

By the Committee on Environmental Preservation and Conservation;
and Senator Dean

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1 A bill to be entitled
2 An act relating to environmental resources; amending
3 s. 259.032, F.S.; requiring the Department of
4 Environmental Protection to publish, update, and
5 maintain a database of conservation lands; requiring
6 the department to submit a report to the Governor and
7 the Legislature identifying the percentage of such
8 lands which the public has access to and the efforts
9 the department has undertaken to increase public
10 access; amending ss. 260.0144 and 335.065, F.S.;
11 conforming provisions to changes made by the act;
12 creating s. 339.81, F.S.; creating the Florida Shared-
13 Use Nonmotorized Trail Network; specifying the
14 composition of the network; requiring the network to
15 be included in the Department of Transportation's work
16 program; declaring the planning, development,
17 operation, and maintenance of the network to be a
18 public purpose; authorizing the department to transfer
19 maintenance responsibilities to certain state agencies
20 and contract with not-for-profit or private sector
21 entities to provide maintenance services; authorizing
22 the department to adopt rules; creating s. 339.82,
23 F.S.; requiring the department to develop a Shared-Use
24 Nonmotorized Trail Network Plan; creating s. 339.83,
25 F.S.; authorizing the department to enter into
26 concession agreements with not-for-profit or private
27 sector entities for certain commercial sponsorship
28 signs, markings, and exhibits; authorizing the
29 department to contract for the provision of certain

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30 services related to the trail sponsorship program;
31 authorizing the department to adopt rules; amending s.
32 373.019, F.S.; revising the definition of the term
33 "water resource development" to include self-suppliers
34 under certain circumstances; amending s. 373.036,
35 F.S.; requiring certain information to be included in
36 the consolidated annual report for each project
37 related to water quality or water quantity; amending
38 s. 373.042, F.S.; requiring the Department of
39 Environmental Protection or the governing board of a
40 water management district to establish a minimum flow
41 or minimum water level for an Outstanding Florida
42 Spring; requiring the establishment of interim minimum
43 flows or minimum water levels if minimum flows or
44 minimum levels have not been adopted; requiring the
45 application of interim minimum flows or minimum water
46 levels in water management districts that may affect
47 an interim minimum flow or minimum water level
48 established in another water management district;
49 providing a deadline for development and
50 implementation of recovery or prevention strategies
51 under certain circumstances; authorizing the
52 department to use emergency rulemaking procedures
53 under certain circumstances; amending s. 373.0421,
54 F.S.; directing the department and water management
55 district governing boards to adopt and implement
56 certain recovery or prevention strategies concurrent
57 with the adoption of minimum flows and levels;
58 providing criteria for such recovery or prevention

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59 strategies; requiring amendments to regional water
60 supply plans to be concurrent with relevant portions
61 of the recovery or prevention strategy; directing
62 water management districts to notify the department
63 when water use permit applications are denied for a
64 specified reason; providing for the review and update
65 of regional water supply plans in such cases;
66 conforming cross-references; creating s. 373.0465,
67 F.S.; providing legislative intent; defining the term
68 "Central Florida Water Initiative Area"; requiring the
69 department, the St. Johns River Water Management
70 District, the South Florida Water Management District,
71 the Southwest Florida Water Management District, and
72 the Department of Agriculture and Consumer Services to
73 develop and implement a multidistrict regional water
74 supply plan; providing plan criteria and requirements;
75 providing applicability; requiring the department to
76 adopt rules; amending s. 373.1501, F.S.; specifying
77 authority of the South Florida Water Management
78 District to allocate quantities of, and assign
79 priorities for the use of, water within its
80 jurisdiction; directing the district to provide
81 recommendations to the United States Army Corps of
82 Engineers when developing or implementing certain
83 water control plans or regulation schedules; amending
84 s. 373.223, F.S.; requiring consumptive use permits
85 authorizing over a certain amount to be monitored on a
86 specified basis; requiring the costs of monitoring to
87 be borne by the permittee; amending s. 373.2234, F.S.;

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88 directing water management district governing boards
89 to consider the identification of preferred water
90 supply sources for certain water users; amending s.
91 373.227, F.S.; prohibiting water management districts
92 from modifying permitted allocation amounts under
93 certain circumstances; requiring the water management
94 districts to adopt rules to promote water conservation
95 incentives; amending s. 373.233, F.S.; providing
96 conditions under which the department and water
97 management district governing boards are directed to
98 give preference to certain applications; amending s.
99 373.4591, F.S.; providing priority consideration to
100 certain public-private partnerships for water storage,
101 groundwater recharge, and water quality improvements
102 on private agricultural lands; amending s. 373.4595,
103 F.S.; revising and providing definitions relating to
104 the Northern Everglades and Estuaries Protection
105 Program; clarifying provisions of the Lake Okeechobee
106 Watershed Protection Program; directing the South
107 Florida Water Management District to revise certain
108 rules and provide for a watershed research and water
109 quality monitoring program; revising provisions for
110 the Caloosahatchee River Watershed Protection Program
111 and the St. Lucie River Watershed Protection Program;
112 revising permitting and annual reporting requirements
113 relating to the Northern Everglades and Estuaries
114 Protection Program; providing enforcement provisions
115 for certain basin management action plans; amending s.
116 373.536, F.S.; requiring a water management district

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117 to include an annual funding plan in the water
118 resource development work program; directing the
119 department to post the work program on its website;
120 amending s. 373.703, F.S.; authorizing water
121 management districts to contract with private
122 landowners for water production; amending s. 373.705,
123 F.S.; providing first consideration for funding
124 assistance to certain water supply development
125 projects; requiring governing boards to include
126 certain information in their annual budget submittals;
127 requiring water management districts to promote
128 expanded cost-share criteria for additional
129 conservation practices; amending s. 373.707, F.S.;
130 authorizing water management districts to provide
131 technical and financial assistance to self-suppliers
132 and to waive certain construction costs of alternative
133 water supply development projects by certain water
134 users; amending s. 373.709, F.S.; requiring water
135 supply plans to include traditional and alternative
136 water supply project options that are technically and
137 financially feasible; directing the department to
138 include certain funding analyses and project
139 explanations in regional water supply planning
140 reports; creating part VIII of ch. 373, F.S., entitled
141 the "Florida Springs and Aquifer Protection Act";
142 creating s. 373.801, F.S.; providing legislative
143 findings and intent; creating s. 373.802, F.S.;
144 defining terms; creating s. 373.803, F.S.; requiring
145 the department to delineate a priority focus area for

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146 each Outstanding Florida Spring by a certain date;
147 creating s. 373.805, F.S.; requiring the department or
148 a water management district to adopt or revise various
149 recovery or prevention strategies under certain
150 circumstances by a certain date; providing minimum
151 requirements for recovery or prevention strategies for
152 Outstanding Florida Springs; authorizing local
153 governments to apply for an extension for projects in
154 an adopted recovery or prevention strategy; creating
155 s. 373.807, F.S.; requiring the department to initiate
156 assessments of Outstanding Florida Springs by a
157 certain date; requiring the department to develop
158 basin management action plans; authorizing local
159 governments to apply for an extension for projects in
160 an adopted basin management action plan; requiring
161 local governments to adopt an urban fertilizer
162 ordinance by a certain date; requiring the department,
163 the Department of Health, and local governments to
164 identify onsite sewage treatment and disposal systems
165 within each priority focus area; requiring local
166 governments to develop onsite sewage treatment and
167 disposal system remediation plans; prohibiting
168 property owners with identified onsite sewage
169 treatment and disposal systems from being required to
170 pay certain costs; creating s. 373.811, F.S.;
171 specifying prohibited activities within a priority
172 focus area of an Outstanding Florida Spring; creating
173 s. 373.813, F.S.; providing rulemaking authority;
174 creating s. 373.815, F.S.; requiring the department to

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175 submit annual reports; amending s. 403.061, F.S.;

176 requiring the department to create a consolidated

177 water resources work plan; directing the department to

178 adopt by rule a specific surface water classification

179 to protect surface waters used for treated potable

180 water supply; providing criteria for such rule;

181 authorizing the reclassification of surface waters

182 used for treated potable water supply notwithstanding

183 such rule; requiring the department to create and

184 maintain a web-based interactive map; creating s.

185 403.0616, F.S.; creating the Florida Water Resources

186 Advisory Council to provide the Legislature with

187 recommendations for projects submitted by governmental

188 entities; requiring the council to consolidate various

189 reports to enhance the water resources of this state;

190 requiring the department to adopt rules; creating s.

191 403.0617, F.S.; requiring the department to adopt

192 rules to fund certain pilot projects; amending s.

193 403.0623, F.S.; requiring the department to establish

194 certain standards to ensure statewide consistency;

195 requiring the department to maintain a centralized

196 database for testing results and analysis of water

197 quantity and quality data; amending s. 403.861, F.S.;

198 directing the department to add treated potable water

199 supply as a designated use of a surface water segment

200 under certain circumstances; providing an effective

201 date.

202

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

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204

205 Section 1. Paragraph (g) is added to subsection (11) of
206 section 259.032, Florida Statutes, to read:

207 259.032 Conservation and Recreation Lands Trust Fund;
208 purpose.—

209 (11)

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

215 1. By July 1, 2016, the database must be available to the
216 public online and must include, at a minimum, the location,
217 types of allowable recreational opportunities, points of public
218 access, facilities or other amenities, restrictions, and any
219 other information the department deems appropriate to increase
220 public awareness of recreational opportunities on conservation
221 lands. Such data must be electronically accessible, searchable,
222 and downloadable in a generally acceptable format.

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

228 3. The database and application must include information
229 for all state conservation lands to which the public has a right
230 of access for recreational purposes. Beginning January 1, 2018,
231 to the greatest extent practicable, the database shall include
232 similar information for lands owned by federal and local

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233 government entities that allow access for recreational purposes.

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

240 Section 2. Section 260.0144, Florida Statutes, is amended
241 to read:

242 260.0144 Sponsorship of state greenways and trails.—The
243 department may enter into a concession agreement with a not-for-
244 profit entity or private sector business or entity for
245 commercial sponsorship to be displayed on state greenway and
246 trail facilities not included within the Shared-Use Nonmotorized
247 Trail Network established in chapter 339 ~~or property specified~~
248 ~~in this section~~. The department may establish the cost for
249 entering into a concession agreement.

250 (1) A concession agreement shall be administered by the
251 department and must include the requirements found in this
252 section.

253 (2) (a) Space for a commercial sponsorship display may be
254 provided through a concession agreement on certain state-owned
255 greenway or trail facilities or property.

256 (b) Signage or displays erected under this section shall
257 comply with the provisions of s. 337.407 and chapter 479, and
258 shall be limited as follows:

259 1. One large sign or display, not to exceed 16 square feet
260 in area, may be located at each trailhead or parking area.

261 2. One small sign or display, not to exceed 4 square feet

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262 in area, may be located at each designated trail public access
263 point.

264 (c) Before installation, each name or sponsorship display
265 must be approved by the department.

266 (d) The department shall ensure that the size, color,
267 materials, construction, and location of all signs are
268 consistent with the management plan for the property and the
269 standards of the department, do not intrude on natural and
270 historic settings, and contain only a logo selected by the
271 sponsor and the following sponsorship wording:

272
273 ... (Name of the sponsor) ... proudly sponsors the costs
274 of maintaining the ... (Name of the greenway or
275 trail)

276
277 ~~(e) Sponsored state greenways and trails are authorized at~~
278 ~~the following facilities or property:~~

- 279 1. ~~Florida Keys Overseas Heritage Trail.~~
280 2. ~~Blackwater Heritage Trail.~~
281 3. ~~Tallahassee St. Marks Historic Railroad State Trail.~~
282 4. ~~Nature Coast State Trail.~~
283 5. ~~Withlacoochee State Trail.~~
284 6. ~~General James A. Van Fleet State Trail.~~
285 7. ~~Palatka Lake Butler State Trail.~~

286 (e) ~~(f)~~ The department may enter into commercial sponsorship
287 agreements for other state greenways or trails as authorized in
288 this section. A qualified entity that desires to enter into a
289 commercial sponsorship agreement shall apply to the department
290 on forms adopted by department rule.

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291 (f)~~(g)~~ All costs of a display, including development,
292 construction, installation, operation, maintenance, and removal
293 costs, shall be paid by the concessionaire.

294 (3) A concession agreement shall be for a minimum of 1
295 year, but may be for a longer period under a multiyear
296 agreement, and may be terminated for just cause by the
297 department upon 60 days' advance notice. Just cause for
298 termination of a concession agreement includes, but is not
299 limited to, violation of the terms of the concession agreement
300 or any provision of this section.

301 (4) Commercial sponsorship pursuant to a concession
302 agreement is for public relations or advertising purposes of the
303 not-for-profit entity or private sector business or entity, and
304 may not be construed by that not-for-profit entity or private
305 sector business or entity as having a relationship to any other
306 actions of the department.

307 (5) This section does not create a proprietary or
308 compensable interest in any sign, display site, or location.

309 (6) Proceeds from concession agreements shall be
310 distributed as follows:

311 (a) Eighty-five percent shall be deposited into the
312 appropriate department trust fund that is the source of funding
313 for management and operation of state greenway and trail
314 facilities and properties.

315 (b) Fifteen percent shall be deposited into the State
316 Transportation Trust Fund for use in the Traffic and Bicycle
317 Safety Education Program and the Safe Paths to School Program
318 administered by the Department of Transportation.

319 (7) The department may adopt rules to administer this

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320 section.

321 Section 3. Subsections (3) and (4) of section 335.065,
322 Florida Statutes, are amended to read:

323 335.065 Bicycle and pedestrian ways along state roads and
324 transportation facilities.—

325 (3) The department, in cooperation with the Department of
326 Environmental Protection, shall establish a statewide integrated
327 system of bicycle and pedestrian ways in such a manner as to
328 take full advantage of any such ways which are maintained by any
329 governmental entity. ~~The department may enter into a concession
330 agreement with a not for profit entity or private sector
331 business or entity for commercial sponsorship displays on
332 multiuse trails and related facilities and use any concession
333 agreement revenues for the maintenance of the multiuse trails
334 and related facilities. Commercial sponsorship displays are
335 subject to the requirements of the Highway Beautification Act of
336 1965 and all federal laws and agreements, when applicable. For
337 the purposes of this section, bicycle facilities may be
338 established as part of or separate from the actual roadway and
339 may utilize existing road rights-of-way or other rights-of-way
340 or easements acquired for public use.~~

341 ~~(a) A concession agreement shall be administered by the
342 department and must include the requirements of this section.~~

343 ~~(b)1. Signage or displays erected under this section shall
344 comply with s. 337.407 and chapter 479 and shall be limited as
345 follows:~~

346 ~~a. One large sign or display, not to exceed 16 square feet
347 in area, may be located at each trailhead or parking area.~~

348 ~~b. One small sign or display, not to exceed 4 square feet~~

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349 ~~in area, may be located at each designated trail public access~~
350 ~~point.~~

351 ~~2. Before installation, each name or sponsorship display~~
352 ~~must be approved by the department.~~

353 ~~3. The department shall ensure that the size, color,~~
354 ~~materials, construction, and location of all signs are~~
355 ~~consistent with the management plan for the property and the~~
356 ~~standards of the department, do not intrude on natural and~~
357 ~~historic settings, and contain only a logo selected by the~~
358 ~~sponsor and the following sponsorship wording:~~

359
360 ~~... (Name of the sponsor) ... proudly sponsors the costs~~
361 ~~of maintaining the ... (Name of the greenway or~~
362 ~~trail)....~~

363
364 ~~4. All costs of a display, including development,~~
365 ~~construction, installation, operation, maintenance, and removal~~
366 ~~costs, shall be paid by the concessionaire.~~

367 ~~(c) A concession agreement shall be for a minimum of 1~~
368 ~~year, but may be for a longer period under a multiyear~~
369 ~~agreement, and may be terminated for just cause by the~~
370 ~~department upon 60 days' advance notice. Just cause for~~
371 ~~termination of a concession agreement includes, but is not~~
372 ~~limited to, violation of the terms of the concession agreement~~
373 ~~or this section.~~

374 ~~(4)(a) The department may use appropriated funds to support~~
375 ~~the establishment of a statewide system of interconnected~~
376 ~~multiuse trails and to pay the costs of planning, land~~
377 ~~acquisition, design, and construction of such trails and related~~

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378 ~~facilities. The department shall give funding priority to~~
379 ~~projects that:~~

380 ~~1. Are identified by the Florida Greenways and Trails~~
381 ~~Council as a priority within the Florida Greenways and Trails~~
382 ~~System under chapter 260.~~

383 ~~2. Support the transportation needs of bicyclists and~~
384 ~~pedestrians.~~

385 ~~3. Have national, statewide, or regional importance.~~

386 ~~4. Facilitate an interconnected system of trails by~~
387 ~~completing gaps between existing trails.~~

388 ~~(b) A project funded under this subsection shall:~~

389 ~~1. Be included in the department's work program developed~~
390 ~~in accordance with s. 339.135.~~

391 ~~2. Be operated and maintained by an entity other than the~~
392 ~~department upon completion of construction. The department is~~
393 ~~not obligated to provide funds for the operation and maintenance~~
394 ~~of the project.~~

395 Section 4. Section 339.81, Florida Statutes, is created to
396 read:

397 339.81 Florida Shared-Use Nonmotorized Trail Network.-

398 (1) The Legislature finds that increasing demands continue
399 to be placed on the state's transportation system by a growing
400 economy, continued population growth, and increasing tourism.
401 The Legislature also finds that significant challenges exist in
402 providing additional capacity to the conventional transportation
403 system and will require enhanced accommodation of alternative
404 travel modes to meet the needs of residents and visitors. The
405 Legislature further finds that improving bicyclist and
406 pedestrian safety for both residents and visitors remains a high

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407 priority. Therefore, the Legislature declares that the
408 development of a nonmotorized trail network will increase
409 mobility and recreational alternatives for residents and
410 visitors of this state, enhance economic prosperity, enrich
411 quality of life, enhance safety, and reflect responsible
412 environmental stewardship. To that end, it is the intent of the
413 Legislature that the department make use of its expertise in
414 efficiently providing transportation projects to develop the
415 Florida Shared-Use Nonmotorized Trail Network, consisting of a
416 statewide network of nonmotorized trails which allows
417 nonmotorized vehicles and pedestrians to access a variety of
418 origins and destinations with limited exposure to motorized
419 vehicles.

420 (2) The Florida Shared-Use Nonmotorized Trail Network is
421 created as a component of the Florida Greenways and Trails
422 System established in chapter 260. The statewide network
423 consists of multiuse trails or shared-use paths physically
424 separated from motor vehicle traffic and constructed with
425 asphalt, concrete, or another hard surface which, by virtue of
426 design, location, extent of connectivity or potential
427 connectivity, and allowable uses, provides nonmotorized
428 transportation opportunities for bicyclists and pedestrians
429 statewide between and within a wide range of points of origin
430 and destinations, including, but not limited to, communities,
431 conservation areas, state parks, beaches, and other natural or
432 cultural attractions for a variety of trip purposes, including
433 work, school, shopping, and other personal business, as well as
434 social, recreational, and personal fitness purposes.

435 (3) Network components do not include sidewalks, nature

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436 trails, loop trails wholly within a single park or natural area,
437 or on-road facilities, such as bicycle lanes or routes other
438 than:

439 (a) On-road facilities that are no longer than one-half
440 mile connecting two or more nonmotorized trails, if the
441 provision of a non-motorized trail without the use of the on-
442 road facility is not feasible, and if such on-road facilities
443 are signed and marked for nonmotorized use; or

444 (b) On-road components of the Florida Keys Overseas
445 Heritage Trail.

446 (4) The planning, development, operation, and maintenance
447 of the Florida Shared-Use Nonmotorized Trail Network is declared
448 to be a public purpose, and the department, together with other
449 agencies of this state and all counties, municipalities, and
450 special districts of this state, may spend public funds for such
451 purposes and accept gifts and grants of funds, property, or
452 property rights from public or private sources to be used for
453 such purposes.

454 (5) The department shall include the Florida Shared-Use
455 Nonmotorized Trail Network in its work program developed
456 pursuant to s. 339.135. For purposes of funding and maintaining
457 projects within the network, the department shall allocate in
458 its program and resource plan a minimum of \$50 million annually,
459 beginning in the 2015-2016 fiscal year.

460 (6) The department may enter into a memorandum of agreement
461 with a local government or other agency of the state to transfer
462 maintenance responsibilities of an individual network component.
463 The department may contract with a not-for-profit entity or
464 private sector business or entity to provide maintenance

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465 services on an individual network component.

466 (7) The department may adopt rules to aid in the
467 development and maintenance of components of the network.

468 Section 5. Section 339.82, Florida Statutes, is created to
469 read:

470 339.82 Shared-Use Nonmotorized Trail Network Plan.—

471 (1) The department shall develop a Shared-Use Nonmotorized
472 Trail Network Plan in coordination with the Department of
473 Environmental Protection, metropolitan planning organizations,
474 affected local governments and public agencies, and the Florida
475 Greenways and Trails Council. The plan must be consistent with
476 the Florida Greenways and Trails Plan developed under s. 260.014
477 and must be updated at least once every 5 years.

478 (2) The Shared-Use Nonmotorized Trail Network Plan must
479 include all of the following:

480 (a) A needs assessment, including, but not limited to, a
481 comprehensive inventory and analysis of existing trails that may
482 be considered for inclusion in the Shared-Use Nonmotorized Trail
483 Network.

484 (b) A project prioritization process that includes
485 assigning funding priority to projects that:

486 1. Are identified by the Florida Greenways and Trails
487 Council as a priority within the Florida Greenways and Trails
488 System under chapter 260;

489 2. Facilitate an interconnected network of trails by
490 completing gaps between existing facilities; and

491 3. Maximize use of federal, local, and private funding and
492 support mechanisms, including, but not limited to, donation of
493 funds, real property, and maintenance responsibilities.

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494 (c) A map illustrating existing and planned facilities and
495 identifying critical gaps between facilities.

496 (d) A finance plan based on reasonable projections of
497 anticipated revenues, including both 5-year and 10-year cost-
498 feasible components.

499 (e) Performance measures that include quantifiable
500 increases in trail network access and connectivity.

501 (f) A timeline for the completion of the base network using
502 new and existing data from the department, the Department of
503 Environmental Protection, and other sources.

504 (g) A marketing plan prepared in consultation with the
505 Florida Tourism Industry Marketing Corporation.

506 Section 6. Section 339.83, Florida Statutes, is created to
507 read:

508 339.83 Sponsorship of Shared-Use Nonmotorized Trails.-

509 (1) The department may enter into a concession agreement
510 with a not-for-profit entity or private sector business or
511 entity for commercial sponsorship signs, pavement markings, and
512 exhibits on nonmotorized trails and related facilities
513 constructed as part of the Shared-Use Nonmotorized Trail
514 Network. The concession agreement may also provide for
515 recognition of trail sponsors in any brochure, map, or website
516 providing trail information. Trail websites may provide links to
517 sponsors. Revenue from such agreements may be used for the
518 maintenance of the nonmotorized trails and related facilities.

519 (a) A concession agreement shall be administered by the
520 department.

521 (b)1. Signage, pavement markings, or exhibits erected
522 pursuant to this section must comply with s. 337.407 and chapter

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523 479 and are limited as follows:

524 a. One large sign, pavement marking, or exhibit, not to
525 exceed 16 square feet in area, may be located at each trailhead
526 or parking area.

527 b. One small sign, pavement marking, or exhibit, not to
528 exceed 4 square feet in area, may be located at each designated
529 trail public access point where parking is not provided.

530 c. Pavement markings denoting specified distances must be
531 located at least 1 mile apart.

532 2. Before installation, each sign, pavement marking, or
533 exhibit must be approved by the department.

534 3. The department shall ensure that the size, color,
535 materials, construction, and location of all signs, pavement
536 markings, and exhibits are consistent with the management plan
537 for the property and the standards of the department, do not
538 intrude on natural and historic settings, and contain a logo
539 selected by the sponsor and the following sponsorship wording:

540
541 ...(Name of the sponsor)... proudly sponsors the costs
542 of maintaining the ...(Name of the greenway or
543 trail)....

544
545 4. Exhibits may provide additional information and
546 materials, including, but not limited to, maps and brochures for
547 trail user services related or proximate to the trail. Pavement
548 markings may display mile marker information.

549 5. The costs of a sign, pavement marking, or exhibit,
550 including development, construction, installation, operation,
551 maintenance, and removal costs, shall be paid by the

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552 concessionaire.

553 (c) A concession agreement shall be for a minimum of 1
554 year, but may be for a longer period under a multiyear
555 agreement, and may be terminated for just cause by the
556 department upon 60 days' advance notice. Just cause for
557 termination of a concession agreement includes, but is not
558 limited to, violation of the terms of the concession agreement
559 or this section.

560 (2) Pursuant to s. 287.057, the department may contract for
561 the provision of services related to the trail sponsorship
562 program, including recruitment and qualification of businesses,
563 review of applications, permit issuance, and fabrication,
564 installation, and maintenance of signs, pavement markings, and
565 exhibits. The department may reject all proposals and seek
566 another request for proposals or otherwise perform the work. The
567 contract may allow the contractor to retain a portion of the
568 annual fees as compensation for its services.

569 (3) This section does not create a proprietary or
570 compensable interest in any sponsorship site or location for any
571 permittee, and the department may terminate permits or change
572 locations of sponsorship sites as it determines necessary for
573 construction or improvement of facilities.

574 (4) The department may adopt rules to establish
575 requirements for qualification of businesses, qualification and
576 location of sponsorship sites, and permit applications and
577 processing. The department may adopt rules to establish other
578 criteria necessary to implement this section and to provide for
579 variances when necessary to serve the interest of the public or
580 when required to ensure equitable treatment of program

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581 participants.

582 Section 7. Subsection (24) of section 373.019, Florida
583 Statutes, is amended to read:

584 373.019 Definitions.—When appearing in this chapter or in
585 any rule, regulation, or order adopted pursuant thereto, the
586 term:

587 (24) "Water resource development" means the formulation and
588 implementation of regional water resource management strategies,
589 including the collection and evaluation of surface water and
590 groundwater data; structural and nonstructural programs to
591 protect and manage water resources; the development of regional
592 water resource implementation programs; the construction,
593 operation, and maintenance of major public works facilities to
594 provide for flood control, surface and underground water
595 storage, and groundwater recharge augmentation; and related
596 technical assistance to local governments, and to government-
597 owned and privately owned water utilities, and self-suppliers to
598 the extent assistance to self-suppliers promotes the policies as
599 set forth in s. 373.016.

600 Section 8. Paragraph (b) of subsection (7) of section
601 373.036, Florida Statutes, is amended, present paragraphs (d)
602 and (e) of subsection (7) are redesignated as paragraphs (e) and
603 (f), respectively, and a new paragraph (d) is added to that
604 subsection, to read:

605 373.036 Florida water plan; district water management
606 plans.—

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

608 (b) The consolidated annual report shall contain the
609 following elements, as appropriate to that water management

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610 district:

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

613 2. The department-approved minimum flows and levels annual
614 priority list and schedule required by s. 373.042(3) ~~s.~~
615 ~~373.042(2)~~.

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

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

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

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

624 7. The mitigation donation annual report required by s.
625 373.414(1)(b)2.

626 (d) The consolidated annual report must contain information
627 on all projects related to water quality or water quantity as
628 part of a 5-year work program, including:

629 1. A list of all specific projects identified to implement
630 a basin management action plan or a recovery or prevention
631 strategy;

632 2. A grade for each watershed, water body, or water segment
633 in which a project is located representing the level of
634 impairment and violations of adopted or interim minimum flow or
635 minimum water level. The grading system must reflect the
636 severity of the impairment of the watershed, waterbody, or water
637 segment;

638 3. A priority ranking for each listed project for which

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639 state funding through the water resources work program is
640 requested, which must be made available to the public for
641 comment at least 30 days before submission of the consolidated
642 annual report;

643 4. The estimated cost for each listed project;

644 5. The estimated completion date for each listed project;

645 6. The source and amount of financial assistance to be made
646 available by the department, a water management district, or
647 other entity for each listed project; and

648 7. A quantitative estimate of each listed project's benefit
649 to the watershed, water body, or water segment in which it is
650 located.

651 Section 9. Subsection (1) and present subsections (2) and
652 (6) of section 373.042, Florida Statutes, are amended, present
653 subsections (2) through (6) of that section are redesignated as
654 subsections (3) through (7), respectively, and a new subsection
655 (2) is added to that section, to read:

656 373.042 Minimum flows and levels.—

657 (1) Within each section, or within the water management
658 district as a whole, the department or the governing board shall
659 establish the following:

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

664 (b) Minimum water level. The minimum water level is ~~shall~~
665 ~~be~~ the level of groundwater in an aquifer and the level of
666 surface water at which further withdrawals would be
667 significantly harmful to the water resources or ecology of the

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668 area.

669 (c) Minimum flow or minimum water level for an Outstanding
670 Florida Spring, as defined in s. 373.802. The minimum flow or
671 minimum water level are the limit and level, respectively, at
672 which further withdrawals would be harmful to the water
673 resources or ecology of the area.

674

675 The minimum flow and minimum water level shall be calculated by
676 the department and the governing board using the best
677 information available. When appropriate, minimum flows and
678 minimum water levels may be calculated to reflect seasonal
679 variations. The department and the governing board shall ~~also~~
680 consider, and at their discretion may provide for, the
681 protection of nonconsumptive uses in the establishment of
682 minimum flows and minimum water levels.

683 (2) (a) Until such time as a minimum flow or minimum water
684 level is adopted for an Outstanding Florida Spring, the interim
685 minimum flow or minimum water level for such spring shall be
686 determined by using the best existing and available information.
687 The interim minimum flow or minimum water level is the flow or
688 water level exceeded 67 percent of the time based upon an
689 analysis of estimated long-term conditions. By July 1, 2016, the
690 districts shall use reasonable calculations to estimate the
691 long-term median flow or water level and the flow or water level
692 that would be exceeded 67 percent of the time. The analysis may
693 include construction of a flow or water level duration curve, an
694 analysis of the flow or water level at any point in the spring,
695 and historic data to extrapolate the values or other statistical
696 methods to estimate the long-term median flow or water level

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697 that would be exceeded 67 percent of the time.

698 (b) If a minimum flow or minimum water level has been
699 established but not yet adopted for an Outstanding Florida
700 Spring, a water management district shall use the established
701 minimum flow or minimum water level, instead of the minimum flow
702 or minimum water level established by the procedure in paragraph
703 (a), as the interim minimum flow or minimum water level until
704 the adoption of a minimum flow or minimum water level. Long-term
705 or short-term seasonal or annual variations in flows or water
706 levels of an Outstanding Florida Spring due to factors other
707 than water withdrawals are not considered violations of an
708 interim minimum flow or minimum water level.

709 (c) For Outstanding Florida Springs identified on a water
710 management district's priority list developed pursuant to
711 subsection (3) which have the potential to be affected by
712 withdrawals in an adjacent district, the interim minimum flow or
713 minimum water level shall be applied by the adjacent district or
714 districts. By July 1, 2017, the adjacent districts and the
715 department shall collaboratively develop and implement a
716 recovery or prevention strategy for an Outstanding Florida
717 Spring not meeting an adopted or interim minimum flow or minimum
718 water level.

719 (d) The Legislature finds that the failure to adopt minimum
720 flows and minimum water levels or recovery or prevention
721 strategies for Outstanding Florida Springs has resulted in an
722 immediate danger to the public health, safety, and welfare and
723 that immediate action must be taken to address the condition of
724 Outstanding Florida Springs. The department may use emergency
725 rulemaking provisions pursuant to s. 120.54(4) to adopt interim

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726 minimum flows and minimum water levels under this subsection and
727 recovery or prevention strategies concurrent with an interim
728 minimum flow or minimum water level pursuant to s.
729 373.805(2)(b). For purposes of this section, an interim minimum
730 flow or minimum water level and a recovery or prevention
731 strategy shall remain in effect until January 1, 2018, and may
732 not be renewable, except as otherwise provided in s.
733 120.54(4)(c).

734 (3)~~(2)~~ By November 15, 1997, and annually thereafter, each
735 water management district shall submit to the department for
736 review and approval a priority list and schedule for the
737 establishment of minimum flows and levels for surface
738 watercourses, aquifers, and surface waters within the district.
739 The priority list and schedule shall identify those listed water
740 bodies for which the district will voluntarily undertake
741 independent scientific peer review; any reservations proposed by
742 the district to be established pursuant to s. 373.223(4); and
743 those listed water bodies that have the potential to be affected
744 by withdrawals in an adjacent district for which the
745 department's adoption of a reservation pursuant to s. 373.223(4)
746 or a minimum flow or level pursuant to subsection (1) may be
747 appropriate. By March 1, 2006, and annually thereafter, each
748 water management district shall include its approved priority
749 list and schedule in the consolidated annual report required by
750 s. 373.036(7). The priority list shall be based upon the
751 importance of the waters to the state or region and the
752 existence of or potential for significant harm to the water
753 resources or ecology of the state or region, and shall include
754 those waters which are experiencing or may reasonably be

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755 expected to experience adverse impacts. Each water management
756 district's priority list and schedule shall include all first
757 magnitude springs, and all second magnitude springs within state
758 or federally owned lands purchased for conservation purposes.
759 The specific schedule for establishment of spring minimum flows
760 and levels shall be commensurate with the existing or potential
761 threat to spring flow from consumptive uses. Springs within the
762 Suwannee River Water Management District, or second magnitude
763 springs in other areas of the state, need not be included on the
764 priority list if the water management district submits a report
765 to the Department of Environmental Protection demonstrating that
766 adverse impacts are not now occurring nor are reasonably
767 expected to occur from consumptive uses during the next 20
768 years. The priority list and schedule is not subject to any
769 proceeding pursuant to chapter 120. Except as provided in
770 subsection (4) ~~(3)~~, the development of a priority list and
771 compliance with the schedule for the establishment of minimum
772 flows and levels pursuant to this subsection satisfies the
773 requirements of subsection (1).

774 (7) ~~(6)~~ If a petition for administrative hearing is filed
775 under chapter 120 challenging the establishment of a minimum
776 flow or level, the report of an independent scientific peer
777 review conducted under subsection (5) ~~(4)~~ is admissible as
778 evidence in the final hearing, and the administrative law judge
779 must render the order within 120 days after the filing of the
780 petition. The time limit for rendering the order shall not be
781 extended except by agreement of all the parties. To the extent
782 that the parties agree to the findings of the peer review, they
783 may stipulate that those findings be incorporated as findings of

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784 fact in the final order.

785 Section 10. Section 373.0421, Florida Statutes, is amended
786 to read:

787 373.0421 Establishment and implementation of minimum flows
788 and levels.—

789 (1) ESTABLISHMENT.—

790 (a) *Considerations.*—When establishing minimum flows and
791 minimum water levels pursuant to s. 373.042, the department or
792 governing board shall consider changes and structural
793 alterations to watersheds, surface waters, and aquifers and the
794 effects such changes or alterations have had, and the
795 constraints such changes or alterations have placed, on the
796 hydrology of an affected watershed, surface water, or aquifer,
797 provided that nothing in this paragraph shall allow significant
798 harm as provided by s. 373.042(1) (a) and (b), or harm as
799 provided by s. 373.042(1) (c), caused by withdrawals.

800 (b) *Exclusions.*—

801 1. The Legislature recognizes that certain water bodies no
802 longer serve their historical hydrologic functions. The
803 Legislature also recognizes that recovery of these water bodies
804 to historical hydrologic conditions may not be economically or
805 technically feasible, and that such recovery effort could cause
806 adverse environmental or hydrologic impacts. Accordingly, the
807 department or governing board may determine that setting a
808 minimum flow or level for such a water body based on its
809 historical condition is not appropriate.

810 2. The department or the governing board is not required to
811 establish minimum flows or levels pursuant to s. 373.042 for
812 surface water bodies less than 25 acres in area, unless the

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813 water body or bodies, individually or cumulatively, have
814 significant economic, environmental, or hydrologic value.

815 3. The department or the governing board shall not set
816 minimum flows or levels pursuant to s. 373.042 for surface water
817 bodies constructed prior to the requirement for a permit, or
818 pursuant to an exemption, a permit, or a reclamation plan which
819 regulates the size, depth, or function of the surface water body
820 under the provisions of this chapter, chapter 378, or chapter
821 403, unless the constructed surface water body is of significant
822 hydrologic value or is an essential element of the water
823 resources of the area.

824
825 The exclusions of this paragraph shall not apply to the
826 Everglades Protection Area, as defined in s. 373.4592(2)(i).

827 (2) If the existing flow or level in a water body is below,
828 or is projected to fall within 20 years below, the applicable
829 minimum flow or level established pursuant to s. 373.042, the
830 department or governing board, concurrent with the adoption of
831 the minimum flow or level and as part of the regional water
832 supply plan described in s. 373.709, shall adopt and
833 ~~expeditiously~~ implement a recovery or prevention strategy, which
834 includes the development of additional water supplies and other
835 actions, consistent with the authority granted by this chapter,
836 to:

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

839 (b) Prevent the existing flow or level from falling below
840 the established minimum flow or level.

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842 The recovery or prevention strategy shall include phasing or a
843 timetable which will allow for the provision of sufficient water
844 supplies for all existing and projected reasonable-beneficial
845 uses, including development of additional water supplies and
846 implementation of conservation and other efficiency measures
847 concurrent with, to the maximum extent practical, and to offset,
848 reductions in permitted withdrawals, consistent with ~~the~~
849 ~~provisions of~~ this chapter. The recovery or prevention strategy
850 may not depend solely on water shortage restrictions declared
851 pursuant to s. 373.175 or s. 373.246.

852 (3) In order to ensure that sufficient water is available
853 for all existing and future reasonable-beneficial uses and the
854 natural systems, the applicable regional water supply plan
855 prepared pursuant to s. 373.709 shall be amended to include any
856 water supply development projects and water resource development
857 projects identified in a recovery or prevention strategy. Such
858 amendment shall be approved concurrently with relevant portions
859 of the recovery or prevention strategy.

860 (4) The water management district shall notify the
861 department if an application for a water use permit is denied
862 based upon the impact that the use will have on an adopted
863 minimum flow or minimum water level. Upon receipt of such
864 notice, the department shall, as soon as practicable and in
865 cooperation with the water management district, conduct a review
866 of the applicable regional water supply plan prepared pursuant
867 to s. 373.709. Such review shall include an assessment by the
868 department of the adequacy of the plan to meet the legislative
869 intent of s. 373.705(2)(b) that sufficient water be available
870 for all existing and future reasonable-beneficial uses and the

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871 natural systems and that the adverse effects of competition for
872 water supplies be avoided. If the department determines, based
873 upon this review, that the regional water supply plan does not
874 adequately address the legislative intent of s. 373.705(2)(b),
875 the water management district shall immediately initiate an
876 update of the plan consistent with s. 373.709.

877 (5)~~(3)~~ The provisions of this section are supplemental to
878 any other specific requirements or authority provided by law.
879 Minimum flows and levels shall be reevaluated periodically and
880 revised as needed.

881 Section 11. Section 373.0465, Florida Statutes, is created
882 to read:

883 373.0465 Central Florida Water Initiative.-

884 (1) The Legislature finds that:

885 (a) Historically, the Floridan Aquifer system has supplied
886 the vast majority of the water used in the Central Florida
887 Coordination Area.

888 (b) Because the boundaries of the St. Johns River Water
889 Management District, the South Florida Water Management
890 District, and the Southwest Florida Water Management District
891 meet within the Central Florida Coordination Area, the three
892 districts and the Department of Environmental Protection have
893 worked cooperatively to determine that the Floridan Aquifer
894 system is locally approaching the sustainable limits of use and
895 are exploring the need to develop sources of water to meet the
896 long-term water needs of the area.

897 (c) The Central Florida Water Initiative, a collaborative
898 process involving the Department of Environmental Protection,
899 the St. Johns River Water Management District, the South Florida

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900 Water Management District, the Southwest Florida Water
901 Management District, the Department of Agriculture and Consumer
902 Services, regional public water supply utilities, and other
903 stakeholders, has developed an initial framework, as set forth
904 in the Central Florida Water Initiative Guiding Document of
905 January 30, 2015, for a unified process to address the current
906 and long-term water supply needs of Central Florida without
907 causing harm to the water resources and associated natural
908 systems.

909 (d) Developing water sources as an alternative to continued
910 reliance on the Floridan Aquifer will benefit existing and
911 future water users and natural systems beyond the boundaries of
912 the Central Florida Water Initiative.

913 (2) (a) As used in this section, the term "Central Florida
914 Water Initiative Area" means all of Orange, Osceola, Polk, and
915 Seminole Counties, and southern Lake County, as designated by
916 the Central Florida Water Initiative Guiding Document of January
917 30, 2015.

918 (b) The department, the St. Johns River Water Management
919 District, the South Florida Water Management District, the
920 Southwest Florida Water Management District, and the Department
921 of Agriculture and Consumer Services shall:

922 1. Provide for a continuation of the collaborative process
923 in the Central Florida Water Initiative Area among the state
924 agencies, affected water management districts, regional public
925 water supply utilities, and other stakeholders.

926 2. Build upon the guiding principles and goals set forth in
927 the Central Florida Water Initiative Guiding Document of January
928 30, 2015, and the work that has already been accomplished by the

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929 Central Florida Water Initiative participants.

930 3. Develop and implement, as set forth in the Central
931 Florida Water Initiative Guiding Document of January 30, 2015, a
932 single multidistrict regional water supply plan, including any
933 needed recovery or prevention strategies and a list of water
934 resource or water supply development projects.

935 4. Provide for a single hydrologic planning model to assess
936 the availability of groundwater in the Central Florida Water
937 Initiative Area.

938 (c) In developing the water supply planning program
939 consistent with the goals set forth in this subsection, the
940 department, the South Florida Water Management District, the
941 Southwest Florida Water Management District, the St. Johns River
942 Water Management District, and the Department of Agriculture and
943 Consumer Services shall:

944 1. Consider limitations on groundwater use together with
945 opportunities for new, increased, or redistributed groundwater
946 uses that are based on the conditions established under s.
947 373.223.

948 2. Establish a coordinated process for the identification
949 of water resources requiring new or revised conditions
950 established under s. 373.223.

951 3. Consider existing recovery or prevention strategies.

952 4. Include a list of water supply options sufficient to
953 meet the water needs of all existing and future reasonable-
954 beneficial uses which meet conditions established under s.
955 373.223.

956 5. Identify, as necessary, which of the water supply
957 sources are preferred water supply sources pursuant to s.

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958 373.2234.

959 (d) The department, in consultation with the St. Johns
960 River Water Management District, the South Florida Water
961 Management District, the Southwest Florida Water Management
962 District, and the Department of Agriculture and Consumer
963 Services, shall adopt uniform rules for application within the
964 Central Florida Water Initiative Area that include:

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

967 2. A single method for calculating residential per capita
968 water use;

969 3. A single process for permit reviews;

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

972 5. A goal for residential per capita water use for each
973 consumptive use permit; and

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

976
977 The uniform rules shall include existing recovery strategies
978 within the Central Florida Water Initiative Area adopted before
979 July 1, 2015. The department may grant variances to the uniform
980 rules if there are unique circumstances or hydrogeological
981 factors that make application of the uniform rules unrealistic
982 or impractical.

983 (e) The department shall initiate rulemaking for the
984 uniform rules by December 31, 2015. The department's uniform
985 rules shall be applied by the water management districts only
986 within the Central Florida Water Initiative Area. Upon adoption

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987 of the rules, the water management districts shall implement the
988 rules without further rulemaking pursuant to s. 120.54. The
989 rules adopted by the department pursuant to this section are
990 considered the rules of the water management districts.

991 (f) Water management district planning programs developed
992 pursuant this subsection shall be approved or adopted as
993 required under this chapter. However, such planning programs may
994 not serve to modify planning programs in areas of the affected
995 districts that are not within the Central Florida Water
996 Initiative Area, but may include interregional projects located
997 outside the Central Florida Water Initiative Area which are
998 consistent with planning and regulatory programs in the areas in
999 which they are located.

1000 Section 12. Subsection (4) of section 373.1501, Florida
1001 Statutes, is amended, subsections (7) and (8) are renumbered as
1002 subsections (8) and (9), respectively, and a new subsection (7)
1003 is added to that section, to read:

1004 373.1501 South Florida Water Management District as local
1005 sponsor.—

1006 (4) The district is authorized to act as local sponsor of
1007 the project for those project features within the district as
1008 provided in this subsection and subject to the oversight of the
1009 department as further provided in s. 373.026. The district shall
1010 exercise the authority of the state to allocate quantities of
1011 water within its jurisdiction, including the water supply in
1012 relation to the project, and be responsible for allocating water
1013 and assigning priorities among the other water uses served by
1014 the project pursuant to state law. The district may:

1015 (a) Act as local sponsor for all project features

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1016 previously authorized by Congress.~~†~~

1017 (b) Continue data gathering, analysis, research, and design
1018 of project components, participate in preconstruction
1019 engineering and design documents for project components, and
1020 further refine the Comprehensive Plan of the restudy as a guide
1021 and framework for identifying other project components.~~†~~

1022 (c) Construct pilot projects that will assist in
1023 determining the feasibility of technology included in the
1024 Comprehensive Plan of the restudy.~~†~~ ~~and~~

1025 (d) Act as local sponsor for project components.

1026 (7) When developing or implementing water control plans or
1027 regulation schedules required for the operation of the project,
1028 the district shall provide recommendations to the United States
1029 Army Corps of Engineers which are consistent with all district
1030 programs and plans.

1031 Section 13. Subsection (6) is added to section 373.223,
1032 Florida Statutes, to read:

1033 373.223 Conditions for a permit.—

1034 (6) A consumptive use permit authorizing more than 100,000
1035 gallons per day shall be monitored on a yearly basis, with the
1036 cost of such monitoring to be borne by the permittee.

1037 Section 14. Section 373.2234, Florida Statutes, is amended
1038 to read:

1039 373.2234 Preferred water supply sources.—

1040 (1) The governing board of a water management district is
1041 authorized to adopt rules that identify preferred water supply
1042 sources for consumptive uses for which there is sufficient data
1043 to establish that a preferred source will provide a substantial
1044 new water supply to meet the existing and projected reasonable-

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1045 beneficial uses of a water supply planning region identified
1046 pursuant to s. 373.709(1), while sustaining existing water
1047 resources and natural systems. At a minimum, such rules must
1048 contain a description of the preferred water supply source and
1049 an assessment of the water the preferred source is projected to
1050 produce.

1051 (2) (a) If an applicant proposes to use a preferred water
1052 supply source, that applicant's proposed water use is subject to
1053 s. 373.223(1), except that the proposed use of a preferred water
1054 supply source must be considered by a water management district
1055 when determining whether a permit applicant's proposed use of
1056 water is consistent with the public interest pursuant to s.
1057 373.223(1) (c).

1058 (b) The governing board of a water management district
1059 shall consider the identification of preferred water supply
1060 sources for water users for whom access to or development of new
1061 water supplies is not technically or financially feasible.
1062 Identification of preferred water supply sources for such water
1063 users must be consistent with s. 373.016.

1064 (c) A consumptive use permit issued for the use of a
1065 preferred water supply source must be granted, when requested by
1066 the applicant, for at least a 20-year period and may be subject
1067 to the compliance reporting provisions of s. 373.236(4).

1068 (3) (a) ~~Nothing in This section does not: shall be construed~~
1069 ~~to~~

1070 1. Exempt the use of preferred water supply sources from
1071 ~~the provisions of ss. 373.016(4) and 373.223(2) and (3); or be~~
1072 ~~construed to~~

1073 2. Provide that permits issued for the use of a

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1074 nonpreferred water supply source must be issued for a duration
1075 of less than 20 years or that the use of a nonpreferred water
1076 supply source is not consistent with the public interest; or-

1077 ~~3. Additionally, nothing in this section shall be~~
1078 ~~interpreted to~~ Require the use of a preferred water supply
1079 source or to restrict or prohibit the use of a nonpreferred
1080 water supply source.

1081 (b) Rules adopted by the governing board of a water
1082 management district to implement this section shall specify that
1083 the use of a preferred water supply source is not required and
1084 that the use of a nonpreferred water supply source is not
1085 restricted or prohibited.

1086 Section 15. Present subsection (5) of section 373.227,
1087 Florida Statutes, is redesignated as subsection (7), and new
1088 subsections (5) and (6) are added to that section, to read:

1089 373.227 Water conservation; legislative findings and
1090 intent; objectives; comprehensive statewide water conservation
1091 program requirements.-

1092 (5) In order to incentivize water conservation, if actual
1093 water use is less than permitted water use due to documented
1094 implementation of water conservation measures, including, but
1095 not limited to, those measures identified in best management
1096 practices pursuant to s. 570.93, the permitted allocation may
1097 not be modified due to such water conservation during the term
1098 of the permit. In order to promote water conservation and the
1099 implementation of measures that produce significant water
1100 savings beyond that required in a consumptive use permit, each
1101 water management district shall adopt rules providing water
1102 conservation incentives, including permit extensions.

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1103 (6) For consumptive use permits for agricultural
1104 irrigation, if actual water use is less than permitted water use
1105 due to weather events, crop diseases, nursery stock
1106 availability, or changes in crop type, a district may not as a
1107 result reduce permitted allocation amounts during the term of
1108 the permit.

1109 Section 16. Subsection (2) of section 373.233, Florida
1110 Statutes, is amended to read:

1111 373.233 Competing applications.—

1112 (2) (a) If ~~In the event that~~ two or more competing
1113 applications qualify equally under ~~the provisions of~~ subsection
1114 (1), the governing board or the department shall give preference
1115 to a renewal application over an initial application.

1116 (b) If two or more competing applications qualify equally
1117 under subsection (1) and none of the competing applications is a
1118 renewal application, the governing board or the department shall
1119 give preference to the use where the source is nearest to the
1120 area of use or application in a manner consistent with s.
1121 373.016(4) (a).

1122 Section 17. Section 373.4591, Florida Statutes, is amended
1123 to read:

1124 373.4591 Improvements on private agricultural lands.—

1125 (1) The Legislature encourages public-private partnerships
1126 to accomplish water storage, groundwater recharge, and water
1127 quality improvements on private agricultural lands. Priority
1128 consideration shall be given to public-private partnerships
1129 that:

1130 (a) Store or treat water on private lands for purposes of
1131 enhancing hydrologic improvement, improving water quality, or

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1132 assisting in water supply;

1133 (b) Provide critical ground water recharge; or

1134 (c) Provide for changes in land use to activities that
1135 minimize nutrient loads and maximize water conservation.

1136 (2) (a) When an agreement is entered into between the
1137 department, a water management district, or the Department of
1138 Agriculture and Consumer Services and a private landowner to
1139 establish such a public-private partnership that may create or
1140 impact wetlands or other surface waters, a baseline condition
1141 determining the extent of wetlands and other surface waters on
1142 the property shall be established and documented in the
1143 agreement before improvements are constructed.

1144 (b) When an agreement is entered into between the
1145 Department of Agriculture and Consumer Services and a private
1146 landowner to implement best management practices pursuant to s.
1147 403.067(7)(c), a baseline condition determining the extent of
1148 wetlands and other surface water on the property may be
1149 established at the option and expense of the private landowner
1150 and documented in the agreement before improvements are
1151 constructed. The Department of Agriculture and Consumer Services
1152 shall submit the landowner's proposed baseline condition
1153 documentation to the lead agency for review and approval, and
1154 the agency shall use its best efforts to complete the review
1155 within 45 days.

1156 (3) The Department of Agriculture and Consumer Services,
1157 the department, and the water management districts shall provide
1158 a process for reviewing these requests in the timeframe
1159 specified. The determination of a baseline condition shall be
1160 conducted using the methods set forth in the rules adopted

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1161 pursuant to s. 373.421. The baseline condition documented in an
1162 agreement shall be considered the extent of wetlands and other
1163 surface waters on the property for the purpose of regulation
1164 under this chapter for the duration of the agreement and after
1165 its expiration.

1166 Section 18. Paragraph (h) of subsection (1) and subsections
1167 (2) through (7) of section 373.4595, Florida Statutes, are
1168 amended, and present subsections (8) through (13) are
1169 redesignated as subsections (9) through (14), respectively, and
1170 a new subsection (8) is added, to read:

1171 373.4595 Northern Everglades and Estuaries Protection
1172 Program.—

1173 (1) FINDINGS AND INTENT.—

1174 (h) The Legislature finds that the expeditious
1175 implementation of the Lake Okeechobee Watershed Protection
1176 Program, the Caloosahatchee River Watershed Protection Program,
1177 Plan and the St. Lucie River Watershed Protection Program Plans
1178 is needed to improve the quality, quantity, timing, and
1179 distribution of water in the northern Everglades ecosystem and
1180 that this section, in conjunction with s. 403.067, including the
1181 implementation of the plans developed and approved pursuant to
1182 subsections (3) and (4), and any related basin management action
1183 plan developed and implemented pursuant to s. 403.067(7)(a),
1184 provide a reasonable means of achieving the total maximum daily
1185 load requirements and achieving and maintaining compliance with
1186 state water quality standards.

1187 (2) DEFINITIONS.—As used in this section, the term:

1188 (a) "Best management practice" means a practice or
1189 combination of practices determined by the coordinating

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1190 agencies, based on research, field-testing, and expert review,
1191 to be the most effective and practicable on-location means,
1192 including economic and technological considerations, for
1193 improving water quality in agricultural and urban discharges.
1194 Best management practices for agricultural discharges shall
1195 reflect a balance between water quality improvements and
1196 agricultural productivity.

1197 (b) "Biosolids" means the solid, semisolid, or liquid
1198 residue generated during the treatment of domestic wastewater in
1199 a domestic wastewater treatment facility, formerly known as
1200 "domestic wastewater residuals" or "residuals," and includes
1201 products and treated material from biosolids treatment
1202 facilities and septage management facilities regulated by the
1203 department. The term does not include the treated effluent or
1204 reclaimed water from a domestic wastewater treatment facility,
1205 solids removed from pump stations and lift stations, screenings
1206 and grit removed from the preliminary treatment components of
1207 domestic wastewater treatment facilities, or ash generated
1208 during the incineration of biosolids.

1209 (c) ~~(b)~~ "Caloosahatchee River watershed" means the
1210 Caloosahatchee River, its tributaries, its estuary, and the area
1211 within Charlotte, Glades, Hendry, and Lee Counties from which
1212 surface water flow is directed or drains, naturally or by
1213 constructed works, to the river, its tributaries, or its
1214 estuary.

1215 (d) ~~(e)~~ "Coordinating agencies" means the Department of
1216 Agriculture and Consumer Services, the Department of
1217 Environmental Protection, and the South Florida Water Management
1218 District.

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1219 (e)~~(d)~~ "Corps of Engineers" means the United States Army
1220 Corps of Engineers.

1221 (f)~~(e)~~ "Department" means the Department of Environmental
1222 Protection.

1223 (g)~~(f)~~ "District" means the South Florida Water Management
1224 District.

1225 ~~(g) "District's WOD program" means the program implemented~~
1226 ~~pursuant to rules adopted as authorized by this section and ss.~~
1227 ~~373.016, 373.044, 373.085, 373.086, 373.109, 373.113, 373.118,~~
1228 ~~373.451, and 373.453, entitled "Works of the District Basin."~~

1229 (h) "Lake Okeechobee Watershed Construction Project" means
1230 the construction project developed pursuant to this section
1231 ~~paragraph (3)(b).~~

1232 (i) "Lake Okeechobee Watershed Protection Plan" means the
1233 Lake Okeechobee Watershed Construction Project and the Lake
1234 Okeechobee Watershed Research and Water Quality Monitoring
1235 Program ~~plan developed pursuant to this section and ss. 373.451-~~
1236 ~~373.459.~~

1237 (j) "Lake Okeechobee watershed" means Lake Okeechobee, its
1238 tributaries, and the area within which surface water flow is
1239 directed or drains, naturally or by constructed works, to the
1240 lake or its tributaries.

1241 ~~(k) "Lake Okeechobee Watershed Phosphorus Control Program"~~
1242 ~~means the program developed pursuant to paragraph (3)(c).~~

1243 (k)~~(l)~~ "Northern Everglades" means the Lake Okeechobee
1244 watershed, the Caloosahatchee River watershed, and the St. Lucie
1245 River watershed.

1246 (l)~~(m)~~ "Project component" means any structural or
1247 operational change, resulting from the Restudy, to the Central

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1248 and Southern Florida Project as it existed and was operated as
1249 of January 1, 1999.

1250 (m)~~(n)~~ "Restudy" means the Comprehensive Review Study of
1251 the Central and Southern Florida Project, for which federal
1252 participation was authorized by the Federal Water Resources
1253 Development Acts of 1992 and 1996 together with related
1254 Congressional resolutions and for which participation by the
1255 South Florida Water Management District is authorized by s.
1256 373.1501. The term includes all actions undertaken pursuant to
1257 the aforementioned authorizations which will result in
1258 recommendations for modifications or additions to the Central
1259 and Southern Florida Project.

1260 (n)~~(o)~~ "River Watershed Protection Plans" means the
1261 Caloosahatchee River Watershed Protection Plan and the St. Lucie
1262 River Watershed Protection Plan developed pursuant to this
1263 section.

1264 (o) "Soil amendment" means any substance or mixture of
1265 substances sold or offered for sale for soil enriching or
1266 corrective purposes, intended or claimed to be effective in
1267 promoting or stimulating plant growth, increasing soil or plant
1268 productivity, improving the quality of crops, or producing any
1269 chemical or physical change in the soil, except amendments,
1270 conditioners, additives, and related products that are derived
1271 solely from inorganic sources and that contain no recognized
1272 plant nutrients.

1273 (p) "St. Lucie River watershed" means the St. Lucie River,
1274 its tributaries, its estuary, and the area within Martin,
1275 Okeechobee, and St. Lucie Counties from which surface water flow
1276 is directed or drains, naturally or by constructed works, to the

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1277 river, its tributaries, or its estuary.

1278 (q) "Total maximum daily load" means the sum of the
1279 individual wasteload allocations for point sources and the load
1280 allocations for nonpoint sources and natural background adopted
1281 pursuant to s. 403.067. Before ~~Prior to~~ determining individual
1282 wasteload allocations and load allocations, the maximum amount
1283 of a pollutant that a water body or water segment can assimilate
1284 from all sources without exceeding water quality standards must
1285 first be calculated.

1286 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—The Lake
1287 Okeechobee Watershed Protection Program shall consist of the
1288 Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee
1289 Basin Management Action Plan adopted pursuant to s. 403.067, the
1290 Lake Okeechobee Exotic Species Control Program, and the Lake
1291 Okeechobee Internal Phosphorus Management Program. The Lake
1292 Okeechobee Basin Management Action Plan adopted pursuant to s.
1293 403.067 shall be the component of the Lake Okeechobee Watershed
1294 Protection ~~A protection Program for Lake Okeechobee that~~
1295 achieves phosphorus load reductions for Lake Okeechobee ~~shall be~~
1296 ~~immediately implemented as specified in this subsection.~~ The
1297 Lake Okeechobee Watershed Protection Program shall address the
1298 reduction of phosphorus loading to the lake from both internal
1299 and external sources. Phosphorus load reductions shall be
1300 achieved through a phased program of implementation. ~~Initial~~
1301 ~~implementation actions shall be technology-based, based upon a~~
1302 ~~consideration of both the availability of appropriate technology~~
1303 ~~and the cost of such technology, and shall include phosphorus~~
1304 ~~reduction measures at both the source and the regional level.~~
1305 ~~The initial phase of phosphorus load reductions shall be based~~

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1306 upon the district's Technical Publication 81-2 and the
1307 district's WOD program, with subsequent phases of phosphorus
1308 load reductions based upon the total maximum daily loads
1309 established in accordance with s. 403.067. In the development
1310 and administration of the Lake Okeechobee Watershed Protection
1311 Program, the coordinating agencies shall maximize opportunities
1312 provided by federal cost-sharing programs and opportunities for
1313 partnerships with the private sector.

1314 (a) *Lake Okeechobee Watershed Protection Plan.*—In order to
1315 protect and restore surface water resources, the district, in
1316 cooperation with the other coordinating agencies, shall complete
1317 a Lake Okeechobee Watershed Protection Plan in accordance with
1318 this section and ss. 373.451-373.459. Beginning March 1, 2020,
1319 and every 5 years thereafter, the district shall update the Lake
1320 Okeechobee Watershed Protection Plan to ensure that it is
1321 consistent with the Lake Okeechobee Basin Management Action Plan
1322 adopted pursuant to s. 403.067. The Lake Okeechobee Watershed
1323 Protection Plan shall identify the geographic extent of the
1324 watershed, be coordinated with the plans developed pursuant to
1325 paragraphs (4) (a) and (c) ~~(b)~~, and include the Lake Okeechobee
1326 Watershed Construction Project and the Lake Okeechobee Watershed
1327 Research and Water Quality Monitoring Program ~~contain an~~
1328 implementation schedule for subsequent phases of phosphorus load
1329 reduction consistent with the total maximum daily loads
1330 established in accordance with s. 403.067. The plan shall
1331 consider and build upon a review and analysis of the following:
1332 1. the performance of projects constructed during Phase I
1333 and Phase II of the Lake Okeechobee Watershed Construction
1334 Project, pursuant to subparagraph 1.; ~~paragraph (b).~~

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1335 ~~2.~~ relevant information resulting from the Lake Okeechobee
1336 Basin Management Action Plan Watershed Phosphorus Control
1337 Program, pursuant to paragraph (b); ~~(e)~~.

1338 ~~3.~~ relevant information resulting from the Lake Okeechobee
1339 Watershed Research and Water Quality Monitoring Program,
1340 pursuant to subparagraph 2.; ~~paragraph (d)~~.

1341 ~~4.~~ relevant information resulting from the Lake Okeechobee
1342 Exotic Species Control Program, pursuant to paragraph (c); and
1343 ~~(e)~~.

1344 ~~5.~~ relevant information resulting from the Lake Okeechobee
1345 Internal Phosphorus Management Program, pursuant to paragraph
1346 (d) ~~(f)~~.

1347 ~~1.(b)~~ Lake Okeechobee Watershed Construction Project.—To
1348 improve the hydrology and water quality of Lake Okeechobee and
1349 downstream receiving waters, including the Caloosahatchee and
1350 St. Lucie Rivers and their estuaries, the district, in
1351 cooperation with the other coordinating agencies, shall design
1352 and construct the Lake Okeechobee Watershed Construction
1353 Project. The project shall include:

1354 ~~a.1.~~ Phase I.—Phase I of the Lake Okeechobee Watershed
1355 Construction Project shall consist of a series of project
1356 features consistent with the recommendations of the South
1357 Florida Ecosystem Restoration Working Group's Lake Okeechobee
1358 Action Plan. Priority basins for such projects include S-191, S-
1359 154, and Pools D and E in the Lower Kissimmee River. In order to
1360 obtain phosphorus load reductions to Lake Okeechobee as soon as
1361 possible, the following actions shall be implemented:

1362 (I)a. The district shall serve as a full partner with the
1363 Corps of Engineers in the design and construction of the Grassy

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1364 Island Ranch and New Palm Dairy stormwater treatment facilities
1365 as components of the Lake Okeechobee Water Retention/Phosphorus
1366 Removal Critical Project. The Corps of Engineers shall have the
1367 lead in design and construction of these facilities. Should
1368 delays be encountered in the implementation of either of these
1369 facilities, the district shall notify the department and
1370 recommend corrective actions.

1371 (II)~~b.~~ The district shall obtain permits and complete
1372 construction of two of the isolated wetland restoration projects
1373 that are part of the Lake Okeechobee Water Retention/Phosphorus
1374 Removal Critical Project. The additional isolated wetland
1375 projects included in this critical project shall further reduce
1376 phosphorus loading to Lake Okeechobee.

1377 (III)~~e.~~ The district shall work with the Corps of Engineers
1378 to expedite initiation of the design process for the Taylor
1379 Creek/Nubbins Slough Reservoir Assisted Stormwater Treatment
1380 Area, a project component of the Comprehensive Everglades
1381 Restoration Plan. The district shall propose to the Corps of
1382 Engineers that the district take the lead in the design and
1383 construction of the Reservoir Assisted Stormwater Treatment Area
1384 and receive credit towards the local share of the total cost of
1385 the Comprehensive Everglades Restoration Plan.

1386 b.2. Phase II technical plan and construction. ~~By February~~
1387 ~~1, 2008,~~ The district, in cooperation with the other
1388 coordinating agencies, shall develop a detailed technical plan
1389 for Phase II of the Lake Okeechobee Watershed Construction
1390 Project which provides the basis for the Lake Okeechobee Basin
1391 Management Action Plan adopted by the department pursuant to s.
1392 403.067. The detailed technical plan shall include measures for

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1393 the improvement of the quality, quantity, timing, and
1394 distribution of water in the northern Everglades ecosystem,
1395 including the Lake Okeechobee watershed and the estuaries, and
1396 for facilitating the achievement of water quality standards. Use
1397 of cost-effective biologically based, hybrid wetland/chemical
1398 and other innovative nutrient control technologies shall be
1399 incorporated in the plan where appropriate. The detailed
1400 technical plan shall also include a Process Development and
1401 Engineering component to finalize the detail and design of Phase
1402 II projects and identify additional measures needed to increase
1403 the certainty that the overall objectives for improving water
1404 quality and quantity can be met. Based on information and
1405 recommendations from the Process Development and Engineering
1406 component, the Phase II detailed technical plan shall be
1407 periodically updated. Phase II shall include construction of
1408 additional facilities in the priority basins identified in sub-
1409 subparagraph a. ~~subparagraph 1.~~, as well as facilities for other
1410 basins in the Lake Okeechobee watershed. ~~This detailed technical~~
1411 ~~plan will require legislative ratification pursuant to paragraph~~
1412 ~~(i).~~ The technical plan shall:

1413 (I)a. Identify Lake Okeechobee Watershed Construction
1414 Project facilities designed to contribute to achieving all
1415 applicable total maximum daily loads established pursuant to s.
1416 403.067 within the Lake Okeechobee watershed.

1417 (II)b. Identify the size and location of all such Lake
1418 Okeechobee Watershed Construction Project facilities.

1419 (III)e. Provide a construction schedule for all such Lake
1420 Okeechobee Watershed Construction Project facilities, including
1421 the sequencing and specific timeframe for construction of each

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1422 Lake Okeechobee Watershed Construction Project facility.

1423 (IV)~~d.~~ Provide a schedule for the acquisition of lands or
1424 sufficient interests necessary to achieve the construction
1425 schedule.

1426 (V)~~e.~~ Provide a detailed schedule of costs associated with
1427 the construction schedule.

1428 (VI)~~f.~~ Identify, to the maximum extent practicable, impacts
1429 on wetlands and state-listed species expected to be associated
1430 with construction of such facilities, including potential
1431 alternatives to minimize and mitigate such impacts, as
1432 appropriate.

1433 (VII)~~g.~~ Provide for additional measures, including
1434 voluntary water storage and quality improvements on private
1435 land, to increase water storage and reduce excess water levels
1436 in Lake Okeechobee and to reduce excess discharges to the
1437 estuaries.

1438 (VIII) ~~The technical plan shall also~~ Develop the
1439 appropriate water quantity storage goal to achieve the desired
1440 Lake Okeechobee range of lake levels and inflow volumes to the
1441 Caloosahatchee and St. Lucie estuaries while meeting the other
1442 water-related needs of the region, including water supply and
1443 flood protection.

1444 (IX)~~h.~~ Provide for additional source controls needed to
1445 enhance performance of the Lake Okeechobee Watershed
1446 Construction Project facilities. Such additional source controls
1447 shall be incorporated into the Lake Okeechobee Basin Management
1448 Action Plan ~~Watershed Phosphorous Control Program~~ pursuant to
1449 paragraph (b) ~~(e)~~.

1450 c.3. Evaluation.—Within 5 years after the adoption of the

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1451 Lake Okeechobee Basin Management Action Plan pursuant to s.
1452 403.067 and every 5 ~~By January 1, 2004, and every 3~~ years
1453 thereafter, the department ~~district~~, in cooperation with the
1454 other coordinating agencies, shall conduct an evaluation of the
1455 Lake Okeechobee Watershed Construction Project and identify any
1456 further load reductions necessary to achieve compliance with the
1457 ~~all~~ Lake Okeechobee ~~watershed~~ total maximum daily loads
1458 established pursuant to s. 403.067. ~~Additionally,~~ The district
1459 shall identify modifications to facilities of the Lake
1460 Okeechobee Watershed Construction Project as appropriate to meet
1461 the total maximum daily loads. Modifications to the Lake
1462 Okeechobee Watershed Construction Project resulting from this
1463 evaluation shall be incorporated into the Lake Okeechobee Basin
1464 Management Action Plan and ~~The evaluation shall be included in~~
1465 the applicable annual progress report submitted pursuant to
1466 subsection (6).

1467 d.4. Coordination and review.—To ensure the timely
1468 implementation of the Lake Okeechobee Watershed Construction
1469 Project, the design of project facilities shall be coordinated
1470 with the department and other interested parties, including
1471 affected local governments, to the maximum extent practicable.
1472 Lake Okeechobee Watershed Construction Project facilities shall
1473 be reviewed and commented upon by the department before ~~prior to~~
1474 the execution of a construction contract by the district for
1475 that facility.

1476 2. Lake Okeechobee Watershed Research and Water Quality
1477 Monitoring Program.—The coordinating agencies shall implement a
1478 Lake Okeechobee Watershed Research and Water Quality Monitoring
1479 Program. Results from the program shall be used by the

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1480 department, in cooperation with the other coordinating agencies,
1481 to make modifications to the Lake Okeechobee Basin Management
1482 Action Plan adopted pursuant to s. 403.067, as appropriate. The
1483 program shall:

1484 a. Evaluate all available existing water quality data
1485 concerning total phosphorus in the Lake Okeechobee watershed,
1486 develop a water quality baseline to represent existing
1487 conditions for total phosphorus, monitor long-term ecological
1488 changes, including water quality for total phosphorus, and
1489 measure compliance with water quality standards for total
1490 phosphorus, including any applicable total maximum daily load
1491 for the Lake Okeechobee watershed as established pursuant to s.
1492 403.067. Beginning March 1, 2020, and every 5 years thereafter,
1493 the department shall reevaluate water quality and quantity data
1494 to ensure that the appropriate projects are being designated and
1495 incorporated into the Lake Okeechobee Basin Management Action
1496 Plan adopted pursuant to s. 403.067. The district shall
1497 implement a total phosphorus monitoring program at appropriate
1498 structures owned or operated by the district and within the Lake
1499 Okeechobee watershed.

1500 b. Develop a Lake Okeechobee water quality model that
1501 reasonably represents the phosphorus dynamics of Lake Okeechobee
1502 and incorporates an uncertainty analysis associated with model
1503 predictions.

1504 c. Determine the relative contribution of phosphorus from
1505 all identifiable sources and all primary and secondary land
1506 uses.

1507 d. Conduct an assessment of the sources of phosphorus from
1508 the Upper Kissimmee Chain-of-Lakes and Lake Istokpoga, and their

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1509 relative contribution to the water quality of Lake Okeechobee.
1510 The results of this assessment shall be used by the coordinating
1511 agencies as part of the Lake Okeechobee Basin Management Action
1512 Plan adopted pursuant to s. 403.067 to develop interim measures,
1513 best management practices, or regulations, as applicable.

1514 e. Assess current water management practices within the
1515 Lake Okeechobee watershed and develop recommendations for
1516 structural and operational improvements. Such recommendations
1517 shall balance water supply, flood control, estuarine salinity,
1518 maintenance of a healthy lake littoral zone, and water quality
1519 considerations.

1520 f. Evaluate the feasibility of alternative nutrient
1521 reduction technologies, including sediment traps, canal and
1522 ditch maintenance, fish production or other aquaculture,
1523 bioenergy conversion processes, and algal or other biological
1524 treatment technologies and include any alternative nutrient
1525 reduction technologies determined to be feasible in the Lake
1526 Okeechobee Basin Management Action Plan adopted pursuant to s.
1527 403.067.

1528 g. Conduct an assessment of the water volumes and timing
1529 from the Lake Okeechobee watershed and their relative
1530 contribution to the water level changes in Lake Okeechobee and
1531 to the timing and volume of water delivered to the estuaries.

1532 (b)-(e) Lake Okeechobee Basin Management Action Plan
1533 Watershed Phosphorus Control Program.—The Lake Okeechobee Basin
1534 Management Action Plan adopted pursuant to s. 403.067 shall be
1535 the watershed phosphorus control component for Lake Okeechobee
1536 and shall be ~~Program is~~ designed to be a multifaceted approach
1537 to reducing phosphorus loads by improving the management of

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1538 phosphorus sources within the Lake Okeechobee watershed through
1539 implementation of regulations and best management practices,
1540 continued development and continued implementation of improved
1541 best management practices, improvement and restoration of the
1542 hydrologic function of natural and managed systems, and use
1543 ~~utilization~~ of alternative technologies for nutrient reduction.
1544 The plan shall contain an implementation schedule for pollutant
1545 load reductions consistent with the adopted total maximum daily
1546 load. The coordinating agencies shall develop an interagency
1547 agreement pursuant to ss. 373.046 and 373.406 which is
1548 consistent with the department taking the lead on water quality
1549 protection measures through the Lake Okeechobee Basin Management
1550 Action Plan adopted pursuant to s. 403.067; the district taking
1551 the lead on hydrologic improvements pursuant to paragraph (a);
1552 and the Department of Agriculture and Consumer Services taking
1553 the lead on agricultural interim measures, best management
1554 practices, and other measures adopted pursuant to s. 403.067.
1555 The interagency agreement shall specify how best management
1556 practices for nonagricultural nonpoint sources are developed and
1557 how all best management practices are implemented and verified
1558 consistent with s. 403.067 and this section. The interagency
1559 agreement shall address measures to be taken by the coordinating
1560 agencies during any best management practice reevaluation
1561 performed pursuant to subparagraphs 5. and 10. The department
1562 shall use best professional judgment in making the initial
1563 determination of best management practice effectiveness. The
1564 coordinating agencies may develop an intergovernmental agreement
1565 with local governments to implement nonagricultural nonpoint
1566 source best management practices within their respective

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1567 geographic boundaries. The coordinating agencies shall
1568 facilitate the application of federal programs that offer
1569 opportunities for water quality treatment, including
1570 preservation, restoration, or creation of wetlands on
1571 agricultural lands.

1572 1. Agricultural nonpoint source best management practices,
1573 developed in accordance with s. 403.067 and designed to achieve
1574 the objectives of the Lake Okeechobee Watershed Protection
1575 Program as part of a phased approach of management strategies
1576 within the Lake Okeechobee Basin Management Action Plan, shall
1577 be implemented on an expedited basis. ~~The coordinating agencies~~
1578 ~~shall develop an interagency agreement pursuant to ss. 373.046~~
1579 ~~and 373.406(5) that assures the development of best management~~
1580 ~~practices that complement existing regulatory programs and~~
1581 ~~specifies how those best management practices are implemented~~
1582 ~~and verified. The interagency agreement shall address measures~~
1583 ~~to be taken by the coordinating agencies during any best~~
1584 ~~management practice reevaluation performed pursuant to sub-~~
1585 ~~subparagraph d. The department shall use best professional~~
1586 ~~judgment in making the initial determination of best management~~
1587 ~~practice effectiveness.~~

1588 2.a. As provided in s. 403.067 ~~s. 403.067(7)(c)~~, the
1589 Department of Agriculture and Consumer Services, in consultation
1590 with the department, the district, and affected parties, shall
1591 initiate rule development for interim measures, best management
1592 practices, conservation plans, nutrient management plans, or
1593 other measures necessary for Lake Okeechobee watershed total
1594 maximum daily load reduction. The rule shall include thresholds
1595 for requiring conservation and nutrient management plans and

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1596 criteria for the contents of such plans. Development of
1597 agricultural nonpoint source best management practices shall
1598 initially focus on those priority basins listed in sub-
1599 subparagraph (a)1.a. subparagraph (b)1. The Department of
1600 Agriculture and Consumer Services, in consultation with the
1601 department, the district, and affected parties, shall conduct an
1602 ongoing program for improvement of existing and development of
1603 new agricultural nonpoint source interim measures and ~~or~~ best
1604 management practices. The Department of Agriculture and Consumer
1605 Services shall adopt for the purpose of adoption of such
1606 practices by rule. The Department of Agriculture and Consumer
1607 Services shall work with the University of Florida ~~Florida's~~
1608 Institute of Food and Agriculture Sciences to review and, where
1609 appropriate, develop revised nutrient application rates for all
1610 agricultural soil amendments in the watershed.

1611 ~~3.b.~~ As provided in s. 403.067, where agricultural nonpoint
1612 source best management practices or interim measures have been
1613 adopted by rule of the Department of Agriculture and Consumer
1614 Services, the owner or operator of an agricultural nonpoint
1615 source addressed by such rule shall either implement interim
1616 measures or best management practices or demonstrate compliance
1617 with state water quality standards addressed by the Lake
1618 Okeechobee Basin Management Action Plan adopted pursuant to s.
1619 403.067 ~~the district's WOD program~~ by conducting monitoring
1620 prescribed by the department or the district. Owners or
1621 operators of agricultural nonpoint sources who implement interim
1622 measures or best management practices adopted by rule of the
1623 Department of Agriculture and Consumer Services shall be subject
1624 to ~~the provisions of s. 403.067(7).~~ ~~The Department of~~

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1625 ~~Agriculture and Consumer Services, in cooperation with the~~
1626 ~~department and the district, shall provide technical and~~
1627 ~~financial assistance for implementation of agricultural best~~
1628 ~~management practices, subject to the availability of funds.~~

1629 4.e. The district or department shall conduct monitoring at
1630 representative sites to verify the effectiveness of agricultural
1631 nonpoint source best management practices.

1632 5.d. Where water quality problems are detected for
1633 agricultural nonpoint sources despite the appropriate
1634 implementation of adopted best management practices, ~~the~~
1635 ~~Department of Agriculture and Consumer Services, in consultation~~
1636 ~~with the other coordinating agencies and affected parties, shall~~
1637 ~~institute a reevaluation and revision of the best management~~
1638 ~~practices shall be conducted pursuant to s. 403.067(7)(c)4. and~~
1639 ~~make appropriate changes to the rule adopting best management~~
1640 ~~practices.~~

1641 6.2. As provided in s. 403.067, nonagricultural nonpoint
1642 source best management practices, developed in accordance with
1643 s. 403.067 and designed to achieve the objectives of the Lake
1644 Okeechobee Watershed Protection Program as part of a phased
1645 approach of management strategies within the Lake Okeechobee
1646 Basin Management Action Plan, shall be implemented on an
1647 expedited basis. The department and the district shall develop
1648 an interagency agreement pursuant to ss. 373.046 and 373.406(5)
1649 that assures the development of best management practices that
1650 complement existing regulatory programs and specifies how those
1651 best management practices are implemented and verified. The
1652 interagency agreement shall address measures to be taken by the
1653 department and the district during any best management practice

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1654 ~~reevaluation performed pursuant to sub-subparagraph d.~~

1655 7.a. The department and the district are directed to work
1656 with the University of Florida ~~Florida's~~ Institute of Food and
1657 Agricultural Sciences to develop appropriate nutrient
1658 application rates for all nonagricultural soil amendments in the
1659 watershed. As provided in s. 403.067 ~~s. 403.067(7)(e)~~, the
1660 department, in consultation with the district and affected
1661 parties, shall develop nonagricultural nonpoint source interim
1662 measures, best management practices, or other measures necessary
1663 for Lake Okeechobee watershed total maximum daily load
1664 reduction. Development of nonagricultural nonpoint source best
1665 management practices shall initially focus on those priority
1666 basins listed in sub-subparagraph (a)1.a. ~~subparagraph (b)1.~~ The
1667 department, the district, and affected parties shall conduct an
1668 ongoing program for improvement of existing and development of
1669 new interim measures and ~~or~~ best management practices. The
1670 department or the district shall adopt such practices by rule
1671 ~~The district shall adopt technology-based standards under the~~
1672 ~~district's WOD program for nonagricultural nonpoint sources of~~
1673 ~~phosphorus. Nothing in this sub-subparagraph shall affect the~~
1674 ~~authority of the department or the district to adopt basin-~~
1675 ~~specific criteria under this part to prevent harm to the water~~
1676 ~~resources of the district.~~

1677 8.b. Where nonagricultural nonpoint source best management
1678 practices or interim measures have been developed by the
1679 department and adopted by the district, the owner or operator of
1680 a nonagricultural nonpoint source shall implement interim
1681 measures or best management practices and be subject to ~~the~~
1682 ~~provisions of s. 403.067(7).~~ ~~The department and district shall~~

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1683 ~~provide technical and financial assistance for implementation of~~
1684 ~~nonagricultural nonpoint source best management practices,~~
1685 ~~subject to the availability of funds.~~

1686 9.e. As provided in s. 403.067, the district or the
1687 department shall conduct monitoring at representative sites to
1688 verify the effectiveness of nonagricultural nonpoint source best
1689 management practices.

1690 10.d. Where water quality problems are detected for
1691 nonagricultural nonpoint sources despite the appropriate
1692 implementation of adopted best management practices, ~~the~~
1693 ~~department and the district shall institute~~ a reevaluation and
1694 revision of the best management practices shall be conducted
1695 pursuant to s. 403.067(7)(c)4.

1696 11.3. ~~The provisions of Subparagraphs 1. and 2. and 7. do~~
1697 ~~may~~ not preclude the department or the district from requiring
1698 compliance with water quality standards or with current best
1699 management practices requirements set forth in any applicable
1700 regulatory program authorized by law for the purpose of
1701 protecting water quality. ~~Additionally,~~ Subparagraphs ~~1. and 2.~~
1702 and 7. are applicable only to the extent that they do not
1703 conflict with any rules adopted by the department that are
1704 necessary to maintain a federally delegated or approved program.

1705 12. The program of agricultural best management practices
1706 set forth in the Everglades Program of the district, meets the
1707 requirements of this paragraph and s. 403.067(7) for the Lake
1708 Okeechobee watershed. An entity in compliance with best
1709 management practices set forth in the Everglades Program of the
1710 district, may elect to use that permit in lieu of the
1711 requirements of this paragraph. The provisions of s.

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1712 373.4595(3)(b)5. apply to this subparagraph.

1713 13. The Department of Agriculture and Consumer Services, in
1714 cooperation with the department and the district, shall provide
1715 technical and financial assistance for implementation of
1716 agricultural best management practices, subject to the
1717 availability of funds. The department and district shall provide
1718 technical and financial assistance for implementation of
1719 nonagricultural nonpoint source best management practices,
1720 subject to the availability of funds.

1721 14.4. Projects that reduce the phosphorus load originating
1722 from domestic wastewater systems within the Lake Okeechobee
1723 watershed shall be given funding priority in the department's
1724 revolving loan program under s. 403.1835. The department shall
1725 coordinate and provide assistance to those local governments
1726 seeking financial assistance for such priority projects.

1727 15.5. Projects that make use of private lands, or lands
1728 held in trust for Indian tribes, to reduce nutrient loadings or
1729 concentrations within a basin by one or more of the following
1730 methods: restoring the natural hydrology of the basin, restoring
1731 wildlife habitat or impacted wetlands, reducing peak flows after
1732 storm events, increasing aquifer recharge, or protecting range
1733 and timberland from conversion to development, are eligible for
1734 grants available under this section from the coordinating
1735 agencies. For projects of otherwise equal priority, special
1736 funding priority will be given to those projects that make best
1737 use of the methods outlined above that involve public-private
1738 partnerships or that obtain federal match money. Preference
1739 ranking above the special funding priority will be given to
1740 projects located in a rural area of opportunity designated by

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1741 the Governor. Grant applications may be submitted by any person
1742 or tribal entity, and eligible projects may include, but are not
1743 limited to, the purchase of conservation and flowage easements,
1744 hydrologic restoration of wetlands, creating treatment wetlands,
1745 development of a management plan for natural resources, and
1746 financial support to implement a management plan.

1747 ~~16.6.a.~~ The department shall require all entities disposing
1748 of domestic wastewater biosolids ~~residuals~~ within the Lake
1749 Okeechobee watershed and the remaining areas of Okeechobee,
1750 Glades, and Hendry Counties to develop and submit to the
1751 department an agricultural use plan that limits applications
1752 based upon phosphorus loading consistent with the Lake
1753 Okeechobee Basin Management Action Plan adopted pursuant to s.
1754 403.067. ~~By July 1, 2005, phosphorus concentrations originating~~
1755 ~~from these application sites may not exceed the limits~~
1756 ~~established in the district's WOD program. After December 31,~~
1757 ~~2007,~~ The department may not authorize the disposal of domestic
1758 wastewater biosolids ~~residuals~~ within the Lake Okeechobee
1759 watershed unless the applicant can affirmatively demonstrate
1760 that the phosphorus in the biosolids ~~residuals~~ will not add to
1761 phosphorus loadings in Lake Okeechobee or its tributaries. This
1762 demonstration shall be based on achieving a net balance between
1763 phosphorus imports relative to exports on the permitted
1764 application site. Exports shall include only phosphorus removed
1765 from the Lake Okeechobee watershed through products generated on
1766 the permitted application site. This prohibition does not apply
1767 to Class AA biosolids ~~residuals~~ that are marketed and
1768 distributed as fertilizer products in accordance with department
1769 rule.

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1770 ~~17.b.~~ Private and government-owned utilities within Monroe,
1771 Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian
1772 River, Okeechobee, Highlands, Hendry, and Glades Counties that
1773 dispose of wastewater biosolids ~~residual~~ sludge from utility
1774 operations and septic removal by land spreading in the Lake
1775 Okeechobee watershed may use a line item on local sewer rates to
1776 cover wastewater biosolids ~~residual~~ treatment and disposal if
1777 such disposal and treatment is done by approved alternative
1778 treatment methodology at a facility located within the areas
1779 designated by the Governor as rural areas of opportunity
1780 pursuant to s. 288.0656. This additional line item is an
1781 environmental protection disposal fee above the present sewer
1782 rate and may not be considered a part of the present sewer rate
1783 to customers, notwithstanding provisions to the contrary in
1784 chapter 367. The fee shall be established by the county
1785 commission or its designated assignee in the county in which the
1786 alternative method treatment facility is located. The fee shall
1787 be calculated to be no higher than that necessary to recover the
1788 facility's prudent cost of providing the service. Upon request
1789 by an affected county commission, the Florida Public Service
1790 Commission will provide assistance in establishing the fee.
1791 Further, for utilities and utility authorities that use the
1792 additional line item environmental protection disposal fee, such
1793 fee may not be considered a rate increase under the rules of the
1794 Public Service Commission and shall be exempt from such rules.
1795 Utilities using ~~the provisions of~~ this section may immediately
1796 include in their sewer invoicing the new environmental
1797 protection disposal fee. Proceeds from this environmental
1798 protection disposal fee shall be used for treatment and disposal

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1799 of wastewater biosolids ~~residuals~~, including any treatment
1800 technology that helps reduce the volume of biosolids ~~residuals~~
1801 that require final disposal, but such proceeds may not be used
1802 for transportation or shipment costs for disposal or any costs
1803 relating to the land application of biosolids ~~residuals~~ in the
1804 Lake Okeechobee watershed.

1805 ~~18.e.~~ No less frequently than once every 3 years, the
1806 Florida Public Service Commission or the county commission
1807 through the services of an independent auditor shall perform a
1808 financial audit of all facilities receiving compensation from an
1809 environmental protection disposal fee. The Florida Public
1810 Service Commission or the county commission through the services
1811 of an independent auditor shall also perform an audit of the
1812 methodology used in establishing the environmental protection
1813 disposal fee. The Florida Public Service Commission or the
1814 county commission shall, within 120 days after completion of an
1815 audit, file the audit report with the President of the Senate
1816 and the Speaker of the House of Representatives and shall
1817 provide copies to the county commissions of the counties set
1818 forth in subparagraph 17 ~~sub-subparagraph b.~~ The books and
1819 records of any facilities receiving compensation from an
1820 environmental protection disposal fee shall be open to the
1821 Florida Public Service Commission and the Auditor General for
1822 review upon request.

1823 ~~19.7.~~ The Department of Health shall require all entities
1824 disposing of septage within the Lake Okeechobee watershed to
1825 develop and submit to that agency an agricultural use plan that
1826 limits applications based upon phosphorus loading consistent
1827 with the Lake Okeechobee Basin Management Action Plan adopted

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1828 ~~pursuant to s. 403.067. By July 1, 2005, phosphorus~~
1829 ~~concentrations originating from these application sites may not~~
1830 ~~exceed the limits established in the district's WOD program.~~

1831 20.8. The Department of Agriculture and Consumer Services
1832 shall initiate rulemaking requiring entities within the Lake
1833 Okeechobee watershed which land-apply animal manure to develop
1834 resource management system level conservation plans, according
1835 to United States Department of Agriculture criteria, which limit
1836 such application. Such rules may include criteria and thresholds
1837 for the requirement to develop a conservation or nutrient
1838 management plan, requirements for plan approval, and
1839 recordkeeping requirements.

1840 21. The district shall revise chapter 40E-61, Florida
1841 Administrative Code, to be consistent with this section and s.
1842 403.067; provide for a monitoring program for nonpoint source
1843 dischargers required to monitor water quality by s. 403.067; and
1844 provide for the results of such monitoring to be reported to the
1845 coordinating agencies.

1846 ~~9. The district, the department, or the Department of~~
1847 ~~Agriculture and Consumer Services, as appropriate, shall~~
1848 ~~implement those alternative nutrient reduction technologies~~
1849 ~~determined to be feasible pursuant to subparagraph (d)6.~~

1850 ~~(d) Lake Okeechobee Watershed Research and Water Quality~~
1851 ~~Monitoring Program. The district, in cooperation with the other~~
1852 ~~coordinating agencies, shall establish a Lake Okeechobee~~
1853 ~~Watershed Research and Water Quality Monitoring Program that~~
1854 ~~builds upon the district's existing Lake Okeechobee research~~
1855 ~~program. The program shall:~~

1856 ~~1. Evaluate all available existing water quality data~~

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1857 ~~concerning total phosphorus in the Lake Okeechobee watershed,~~
1858 ~~develop a water quality baseline to represent existing~~
1859 ~~conditions for total phosphorus, monitor long-term ecological~~
1860 ~~changes, including water quality for total phosphorus, and~~
1861 ~~measure compliance with water quality standards for total~~
1862 ~~phosphorus, including any applicable total maximum daily load~~
1863 ~~for the Lake Okeechobee watershed as established pursuant to s.~~
1864 ~~403.067. Every 3 years, the district shall reevaluate water~~
1865 ~~quality and quantity data to ensure that the appropriate~~
1866 ~~projects are being designated and implemented to meet the water~~
1867 ~~quality and storage goals of the plan. The district shall also~~
1868 ~~implement a total phosphorus monitoring program at appropriate~~
1869 ~~structures owned or operated by the South Florida Water~~
1870 ~~Management District and within the Lake Okeechobee watershed.~~

1871 ~~2. Develop a Lake Okeechobee water quality model that~~
1872 ~~reasonably represents phosphorus dynamics of the lake and~~
1873 ~~incorporates an uncertainty analysis associated with model~~
1874 ~~predictions.~~

1875 ~~3. Determine the relative contribution of phosphorus from~~
1876 ~~all identifiable sources and all primary and secondary land~~
1877 ~~uses.~~

1878 ~~4. Conduct an assessment of the sources of phosphorus from~~
1879 ~~the Upper Kissimmee Chain of Lakes and Lake Istokpoga, and their~~
1880 ~~relative contribution to the water quality of Lake Okeechobee.~~
1881 ~~The results of this assessment shall be used by the coordinating~~
1882 ~~agencies to develop interim measures, best management practices,~~
1883 ~~or regulation, as applicable.~~

1884 ~~5. Assess current water management practices within the~~
1885 ~~Lake Okeechobee watershed and develop recommendations for~~

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1886 ~~structural and operational improvements. Such recommendations~~
1887 ~~shall balance water supply, flood control, estuarine salinity,~~
1888 ~~maintenance of a healthy lake littoral zone, and water quality~~
1889 ~~considerations.~~

1890 ~~6. Evaluate the feasibility of alternative nutrient~~
1891 ~~reduction technologies, including sediment traps, canal and~~
1892 ~~ditch maintenance, fish production or other aquaculture,~~
1893 ~~bioenergy conversion processes, and algal or other biological~~
1894 ~~treatment technologies.~~

1895 ~~7. Conduct an assessment of the water volumes and timing~~
1896 ~~from the Lake Okeechobee watershed and their relative~~
1897 ~~contribution to the water level changes in Lake Okeechobee and~~
1898 ~~to the timing and volume of water delivered to the estuaries.~~

1899 ~~(c)(e)~~ *Lake Okeechobee Exotic Species Control Program.*—The
1900 coordinating agencies shall identify the exotic species that
1901 threaten the native flora and fauna within the Lake Okeechobee
1902 watershed and develop and implement measures to protect the
1903 native flora and fauna.

1904 ~~(d)(f)~~ *Lake Okeechobee Internal Phosphorus Management*
1905 *Program.*—The district, in cooperation with the other
1906 coordinating agencies and interested parties, shall evaluate the
1907 feasibility of complete a Lake Okeechobee internal phosphorus
1908 load removal projects ~~feasibility study~~. The evaluation
1909 ~~feasibility study~~ shall be based on technical feasibility, as
1910 well as economic considerations, and shall consider ~~address~~ all
1911 reasonable methods of phosphorus removal. If projects ~~methods~~
1912 are found to be feasible, the district shall immediately pursue
1913 the design, funding, and permitting for implementing such
1914 projects ~~methods~~.

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1915 (e)~~(g)~~ *Lake Okeechobee Watershed Protection Program Plan*
1916 *implementation.*—The coordinating agencies shall be jointly
1917 responsible for implementing the Lake Okeechobee Watershed
1918 Protection Program Plan, consistent with the statutory authority
1919 and responsibility of each agency. Annual funding priorities
1920 shall be jointly established, and the highest priority shall be
1921 assigned to programs and projects that address sources that have
1922 the highest relative contribution to loading and the greatest
1923 potential for reductions needed to meet the total maximum daily
1924 loads. In determining funding priorities, the coordinating
1925 agencies shall also consider the need for regulatory compliance,
1926 the extent to which the program or project is ready to proceed,
1927 and the availability of federal matching funds or other nonstate
1928 funding, including public-private partnerships. Federal and
1929 other nonstate funding shall be maximized to the greatest extent
1930 practicable.

1931 (f)~~(h)~~ *Priorities and implementation schedules.*—The
1932 coordinating agencies are authorized and directed to establish
1933 priorities and implementation schedules for the achievement of
1934 total maximum daily loads, compliance with the requirements of
1935 s. 403.067, and compliance with applicable water quality
1936 standards within the waters and watersheds subject to this
1937 section.

1938 ~~(i) *Legislative ratification.* The coordinating agencies~~
1939 ~~shall submit the Phase II technical plan developed pursuant to~~
1940 ~~paragraph (b) to the President of the Senate and the Speaker of~~
1941 ~~the House of Representatives prior to the 2008 legislative~~
1942 ~~session for review. If the Legislature takes no action on the~~
1943 ~~plan during the 2008 legislative session, the plan is deemed~~

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1944 ~~approved and may be implemented.~~

1945 (4) CALOOSAHATCHEE RIVER WATERSHED PROTECTION PROGRAM AND
1946 ST. LUCIE RIVER WATERSHED PROTECTION PROGRAM.—A protection
1947 program shall be developed and implemented as specified in this
1948 subsection. In order to protect and restore surface water
1949 resources, the program shall address the reduction of pollutant
1950 loadings, restoration of natural hydrology, and compliance with
1951 applicable state water quality standards. The program shall be
1952 achieved through a phased program of implementation. In
1953 addition, pollutant load reductions based upon adopted total
1954 maximum daily loads established in accordance with s. 403.067
1955 shall serve as a program objective. In the development and
1956 administration of the program, the coordinating agencies shall
1957 maximize opportunities provided by federal and local government
1958 cost-sharing programs and opportunities for partnerships with
1959 the private sector and local government. The program plan ~~plan~~ shall
1960 include a goal for salinity envelopes and freshwater inflow
1961 targets for the estuaries based upon existing research and
1962 documentation. The goal may be revised as new information is
1963 available. This goal shall seek to reduce the frequency and
1964 duration of undesirable salinity ranges while meeting the other
1965 water-related needs of the region, including water supply and
1966 flood protection, while recognizing the extent to which water
1967 inflows are within the control and jurisdiction of the district.

1968 (a) *Caloosahatchee River Watershed Protection Plan.*—~~No~~
1969 ~~later than January 1, 2009,~~ The district, in cooperation with
1970 the other coordinating agencies, Lee County, and affected
1971 counties and municipalities, shall complete a River Watershed
1972 Protection Plan in accordance with this subsection. The

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1973 Caloosahatchee River Watershed Protection Plan shall identify
1974 the geographic extent of the watershed, be coordinated as needed
1975 with the plans developed pursuant to paragraph (3) (a) and
1976 paragraph (c) ~~(b)~~ of this subsection, and ~~contain an~~
1977 ~~implementation schedule for pollutant load reductions consistent~~
1978 ~~with any adopted total maximum daily loads and compliance with~~
1979 ~~applicable state water quality standards. The plan shall include~~
1980 the Caloosahatchee River Watershed Construction Project and the
1981 Caloosahatchee River Watershed Research and Water Quality
1982 Monitoring Program.÷

1983 1. Caloosahatchee River Watershed Construction Project.—To
1984 improve the hydrology, water quality, and aquatic habitats
1985 within the watershed, the district shall, no later than January
1986 1, 2012, plan, design, and construct the initial phase of the
1987 Watershed Construction Project. In doing so, the district shall:

1988 a. Develop and designate the facilities to be constructed
1989 to achieve stated goals and objectives of the Caloosahatchee
1990 River Watershed Protection Plan.

1991 b. Conduct scientific studies that are necessary to support
1992 the design of the Caloosahatchee River Watershed Construction
1993 Project facilities.

1994 c. Identify the size and location of all such facilities.

1995 d. Provide a construction schedule for all such facilities,
1996 including the sequencing and specific timeframe for construction
1997 of each facility.

1998 e. Provide a schedule for the acquisition of lands or
1999 sufficient interests necessary to achieve the construction
2000 schedule.

2001 f. Provide a schedule of costs and benefits associated with

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2002 each construction project and identify funding sources.

2003 g. To ensure timely implementation, coordinate the design,
2004 scheduling, and sequencing of project facilities with the
2005 coordinating agencies, Lee County, other affected counties and
2006 municipalities, and other affected parties.

2007 2. Caloosahatchee River Watershed Research and Water
2008 Quality Monitoring Program.—The district, in cooperation with
2009 the other coordinating agencies and local governments, shall
2010 implement a Caloosahatchee River Watershed Research and Water
2011 Quality Monitoring Program that builds upon the district's
2012 existing research program and that is sufficient to carry out,
2013 comply with, or assess the plans, programs, and other
2014 responsibilities created by this subsection. The program shall
2015 also conduct an assessment of the water volumes and timing from
2016 Lake Okeechobee and the Caloosahatchee River watershed and their
2017 relative contributions to the timing and volume of water
2018 delivered to the estuary.

2019 (b)2. Caloosahatchee River Watershed Basin Management
2020 Action Plans Pollutant Control Program.—The basin management
2021 action plans adopted pursuant to s. 403.067 for the
2022 Caloosahatchee River watershed shall be the Caloosahatchee River
2023 Watershed Pollutant Control Program. The plans shall be ~~is~~
2024 designed to be a multifaceted approach to reducing pollutant
2025 loads by improving the management of pollutant sources within
2026 the Caloosahatchee River watershed through implementation of
2027 regulations and best management practices, development and
2028 implementation of improved best management practices,
2029 improvement and restoration of the hydrologic function of
2030 natural and managed systems, and utilization of alternative

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2031 technologies for pollutant reduction, such as cost-effective
2032 biologically based, hybrid wetland/chemical and other innovative
2033 nutrient control technologies. The plans shall contain an
2034 implementation schedule for pollutant load reductions consistent
2035 with the adopted total maximum daily load. The coordinating
2036 agencies shall facilitate the use ~~utilization~~ of federal
2037 programs that offer opportunities for water quality treatment,
2038 including preservation, restoration, or creation of wetlands on
2039 agricultural lands.

2040 1.a. Nonpoint source best management practices consistent
2041 with s. 403.067 ~~paragraph (3)(c)~~, designed to achieve the
2042 objectives of the Caloosahatchee River Watershed Protection
2043 Program, shall be implemented on an expedited basis. The
2044 coordinating agencies may develop an intergovernmental agreement
2045 with local governments to implement the nonagricultural,
2046 nonpoint-source best management practices within their
2047 respective geographic boundaries.

2048 2.b. This subsection does not preclude the department or
2049 the district from requiring compliance with water quality
2050 standards, adopted total maximum daily loads, or current best
2051 management practices requirements set forth in any applicable
2052 regulatory program authorized by law for the purpose of
2053 protecting water quality. This subsection applies only to the
2054 extent that it does not conflict with any rules adopted by the
2055 department or district which are necessary to maintain a
2056 federally delegated or approved program.

2057 3.e. Projects that make use of private lands, or lands held
2058 in trust for Indian tribes, to reduce pollutant loadings or
2059 concentrations within a basin, or that reduce the volume of

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2060 harmful discharges by one or more of the following methods:
2061 restoring the natural hydrology of the basin, restoring wildlife
2062 habitat or impacted wetlands, reducing peak flows after storm
2063 events, or increasing aquifer recharge, are eligible for grants
2064 available under this section from the coordinating agencies.

2065 ~~4.d.~~ The Caloosahatchee River Watershed Basin Management
2066 Action Plans ~~Pollutant Control Program~~ shall require assessment
2067 of current water management practices within the watershed and
2068 shall require development of recommendations for structural,
2069 nonstructural, and operational improvements. Such
2070 recommendations shall consider and balance water supply, flood
2071 control, estuarine salinity, aquatic habitat, and water quality
2072 considerations.

2073 ~~5.e. After December 31, 2007,~~ The department may not
2074 authorize the disposal of domestic wastewater biosolids
2075 ~~residuals~~ within the Caloosahatchee River watershed unless the
2076 applicant can affirmatively demonstrate that the nutrients in
2077 the biosolids ~~residuals~~ will not add to nutrient loadings in the
2078 watershed. This demonstration shall be based on achieving a net
2079 balance between nutrient imports relative to exports on the
2080 permitted application site. Exports shall include only nutrients
2081 removed from the watershed through products generated on the
2082 permitted application site. This prohibition does not apply to
2083 Class AA biosolids ~~residuals~~ that are marketed and distributed
2084 as fertilizer products in accordance with department rule.

2085 ~~6.f.~~ The Department of Health shall require all entities
2086 disposing of septage within the Caloosahatchee River watershed
2087 to develop and submit to that agency an agricultural use plan
2088 that limits applications based upon nutrient loading consistent

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2089 with any basin management action plan adopted pursuant to s.
2090 403.067. By July 1, 2008, nutrient concentrations originating
2091 from these application sites may not exceed the limits
2092 established in the district's WOD program.

2093 7.g. The Department of Agriculture and Consumer Services
2094 shall require initiate rulemaking requiring entities within the
2095 Caloosahatchee River watershed which land-apply animal manure to
2096 develop a resource management system level conservation plan,
2097 according to United States Department of Agriculture criteria,
2098 which limit such application. Such rules may include criteria
2099 and thresholds for the requirement to develop a conservation or
2100 nutrient management plan, requirements for plan approval, and
2101 recordkeeping requirements.

2102 8. The district shall initiate rulemaking to provide for a
2103 monitoring program for nonpoint source dischargers required to
2104 monitor water quality pursuant to s. 403.067(7)(b)2.g. or s.
2105 403.067(7)(c)3. The results of such monitoring must be reported
2106 to the coordinating agencies.

2107 3. Caloosahatchee River Watershed Research and Water
2108 Quality Monitoring Program. The district, in cooperation with
2109 the other coordinating agencies and local governments, shall
2110 establish a Caloosahatchee River Watershed Research and Water
2111 Quality Monitoring Program that builds upon the district's
2112 existing research program and that is sufficient to carry out,
2113 comply with, or assess the plans, programs, and other
2114 responsibilities created by this subsection. The program shall
2115 also conduct an assessment of the water volumes and timing from
2116 the Lake Okeechobee and Caloosahatchee River watersheds and
2117 their relative contributions to the timing and volume of water

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2118 ~~delivered to the estuary.~~

2119 ~~(c) (b) St. Lucie River Watershed Protection Plan. No later~~
2120 ~~than January 1, 2009,~~ The district, in cooperation with the
2121 other coordinating agencies, Martin County, and affected
2122 counties and municipalities shall complete a plan in accordance
2123 with this subsection. The St. Lucie River Watershed Protection
2124 Plan shall identify the geographic extent of the watershed, be
2125 coordinated as needed with the plans developed pursuant to
2126 paragraph (3) (a) and paragraph (a) of this subsection, and
2127 ~~contain an implementation schedule for pollutant load reductions~~
2128 ~~consistent with any adopted total maximum daily loads and~~
2129 ~~compliance with applicable state water quality standards. The~~
2130 ~~plan shall include the St. Lucie River Watershed Construction~~
2131 Project and St. Lucie River Watershed Research and Water Quality
2132 Monitoring Program.†

2133 1. St. Lucie River Watershed Construction Project.—To
2134 improve the hydrology, water quality, and aquatic habitats
2135 within the watershed, the district shall, no later than January
2136 1, 2012, plan, design, and construct the initial phase of the
2137 Watershed Construction Project. In doing so, the district shall:

2138 a. Develop and designate the facilities to be constructed
2139 to achieve stated goals and objectives of the St. Lucie River
2140 Watershed Protection Plan.

2141 b. Identify the size and location of all such facilities.

2142 c. Provide a construction schedule for all such facilities,
2143 including the sequencing and specific timeframe for construction
2144 of each facility.

2145 d. Provide a schedule for the acquisition of lands or
2146 sufficient interests necessary to achieve the construction

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2147 schedule.

2148 e. Provide a schedule of costs and benefits associated with
2149 each construction project and identify funding sources.

2150 f. To ensure timely implementation, coordinate the design,
2151 scheduling, and sequencing of project facilities with the
2152 coordinating agencies, Martin County, St. Lucie County, other
2153 interested parties, and other affected local governments.

2154 2. St. Lucie River Watershed Research and Water Quality
2155 Monitoring Program.—The district, in cooperation with the other
2156 coordinating agencies and local governments, shall establish a
2157 St. Lucie River Watershed Research and Water Quality Monitoring
2158 Program that builds upon the district's existing research
2159 program and that is sufficient to carry out, comply with, or
2160 assess the plans, programs, and other responsibilities created
2161 by this subsection. The program shall also conduct an assessment
2162 of the water volumes and timing from Lake Okeechobee and the St.
2163 Lucie River watershed and their relative contributions to the
2164 timing and volume of water delivered to the estuary.

2165 (d)2. St. Lucie River Watershed Basin Management Action
2166 Plans Pollutant Control Program.—Basin management action plans
2167 for the St. Lucie River watershed adopted pursuant to s. 403.067
2168 shall be the St. Lucie River Watershed Pollutant Control Program
2169 and shall be ~~is~~ designed to be a multifaceted approach to
2170 reducing pollutant loads by improving the management of
2171 pollutant sources within the St. Lucie River watershed through
2172 implementation of regulations and best management practices,
2173 development and implementation of improved best management
2174 practices, improvement and restoration of the hydrologic
2175 function of natural and managed systems, and use ~~utilization~~ of

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2176 alternative technologies for pollutant reduction, such as cost-
2177 effective biologically based, hybrid wetland/chemical and other
2178 innovative nutrient control technologies. The plan shall contain
2179 an implementation schedule for pollutant load reductions
2180 consistent with the adopted total maximum daily load. The
2181 coordinating agencies shall facilitate the use ~~utilization~~ of
2182 federal programs that offer opportunities for water quality
2183 treatment, including preservation, restoration, or creation of
2184 wetlands on agricultural lands.

2185 1.a. Nonpoint source best management practices consistent
2186 with s. 403.067 ~~paragraph (3)(c)~~, designed to achieve the
2187 objectives of the St. Lucie River Watershed Protection Program,
2188 shall be implemented on an expedited basis. The coordinating
2189 agencies may develop an intergovernmental agreement with local
2190 governments to implement the nonagricultural nonpoint source
2191 best management practices within their respective geographic
2192 boundaries.

2193 2.b. This subsection does not preclude the department or
2194 the district from requiring compliance with water quality
2195 standards, adopted total maximum daily loads, or current best
2196 management practices requirements set forth in any applicable
2197 regulatory program authorized by law for the purpose of
2198 protecting water quality. This subsection applies only to the
2199 extent that it does not conflict with any rules adopted by the
2200 department or district which are necessary to maintain a
2201 federally delegated or approved program.

2202 3.e. Projects that make use of private lands, or lands held
2203 in trust for Indian tribes, to reduce pollutant loadings or
2204 concentrations within a basin, or that reduce the volume of

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2205 harmful discharges by one or more of the following methods:
2206 restoring the natural hydrology of the basin, restoring wildlife
2207 habitat or impacted wetlands, reducing peak flows after storm
2208 events, or increasing aquifer recharge, are eligible for grants
2209 available under this section from the coordinating agencies.

2210 ~~4.d.~~ The St. Lucie River Watershed Basin Management Action
2211 Plans ~~Pollutant Control Program~~ shall require assessment of
2212 current water management practices within the watershed and
2213 shall require development of recommendations for structural,
2214 nonstructural, and operational improvements. Such
2215 recommendations shall consider and balance water supply, flood
2216 control, estuarine salinity, aquatic habitat, and water quality
2217 considerations.

2218 ~~5.e. After December 31, 2007,~~ The department may not
2219 authorize the disposal of domestic wastewater biosolids
2220 ~~residuals~~ within the St. Lucie River watershed unless the
2221 applicant can affirmatively demonstrate that the nutrients in
2222 the biosolids ~~residuals~~ will not add to nutrient loadings in the
2223 watershed. This demonstration shall be based on achieving a net
2224 balance between nutrient imports relative to exports on the
2225 permitted application site. Exports shall include only nutrients
2226 removed from the St. Lucie River watershed through products
2227 generated on the permitted application site. This prohibition
2228 does not apply to Class AA biosolids ~~residuals~~ that are marketed
2229 and distributed as fertilizer products in accordance with
2230 department rule.

2231 ~~6.f.~~ The Department of Health shall require all entities
2232 disposing of septage within the St. Lucie River watershed to
2233 develop and submit to that agency an agricultural use plan that

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2234 limits applications based upon nutrient loading consistent with
2235 any basin management action plan adopted pursuant to s. 403.067.
2236 ~~By July 1, 2008, nutrient concentrations originating from these~~
2237 ~~application sites may not exceed the limits established in the~~
2238 ~~district's WOD program.~~

2239 7.g. The Department of Agriculture and Consumer Services
2240 shall initiate rulemaking requiring entities within the St.
2241 Lucie River watershed which land-apply animal manure to develop
2242 a resource management system level conservation plan, according
2243 to United States Department of Agriculture criteria, which limit
2244 such application. Such rules may include criteria and thresholds
2245 for the requirement to develop a conservation or nutrient
2246 management plan, requirements for plan approval, and
2247 recordkeeping requirements.

2248 8. The district shall initiate rulemaking to provide for a
2249 monitoring program for nonpoint source dischargers required to
2250 monitor water quality pursuant to s. 403.067(7) (b)2.g. or s.
2251 403.067(7) (c)3. The results of such monitoring must be reported
2252 to the coordinating agencies.

2253 ~~3. St. Lucie River Watershed Research and Water Quality~~
2254 ~~Monitoring Program. The district, in cooperation with the other~~
2255 ~~coordinating agencies and local governments, shall establish a~~
2256 ~~St. Lucie River Watershed Research and Water Quality Monitoring~~
2257 ~~Program that builds upon the district's existing research~~
2258 ~~program and that is sufficient to carry out, comply with, or~~
2259 ~~assess the plans, programs, and other responsibilities created~~
2260 ~~by this subsection. The program shall also conduct an assessment~~
2261 ~~of the water volumes and timing from the Lake Okeechobee and St.~~
2262 ~~Lucie River watersheds and their relative contributions to the~~

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2263 ~~timing and volume of water delivered to the estuary.~~

2264 (e)~~(e)~~ *River Watershed Protection Plan implementation.*—The
2265 coordinating agencies shall be jointly responsible for
2266 implementing the River Watershed Protection Plans, consistent
2267 with the statutory authority and responsibility of each agency.
2268 Annual funding priorities shall be jointly established, and the
2269 highest priority shall be assigned to programs and projects that
2270 have the greatest potential for achieving the goals and
2271 objectives of the plans. In determining funding priorities, the
2272 coordinating agencies shall also consider the need for
2273 regulatory compliance, the extent to which the program or
2274 project is ready to proceed, and the availability of federal or
2275 local government matching funds. Federal and other nonstate
2276 funding shall be maximized to the greatest extent practicable.

2277 (f)~~(d)~~ *Evaluation.*—Beginning By March 1, 2020 ~~2012~~, and
2278 every 5 ~~3~~ years thereafter concurrent with the updates of the
2279 basin management action plans adopted pursuant to s. 403.067,
2280 the district, in cooperation with the other coordinating
2281 agencies, shall conduct an evaluation of any pollutant load
2282 reduction goals, as well as any other specific objectives and
2283 goals, as stated in the River Watershed Protection Programs
2284 ~~Plans. Additionally,~~ The district shall identify modifications
2285 to facilities of the River Watershed Construction Projects, as
2286 appropriate, or any other elements of the River Watershed
2287 Protection Programs ~~Plans~~. The evaluation shall be included in
2288 the annual progress report submitted pursuant to this section.

2289 (g)~~(e)~~ *Priorities and implementation schedules.*—The
2290 coordinating agencies are authorized and directed to establish
2291 priorities and implementation schedules for the achievement of

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2292 total maximum daily loads, the requirements of s. 403.067, and
2293 compliance with applicable water quality standards within the
2294 waters and watersheds subject to this section.

2295 ~~(f) Legislative ratification. The coordinating agencies~~
2296 ~~shall submit the River Watershed Protection Plans developed~~
2297 ~~pursuant to paragraphs (a) and (b) to the President of the~~
2298 ~~Senate and the Speaker of the House of Representatives prior to~~
2299 ~~the 2009 legislative session for review. If the Legislature~~
2300 ~~takes no action on the plan during the 2009 legislative session,~~
2301 ~~the plan is deemed approved and may be implemented.~~

2302 (5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY
2303 LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.—The
2304 department is directed to expedite development and adoption of
2305 total maximum daily loads for the Caloosahatchee River and
2306 estuary. The department is further directed to, ~~no later than~~
2307 ~~December 31, 2008,~~ propose for final agency action total maximum
2308 daily loads for nutrients in the tidal portions of the
2309 Caloosahatchee River and estuary. The department shall initiate
2310 development of basin management action plans for Lake
2311 Okeechobee, the Caloosahatchee River watershed and estuary, and
2312 the St. Lucie River watershed and estuary as provided in s.
2313 403.067 ~~s. 403.067(7)(a)~~ as follows:

2314 (a) Basin management action plans shall be developed as
2315 soon as practicable as determined necessary by the department to
2316 achieve the total maximum daily loads established for the Lake
2317 Okeechobee watershed and the estuaries.

2318 (b) The Phase II technical plan development pursuant to
2319 paragraph (3)(a) ~~(3)(b)~~, and the River Watershed Protection
2320 Plans developed pursuant to paragraphs (4)(a) and (c) ~~(b)~~, shall

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2321 provide the basis for basin management action plans developed by
2322 the department.

2323 (c) As determined necessary by the department in order to
2324 achieve the total maximum daily loads, additional or modified
2325 projects or programs that complement those in the legislatively
2326 ratified plans may be included during the development of the
2327 basin management action plan.

2328 (d) As provided in s. 403.067, management strategies and
2329 pollution reduction requirements set forth in a basin management
2330 action plan subject to permitting by the department under
2331 subsection (7) must be completed pursuant to the schedule set
2332 forth in the basin management action plan, as amended. The
2333 implementation schedule may extend beyond the 5-year permit
2334 term.

2335 (e) As provided in s. 403.067, management strategies and
2336 pollution reduction requirements set forth in a basin management
2337 action plan for a specific pollutant of concern are not subject
2338 to challenge under chapter 120 at the time they are
2339 incorporated, in an identical form, into a department or
2340 district issued permit or a permit modification issued in
2341 accordance with subsection (7).

2342 ~~(d) Development of basin management action plans that~~
2343 ~~implement the provisions of the legislatively ratified plans~~
2344 ~~shall be initiated by the department no later than September 30~~
2345 ~~of the year in which the applicable plan is ratified. Where a~~
2346 ~~total maximum daily load has not been established at the time of~~
2347 ~~plan ratification, development of basin management action plans~~
2348 ~~shall be initiated no later than 90 days following adoption of~~
2349 ~~the applicable total maximum daily load.~~

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2350 (6) ANNUAL PROGRESS REPORT.—Each March 1 the district, in
2351 cooperation with the other coordinating agencies, shall report
2352 on implementation of this section as part of the consolidated
2353 annual report required in s. 373.036(7). The annual report shall
2354 include a summary of the conditions of the hydrology, water
2355 quality, and aquatic habitat in the northern Everglades based on
2356 the results of the Research and Water Quality Monitoring
2357 Programs, the status of the Lake Okeechobee Watershed
2358 Construction Project, the status of the Caloosahatchee River
2359 Watershed Construction Project, and the status of the St. Lucie
2360 River Watershed Construction Project. In addition, the report
2361 shall contain an annual accounting of the expenditure of funds
2362 from the Save Our Everglades Trust Fund. At a minimum, the
2363 annual report shall provide detail by program and plan,
2364 including specific information concerning the amount and use of
2365 funds from federal, state, or local government sources. In
2366 detailing the use of these funds, the district shall indicate
2367 those designated to meet requirements for matching funds. The
2368 district shall prepare the report in cooperation with the other
2369 coordinating agencies and affected local governments. The
2370 department shall report on the status of the Lake Okeechobee
2371 Basin Management Action Plan, the Caloosahatchee River Watershed
2372 Basin Management Action Plan, and the St. Lucie River Watershed
2373 Basin Management Action Plan. The Department of Agriculture and
2374 Consumer Services shall report on the status of the
2375 implementation of the agricultural nonpoint source best
2376 management practices.

2377 (7) LAKE OKEECHOBEE PROTECTION PERMITS.—

2378 (a) The Legislature finds that the Lake Okeechobee

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2379 Watershed Protection Program will benefit Lake Okeechobee and
2380 downstream receiving waters and is in ~~consistent with~~ the public
2381 interest. The Lake Okeechobee Watershed Construction Project,
2382 and structures discharging into or from Lake Okeechobee shall be
2383 constructed, operated, and maintained in accordance with this
2384 section.

2385 (b) Permits obtained pursuant to this section are in lieu
2386 of all other permits under this chapter or chapter 403, except
2387 those issued under s. 403.0885, if applicable. ~~No~~ Additional
2388 permits are not required for the Lake Okeechobee Watershed
2389 Construction Project, or structures discharging into or from
2390 Lake Okeechobee, if such project or structures are permitted
2391 under this section. Construction activities related to
2392 implementation of the Lake Okeechobee Watershed Construction
2393 Project may be initiated before ~~prior to~~ final agency action, or
2394 notice of intended agency action, on any permit from the
2395 department under this section.

2396 (c) 1. Within 90 days of completion of the diversion plans
2397 set forth in Department Consent Orders 91-0694, 91-0707, 91-
2398 0706, 91-0705, and RT50-205564, Owners or operators of existing
2399 structures which discharge into or from Lake Okeechobee that
2400 were subject to Department Consent Orders 91-0694, 91-0705, 91-
2401 0706, 91-0707, and RT50-205564 and that are subject to the
2402 provisions of s. 373.4592(4) (a) do not require a permit under
2403 this section and shall be governed by permits issued under apply
2404 for a permit from the department to operate and maintain such
2405 structures. By September 1, 2000, owners or operators of all
2406 other existing structures which discharge into or from Lake
2407 Okeechobee shall apply for a permit from the department to

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2408 ~~operate and maintain such structures. The department shall issue~~
2409 ~~one or more such permits for a term of 5 years upon the~~
2410 ~~demonstration of reasonable assurance that schedules and~~
2411 ~~strategies to achieve and maintain compliance with water quality~~
2412 ~~standards have been provided for, to the maximum extent~~
2413 ~~practicable, and that operation of the structures otherwise~~
2414 ~~complies with provisions of ss. 373.413 and 373.416 and the Lake~~
2415 ~~Okeechobee Basin Management Action Plan adopted pursuant to s.~~
2416 ~~403.067.~~

2417 ~~1. Permits issued under this paragraph shall also contain~~
2418 ~~reasonable conditions to ensure that discharges of waters~~
2419 ~~through structures:~~

2420 ~~a. Are adequately and accurately monitored;~~

2421 ~~b. Will not degrade existing Lake Okeechobee water quality~~
2422 ~~and will result in an overall reduction of phosphorus input into~~
2423 ~~Lake Okeechobee, as set forth in the district's Technical~~
2424 ~~Publication 81-2 and the total maximum daily load established in~~
2425 ~~accordance with s. 403.067, to the maximum extent practicable;~~
2426 ~~and~~

2427 ~~c. Do not pose a serious danger to public health, safety,~~
2428 ~~or welfare.~~

2429 ~~2. For the purposes of this paragraph, owners and operators~~
2430 ~~of existing structures which are subject to the provisions of s.~~
2431 ~~373.4592(4) (a) and which discharge into or from Lake Okeechobee~~
2432 ~~shall be deemed in compliance with this paragraph the term~~
2433 ~~"maximum extent practicable" if they are in full compliance with~~
2434 ~~the conditions of permits under chapter ~~chapters 40E-61 and 40E-~~~~
2435 ~~63, Florida Administrative Code.~~

2436 ~~3. By January 1, 2004, The district shall obtain from~~

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2437 ~~submit to~~ the department a permit modification to the Lake
2438 Okeechobee structure permits to incorporate proposed changes
2439 necessary to ensure that discharges through the structures
2440 covered by this permit are consistent with the basin management
2441 action plan adopted pursuant to ~~achieve state water quality~~
2442 ~~standards, including the total maximum daily load established in~~
2443 ~~accordance with s. 403.067. These changes shall be designed to~~
2444 ~~achieve such compliance with state water quality standards no~~
2445 ~~later than January 1, 2015.~~

2446 (d) The department shall require permits for district
2447 regional projects that are part of the Lake Okeechobee Watershed
2448 Construction Project facilities. However, projects ~~identified in~~
2449 ~~sub-subparagraph (3)(b)1.b.~~ that qualify as exempt pursuant to
2450 s. 373.406 do shall not require need permits under this section.
2451 Such permits shall be issued for a term of 5 years upon the
2452 demonstration of reasonable assurances that:

2453 1. District regional projects that are part of the Lake
2454 Okeechobee Watershed Construction Project shall facility, ~~based~~
2455 ~~upon the conceptual design documents and any subsequent detailed~~
2456 ~~design documents developed by the district, will~~ achieve the
2457 design objectives for phosphorus required in subparagraph
2458 (3)(a)1. paragraph (3)(b);

2459 2. For water quality standards other than phosphorus, the
2460 quality of water discharged from the facility is of equal or
2461 better quality than the inflows;

2462 3. Discharges from the facility do not pose a serious
2463 danger to public health, safety, or welfare; and

2464 4. Any impacts on wetlands or state-listed species
2465 resulting from implementation of that facility of the Lake

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2466 Okeechobee Construction Project are minimized and mitigated, as
2467 appropriate.

2468 (e) At least 60 days before ~~prior to~~ the expiration of any
2469 permit issued under this section, the permittee may apply for a
2470 renewal thereof for a period of 5 years.

2471 (f) Permits issued under this section may include any
2472 standard conditions provided by department rule which are
2473 appropriate and consistent with this section.

2474 (g) Permits issued under ~~pursuant to~~ this section may be
2475 modified, as appropriate, upon review and approval by the
2476 department.

2477 (8) ENFORCEMENT OF BASIN MANAGEMENT ACTION PLANS.—The basin
2478 management action plans for Lake Okeechobee, the Caloosahatchee
2479 River watershed and estuary, and the St. Lucie River watershed
2480 and estuary are enforceable pursuant to ss. 403.067, 403.121,
2481 403.141, and 403.161.

2482 Section 19. Paragraphs (a) and (b) of subsection (6) of
2483 section 373.536, Florida Statutes, are amended to read:

2484 373.536 District budget and hearing thereon.—

2485 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
2486 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

2487 (a) Each district must, by the date specified for each
2488 item, furnish copies of the following documents to the Governor,
2489 the President of the Senate, the Speaker of the House of
2490 Representatives, the chairs of all legislative committees and
2491 subcommittees having substantive or fiscal jurisdiction over the
2492 districts, as determined by the President of the Senate or the
2493 Speaker of the House of Representatives as applicable, the
2494 secretary of the department, and the governing board of each

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2495 county in which the district has jurisdiction or derives any
2496 funds for the operations of the district:

2497 1. The adopted budget, to be furnished within 10 days after
2498 its adoption.

2499 2. A financial audit of its accounts and records, to be
2500 furnished within 10 days after its acceptance by the governing
2501 board. The audit must be conducted in accordance with s. 11.45
2502 and the rules adopted thereunder. In addition to the entities
2503 named above, the district must provide a copy of the audit to
2504 the Auditor General within 10 days after its acceptance by the
2505 governing board.

2506 3. A 5-year capital improvements plan, to be included in
2507 the consolidated annual report required by s. 373.036(7). The
2508 plan must include expected sources of revenue for planned
2509 improvements and must be prepared in a manner comparable to the
2510 fixed capital outlay format set forth in s. 216.043.

2511 4. A 5-year water resource development work program to be
2512 furnished within 30 days after the adoption of the final budget.
2513 The program must describe the district's implementation strategy
2514 and include an annual funding plan for each of the 5 years
2515 included in the plan for the water resource and~~7~~ water supply~~7~~
2516 development components, including ~~and~~ alternative water supply
2517 development, ~~components~~ of each approved regional water supply
2518 plan developed or revised under s. 373.709. The work program
2519 must address all the elements of the water resource development
2520 component in the district's approved regional water supply
2521 plans, as well as the water supply projects proposed for
2522 district funding and assistance. The annual funding plan shall
2523 identify both anticipated available district funding and

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2524 additional funding needs for the second through fifth years of
2525 the funding plan. Funding requests for projects submitted for
2526 consideration for state funding pursuant to s. 403.0616 shall be
2527 identified separately. The work program ~~and~~ must identify
2528 projects in the work program which will provide water; explain
2529 how each water resource, and water supply, ~~and alternative water~~
2530 ~~supply development~~ project will produce additional water
2531 available for consumptive uses; estimate the quantity of water
2532 to be produced by each project; ~~and~~ provide an assessment of the
2533 contribution of the district's regional water supply plans in
2534 supporting the implementation of minimum flows and levels and
2535 reservations; and ensure ~~providing~~ sufficient water is available
2536 ~~needed~~ to timely meet the water supply needs of existing and
2537 future reasonable-beneficial uses for a 1-in-10-year drought
2538 event and to avoid the adverse effects of competition for water
2539 supplies.

2540 (b) Within 30 days after its submittal, the department
2541 shall review the proposed work program and submit its findings,
2542 questions, and comments to the district. The review must include
2543 a written evaluation of the program's consistency with the
2544 furtherance of the district's approved regional water supply
2545 plans, and the adequacy of proposed expenditures. As part of the
2546 review, the department shall post the work program on its
2547 website and give interested parties the opportunity to provide
2548 written comments on each district's proposed work program.
2549 Within 45 days after receipt of the department's evaluation, the
2550 governing board shall state in writing to the department which
2551 of the changes recommended in the evaluation it will incorporate
2552 into its work program submitted as part of the March 1

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2553 consolidated annual report required by s. 373.036(7) or specify
2554 the reasons for not incorporating the changes. The department
2555 shall include the district's responses in a final evaluation
2556 report and shall submit a copy of the report to the Governor,
2557 the President of the Senate, and the Speaker of the House of
2558 Representatives.

2559 Section 20. Subsection (9) of section 373.703, Florida
2560 Statutes, is amended to read:

2561 373.703 Water production; general powers and duties.—In the
2562 performance of, and in conjunction with, its other powers and
2563 duties, the governing board of a water management district
2564 existing pursuant to this chapter:

2565 (9) May join with one or more other water management
2566 districts, counties, municipalities, special districts, publicly
2567 owned or privately owned water utilities, multijurisdictional
2568 water supply entities, regional water supply authorities,
2569 private landowners, or self-suppliers for the purpose of
2570 carrying out its powers, and may contract with such other
2571 entities to finance acquisitions, construction, operation, and
2572 maintenance, provided that such contracts are consistent with
2573 the public interest. The contract may provide for contributions
2574 to be made by each party to the contract for the division and
2575 apportionment of the expenses of acquisitions, construction,
2576 operation, and maintenance, and for the division and
2577 apportionment of resulting benefits, services, and products. The
2578 contracts may contain other covenants and agreements necessary
2579 and appropriate to accomplish their purposes.

2580 Section 21. Paragraph (b) of subsection (2), subsection
2581 (3), and paragraph (b) of subsection (4) of section 373.705,

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2582 Florida Statutes, are amended, and subsection (5) is added to
2583 that section, to read:

2584 373.705 Water resource development; water supply
2585 development.—

2586 (2) It is the intent of the Legislature that:

2587 (b) Water management districts take the lead in identifying
2588 and implementing water resource development projects, and be
2589 responsible for securing necessary funding for regionally
2590 significant water resource development projects, including
2591 regionally significant projects that prevent or limit adverse
2592 water resource impacts, avoid competition among water users, or
2593 support the provision of new water supplies in order to meet a
2594 minimum flow or minimum water level, implement a recovery or
2595 prevention strategy or water reservation.

2596 (3) (a) The water management districts shall fund and
2597 implement water resource development as defined in s. 373.019.
2598 The water management districts are encouraged to implement water
2599 resource development as expeditiously as possible in areas
2600 subject to regional water supply plans.

2601 (b) Each governing board shall include in its annual budget
2602 submittals required under this chapter:

2603 1. The amount of funds for each project in the annual
2604 funding plan developed pursuant to s. 373.536(6) (a)4.

2605 2. The total amount needed for the fiscal year to implement
2606 water resource development projects, as prioritized in its
2607 regional water supply plans.

2608 3. The amount of funds requested for each project submitted
2609 for consideration for state funding pursuant to s. 403.0616.

2610 (4)

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2611 (b) Water supply development projects that meet the
2612 criteria in paragraph (a) and that meet one or more of the
2613 following additional criteria shall be given first consideration
2614 for state or water management district funding assistance:

2615 1. The project brings about replacement of existing sources
2616 in order to help implement a minimum flow or level; ~~or~~

2617 2. The project implements reuse that assists in the
2618 elimination of domestic wastewater ocean outfalls as provided in
2619 s. 403.086(9); or

2620 3. The project reduces or eliminates the adverse effects of
2621 competition between legal users and the natural system.

2622 (5) The water management districts shall promote expanded
2623 cost-share criteria for additional conservation practices, such
2624 as soil and moisture sensors and other irrigation improvements,
2625 water-saving equipment, and water-saving household fixtures.

2626 Section 22. Paragraph (f) of subsection (3), paragraph (a)
2627 of subsection (6), and paragraph (e) of subsection (8) of
2628 section 373.707, Florida Statutes, are amended to read:

2629 373.707 Alternative water supply development.—

2630 (3) The primary roles of the water management districts in
2631 water resource development as it relates to supporting
2632 alternative water supply development are:

2633 (f) The provision of technical and financial assistance to
2634 local governments and publicly owned and privately owned water
2635 utilities for alternative water supply projects and for self-
2636 suppliers for alternative water supply projects to the extent
2637 assistance for self-suppliers promotes the policies in paragraph
2638 (1) (f).

2639 (6) (a) Where state ~~The statewide~~ funds are provided through

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2640 specific appropriation for a priority project of the water
2641 resources work program pursuant to s. 403.0616, or pursuant to
2642 the Water Protection and Sustainability Program, such funds
2643 serve to supplement existing water management district or basin
2644 board funding for alternative water supply development
2645 assistance and should not result in a reduction of such funding.
2646 For each project identified in the plans prepared pursuant to s.
2647 373.536(6) (a)4. Therefore, the water management districts shall
2648 include in the annual tentative and adopted budget submittals
2649 required under this chapter the amount of funds allocated for
2650 water resource development that supports alternative water
2651 supply development and the funds allocated for alternative water
2652 supply projects ~~selected for inclusion in the Water Protection~~
2653 ~~and Sustainability Program.~~ It shall be the goal of each water
2654 management district and basin boards that the combined funds
2655 allocated annually for these purposes be, at a minimum, the
2656 equivalent of 100 percent of the state funding provided to the
2657 water management district for alternative water supply
2658 development. If this goal is not achieved, the water management
2659 district shall provide in the budget submittal an explanation of
2660 the reasons or constraints that prevent this goal from being
2661 met, an explanation of how the goal will be met in future years,
2662 and affirmation of match is required during the budget review
2663 process as established under s. 373.536(5). The Suwannee River
2664 Water Management District and the Northwest Florida Water
2665 Management District shall not be required to meet the match
2666 requirements of this paragraph; however, they shall try to
2667 achieve the match requirement to the greatest extent
2668 practicable.

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2669 (8)
2670 (e) Applicants for projects that may receive funding
2671 assistance pursuant to the Water Protection and Sustainability
2672 Program shall, at a minimum, be required to pay 60 percent of
2673 the project's construction costs. The water management districts
2674 may, at their discretion, totally or partially waive this
2675 requirement for projects sponsored by:

2676 1. Financially disadvantaged small local governments as
2677 defined in former s. 403.885(5); or
2678 2. Water users for projects determined by a water
2679 management district governing board to be in the public interest
2680 pursuant to paragraph (1)(f), if the projects are not otherwise
2681 financially feasible.

2682
2683 The water management districts or basin boards may, at their
2684 discretion, use ad valorem or federal revenues to assist a
2685 project applicant in meeting the requirements of this paragraph.

2686 Section 23. Paragraph (a) of subsection (2) and paragraphs
2687 (a) and (e) of subsection (6) of section 373.709, Florida
2688 Statutes, are amended to read:

2689 373.709 Regional water supply planning.—

2690 (2) Each regional water supply plan must be based on at
2691 least a 20-year planning period and must include, but need not
2692 be limited to:

2693 (a) A water supply development component for each water
2694 supply planning region identified by the district which
2695 includes:

2696 1. A quantification of the water supply needs for all
2697 existing and future reasonable-beneficial uses within the

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2698 planning horizon. The level-of-certainty planning goal
2699 associated with identifying the water supply needs of existing
2700 and future reasonable-beneficial uses must be based upon meeting
2701 those needs for a 1-in-10-year drought event.

2702 a. Population projections used for determining public water
2703 supply needs must be based upon the best available data. In
2704 determining the best available data, the district shall consider
2705 the University of Florida ~~Florida's~~ Bureau of Economic and
2706 Business Research (BEBR) medium population projections and
2707 population projection data and analysis submitted by a local
2708 government pursuant to the public workshop described in
2709 subsection (1) if the data and analysis support the local
2710 government's comprehensive plan. Any adjustment of or deviation
2711 from the BEBR projections must be fully described, and the
2712 original BEBR data must be presented along with the adjusted
2713 data.

2714 b. Agricultural demand projections used for determining the
2715 needs of agricultural self-suppliers must be based upon the best
2716 available data. In determining the best available data for
2717 agricultural self-supplied water needs, the district shall
2718 consider the data indicative of future water supply demands
2719 provided by the Department of Agriculture and Consumer Services
2720 pursuant to s. 570.93 and agricultural demand projection data
2721 and analysis submitted by a local government pursuant to the
2722 public workshop described in subsection (1), if the data and
2723 analysis support the local government's comprehensive plan. Any
2724 adjustment of or deviation from the data provided by the
2725 Department of Agriculture and Consumer Services must be fully
2726 described, and the original data must be presented along with

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2727 the adjusted data.

2728 2. A list of water supply development project options,
2729 including traditional and alternative water supply project
2730 options that are technically and financially feasible, from
2731 which local government, government-owned and privately owned
2732 utilities, regional water supply authorities,
2733 multijurisdictional water supply entities, self-suppliers, and
2734 others may choose for water supply development. In addition to
2735 projects listed by the district, such users may propose specific
2736 projects for inclusion in the list of alternative water supply
2737 projects. If such users propose a project to be listed as an
2738 alternative water supply project, the district shall determine
2739 whether it meets the goals of the plan, and, if so, it shall be
2740 included in the list. The total capacity of the projects
2741 included in the plan must exceed the needs identified in
2742 subparagraph 1. and take into account water conservation and
2743 other demand management measures, as well as water resources
2744 constraints, including adopted minimum flows and levels and
2745 water reservations. Where the district determines it is
2746 appropriate, the plan should specifically identify the need for
2747 multijurisdictional approaches to project options that, based on
2748 planning level analysis, are appropriate to supply the intended
2749 uses and that, based on such analysis, appear to be permissible
2750 and financially and technically feasible. The list of water
2751 supply development options must contain provisions that
2752 recognize that alternative water supply options for agricultural
2753 self-suppliers are limited.

2754 3. For each project option identified in subparagraph 2.,
2755 the following must be provided:

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2756 a. An estimate of the amount of water to become available
2757 through the project.

2758 b. The timeframe in which the project option should be
2759 implemented and the estimated planning-level costs for capital
2760 investment and operating and maintaining the project.

2761 c. An analysis of funding needs and sources of possible
2762 funding options. For alternative water supply projects, the
2763 water management districts shall provide funding assistance
2764 pursuant to s. 373.707(8).

2765 d. Identification of the entity that should implement each
2766 project option and the current status of project implementation.

2767 (6) Annually and in conjunction with the reporting
2768 requirements of s. 373.536(6)(a)4., the department shall submit
2769 to the Governor and the Legislature a report on the status of
2770 regional water supply planning in each district. The report
2771 shall include:

2772 (a) A compilation of the estimated costs ~~of~~ and an analysis
2773 of the sufficiency of potential sources of funding from all
2774 sources for water resource development and water supply
2775 development projects as identified in the water management
2776 district regional water supply plans.

2777 (e) An overall assessment of the progress being made to
2778 develop water supply in each district, including, but not
2779 limited to, an explanation of how each project in the 5-year
2780 water resource development work program in s. 373.536(6)(a)4.,
2781 either alternative or traditional, will produce, contribute to,
2782 or account for additional water being made available for
2783 consumptive uses, minimum flows and levels, or water
2784 reservations; an estimate of the quantity of water to be

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2785 produced by each project; ~~7~~ and an assessment of the contribution
2786 of the district's regional water supply plan in providing
2787 sufficient water to meet the needs of existing and future
2788 reasonable-beneficial uses for a 1-in-10-year drought event, as
2789 well as the needs of the natural systems.

2790 Section 24. Part VIII of chapter 373, Florida Statutes,
2791 consisting of sections 373.801, 373.802, 373.803, 373.805,
2792 373.807, 373.811, 373.813, and 373.815, Florida Statutes, is
2793 created and entitled the "Florida Springs and Aquifer Protection
2794 Act."

2795 Section 25. Section 373.801, Florida Statutes, is created
2796 to read:

2797 373.801 Legislative findings and intent.—

2798 (1) The Legislature finds that springs are a unique part of
2799 this state's scenic beauty. Springs provide critical habitat for
2800 plants and animals, including many endangered or threatened
2801 species. Springs also provide immeasurable natural,
2802 recreational, economic, and inherent value. Springs are of great
2803 scientific importance in understanding the diverse functions of
2804 aquatic ecosystems. Water quality of springs is an indicator of
2805 local conditions of the Floridan Aquifer, which is a source of
2806 drinking water for many residents of this state. Water flows in
2807 springs reflect regional aquifer conditions. In addition,
2808 springs provide recreational opportunities for swimming,
2809 canoeing, wildlife watching, fishing, cave diving, and many
2810 other activities in this state. These recreational opportunities
2811 and the accompanying tourism they provide are a benefit to local
2812 economies and the economy of the state as a whole.

2813 (2) Water quantity and water quality in springs may be

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2814 related. For regulatory purposes, the department has primary
2815 responsibility for water quality; the water management districts
2816 have primary responsibility for water quantity; the Department
2817 of Agriculture and Consumer Services has primary responsibility
2818 for the development and implementation of agricultural best
2819 management practices; and the local governments have primary
2820 responsibility for providing wastewater and stormwater
2821 management. The foregoing responsible entities must coordinate
2822 to restore and maintain the water quantity and water quality of
2823 the Outstanding Florida Springs.

2824 (3) The Legislature recognizes that:

2825 (a) Springs are only as healthy as their springsheds. The
2826 groundwater that supplies springs is derived from water that
2827 recharges the aquifer system in the form of seepage from the
2828 land surface and through direct conduits, such as sinkholes.
2829 Springs may be adversely affected by polluted runoff from urban
2830 and agricultural lands; discharge resulting from inadequate
2831 wastewater and stormwater management practices; stormwater
2832 runoff; and reduced water levels of the Floridan Aquifer. As a
2833 result, the hydrologic and environmental conditions of a spring
2834 or spring run are directly influenced by activities and land
2835 uses within a springshed and by water withdrawals from the
2836 Floridan Aquifer.

2837 (b) Springs, whether found in urban or rural settings, or
2838 on public or private lands, may be threatened by actual or
2839 potential flow reductions and declining water quality. Many of
2840 this state's springs are demonstrating signs of significant
2841 ecological imbalance, increased nutrient loading, and declining
2842 water flow. Without effective remedial action, further declines

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2843 in water quality and water quantity may occur.

2844 (c) Springshed boundaries and areas of high vulnerability
2845 within a springshed need to be identified and delineated using
2846 the best available data.

2847 (d) Springsheds typically cross water management district
2848 boundaries and local government jurisdictional boundaries, so a
2849 coordinated statewide springs protection plan is needed.

2850 (e) The aquifers and springs of this state are complex
2851 systems affected by many variables and influences.

2852 (4) The Legislature recognizes that action is urgently
2853 needed and, as additional data is acquired, action must be
2854 continually modified.

2855 Section 26. Section 373.802, Florida Statutes, is created
2856 to read:

2857 373.802 Definitions.—As used in this part, the term:

2858 (1) "Department" means the Department of Environmental
2859 Protection, which includes the Florida Geological Survey or its
2860 successor agencies.

2861 (2) "Local government" means a county or municipal
2862 government the jurisdictional boundaries of which include an
2863 Outstanding Florida Spring or any part of a springshed or
2864 delineated priority focus area of an Outstanding Florida Spring.

2865 (3) "Onsite sewage treatment and disposal system" means a
2866 system that contains a standard subsurface, filled, or mound
2867 drainfield system; an aerobic treatment unit; a graywater system
2868 tank; a laundry wastewater system tank; a septic tank; a grease
2869 interceptor; a pump tank; a solids or effluent pump; a
2870 waterless, incinerating, or organic waste-composting toilet; or
2871 a sanitary pit privy that is installed or proposed to be

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2872 installed beyond the building sewer on land of the owner or on
2873 other land on which the owner has the legal right to install
2874 such system. The term includes any item placed within, or
2875 intended to be used as a part of or in conjunction with, the
2876 system. The term does not include package sewage treatment
2877 facilities and other treatment works regulated under chapter
2878 403.

2879 (4) "Outstanding Florida Spring" includes all historic
2880 first magnitude springs, as determined by the department using
2881 the most recent Florida Geological Survey springs bulletin,
2882 excluding submarine springs, and the following springs, and
2883 their associated spring runs:

2884 (a) De Leon Springs;

2885 (b) Peacock Springs;

2886 (c) Poe Springs;

2887 (d) Rock Springs;

2888 (e) Wekiwa Springs; and

2889 (f) Gemini Springs.

2890 (5) "Priority focus area" means the area or areas of a
2891 basin where the Floridan Aquifer is most vulnerable to
2892 groundwater withdrawals or pollutant inputs, where the
2893 groundwater travel times are the fastest, and where there is a
2894 known connectivity between groundwater pathways and an
2895 Outstanding Florida Spring, as determined by the department in
2896 consultation with the appropriate water management districts.

2897 (6) "Springshed" means the areas within the groundwater and
2898 surface water basins which contribute, based upon all relevant
2899 facts, circumstances, and data, to the discharge of a spring as
2900 defined by potentiometric surface maps and surface watershed

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2901 boundaries.

2902 (7) "Spring run" means a body of flowing water that
2903 originates from a spring or whose primary source of water is a
2904 spring or springs under average rainfall conditions.

2905 (8) "Spring vent" means a location where groundwater flows
2906 out of a natural, discernable opening in the ground onto the
2907 land surface or into a predominantly fresh surface water body.

2908 Section 27. Section 373.803, Florida Statutes, is created
2909 to read:

2910 373.803 Delineation of priority focus areas for Outstanding
2911 Florida Springs.—Using the best data available from the water
2912 management districts and other credible sources, the department,
2913 in coordination with the water management districts, shall
2914 delineate priority focus areas for each Outstanding Florida
2915 Spring or group of springs that contains one or more Outstanding
2916 Florida Springs. In delineating priority focus areas, the
2917 department shall consider groundwater travel time to the spring,
2918 hydrogeology, nutrient load, and any other factors that may lead
2919 to degradation of an Outstanding Florida Spring. The delineation
2920 of priority focus areas must be completed by July 1, 2018.

2921 Section 28. Section 373.805, Florida Statutes, is created
2922 to read:

2923 373.805 Minimum flows and minimum water levels for
2924 Outstanding Florida Springs.—

2925 (1) (a) At the time a minimum flow or minimum water level is
2926 adopted for an Outstanding Florida Spring, if the spring is
2927 below or is projected within 20 years to fall below the minimum
2928 flow or minimum water level, a water management district or the
2929 department shall simultaneously adopt a recovery or prevention

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2930 strategy.

2931 (b) When an interim minimum flow or minimum water level is
2932 established pursuant to s. 373.042(2) for an Outstanding Florida
2933 Spring, the water management district or the department shall
2934 also adopt a recovery or prevention strategy by July 1, 2016, if
2935 the spring is below or is projected within 20 years to fall
2936 below the interim minimum flow or minimum water level.

2937 (2) For an Outstanding Florida Spring, a minimum flow or
2938 minimum water level adopted before July 1, 2015, must be revised
2939 by July 1, 2018. When a minimum flow or minimum water level is
2940 revised, if the spring is below or is projected within 20 years
2941 to fall below the revised minimum flow or minimum water level, a
2942 water management district or the department shall simultaneously
2943 adopt a recovery or prevention strategy or modify an existing
2944 recovery or prevention strategy. A district or the department
2945 may adopt the revised minimum flow or minimum water level before
2946 the adoption of a recovery or prevention strategy if the revised
2947 minimum flow or minimum water level is less constraining on
2948 existing or projected future consumptive uses.

2949 (3) For an Outstanding Florida Spring without an adopted
2950 recovery or prevention strategy, if a district or the department
2951 determines the spring has fallen below, or is projected within
2952 20 years to fall below the adopted or interim minimum flow or
2953 minimum water level, a water management district or the
2954 department shall expeditiously adopt a recovery or prevention
2955 strategy.

2956 (4) The recovery or prevention strategy for each
2957 Outstanding Florida Spring must, at a minimum, include:

2958 (a) A listing of all specific projects identified for

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2959 implementation of the plan;
2960 (b) A priority listing of each project;
2961 (c) For each listed project, the estimated cost of and the
2962 estimated date of completion;
2963 (d) The source and amount of financial assistance to be
2964 made available by the water management district for each listed
2965 project, which may not be less than 25 percent of the total
2966 project cost unless a specific funding source or sources are
2967 identified which will provide more than 75 percent of the total
2968 project cost. The Northwest Florida Water Management District
2969 and the Suwannee River Water Management District are not
2970 required to provide matching funds pursuant to this paragraph;
2971 (e) An estimate of each listed project's benefit to an
2972 Outstanding Florida Spring; and
2973 (f) An implementation plan with a goal to achieve the
2974 adopted or interim minimum flow or minimum water level no more
2975 than 20 years after the adoption of a recovery or prevention
2976 strategy. The implementation plan must include measureable
2977 interim milestones to be achieved within 5, 10, and 15 years,
2978 respectively, intended to achieve the adopted or interim minimum
2979 flow or minimum water level.
2980 (5) A local government may apply to the department for an
2981 extension of up to 5 years for any project in an adopted
2982 recovery or prevention strategy. The department may grant the
2983 extension if the local government provides to the department
2984 sufficient evidence that an extension is in the best interest of
2985 the public. For a local government in a rural area of
2986 opportunity, as defined in s. 288.0656, the department may grant
2987 an extension of up to 10 years.

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2988 Section 29. Section 373.807, Florida Statutes, is created
2989 to read:

2990 373.807 Protection of water quality in Outstanding Florida
2991 Springs.—By July 1, 2015, the department shall initiate
2992 assessment, pursuant to s. 403.067(3), of each Outstanding
2993 Florida Spring for which an impairment determination has not
2994 been made under the numeric nutrient standards in effect for
2995 spring vents. Assessments must be completed by July 1, 2018.

2996 (1) (a) Simultaneously with the adoption of a nutrient total
2997 maximum daily load for an Outstanding Florida Spring, the
2998 department, or the department in conjunction with a water
2999 management district, shall initiate development of a basin
3000 management action plan, as specified in s. 403.067. For an
3001 Outstanding Florida Spring with a nutrient total maximum daily
3002 load adopted before July 1, 2015, the department, or the
3003 department in conjunction with a water management district,
3004 shall initiate development of a basin management action plan by
3005 July 1, 2015. During the development of a basin management
3006 action plan, if the department identifies onsite sewage
3007 treatment and disposal systems as significant nonpoint sources
3008 of nutrient pollution which need to be addressed within a local
3009 government jurisdiction, the department shall notify the local
3010 government within 30 days. The local government shall develop an
3011 onsite sewage treatment and disposal system remediation plan
3012 pursuant to subsection (3) for those systems identified as
3013 significant nonpoint sources of nutrient pollution for inclusion
3014 in the basin management action plan.

3015 (b) A basin management action plan for an Outstanding
3016 Florida Spring shall be adopted within 3 years after its

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3017 initiation and must include, at a minimum:

3018 1. A list of all specific projects identified to implement
3019 a nutrient total maximum daily load;

3020 2. A list of all specific projects identified in an onsite
3021 sewage treatment and disposal system remediation plan, if
3022 applicable;

3023 3. A priority rank for each listed project;

3024 4. For each listed project, the estimated cost of and the
3025 estimated date of completion;

3026 5. The source and amount of financial assistance to be made
3027 available by the department, a water management district, or
3028 other entity for each listed project;

3029 6. An estimate of each listed project's nutrient load
3030 reduction;

3031 7. Identification of each point source or category of
3032 nonpoint sources, including, but not limited to, urban turf
3033 fertilizer, sports turf fertilizer, agricultural fertilizer,
3034 onsite sewage treatment and disposal systems, wastewater
3035 treatment facilities, animal wastes, and stormwater facilities.
3036 An estimated allocation of the pollutant load must be provided
3037 for each point source or category of nonpoint sources; and

3038 8. An implementation plan intended to achieve the adopted
3039 nutrient total maximum daily load no more than 20 years after
3040 the adoption of a basin management action plan. The plan must
3041 include measureable interim milestones to be achieved within 5,
3042 10, and 15 years, respectively, intended to achieve the adopted
3043 nutrient total maximum daily load.

3044 (c) For a basin management action plan adopted before July
3045 1, 2015, which addresses an Outstanding Florida Spring, the

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3046 department or the department in conjunction with a water
3047 management district must revise the plan pursuant to this
3048 section by July 1, 2018.

3049 (d) Upon approval of an onsite sewage treatment and
3050 disposal system remediation plan by the department, the plan
3051 shall be deemed incorporated as part of the appropriate basin
3052 management action plan pursuant to s. 403.067(7) until such time
3053 as the basin management action plan is revised.

3054 (e) A local government may apply to the department for an
3055 extension of up to 5 years for any project in an adopted basin
3056 management action plan. A local government in a rural area of
3057 opportunity, as defined in s. 288.0656, may apply for an
3058 extension of up to 10 years for such a project. The department
3059 may grant the extension if the local government provides to the
3060 department sufficient evidence that an extension is in the best
3061 interest of the public.

3062 (2) Within 6 months after the delineation of priority focus
3063 areas of an Outstanding Florida Spring that is fully or
3064 partially within the jurisdiction of a local government, a local
3065 government must develop, enact, and implement an ordinance that
3066 meets or exceeds the requirements of the department's Model
3067 Ordinance for Florida-Friendly Fertilizer Use on Urban
3068 Landscapes. Such ordinance must require that, within a priority
3069 focus area of an Outstanding Florida Spring with an adopted
3070 nutrient total maximum daily load, the nitrogen application rate
3071 of any fertilizer applied to turf or landscape plants may not
3072 exceed the lowest basic maintenance rate of the most recent
3073 recommendations by the Institute of Food and Agricultural
3074 Sciences. The department shall adopt rules to implement this

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3075 subsection which establish reasonable minimum standards and
3076 reflect advancements or improvements regarding nutrient load
3077 reductions.

3078 (3) Notwithstanding ss. 381.0064, 381.0065, 381.00651,
3079 381.00655, 381.0066, 381.0067 and 381.0068, by July 1, 2017, the
3080 department, in conjunction with the Department of Health and
3081 local governments, must identify onsite sewage treatment and
3082 disposal systems within each priority focus area. Within 60 days
3083 after the department's completion of the identification of these
3084 systems, the department shall provide the location of the
3085 systems to the local governments in which they are located. If
3086 notified by the department pursuant to subsection (1), the local
3087 government, in consultation with the department, shall develop
3088 an onsite sewage treatment and disposal system remediation plan
3089 within 12 months after notification by the department. If the
3090 department determines onsite sewage treatment and disposal
3091 systems within a priority focus area contribute at least 20
3092 percent of nonpoint source nutrient pollution, the plan must
3093 identify which systems require repair, upgrade, replacement,
3094 drainfield modification, connection to a central sewerage
3095 system, or no action. The plan must include a priority ranking
3096 for each system or group of systems that require remediation.
3097 Each remediation plan must be submitted to the department for
3098 approval.

3099 (a) In reviewing and approving the remediation plans, the
3100 department shall consider, at a minimum:

3101 1. The density of onsite sewage treatment and disposal
3102 systems;

3103 2. The number of onsite sewage treatment and disposal

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3104 systems;

3105 3. The proximity of the onsite sewage treatment and
3106 disposal system or systems to an Outstanding Florida Spring;

3107 4. The estimated nutrient loading of the onsite sewage
3108 treatment and disposal system or systems; and

3109 5. The cost of the proposed remedial action.

3110 (b) Before submitting an onsite sewage treatment and
3111 disposal system remediation plan to the department, the local
3112 government shall hold at least one public meeting to provide the
3113 public an opportunity to comment on the plan. The approval of an
3114 onsite sewage treatment and disposal system remediation plan by
3115 the department constitutes a final agency action.

3116 (c) If a local government does not substantially comply
3117 with this subsection, it may be ineligible for funding pursuant
3118 to s. 403.0617.

3119 (d) With respect to implementation of an onsite sewage
3120 treatment and disposal system remediation plan, a property owner
3121 with an onsite sewage treatment and disposal system identified
3122 as requiring remediation by the plan may not be required to pay
3123 the cost of a system inspection, a system upgrade, a system
3124 replacement, a drainfield modification, or any initial
3125 connection fee for connecting to a sanitary sewer system. This
3126 paragraph does not apply to local government programs in
3127 existence before July 1, 2015, which are inconsistent with this
3128 paragraph.

3129 (4) The department shall provide notice to a local
3130 government of all permit applicants under s. 403.814(12) in a
3131 priority focus area of an Outstanding Florida Spring over which
3132 the local government has full or partial jurisdiction.

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3133 Section 30. Section 373.811, Florida Statutes, is created
3134 to read:

3135 373.811 Prohibited activities within a priority focus
3136 area.—The following activities are prohibited within a priority
3137 focus area of an Outstanding Florida Spring:

3138 (1) New municipal or industrial wastewater disposal
3139 facilities, including rapid infiltration basins, with permitted
3140 capacities of 100,000 gallons per day or more, except for those
3141 facilities that meet an advanced wastewater treatment standard
3142 of no more than 3 mg/l total nitrogen, expressed as N, on an
3143 annual permitted basis, or a more stringent treatment standard
3144 if the department determines the more stringent standard is
3145 necessary to prevent impairment or aid in the recovery of an
3146 Outstanding Florida Spring.

3147 (2) Beginning 6 months after the Department of Health
3148 approves passive nitrogen removing onsite sewage treatment and
3149 disposal systems, new onsite sewage treatment and disposal
3150 systems on lots of less than 1 acre, except for passive nitrogen
3151 removing onsite sewage treatment and disposal systems.

3152 (3) New facilities for the disposal of hazardous waste.

3153 (4) The land application of Class A or Class B domestic
3154 wastewater biosolids.

3155 (5) New agriculture operations that do not implement best
3156 management practices, measures necessary to achieve pollution
3157 reduction levels established by the department, or groundwater
3158 monitoring plans approved by a water management district or the
3159 department.

3160 Section 31. Section 373.813, Florida Statutes, is created
3161 to read:

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3162 373.813 Rules.-

3163 (1) The department shall adopt rules to create a program to
3164 improve water quantity and water quality to administer this
3165 part, as applicable.

3166 (2) The Department of Health, the Department of Agriculture
3167 and Consumer Services, and the water management districts, as
3168 appropriate, may adopt rules to administer this part, as
3169 applicable.

3170 (3) (a) The Department of Agriculture and Consumer Services
3171 is the lead agency coordinating the reduction of agricultural
3172 nonpoint sources of pollution for the protection of Outstanding
3173 Florida Springs. The Department of Agriculture and Consumer
3174 Services and the department, pursuant to s. 403.067(7)(c)4.,
3175 shall study new or revised agricultural best management
3176 practices for improving and protecting Outstanding Florida
3177 Springs and, if necessary, in cooperation with applicable local
3178 governments and stakeholders, initiate rulemaking to require the
3179 implementation of such practices within a reasonable period.

3180 (b) The department, the Department of Agriculture and
3181 Consumer Services, and the University of Florida Institute of
3182 Food and Agricultural Sciences shall cooperate in conducting the
3183 necessary research and demonstration projects to develop
3184 improved or additional nutrient management tools, including the
3185 use of controlled release fertilizer that can be used by
3186 agricultural producers as part of an agricultural best
3187 management practices program. The development of such tools must
3188 reflect a balance between water quality improvement and
3189 agricultural productivity and, if applicable, must be
3190 incorporated into the revised agricultural best management

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3191 practices adopted by rule by the Department of Agriculture and
3192 Consumer Services.

3193 Section 32. Section 373.815, Florida Statutes, is created
3194 to read:

3195 373.815 Reports.—Each July 1, beginning July 1, 2016, the
3196 department, in conjunction with the water management districts,
3197 shall submit progress reports to the Governor, the President of
3198 the Senate, and the Speaker of the House of Representatives on
3199 the status of each total maximum daily load, basin management
3200 action plan, minimum flow or minimum water level, and recovery
3201 or prevention strategy adopted pursuant to this part. The report
3202 must include the status of each project identified to achieve an
3203 adopted total maximum daily load or an adopted or interim
3204 minimum flow or minimum water level, as applicable. If a report
3205 indicates that any of the interim 5-, 10-, or 15-year
3206 milestones, or the 20-year goal will not be met, the report must
3207 include specific corrective actions that will be taken to
3208 achieve these milestones and goals, and, if necessary, executive
3209 and legislative recommendations to that end.

3210 Section 33. Subsections (25) and (29) of section 403.061,
3211 Florida Statutes, are amended, and subsection (45) is added to
3212 that section, to read:

3213 403.061 Department; powers and duties.—The department shall
3214 have the power and the duty to control and prohibit pollution of
3215 air and water in accordance with the law and rules adopted and
3216 promulgated by it and, for this purpose, to:

3217 (25) (a) Establish and administer a program for the
3218 restoration and preservation of bodies of water within the
3219 state. The department shall have the power to acquire lands, to

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3220 cooperate with other applicable state or local agencies to
3221 enhance existing public access to such bodies of water, and to
3222 adopt all rules necessary to accomplish this purpose.

3223 (b) Create a consolidated water resources work plan, in
3224 consultation with state agencies, water management districts,
3225 and local governments, which provides a geographic depiction of
3226 the total inventory of water resources projects currently under
3227 construction, completed in the previous 5 years, or planned to
3228 begin construction in the next 5 years. The consolidated work
3229 plan must include for each project a description of the project,
3230 the total cost of the project, and identification of the
3231 governmental entity financing the project. This information
3232 together with the information provided pursuant to paragraph
3233 (45) (a) is intended to facilitate the ability of the Florida
3234 Water Resources Advisory Council, the Legislature, and the
3235 public to consider the projects contained in the tentative water
3236 resources work program developed pursuant to s. 403.0616 in
3237 relation to all projects undertaken within a 10-year period and
3238 the existing condition of water resources in the project area
3239 and in the state as a whole. The department may adopt all rules
3240 necessary to accomplish this purpose.

3241 (29) (a) Adopt by rule special criteria to protect Class II
3242 and Class III shellfish harvesting waters. Such rules may
3243 include special criteria for approving docking facilities that
3244 have 10 or fewer slips if the construction and operation of such
3245 facilities will not result in the closure of shellfish waters.

3246 (b) Adopt by rule a specific surface water classification
3247 to protect surface waters used for treated potable water supply.
3248 These designated surface waters shall have the same water

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3249 quality criteria protections as waters designated for fish
3250 consumption, recreation, and the propagation and maintenance of
3251 a healthy, well-balanced population of fish and wildlife, and
3252 shall be free from discharged substances at a concentration
3253 that, alone or in combination with other discharged substances,
3254 would require significant alteration of permitted treatment
3255 processes at the permitted treatment facility or that would
3256 otherwise prevent compliance with applicable state drinking
3257 water standards in the treated water. Notwithstanding this
3258 classification or the inclusion of treated water supply as a
3259 designated use of a surface water, a surface water used for
3260 treated potable water supply may be reclassified to the potable
3261 water supply classification.

3262 (45) (a) Create and maintain a web-based, interactive map
3263 that includes, at a minimum:

3264 1. All watersheds and each water body within those
3265 watersheds;

3266 2. The county or counties in which the watershed or water
3267 body is located;

3268 3. The water management district or districts in which the
3269 watershed or water body is located;

3270 4. Whether a minimum flow or minimum water level has been
3271 adopted for the water body, and if such minimum flow or minimum
3272 water level has not been adopted, the anticipated adoption date;

3273 5. Whether a recovery or prevention strategy has been
3274 adopted for the watershed or water body and, if such a plan has
3275 not been adopted, the anticipated adoption date;

3276 6. The impairment status of each watershed or water body;

3277 7. Whether a total maximum daily load has been adopted if

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3278 the watershed or water body is listed as impaired and, if such
3279 total maximum daily load has not been adopted, the anticipated
3280 adoption date;

3281 8. Whether a basin management action plan has been adopted
3282 for the watershed and, if such a plan has not been adopted, the
3283 anticipated adoption date;

3284 9. Each project listed on the 5-year water resources work
3285 program developed pursuant to s. 373.036(7);

3286 10. The agency or agencies and local sponsor, if any,
3287 responsible for overseeing the project;

3288 11. The estimated cost and completion date of each project
3289 and the financial contribution of each entity;

3290 12. The quantitative estimated benefit to the watershed or
3291 water body; and

3292 13. The water projects completed within the last 5 years
3293 within the watershed or water body.

3294 (b) The department and each water management district shall
3295 prominently display on their respective websites a hyperlink to
3296 the interactive map required by this subsection.

3297
3298 The department shall implement such programs in conjunction with
3299 its other powers and duties and shall place special emphasis on
3300 reducing and eliminating contamination that presents a threat to
3301 humans, animals or plants, or to the environment.

3302 Section 34. Section 403.0616, Florida Statutes, is created
3303 to read:

3304 403.0616 Florida Water Resources Advisory Council.—

3305 (1) The Florida Water Resources Advisory Council is hereby
3306 created within the department for the purpose of evaluating

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3307 water resource projects prioritized and submitted by state
3308 agencies, water management districts, or local governments. The
3309 council shall evaluate and recommend projects that are eligible
3310 for state funding as priority projects of statewide, regional,
3311 or critical local importance under this chapter or chapter 373.
3312 The council must review and evaluate all water resource projects
3313 that are prioritized and reported by state agencies or water
3314 management districts pursuant to s. 373.036(7)(d)3., or by local
3315 governments, if applicable, in order to provide the Legislature
3316 with recommendations for projects that improve or restore the
3317 water resources of this state. The council is also responsible
3318 for submitting a prioritization of pilot projects that test the
3319 effectiveness of innovative or existing nutrient reduction or
3320 water conservation technologies or practices designed to
3321 minimize nutrient pollution or restore flows in the water bodies
3322 of the state as provided in s. 403.0617.

3323 (2) The Florida Water Resources Advisory Council consists
3324 of five voting members and five ex officio, nonvoting members as
3325 follows:

3326 (a) The Secretary of Environmental Protection, who shall
3327 serve as chair of the council; the Commissioner of Agriculture;
3328 the executive director of the Fish and Wildlife Conservation
3329 Commission; one member with expertise in a scientific discipline
3330 related to water resources, appointed by the President of the
3331 Senate; and one member with expertise in a scientific discipline
3332 related to water resources, appointed by the Speaker of the
3333 House of Representatives, all of whom shall be voting members.

3334 (b) The executive directors of each of the five water
3335 management districts, all of whom shall be nonvoting members.

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3336 (3) Members appointed by the President of the Senate and
3337 Speaker of the House of Representatives shall serve 2-year terms
3338 but may not serve more than a total of 6 years. The President of
3339 the Senate and Speaker of the House of Representatives may fill
3340 a vacancy at any time for an unexpired term of an appointed
3341 member.

3342 (4) If a member of the council is disqualified from serving
3343 because he or she no longer holds the position required to serve
3344 under this section, the interim head of the agency shall serve
3345 as the agency representative.

3346 (5) The two appointed council members shall receive
3347 reimbursement for expenses and per diem for travel to attend
3348 council meetings authorized pursuant to s. 112.061 while in the
3349 performance of their duties.

3350 (6) The council shall hold periodic meetings at the request
3351 of the chair but must hold at least two public meetings,
3352 separately noticed, each year in which the public has the
3353 opportunity to participate and comment. Unless otherwise
3354 provided by law, notice for each meeting must be published in a
3355 newspaper of general circulation in the area where the meeting
3356 is to be held at least 5 days but no more than 15 days before
3357 the meeting date.

3358 (a) By July 15 of each year, the council shall release a
3359 tentative water resources work program containing legislative
3360 recommendations for water resource projects. The public has 30
3361 days to submit comments regarding the tentative program.

3362 (b) The council shall adopt the tentative work program
3363 containing its legislative recommendations and submit it to the
3364 Governor, the President of the Senate, and the Speaker of the

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3365 House of Representatives by August 31 of each year. An
3366 affirmative vote of three members of the council is required to
3367 adopt the tentative work program.

3368 (7) The department shall provide primary staff support to
3369 the council and shall ensure that council meetings are
3370 electronically recorded. Such recordings must be preserved
3371 pursuant to chapters 119 and 257.

3372 (8) The council shall recommend rules for adoption by the
3373 department to competitively evaluate, select, and rank projects
3374 for the tentative water resources work program. The council
3375 shall develop specific criteria for the evaluation, selection,
3376 and ranking of projects, including a preference for projects
3377 that will have a significant, measurable impact on improving
3378 water quantity or water quality; projects in areas of greatest
3379 impairment; projects of state or regional significance; projects
3380 recommended by multiple districts or multiple local governments
3381 cooperatively; projects with a significant monetary commitment
3382 by the local project sponsor or sponsors; projects in rural
3383 areas of opportunity as defined in s. 288.0656; projects that
3384 may be funded through appropriate loan programs; and projects
3385 that have significant private contributions of time or money.

3386 (9) The department, in consultation with the Department of
3387 Agriculture and Consumer Services, the Fish and Wildlife
3388 Conservation Commission, and the water management districts,
3389 shall adopt rules to implement this section.

3390 Section 35. Section 403.0617, Florida Statutes, is created
3391 to read:

3392 403.0617 Innovative nutrient and sediment reduction and
3393 conservation pilot project program.-

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3394 (1) By December 31, 2015, the department shall adopt rules
3395 to competitively evaluate and rank projects for selection and
3396 prioritization by the Water Resources Advisory Council, pursuant
3397 to s. 403.0616, for submission to the Legislature for funding.
3398 These pilot projects are intended to test the effectiveness of
3399 innovative or existing nutrient reduction or water conservation
3400 technologies or practices designed to minimize nutrient
3401 pollution or restore flows in the water bodies of the state. The
3402 department must include in the evaluation criteria a
3403 determination by the department that the pilot project will not
3404 be harmful to the ecological resources in the study area.

3405 (2) In developing these rules, the council shall give
3406 preference to the projects that will result in the greatest
3407 improvement to water quality and water quantity for the dollars
3408 to be expended for the project. At a minimum, the department
3409 shall consider all of the following:

3410 (a) The level of nutrient impairment of the waterbody,
3411 watershed, or water segment in which the project is located.

3412 (b) The quantity of pollutants, particularly total
3413 nitrogen, which the project is estimated to remove from a water
3414 body, watershed, or water segment with an adopted nutrient total
3415 maximum daily load.

3416 (c) The potential for the project to provide a cost
3417 effective solution to pollution caused by onsite sewage
3418 treatment and disposal systems.

3419 (d) The flow necessary to restore a water resource to its
3420 adopted or interim minimum flow or minimum water level.

3421 (e) The anticipated impact the project will have on
3422 restoring or increasing water flow or water level.

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3423 (f) The amount of matching funds for the project which will
3424 be provided by the entities responsible for implementing the
3425 project.

3426 (g) Whether the project is located in a rural area of
3427 opportunity, as defined in s. 288.0656, with preference given to
3428 the local government responsible for implementing the project.

3429 (h) For multiple-year projects, whether the project has
3430 funding sources that are identified and assured through the
3431 expected completion date of the project.

3432 (i) The cost of the project and the length of time it will
3433 take to complete relative to its expected benefits.

3434 (j) Whether the entities responsible for implementing the
3435 project have used their own funds for projects to improve water
3436 quality or conserve water use with preference given to those
3437 entities that have expended such funds.

3438 Section 36. Section 403.0623, Florida Statutes, is amended
3439 to read:

3440 403.0623 Environmental data; quality assurance.—

3441 (1) The department must establish, by rule, appropriate
3442 quality assurance requirements for environmental data submitted
3443 to the department and the criteria by which environmental data
3444 may be rejected by the department. The department may adopt and
3445 enforce rules to establish data quality objectives and specify
3446 requirements for training of laboratory and field staff, sample
3447 collection methodology, proficiency testing, and audits of
3448 laboratory and field sampling activities. Such rules may be in
3449 addition to any laboratory certification provisions under ss.
3450 403.0625 and 403.863.

3451 (2) (a) The department, in coordination with the water

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3452 management districts, shall establish standards for the
3453 collection of water quantity, water quality, and related data to
3454 ensure quality, reliability, and validity of the data and
3455 testing results. The water management districts shall submit
3456 such data collected after June 30, 2015, to the department for
3457 analysis. The department shall analyze the data to ensure
3458 statewide consistency. The department shall maintain a
3459 centralized database for all testing results and analyses, which
3460 must be accessible by the water management districts.

3461 (b) To the extent practicable, the department shall
3462 coordinate with federal agencies to ensure that its collection
3463 and analysis of water quality, water quantity, and related data,
3464 which may be used by any state agency, water management
3465 district, or local government, is consistent with this
3466 subsection.

3467 (c) In order to receive state funds for the acquisition of
3468 lands or the financing of a water resource project, state
3469 agencies and water management districts must use the
3470 department's testing results and analysis, if available, as a
3471 prerequisite for any such request for funding.

3472 (d) The department and the water management districts may
3473 adopt rules to implement this subsection.

3474 Section 37. Subsection (21) is added to section 403.861,
3475 Florida Statutes, to read:

3476 403.861 Department; powers and duties.—The department shall
3477 have the power and the duty to carry out the provisions and
3478 purposes of this act and, for this purpose, to:

3479 (21) (a) Upon issuance of a construction permit to construct
3480 a new public water system drinking water treatment facility to

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3481 provide potable water supply using a surface water of the state
3482 that, at the time of the permit application, is not being used
3483 as a potable water supply, and the classification of which does
3484 not include potable water supply as a designated use, the
3485 department shall add treated potable water supply as a
3486 designated use of the surface water segment in accordance with
3487 s. 403.061(29) (b).

3488 (b) For existing public water system drinking water
3489 treatment facilities that use a surface water of the state as a
3490 treated potable water supply, which surface water classification
3491 does not include potable water as a designated use, the
3492 department shall add treated potable water supply as a
3493 designated use of the surface water segment in accordance with
3494 403.061(29) (b).

3495 Section 38. This act shall take effect July 1, 2015.