owned water utilities, multijurisdictional
 1828 water supply entities, regional water supply authorities,
 1829 private landowners, or self-suppliers for the purpose of
 1830 carrying out its powers, and may contract with such other
 1831 entities to finance acquisitions, construction, operation, and
 1832 maintenance, provided that such contracts are consistent with
 1833 the public interest. The contract may provide for contributions
 1834 to be made by each party to the contract for the division and
 1835 apportionment of the expenses of acquisitions, construction,
 1836 operation, and maintenance, and for the division and
 1837 apportionment of resulting benefits, services, and products. The
 1838 contracts may contain other covenants and agreements necessary
 1839 and appropriate to accomplish their purposes.

1840 Section 11. Paragraph (b) of subsection (2), subsection
 1841 (3), and paragraph (b) of subsection (4) of section 373.705,
 1842 Florida Statutes, are amended to read:

1843 373.705 Water resource development; water supply
 1844 development.—

1845 (2) It is the intent of the Legislature that:

1846 (b) Water management districts take the lead in

1847 identifying and implementing water resource development
1848 projects, and be responsible for securing necessary funding for
1849 regionally significant water resource development projects,
1850 including regionally significant projects that prevent or limit
1851 adverse water resource impacts, avoid competition among water
1852 users, or support the provision of new water supplies in order
1853 to help implement a minimum flow or level or water reservation.

1854 (3) (a) The water management districts shall fund and
1855 implement water resource development as defined in s. 373.019.
1856 The water management districts are encouraged to implement water
1857 resource development as expeditiously as possible in areas
1858 subject to regional water supply plans.

1859 (b) Each governing board shall include in its annual
1860 budget submittals required under this chapter:

1861 1. The amount of funds for each project in the annual
1862 funding plan developed pursuant to s. 373.536(6) (a)4.

1863 2. The total amount needed for the fiscal year to
1864 implement water resource development projects, as prioritized in
1865 its regional water supply plans.

1866 (4)

1867 (b) Water supply development projects that meet the
1868 criteria in paragraph (a) and that meet one or more of the
1869 following additional criteria shall be given first consideration
1870 for state or water management district funding assistance:

1871 1. The project brings about replacement of existing
1872 sources in order to help implement a minimum flow or level; ~~or~~

1873 2. The project implements reuse that assists in the
1874 elimination of domestic wastewater ocean outfalls as provided in
1875 s. 403.086(9); or

1876 3. The project reduces or eliminates the adverse effects
1877 of competition between legal users and the natural system.

1878 Section 12. Paragraph (f) of subsection (3), paragraph (a)
1879 of subsection (6), and paragraph (e) of subsection (8) of
1880 section 373.707, Florida Statutes, are amended to read:

1881 373.707 Alternative water supply development.—

1882 (3) The primary roles of the water management districts in
1883 water resource development as it relates to supporting
1884 alternative water supply development are:

1885 (f) The provision of technical and financial assistance to
1886 local governments, self-suppliers, and publicly owned and
1887 privately owned water utilities for alternative water supply
1888 projects.

1889 (6) (a) Where state ~~The statewide~~ funds are provided
1890 through specific appropriation or pursuant to the Water
1891 Protection and Sustainability Program, such funds serve to
1892 supplement existing water management district or basin board
1893 funding for alternative water supply development assistance and
1894 should not result in a reduction of such funding. For each
1895 project identified in the plans prepared pursuant to s.
1896 373.536(6)(a)4. ~~Therefore~~, the water management districts shall
1897 include in the annual tentative and adopted budget submittals
1898 required under this chapter the amount of funds allocated for

1899 | water resource development that supports alternative water
 1900 | supply development and the funds allocated for alternative water
 1901 | supply projects ~~selected for inclusion in the Water Protection~~
 1902 | ~~and Sustainability Program~~. It shall be the goal of each water
 1903 | management district and basin boards that the combined funds
 1904 | allocated annually for these purposes be, at a minimum, the
 1905 | equivalent of 100 percent of the state funding provided to the
 1906 | water management district for alternative water supply
 1907 | development. If this goal is not achieved, the water management
 1908 | district shall provide in the budget submittal an explanation of
 1909 | the reasons or constraints that prevent this goal from being
 1910 | met, an explanation of how the goal will be met in future years,
 1911 | and affirmation of match is required during the budget review
 1912 | process as established under s. 373.536(5). The Suwannee River
 1913 | Water Management District and the Northwest Florida Water
 1914 | Management District shall not be required to meet the match
 1915 | requirements of this paragraph; however, they shall try to
 1916 | achieve the match requirement to the greatest extent
 1917 | practicable.

1918 | (8)

1919 | (e) Applicants for projects that may receive funding
 1920 | assistance pursuant to the Water Protection and Sustainability
 1921 | Program shall, at a minimum, be required to pay 60 percent of
 1922 | the project's construction costs. The water management districts
 1923 | may, at their discretion, totally or partially waive this
 1924 | requirement for projects sponsored by:

- 1925 1. Financially disadvantaged small local governments as
 1926 defined in former s. 403.885(5); or
 1927 2. Water users for projects determined by a water
 1928 management district governing board to be in the public interest
 1929 pursuant to paragraph (1)(f), if the projects are not otherwise
 1930 financially feasible.

1931
 1932 The water management districts or basin boards may, at their
 1933 discretion, use ad valorem or federal revenues to assist a
 1934 project applicant in meeting the requirements of this paragraph.

1935 Section 13. Paragraph (a) of subsection (2) and paragraphs
 1936 (a) and (e) of subsection (6) of section 373.709, Florida
 1937 Statutes, are amended to read:

1938 373.709 Regional water supply planning.—

1939 (2) Each regional water supply plan must be based on at
 1940 least a 20-year planning period and must include, but need not
 1941 be limited to:

1942 (a) A water supply development component for each water
 1943 supply planning region identified by the district which
 1944 includes:

1945 1. A quantification of the water supply needs for all
 1946 existing and future reasonable-beneficial uses within the
 1947 planning horizon. The level-of-certainty planning goal
 1948 associated with identifying the water supply needs of existing
 1949 and future reasonable-beneficial uses must be based upon meeting
 1950 those needs for a 1-in-10-year drought event.

1951 a. Population projections used for determining public
 1952 water supply needs must be based upon the best available data.
 1953 In determining the best available data, the district shall
 1954 consider the University of Florida ~~Florida's~~ Bureau of Economic
 1955 and Business Research (BEBR) medium population projections and
 1956 population projection data and analysis submitted by a local
 1957 government pursuant to the public workshop described in
 1958 subsection (1) if the data and analysis support the local
 1959 government's comprehensive plan. Any adjustment of or deviation
 1960 from the BEBR projections must be fully described, and the
 1961 original BEBR data must be presented along with the adjusted
 1962 data.

1963 b. Agricultural demand projections used for determining
 1964 the needs of agricultural self-suppliers must be based upon the
 1965 best available data. In determining the best available data for
 1966 agricultural self-supplied water needs, the district shall
 1967 consider the data indicative of future water supply demands
 1968 provided by the Department of Agriculture and Consumer Services
 1969 pursuant to s. 570.93 and agricultural demand projection data
 1970 and analysis submitted by a local government pursuant to the
 1971 public workshop described in subsection (1), if the data and
 1972 analysis support the local government's comprehensive plan. Any
 1973 adjustment of or deviation from the data provided by the
 1974 Department of Agriculture and Consumer Services must be fully
 1975 described, and the original data must be presented along with
 1976 the adjusted data.

1977 | 2. A list of water supply development project options,
1978 | including traditional and alternative water supply project
1979 | options that are technically and financially feasible, from
1980 | which local government, government-owned and privately owned
1981 | utilities, regional water supply authorities,
1982 | multijurisdictional water supply entities, self-suppliers, and
1983 | others may choose for water supply development. In addition to
1984 | projects listed by the district, such users may propose specific
1985 | projects for inclusion in the list of alternative water supply
1986 | projects. If such users propose a project to be listed as an
1987 | alternative water supply project, the district shall determine
1988 | whether it meets the goals of the plan, and, if so, it shall be
1989 | included in the list. The total capacity of the projects
1990 | included in the plan must exceed the needs identified in
1991 | subparagraph 1. and take into account water conservation and
1992 | other demand management measures, as well as water resources
1993 | constraints, including adopted minimum flows and levels and
1994 | water reservations. Where the district determines it is
1995 | appropriate, the plan should specifically identify the need for
1996 | multijurisdictional approaches to project options that, based on
1997 | planning level analysis, are appropriate to supply the intended
1998 | uses and that, based on such analysis, appear to be permissible
1999 | and financially and technically feasible. The list of water
2000 | supply development options must contain provisions that
2001 | recognize that alternative water supply options for agricultural
2002 | self-suppliers are limited.

2003 3. For each project option identified in subparagraph 2.,
 2004 the following must be provided:

2005 a. An estimate of the amount of water to become available
 2006 through the project.

2007 b. The timeframe in which the project option should be
 2008 implemented and the estimated planning-level costs for capital
 2009 investment and operating and maintaining the project.

2010 c. An analysis of funding needs and sources of possible
 2011 funding options. For alternative water supply projects, the
 2012 water management districts shall provide funding assistance
 2013 pursuant to s. 373.707(8).

2014 d. Identification of the entity that should implement each
 2015 project option and the current status of project implementation.

2016 (6) Annually and in conjunction with the reporting
 2017 requirements of s. 373.536(6)(a)4., the department shall submit
 2018 to the Governor and the Legislature a report on the status of
 2019 regional water supply planning in each district. The report
 2020 shall include:

2021 (a) A compilation of the estimated costs ~~of~~ and an
 2022 analysis of the sufficiency of potential sources of funding from
 2023 all sources for water resource development and water supply
 2024 development projects as identified in the water management
 2025 district regional water supply plans.

2026 (e) An overall assessment of the progress being made to
 2027 develop water supply in each district, including, but not
 2028 limited to, an explanation of how each project in the 5-year

2029 water resource development work program in s. 373.536(6)(a)4.,
 2030 either alternative or traditional, will produce, contribute to,
 2031 or account for additional water being made available for
 2032 consumptive uses, minimum flows and levels, or water
 2033 reservations; an estimate of the quantity of water to be
 2034 produced by each project;~~7~~ and an assessment of the contribution
 2035 of the district's regional water supply plan in providing
 2036 sufficient water to meet the needs of existing and future
 2037 reasonable-beneficial uses for a 1-in-10-year drought event, as
 2038 well as the needs of the natural systems.

2039 Section 14. Part VIII of chapter 373, Florida Statutes,
 2040 consisting of ss. 373.801-373.809, is created to read:

2041 PART VIII

2042 FLORIDA SPRINGS AND AQUIFER ACT

2043 373.801 Legislative findings and intent.-

2044 (1) The Legislature finds that:

2045 (a) Springs are a unique part of this state's scenic
 2046 beauty. Springs provide critical habitat for plants and animals,
 2047 including many endangered or threatened species, as well as
 2048 immeasurable natural, recreational, economic, and inherent
 2049 value.

2050 (b) Springs provide recreational opportunities for
 2051 swimming, canoeing, wildlife watching, fishing, cave diving, and
 2052 many other activities. Such recreational opportunities and the
 2053 accompanying tourism benefit state and local economies.

2054 (c) Springs are of great scientific importance in

2055 understanding the diverse functions of aquatic ecosystems. Water
 2056 quality of springs is an indicator of local conditions of the
 2057 Floridan Aquifer, which is the source of drinking water for many
 2058 residents of this state. Water flows in springs reflect regional
 2059 aquifer conditions.

2060 (2) It is the intent of the Legislature:

2061 (a) That springs basin management action plans for
 2062 Priority Florida Springs are expeditiously developed and
 2063 implemented.

2064 (b) That recovery strategies for Priority Florida Springs
 2065 that are not meeting minimum flows and levels are expeditiously
 2066 developed and implemented.

2067 (c) To prioritize the development of minimum flows and
 2068 levels for Priority Florida Springs and implementation of
 2069 recovery or prevention strategies for Priority Florida Springs
 2070 as applicable.

2071 (d) To prioritize the assessment of all Priority Florida
 2072 Springs for potential nutrient impairment through the Florida
 2073 total maximum daily load program.

2074 (e) To prioritize the adoption of total maximum daily
 2075 loads for impaired Priority Florida Springs.

2076 (f) To prioritize the implementation of basin management
 2077 action plans to restore impaired Priority Florida Springs.

2078 373.802 Definitions.—As used in this part, the term:

2079 (1) "Best management practice" means a practice or
 2080 combination of practices based on research, field-testing, and

2081 expert review, to be the most effective and practicable on-
 2082 location means, including economic and technological
 2083 considerations, for improving water quality in agricultural and
 2084 urban discharges and improving efficiencies in the use and
 2085 management of water.

2086 (2) "Department" means the Department of Environmental
 2087 Protection, which includes the Florida Geological Survey or its
 2088 successor agency or agencies.

2089 (3) "Priority Florida Springs" includes all first
 2090 magnitude springs in the state and all second magnitude springs
 2091 within state or federally owned lands purchased for conservation
 2092 purposes.

2093 373.803 Priority Florida Springs; generally.—

2094 (1) The department, the water management districts, and
 2095 the Department of Agriculture and Consumer Services shall work
 2096 together in a coordinated manner to restore and maintain the
 2097 water quantity and water quality of Priority Florida Springs.

2098 (2) With respect to Florida springs:

2099 (a) The department has primary responsibility for water
 2100 quality protection through the establishment of basin management
 2101 action plans and other water quality regulations.

2102 (b) The water management districts have primary
 2103 responsibility for the hydrologic recovery of spring flow
 2104 through the establishment of minimum flows and levels and
 2105 recovery plans.

2106 (c) The Department of Agriculture and Consumer Services

2107 has primary responsibility for the development and
2108 implementation of best management practices for agricultural
2109 nonpoint sources.

2110 (d) Local governments have primary responsibility for
2111 providing urban stormwater management services pursuant to the
2112 provisions of their separate municipal storm sewer system
2113 permits and the operation of wastewater collection and treatment
2114 facilities.

2115 (3) The department, the water management districts, and
2116 the Department of Agriculture and Consumer Services shall
2117 prioritize the implementation of financial assistance and
2118 community outreach programs for springs protection that support
2119 actions to reduce nutrient loading to the environment and
2120 prevent or abate nutrient over-enrichment of springs. Such
2121 actions shall include implementing agricultural best management
2122 practices and may include connecting centralized sewer systems
2123 to densely populated areas presently served by onsite treatment
2124 and disposal systems, stormwater management improvements, and
2125 supporting implementation of ordinances consistent with the
2126 department's Model Ordinance for Florida-Friendly Fertilizer Use
2127 on Urban Landscapes referenced in s. 403.9337.

2128 373.805 Recovery or prevention strategies for Priority
2129 Florida Springs.—

2130 (1) Recovery or prevention strategies for Priority Florida
2131 Springs shall be developed as follows:

2132 (a) For any minimum flow or level initially adopted after

2133 July 1, 2015, if the Priority Florida Spring is below or is
2134 projected to fall within 20 years below the initial minimum flow
2135 or level, the water management district shall simultaneously
2136 approve the recovery or prevention strategy required by s.
2137 373.0421(2).

2138 (b) When an adopted minimum flow or level is revised, if
2139 the Priority Florida Spring is below or is projected within 20
2140 years to fall below the revised minimum flow or level, the water
2141 management district shall simultaneously approve the recovery or
2142 prevention strategy required by s. 373.0421(2) or modify an
2143 existing recovery or prevention strategy.

2144 (c) For Priority Florida Springs with an adopted minimum
2145 flow or level but without a prevention or recovery strategy as
2146 of July 1, 2015, when the water management district determines
2147 the Priority Florida Spring has fallen below or is projected
2148 within 20 years to fall below the adopted minimum flow or level,
2149 the water management district shall expeditiously approve a
2150 recovery or prevention strategy.

2151 (2) A recovery or prevention strategy for a Priority
2152 Florida Spring must include, at a minimum:

2153 (a) A prioritized list of specific projects necessary to
2154 achieve the minimum flow or level.

2155 (b) The capital cost, operating cost, and measures of cost
2156 benefit for each listed project.

2157 (c) The source and amount of financial assistance from the
2158 water management districts for each project.

2159 (d) Provisions otherwise required by law.
 2160 373.807 Protection of water quality in Priority Florida
 2161 Springs.-
 2162 (1) As expeditiously as practicable, but by December 1,
 2163 2018, the department or the department in conjunction with a
 2164 water management district shall, for Priority Florida Springs:
 2165 (a) Complete an assessment pursuant to s. 403.067 of
 2166 Priority Florida Springs for which an impairment determination
 2167 has not been made under the numeric nutrient criteria in effect
 2168 for spring vents.
 2169 (b) Establish a total maximum daily load for nutrients
 2170 pursuant to s. 403.067 for Priority Florida Springs determined
 2171 by the department to be impaired.
 2172 (c) Establish basin management action plans pursuant to s.
 2173 403.067 that include the impaired Priority Florida Springs that
 2174 are subject to a total maximum daily load.
 2175 (2) If a Priority Florida Spring is determined to be
 2176 impaired after December 1, 2018, the department shall establish
 2177 a basin management action plan to include the impaired spring
 2178 within 2 years after the determination of impairment.
 2179 (3) Basin management action plans for Priority Florida
 2180 Springs must include, at a minimum:
 2181 1. A priority listing of all specific projects identified
 2182 for implementation of the basin management action plan.
 2183 2. The capital cost, operating cost, and measures of cost
 2184 benefit for each listed project.

2185 3. The source and amount of financial assistance, if any,
 2186 from the water management districts, the department, and the
 2187 Department of Agriculture and Consumer Services for each
 2188 project.

2189 4. Provisions otherwise required by law.

2190 373.809 Agricultural best management practices for springs
 2191 protection.-

2192 (1) Best management practices for agricultural discharges
 2193 shall reflect a balance between water quality improvements in
 2194 Priority Florida Springs and agricultural productivity.

2195 (2) Subject to the availability of funds, the Department
 2196 of Agriculture and Consumer Services, in cooperation with the
 2197 department and the water management districts, shall provide
 2198 technical and financial assistance for implementation of
 2199 agricultural best management practices pursuant to this section.

2200 (3) The department shall conduct monitoring at
 2201 representative sites to verify the effectiveness of agricultural
 2202 best management practices in accordance with s. 403.067.

2203 (4) Where water quality problems are detected in a
 2204 Priority Florida Spring despite the appropriate implementation
 2205 of adopted agricultural best management practices, a
 2206 reevaluation of the agricultural best management practices shall
 2207 be conducted pursuant to s. 403.067(7)(c)4.

2208 (5) Each person engaged in the occupation of agriculture
 2209 within the geographic area encompassed by a basin management
 2210 action plan that includes a Priority Florida Spring must either

2211 implement agricultural best management practices in accordance
 2212 with the rules of the Department of Agriculture and Consumer
 2213 Services or conduct water quality monitoring prescribed by the
 2214 department or water management district according to the
 2215 following schedule:

2216 (a) If a basin management action plan that includes a
 2217 Priority Florida Spring was established before July 1, 2015,
 2218 each person engaged in the occupation of agriculture within the
 2219 geographic area encompassed by the basin management action plan
 2220 must, by December 31, 2015, notify the Department of Agriculture
 2221 and Consumer Services of his or her intent to either implement
 2222 agricultural best management practices or conduct water quality
 2223 monitoring prescribed by the department or water management
 2224 district.

2225 (b) If a basin management action plan that includes a
 2226 Priority Florida Spring is established on or after July 1, 2015,
 2227 each person engaged in the occupation of agriculture within the
 2228 geographic area encompassed by the basin management action plan
 2229 must, within 180 days after establishment of the basin
 2230 management action plan, notify the Department of Agriculture and
 2231 Consumer Services of his or her intent to either implement
 2232 agricultural best management practices or conduct water quality
 2233 monitoring prescribed by the department or water management
 2234 district.

2235 Section 15. Subsection (29) of section 403.061, Florida
 2236 Statutes, is amended to read:

2237 403.061 Department; powers and duties.—The department
2238 shall have the power and the duty to control and prohibit
2239 pollution of air and water in accordance with the law and rules
2240 adopted and promulgated by it and, for this purpose, to:

2241 (29) (a) Adopt by rule special criteria to protect Class II
2242 and Class III shellfish harvesting waters. Such rules may
2243 include special criteria for approving docking facilities that
2244 have 10 or fewer slips if the construction and operation of such
2245 facilities will not result in the closure of shellfish waters.

2246 (b) Adopt by rule a specific surface water classification
2247 to protect surface waters used for treated potable water supply.
2248 These designated surface waters shall have the same water
2249 quality criteria protections as waters designated for fish
2250 consumption, recreation, and the propagation and maintenance of
2251 a healthy, well-balanced population of fish and wildlife, and
2252 shall be free from discharged substances at a concentration
2253 that, alone or in combination with other discharged substances,
2254 would require significant alteration of permitted treatment
2255 processes at the permitted treatment facility or that would
2256 otherwise prevent compliance with applicable state drinking
2257 water standards in the treated water. Notwithstanding this
2258 classification, a surface water used for treated potable water
2259 supply may be reclassified as waters designated for potable
2260 water supply.

2261
2262 The department shall implement such programs in conjunction with

2263 its other powers and duties and shall place special emphasis on
 2264 reducing and eliminating contamination that presents a threat to
 2265 humans, animals or plants, or to the environment.

2266 Section 16. Paragraph (a) of subsection (7) of section
 2267 403.067, Florida Statutes, is amended to read:

2268 403.067 Establishment and implementation of total maximum
 2269 daily loads.—

2270 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
 2271 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

2272 (a) Basin management action plans.—

2273 1. In developing and implementing the total maximum daily
 2274 load for a water body, the department, or the department in
 2275 conjunction with a water management district, may develop a
 2276 basin management action plan that addresses some or all of the
 2277 watersheds and basins tributary to the water body. Such plan
 2278 must integrate the appropriate management strategies available
 2279 to the state through existing water quality protection programs
 2280 to achieve the total maximum daily loads and may provide for
 2281 phased implementation of these management strategies to promote
 2282 timely, cost-effective actions as provided for in s. 403.151.
 2283 The plan must establish a schedule implementing the management
 2284 strategies, establish a basis for evaluating the plan's
 2285 effectiveness, and identify feasible funding strategies for
 2286 implementing the plan's management strategies. The management
 2287 strategies may include regional treatment systems or other
 2288 public works, where appropriate, and voluntary trading of water

2289 quality credits to achieve the needed pollutant load reductions.

2290 2. A basin management action plan must equitably allocate,
2291 pursuant to paragraph (6) (b), pollutant reductions to individual
2292 basins, as a whole to all basins, or to each identified point
2293 source or category of nonpoint sources, as appropriate. For
2294 nonpoint sources for which best management practices have been
2295 adopted, the initial requirement specified by the plan must be
2296 those practices developed pursuant to paragraph (c). Where
2297 appropriate, the plan may take into account the benefits of
2298 pollutant load reduction achieved by point or nonpoint sources
2299 that have implemented management strategies to reduce pollutant
2300 loads, including best management practices, before the
2301 development of the basin management action plan. The plan must
2302 also identify the mechanisms that will address potential future
2303 increases in pollutant loading.

2304 3. The basin management action planning process is
2305 intended to involve the broadest possible range of interested
2306 parties, with the objective of encouraging the greatest amount
2307 of cooperation and consensus possible. In developing a basin
2308 management action plan, the department shall assure that key
2309 stakeholders, including, but not limited to, applicable local
2310 governments, water management districts, the Department of
2311 Agriculture and Consumer Services, other appropriate state
2312 agencies, local soil and water conservation districts,
2313 environmental groups, regulated interests, and affected
2314 pollution sources, are invited to participate in the process.

2315 The department shall hold at least one public meeting in the
2316 vicinity of the watershed or basin to discuss and receive
2317 comments during the planning process and shall otherwise
2318 encourage public participation to the greatest practicable
2319 extent. Notice of the public meeting must be published in a
2320 newspaper of general circulation in each county in which the
2321 watershed or basin lies not less than 5 days nor more than 15
2322 days before the public meeting. A basin management action plan
2323 does not supplant or otherwise alter any assessment made under
2324 subsection (3) or subsection (4) or any calculation or initial
2325 allocation.

2326 4. The department shall adopt all or any part of a basin
2327 management action plan and any amendment to such plan by
2328 secretarial order pursuant to chapter 120 to implement the
2329 provisions of this section.

2330 5. The basin management action plan must include
2331 milestones for implementation and water quality improvement, and
2332 an associated water quality monitoring component sufficient to
2333 evaluate whether reasonable progress in pollutant load
2334 reductions is being achieved over time. An assessment of
2335 progress toward these milestones shall be conducted every 5
2336 years, and revisions to the plan shall be made as appropriate.
2337 Revisions to the basin management action plan shall be made by
2338 the department in cooperation with basin stakeholders. Revisions
2339 to the management strategies required for nonpoint sources must
2340 follow the procedures set forth in subparagraph (c)4. Revised

2341 basin management action plans must be adopted pursuant to
2342 subparagraph 4.

2343 6. In accordance with procedures adopted by rule under
2344 paragraph (9)(c), basin management action plans, and other
2345 pollution control programs under local, state, or federal
2346 authority as provided in subsection (4), may allow point or
2347 nonpoint sources that will achieve greater pollutant reductions
2348 than required by an adopted total maximum load or wasteload
2349 allocation to generate, register, and trade water quality
2350 credits for the excess reductions to enable other sources to
2351 achieve their allocation; however, the generation of water
2352 quality credits does not remove the obligation of a source or
2353 activity to meet applicable technology requirements or adopted
2354 best management practices. Such plans must allow trading between
2355 NPDES permittees, and trading that may or may not involve NPDES
2356 permittees, where the generation or use of the credits involve
2357 an entity or activity not subject to department water discharge
2358 permits whose owner voluntarily elects to obtain department
2359 authorization for the generation and sale of credits.

2360 7. The provisions of the department's rule relating to the
2361 equitable abatement of pollutants into surface waters do not
2362 apply to water bodies or water body segments for which a basin
2363 management plan that takes into account future new or expanded
2364 activities or discharges has been adopted under this section.

2365 8. The department shall establish a working group in areas
2366 where sewage treatment and disposal systems represent a source

2367 of excess nitrate-nitrite in springs or spring systems that must
2368 be controlled in order to meet a total maximum daily load
2369 adopted under subsection (6). The working group shall consist of
2370 not more than nine active members and shall include
2371 representatives from the department, the Department of Health,
2372 relevant local governments, and relevant local public and
2373 private wastewater utilities. The working group is responsible
2374 for:

2375 a. Collecting and evaluating credible scientific
2376 information on the effects of nutrients, particularly forms of
2377 nitrogen, on springs and spring systems.

2378 b. Developing and implementing a public education plan to
2379 provide area residents with reliable, understandable information
2380 about onsite sewage treatment and disposal systems and springs.

2381 c. Developing projects necessary to reduce the nutrient
2382 impacts from onsite sewage treatment and disposal systems.

2383

2384 The department shall award funds to implement this subparagraph
2385 contingent on a specific appropriation in the General
2386 Appropriations Act, which may include all or part of the costs
2387 associated with public education, construction of central
2388 wastewater facilities, construction of property owner connection
2389 to central wastewater facilities, one-time impact fees
2390 associated with property owner connection to central wastewater
2391 facilities, or the addition of effective nitrate-nitrite
2392 reducing features to existing onsite sewage treatment and

2393 disposal systems. In awarding funds for fixed capital outlay
2394 projects, the department may consider expected nutrient
2395 reduction benefit per unit cost, size and scope of the project,
2396 relative local financial contribution to the project, income
2397 levels of affected customers and other measures of community
2398 financial impact, and other considerations necessary to assure
2399 prudent and timely expenditure of funds and successful project
2400 outcomes.

2401 Section 17. Subsection (21) is added to section 403.861,
2402 Florida Statutes, to read:

2403 403.861 Department; powers and duties.—The department
2404 shall have the power and the duty to carry out the provisions
2405 and purposes of this act and, for this purpose, to:

2406 (21) Establish rules in accordance with this subsection
2407 concerning the use of surface waters for public water supply.

2408 (a) Any permit applicant applying to construct a public
2409 water system to provide potable public water supply using a
2410 surface water of the state that, at the time of the permit
2411 application, does not include potable water supply as a
2412 designated use by the department, shall petition to reclassify
2413 the surface water to include potable water supplies as a
2414 designated use or shall certify in the permit application that
2415 the public water supply utility will provide potable water to
2416 the public that, at a minimum, meets primary drinking water
2417 standards adopted in accordance with s. 403.853. An existing
2418 permittee may elect to file a certification in accordance with

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2419 this paragraph.

2420 (b) Upon receipt of the certification described in
2421 paragraph (a) from an existing permittee or, in the case of a
2422 new permittee for surface water that does not include potable
2423 use at the time of application, upon issuance of the permit, the
2424 department shall act on the certification by adding treated
2425 potable water supplies as a designated use of the surface water.

2426 Section 18. This act shall take effect July 1, 2015.