Tab 1	SB 552	by Dea	n ; (Similar to I	H 7005) Environmental Resourc	es	
910196	A	<u> s </u>	WD	EP, Soto	Delete L.465 - 891:	<u>11/04 12:41 PM</u>
541820	Α	<u> s </u>	WD	EP, Soto	Delete L.895 - 903:	<u>11/04 12:41 PM</u>
624264	Α	<u> s </u>	WD	EP, Soto		<u>11/04 12:41 PM</u>
889938	А	S	RCS	EP, Dean	Delete L.3016:	11/04 12:41 PM
823976	A	<u>s</u>		EP, Soto	btw L.3226 - 3227:	<u>11/04 12:41 PM</u>

The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

ENVIRONMENTAL PRESERVATION AND CONSERVATION Senator Dean, Chair

Senator Simpson, Vice Chair

	MEETING DATE: TIME: PLACE: MEMBERS:	Wednesday, November 4, 2015 11:00 a.m.—1:00 p.m. <i>Mallory Horne Committee Room,</i> 37 Senate Office Building Senator Dean, Chair; Senator Simpson, Vice Chair; Senators Altman, Evers, Hays, Hutson, Simmons, Smith, and Soto		
TAB	BILL NO. and INTR	ODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 552 Dean (Similar H 7005)		Environmental Resources; Requiring the Department of Environmental Protection to publish, update, and maintain a database of conservation lands; authorizing certain water management districts to designate and implement pilot projects; prohibiting water management districts from modifying permitted allocation amounts under certain circumstances; creating the "Florida Springs and Aquifer Protection Act", etc. EP 11/04/2015 Fav/CS AP	Fav/CS Yeas 9 Nays 0

2 Other Related Meeting Documents

The Florida Senate BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepare	d By: The Professional	Staff of the Comm	ittee on Environme	ntal Preservatio	on and Conservation
BILL:	CS/SB 552				
INTRODUCER:	Environmental Preservation and Conservation Committee and Senator Dean				
SUBJECT:	Environmental Res	sources			
DATE:	November 4, 2015	REVISED:			
ANAL	YST STA	AFF DIRECTOR	REFERENCE		ACTION
1. Hinton	Rogers		EP	Fav/CS	
2.			AP		

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 552:

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

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

II. Present Situation:

State Lands Database

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

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

Florida's Springs

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

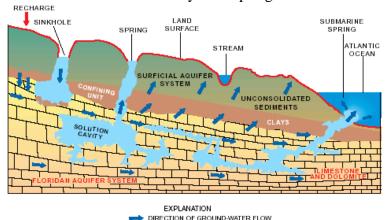
The Floridan aquifer system is a limestone aquifer that has enormous freshwater storage and transmission capacity. The upper portion of the aquifer consists of thick carbonate rocks that have been heavily eroded and covered with unconsolidated sand and clay. The surficial aquifer is located within the sand deposits and forms the land surface that is present today. In portions of Florida, the surficial aquifer lies on top of deep layers of clay sediments that prevent the downward movement of water. Springs form when groundwater is forced out through natural openings in the ground.⁴

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

¹ Section 216.0153, F.S.

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

⁴ *Id*. at 3-1 to 3-2.



The Water Cycle – Springs⁵

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

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

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

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

Nutrients

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

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

⁶ Florida Geological Survey, Springs of Florida Bulletin No. 66, available at

http://www.dep.state.fl.us/geology/geologictopics/springs/bulletin66.htm (last visited Oct. 18, 2015).

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

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

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

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

Water Pollution Control Programs

Water Quality Standards (WQSs)

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

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

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

- Class I Potable Water Supply
- Class II Shellfish propagation or harvesting;

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

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

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

¹¹ 33 U.S.C. s. 1313(c).

- Class III Fish consumption, recreation, propagation and maintenance of a healthy, well-balanced population of fish and wildlife;
- Class III Limited Fish consumption, recreation or limited recreation, and/or propagation and maintenance of a limited population of fish and wildlife;
- Class IV Agricultural water supplies; and
- Class V Navigation, utility, and industrial use.¹²

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

Reclassification

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

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

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

Total Maximum Daily Load (TMDLs)

A TMDL, which must be adopted by rule, is a scientific determination of the maximum amount of a given pollutant that can be absorbed by a waterbody and still meet WQSs.¹⁸ Waterbodies, or

¹² Fla. Admin. Code R. 62-302.400.

¹³ See Fla. Admin. Code R. 62-302.500 and 62-302.530.

¹⁴ Fla. Admin. Code R. 62-302.400(6).

¹⁵ DEP, *Process for reclassifying the Designated Uses of Florida Surface Waters* 7, (June, 2010), *available at* http://www.dep.state.fl.us/water/wqssp/docs/reclass/process_document_080510.pdf (last visited Oct. 27, 2015). ¹⁶ *Id.* at 7-8.

 $^{^{17}}$ Id. at 6-7.

¹⁸ Section 403.067, F.S.

sections of waterbodies, that do not meet the established WQSs are deemed impaired and, pursuant to the CWA, the DEP must establish a TMDL for the waterbody or section of the waterbody that is impaired.¹⁹ A TMDL for an impaired waterbody is defined as the sum of the individual waste load allocations for point sources and the load allocations for nonpoint sources and natural background.²⁰ Waste load allocations are pollutant loads attributable to existing and future point sources. Load allocations are pollutant loads attributable to existing and future nonpoint sources. Point sources are discernible, confined, and discrete conveyances including pipes, ditches, and tunnels. Nonpoint sources are unconfined sources that include runoff from agricultural lands or residential areas.²¹

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

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

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

- Permitting and other existing regulatory programs, including water quality based effluent limitations;
- Non-regulatory and incentive-based programs, including best management practices (BMPs), cost sharing, waste minimization, pollution prevention, agreements established pursuant to s. 403.061(21), F.S., and public education;²²
- Public works projects, including capital facilities; and
- Land acquisition.²³

¹⁹ Id.

²⁰ Section 403.031(21), F.S.

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

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

²³ Section 403.067(7)(b), F.S.

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

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

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

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

The DEP, in cooperation with the WMDs, establishes BMPs for nonagricultural nonpoint sources. The DACS establishes BMPs for agricultural nonpoint sources.³¹ The DACS has created two types of BMPs: management and structural BMPs. Management BMPs involve nutrient, pesticide, and irrigation management, such as when and how long to irrigate and how to use fertilizers and pesticides.³² Structural BMPs involve changes to the land or installation of structures. Structural BMPs can include water control structures, fencing, and tailwater recovery

²⁴ Section 403.067(7), F.S.

²⁵ DEP, Basin Management Action Plans (BMAPs), available at

http://www.dep.state.fl.us/central/Home/Watershed/BMAP.htm (last visited Oct. 18, 2015).

²⁶ Section 403.067(7)(a)5., F.S.

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

²⁸ Section 403.067(7)(b)2.h., F.S.

²⁹ DEP, Best Management Practices, Public Information, and Environmental Education Resources, available at http://www.dep.state.fl.us/water/nonpoint/pubs.htm#SILVICULTURE BMP (last visited Oct. 27, 2015).
³⁰ Id.

³¹ Section 403.067(7)(c), F.S.

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

systems.³³ The DACS works cooperatively with agricultural producers, industry groups, the DEP, the state university system, the WMDs, and other interested parties to develop and implement BMP programs that are economically and technically feasible.³⁴

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

Urban Fertilizer Usage and Florida's Model Ordinance

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

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

Onsite Sewage Treatment and Disposal Systems (OSTDs)

In Florida, septic systems are referred to as onsite sewage treatment and disposal systems. An OSTDS can contain any one of the following components: a septic tank; a subsurface drainfield; an aerobic treatment unit (ATU); a graywater tank; a laundry wastewater tank; a grease interceptor; a pump tank; a waterless, incinerating or organic waste-composting toilet; and a

³³ DACS, Agriculture and Water Quality, available at

http://www.freshfromflorida.com/content/download/33106/813038/BMP_Backgrounder.pdf (last visited Oct. 27, 2015). ³⁴ DACS, Office of Agricultural Water Policy, *Home Page* (Jan. 8, 2014), *available at*

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

³⁵ Section 403.067(7)(b)2., F.S.

³⁶ Section 403.067(7)(b)2.a., F.S.

³⁷ Section 403.9337, F.S. *See also* DEP, *Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes*, 6-9 (2015), *available at* http://www.dep.state.fl.us/water/nonpoint/docs/nonpoint/dep-fert-modelord.pdf (last visited Oct. 18, 2015).

sanitary pit privy.³⁸ OSTDSs are located underground and treat sewage without the presence of oxygen. Sewage flows from a home or business through a pipe into the first chamber, where solids settle out. The liquid then flows into the second chamber where anaerobic bacteria in the sewage break down the organic matter, allowing cleaner water to flow out of the second chamber into a drainfield.³⁹ Engineers licensed in Florida may specially design OSTDSs to meet the needs of individual property owners. Engineer-designed OSTDS plans are subject to review by the local county health department and must be certified by the engineer as complying with all requirements pertaining to such system.⁴⁰

The Department of Health (DOH) administers onsite sewage programs, develops statewide rules, and provides training and standardization for county health department employees responsible for issuing permits for the installation and repair of OSTDSs within the state.⁴¹ The DOH also licenses over 700 septic tank contractors and oversees 2.6 million onsite wastewater systems in Florida.⁴² OSTDSs serve approximately 31 percent of Florida's population⁴³ and approximately 25 percent of homes nationwide.⁴⁴

The EPA concluded in its 1997 Report to Congress that "adequately managed decentralized wastewater systems are a cost-effective and long-term option for meeting public health and water quality goals, particularly in less densely populated areas."⁴⁵ In Florida, development is dependent on OSTDSs due to the cost and time it takes to install central sewer systems. In rural areas and low-density developments, central sewer systems are not cost effective. Less than one percent of OSTDSs in Florida are actively managed. The remainder are generally serviced only when they fail, often leading to costly repairs that could have been avoided with routine maintenance.⁴⁶ In Florida, approximately 30-40 percent of effluent nitrogen is typically removed in the septic tank and drain field.⁴⁷ This still leaves significant amounts to percolate through the

³⁸ DEP, *Wastewater: Septic Systems, available at* http://www.dep.state.fl.us/water/wastewater/dom/septic.htm (last visited Oct. 18, 2015).

³⁹ EPA, Primer for Municipal Wastewater Treatment Systems, 22 (2004), available at

http://water.epa.gov/aboutow/owm/upload/2005_08_19_primer.pdf (last visited Oct. 18, 2015).

⁴⁰ See Fla. Admin. Code R. 64E-6.004.

⁴¹ Section 381.0056, F.S. The DOH does not permit the use of onsite sewage treatment and disposal systems where the estimated domestic sewage flow from the establishment is over 10,000 gallons per day (gpd) or the commercial sewage flow is over 5,000 gpd; where there is a likelihood that the system will receive toxic, hazardous or industrial wastes; where a sewer system is available; or of any system or flow from the establishment is currently regulated by the DEP. The DEP issues the permits for systems that discharge more than 10,000 gpd.

⁴² Hall, P. and Clancy, S.J., *Statewide Inventory of Onsite Sewage Treatment and Disposal Systems in Florida, Final Report*, 6 (June 29, 2009), *available at* http://www.floridahealth.gov/healthy-environments/onsite-

sewage/research/_documents/research-reports/_documents/inventory-report.pdf (last visited Oct. 18, 2015).

⁴³ DOH, *Report on Range of Costs to Implement a Mandatory Statewide 5-Year Septic Tank Inspection Program*, 1 (Oct. 2008), *available at* http://www.floridahealth.gov/environmental-health/onsite-sewage/research/_documents/rrac/2008-11-06.pdf (last visited Oct. 23, 2015).

⁴⁴ EPA, Water: Septic (Onsite/Decentralized) Systems, Frequently Asked Questions, (Mar. 8, 2013), available at http://water.epa.gov/infrastructure/septic/FAQs.cfm (last visited Oct. 23, 2015).

⁴⁵ EPA, Handbook for Managing Onsite and Clustered (Decentralized) Wastewater Treatment Systems, 1 (Dec. 2005), available at http://water.epa.gov/infrastructure/septic/upload/onsite_handbook.pdf (last visited Mar. 26, 2015).

⁴⁶ DOH, Report on Range of Costs to Implement a Mandatory Statewide 5-Year Septic Tank Inspection Program, 1 (Oct. 2008), available at http://www.floridahealth.gov/environmental-health/onsite-sewage/research/_documents/rrac/2008-11-06.pdf (last visited Oct. 23, 2015).

⁴⁷ University of Florida Institute of Food and Agricultural Sciences, *Onsite Sewage Treatment and Disposal Systems: Nitrogen 2, available at* https://edis.ifas.ufl.edu/pdffiles/SS/SS55000.pdf (last visited Oct. 19, 2015).

ground into the groundwater. Further, several studies have found that OSTDS drain field effluent is a significant contributor of nitrogen to groundwater.⁴⁸

While most of Florida's OSTDSs are conventional OSTDSs, or "passive" septic systems, there are other advanced systems capable of providing additional or advanced treatment of wastewater prior to disposal in the drainfield.⁴⁹ Advanced systems differ in three respects from conventional treatment systems that consist of a septic tank with a drainfield. First, the design of advanced systems is more variable than that of conventional systems. Second, they need more frequent checkups and maintenance and they require operating permits. Third, the performance expectations are more specific, while failures for advanced systems are less defined.⁵⁰

Biosolids

Biosolids are the solid, semisolid, or liquid residue generated during the biological wastewater treatment process. Florida generates approximately 320,000 dry tons of biosolids annually. Biosolids are normally high in organic content and contain moderate amounts of nutrients such as nitrogen and phosphorus, making them valuable as a fertilizer or soil amendment.⁵¹ They may be used beneficially or disposed of in landfills.⁵²

Biosolids are classified as AA, A, or B. AA biosolids are considered the highest quality biosolids. They must be treated to a level that essentially eliminates pathogens and meets strict concentration limits for heavy metals. They may be used as fertilizer through commercial distribution.⁵³ Class A biosolids are biosolids that meet the same pathogen reduction requirements as Class AA biosolids, meet the same vector attraction (meaning the attraction of disease spreading animals) requirements as Class B biosolids, and meet a series of concentration limits for nine different elements.⁵⁴ Class B biosolids must be treated to significantly reduce pathogens and must meet certain concentration limits for heavy metals. Application rates are limited to crop nutrient needs. They are subject to site application restrictions and restrictions on harvesting, grazing, and public access. Also, cumulative heavy metals must be tracked for Class

Management, Monitoring, 8 (Aug. 22, 2011), *available at* http://www.floridahealth.gov/healthy-environments/onsite-sewage/research/_documents/final319qapp.pdf (last visited Oct. 18, 2015).

⁴⁸ See MACTEC, Final Report Wekiva River Basin Nitrate Sourcing Study (March 2010), available at http://www.dep.state.fl.us/water/wekiva/docs/wekiva-basin-nitrate-sourcing-fr0310.pdf (last visited Oct. 19, 2015); DOH, *Revised Estimates of Nitrogen Inputs and Nitrogen Loads in the Wekiva Study Area,* (May 19, 2008), available at http://www.dep.state.fl.us/water/wekiva/docs/doh-wekiva-estimate-final2008.pdf (last visited Oct. 19, 2015); University of Florida Institute of Food and Agricultural Sciences, Onsite Sewage Treatment and Disposal Systems: Nitrogen, available at http://edis.ifas.ufl.edu/ss550 (last visited Oct. 19, 2015); EPA, Onsite Wastewater Treatment Systems Manual, (Feb. 2002), available at http://water.epa.gov/aboutow/owm/upload/2004_07_07_septics_septic_2002_osdm_all.pdf (last visited Oct. 19, 2015).

⁴⁹ DOH, Assessment of Water Quality Protection, Advanced Onsite Sewage Treatment and Disposal Systems: Performance, Management, Monitoring, Draft Final Report, 14 (August 19, 2013), available at

http://www.floridahealth.gov/environmental-health/onsite-sewage/research/advancedostdsfinalreportdraft.pdf (last visited Oct. 23, 2015).

⁵⁰ Prepared for DEP by DOH, Bureau of Onsite Sewage Programs, *Revised Quality Assurance Project Plan Assessment of Water Quality Protection by Advanced Onsite Sewage Treatment and Disposal Systems (OSTDS): Performance,*

⁵¹ DEP, Biosolids in Florida: 2013 Summary, 3 (Dec. 2014), available at

https://www.dep.state.fl.us/water/wastewater/dom/docs/BiosolidsFlorida-2013-Summary.pdf (last accessed Oct. 23, 2015). ⁵² *Id.*

⁵³ Id.

⁵⁴ Fla. Admin. Code R. 62-640.200(9).

A and B biosolids; however, in Florida, land applied biosolids are almost exclusively Class B. In 2013, approximately 102,534 dry tons of Class B biosolids were land applied.⁵⁵

Minimum Flows and Levels (MFLs)

MFLs are established for waterbodies in order to prevent significant harm to the water resources or ecology of an area as a result of water withdrawals.⁵⁶ MFLs are typically determined based on evaluations of natural seasonal fluctuations in water flows or levels, nonconsumptive uses, and environmental values associated with coastal, estuarine, riverine, spring, aquatic, wetlands ecology, and other pertinent information associated with the water resource.⁵⁷ MFLs take into account the ability of wetlands and aquatic communities to adjust to changes in hydrologic conditions and allow for an acceptable level of hydrologic change to occur. When uses of water resources shift the hydrologic conditions below levels defined by MFLs, significant ecological harm can occur.⁵⁸ The goal of establishing an MFL is to ensure that there is enough water to satisfy the consumptive use of the water resource without causing significant harm to the resource.⁵⁹ Consumptive uses of water draw down water levels and reduce pressure in the aquifer.⁶⁰ By establishing MFLs for non-consumptive uses, the WMDs are able to determine how much water is available for consumptive use. This is useful when evaluating new or renewal consumptive use permit (CUP) applications.⁶¹

While the DEP has the authority to adopt MFLs under ch. 373, F.S., the WMDs have the primary responsibility for MFL adoption. The WMDs submit annual MFL priority lists and schedules to the DEP for review and approval. MFLs are calculated using the best information available⁶² and are considered rules by the WMDs and are subject to ch. 120, F.S., challenges.⁶³ MFLs are subject to independent scientific peer review at the election of the DEP, a WMD, or, if requested, by a third party.⁶⁴

MFLs inform decisions affecting permit applications, declarations of water shortages, and assessments of water supply sources. Computer water budget models for surface waters and groundwater are used to evaluate the effects of existing and proposed consumptive uses and the likelihood they might cause significant harm. The WMD governing boards are required to expeditiously implement recovery or prevention strategies in those cases where a waterbody or watercourse currently does not or is anticipated to not meet an adopted MFL.⁶⁵

⁵⁵ DEP, Biosolids in Florida: 2013 Summary, 13 (Dec. 2014), available at

https://www.dep.state.fl.us/water/wastewater/dom/docs/BiosolidsFlorida-2013-Summary.pdf (last accessed Oct. 23, 2015). ⁵⁶ Section 373.042, F.S.

⁵⁷ Fla. Admin. Code R. 62-40.473(1).

⁵⁸ SJRWMD, *Water Supply: An Overview of Minimum Flows and Levels*, http://www.sjrwmd.com/minimumflowsandlevels/ (last visited Oct. 18, 2015).

⁵⁹ DEP, *Minimum Flows and Levels, available at* http://www.dep.state.fl.us/water/waterpolicy/mfl.htm (last visited Oct. 18, 2015).

⁶⁰ Department of Community Affairs, Protecting Florida's Springs: An Implementation Guidebook, 3-5 (Feb. 2008),

available at http://www.dep.state.fl.us/springs/reports/files/springsimplementguide.pdf (last visited Oct. 18, 2015).

⁶¹ SJRWMD, *Water Supply, available at* http://floridaswater.com/minimumflowsandlevels/FAQs.html (last visited Oct. 28, 2015).

⁶² Section 373.042(1), F.S.

⁶³ Section 373.042(6), F.S.

⁶⁴ Section 373.042(5)(a), F.S.

⁶⁵ Section 373.0421(2), F.S.

Consumptive Use Permits (CUPs)

A CUP establishes the duration and type of water use as well as the maximum amount of water that may be withdrawn daily. Pursuant to s. 373.219, F.S., each CUP must be consistent with the objectives of the issuing WMD or the DEP and may not be harmful to the water resources of the area. To obtain a CUP, an applicant must establish that the proposed use of water satisfies the statutory test, commonly referred to as "the three-prong test." Specifically, the proposed water use must:

- Be a "reasonable-beneficial use";⁶⁶
- Not interfere with any presently existing legal use of water; and
- Be consistent with the public interest.⁶⁷

If two or more competing applications qualify equally, the applicable WMD or the DEP must give preference to a renewal application over an initial application.⁶⁸

Alternative Water Supply Development

One of the ways water demands can be met is through the development of alternative water supplies (AWSs).⁶⁹ Alternative water supplies include:

- Salt water;
- Brackish surface water and groundwater;
- Sources made available through the addition of new storage capacity for surface or groundwater, water that has been reclaimed after one or more public supply, municipal, industrial, commercial, or agricultural uses;
- The downstream augmentation of waterbodies with reclaimed water;
- Stormwater; and
- Any other water supply source that is designated as a nontraditional source for a water supply planning region in a regional water supply plan.⁷⁰

Funding for the development of AWSs is a shared responsibility between water suppliers and users, the state, and the WMDs.⁷¹ Water suppliers and users have the primary responsibility for providing funding, while the state and WMDs have the responsibility to provide funding assistance.⁷²

- ⁷¹ Section 373.707(2)(c), F.S.
- ⁷² Id.

⁶⁶ Section 373.019(16), F.S., defines reasonable-beneficial use as, "the use of water in such quantity as is necessary for economic and efficient utilization for a purpose and in a manner which is both reasonable and consistent with the public interest." *See also* Fla. Admin. Code R. 62-40.410(2) for additional factors to help determine if a water use is a reasonable-beneficial use.

⁶⁷ Fla. Admin. Code R. 62-40.410(1).

⁶⁸ Section 373.233(2), F.S.

⁶⁹ Sections 373.707(1)(a)-(b) and 373.1961(2)(a), F.S.

⁷⁰ Section 373.019(1), F.S.

AWS development projects may receive state funding through specific appropriation or through the Water Protection and Sustainability Program (WPSP) if funded by the Legislature.⁷³ Applicants for projects that receive funding through the WPSP are required to pay at least 60 percent of the project's construction costs.⁷⁴ A WMD may waive this requirement for projects developed by financially disadvantaged small local governments. Additionally, a WMD may, at its discretion, use ad valorem or federal revenues to assist a project applicant in meeting the match requirement.⁷⁵

Consolidated Water Management District Annual Reports

Each WMD must prepare and submit to the DEP, the Governor, and the Legislature a consolidated water management district annual report on the management of water resources. Copies of the report are available to the public.⁷⁶

Each report must contain:

- A district water management plan annual report or the annual work plan report,⁷⁷ which details the implementation of the strategic plan for the previous fiscal year, addressing success indicators, deliverables, and milestones;⁷⁸
- The DEP approved MFLs annual priority list and schedule;
- The annual 5-year capital improvements plan;
- The alternative water supplies annual report;
- The final annual 5-year water resource development work program;
- The Florida Forever Water Management District Work Plan annual report;
- The mitigation donation annual report; and
- Any additional information the WMD deems appropriate.⁷⁹

Additionally, the South Florida Water Management District's (SFWMD's) report must include the:

- Lake Okeechobee Protection Program annual progress report;
- Everglades annual progress reports;
- Everglades restoration annual report; and
- Everglades Trust Fund annual expenditure report.⁸⁰

Rural Areas of Opportunity

Rural areas of opportunity are rural communities and regions composed of rural communities designated by the Governor that have been adversely affected by an extraordinary economic

⁷³ Section 373.707(1)(d), and (6), F.S.

⁷⁴ Section 373.707(8)(e), F.S.

⁷⁵ Id.

⁷⁶ Section 373.036(7)(a), F.S.

⁷⁷ Section 373.036(7)(b)1., F.S.

⁷⁸ Section 373.036(2)(e)4., F.S.

⁷⁹ Section 373.036(7)(b) and (d), F.S.

⁸⁰ Section 373.036(7)(e), F.S.

event, severe or chronic distress, or a natural disaster, or that present a unique economic development opportunity of regional impact.⁸¹

Rural communities are defined as:

- Counties with a population of 75,000 or fewer;
- Counties with a population of 125,000 or fewer that are contiguous to a county with a population of 75,000 or fewer;
- Designated municipalities within a county that meet the thresholds of the two previous criteria; or
- An unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or less, and an employment base focused on traditional agricultural or resource-based industries, located in a county not defined as rural, which has at least three or more specified economic distress factors.⁸²

Central and Southern Florida Project for Flood Control and Other Purposes (C&SF)

After a major hurricane caused extensive flooding in 1947, Congress passed the Flood Control Act of 1948, authorizing the first phase of the comprehensive water resource project known as the Central and Southern Florida Project for Flood Control and Other Purposes (C&SF). The C&SF Project was authorized to provide flood control and water supply for municipal, industrial, and agricultural uses; to prevent salt water intrusion; and to protect fish and wildlife in the Everglades. The project included 1,000 miles of levees, 720 miles of canals, and approximately 200 water control structures. The C&SF Project also authorized the channelization of the Kissimmee River in order to provide flood protection for the surrounding agricultural areas. A portion of the area drained was designated the Everglades Agricultural Area, which spans approximately 700,000 acres south of Lake Okeechobee. The C&SF Project also included extending and raising the Herbert Hoover Dike to its present day elevation of 32 to 46 feet, which was accomplished in the 1960s. Most of these structures were constructed by the Army Corps of Engineers and are operated and maintained by the SFWMD.⁸³ The SFWMD continues to make infrastructure improvements to the area, and the levees are inspected by the Army Corps of Engineers.⁸⁴

⁸¹ Section 288.0656(2)(d), F.S.

⁸² Section 288.0656(2)(e), F.S.

⁸³ South Florida Water Management District, Canal Structure and Operations, available at

http://www.sfwmd.gov/portal/page/portal/xweb%20drought%20%20and%20%20flood/canal%20and%20structure%20operat ions (last visited Nov. 3, 2015).

⁸⁴ South Florida Water Management District, Maintenance of South Florida's Levee System available at

http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/jtf_levee_maintenance.pdf (last visited Nov. 3, 2015).



Northern Everglades and Estuaries Protection Program

In 2000, the Legislature passed the Lake Okeechobee Protection Act (LOPA), which established a restoration and protection program for the lake. The Legislature amended the LOPA in 2007,⁸⁵ which expanded restoration efforts to include the St. Lucie and Caloosahatchee River Watersheds. It is now known as the Northern Everglades and Estuaries Protection Program (NEEPP). The NEEPP promotes a comprehensive, interconnected watershed approach to protect Lake Okeechobee and the Caloosahatchee and St. Lucie River watersheds. It includes the Lake Okeechobee Watershed Protection Program and the Caloosahatchee and St. Lucie Watershed Protection Program.

⁸⁵ Chapter 2007-253, Laws of Fla.

⁸⁶ SFWMD, 2014 South Florida Environmental Report: Lake Okeechobee Watershed Protection Program Annual and Three-Year Update, 8-2 (2014), available at

http://my.sfwmd.gov/portal/page/portal/pg_grp_sfwmd_sfer/portlet_prevreport/2014_sfer/v1/chapters/v1_ch8.pdf (last visited Oct. 18, 2015).

The plans developed under the NEEPP for each of the three Northern Everglades watersheds identify actions to help achieve water quality and water quantity objectives for the watersheds and to restore habitat. Water quality objectives are based on TMDLs developed by the DEP. The TMDL for Lake Okeechobee is 140 metric tons of total phosphorus per year, of which 105 metric tons can come from the watershed tributaries and 35 metric tons can come from atmospheric deposition.⁸⁷

The SFWMD, in cooperation with the DACS and the DEP, collectively known as the coordinating agencies, developed the Lake Okeechobee Watershed Protection Program (LOWPP), which is reevaluated every three years pursuant to NEEPP. The LOWPP's components are:

Lake Okeechobee Watershed Protection Program
Lake Okeechobee Protection Plan;
• Lake Okeechobee Watershed Construction Project, including the Phase I and II
Technical Plans;
Lake Okeechobee Watershed Phosphorus Control Program;
• Lake Okeechobee Watershed Research and Water Quality Monitoring Program;

- Lake Okeechobee Exotic Species Control Program; and
- Lake Okeechobee Internal Phosphorus Management Program.

Section 373.4595, F.S., describes the purposes of the six programs. The Lake Okeechobee Protection Plan describes the geographic extent of the watershed and contains an implementation schedule for phosphorus reduction. The Lake Okeechobee Watershed Construction Project improves the hydrology and water quality of Lake Okeechobee and downstream receiving waters, including the Caloosahatchee and St. Lucie Rivers and Estuaries. The Lake Okeechobee Watershed Phosphorus Control Program is designed to be a multifaceted approach to reducing phosphorus loads by improving the management of phosphorus sources within the Lake Okeechobee watershed. The Lake Okeechobee Watershed Research and Water Quality Monitoring Program assesses sources of phosphorus, evaluates the feasibility of alternative nutrient reduction technologies, and evaluates water quality data. The Lake Okeechobee Exotic Species Control Program identifies the exotic species that threaten the native flora and fauna within the Lake Okeechobee watershed and develops and implements measures to protect the native flora and fauna. Lastly, The Lake Okeechobee Internal Phosphorus Management Program addresses phosphorus removal.

The Caloosahatchee and St. Lucie River Watershed Protection Program

The Caloosahatchee and St. Lucie River Watershed Protection Program is designed to protect and restore surface water resources by addressing the reduction of pollutant loadings, restoration of natural hydrology, and compliance with applicable state water quality standards through a

⁸⁷ *Id.* at 8-10.

⁸⁸ Section 373.4595, F.S.

phased program.⁸⁹ The program's objectives are to reduce pollutant loads based upon adopted TMDLs. Both the Caloosahatchee and St. Lucie River Watershed Protection Plans, developed under the program, consist of a river watershed construction project, a watershed pollutant control program, and watershed research and water quality monitoring program.⁹⁰ To address nutrient pollution in the Caloosahatchee and St. Lucie Watersheds, the DEP adopted the Caloosahatchee Estuary BMAP in November 2012, and the St. Lucie River and Estuary BMAP in May 2013.⁹¹

Works of the District Permits

The Works of the District rule⁹² was implemented in 1989. The scope of the original rule was to implement the Surface Water Improvement and Management Plan for Lake Okeechobee, which was designed to reduce loading to Lake Okeechobee to 397 tons of phosphorus per year. In 2000, the passage of the Lake Okeechobee Protection Act required landowners in the Lake Okeechobee watershed to either implement BMPs or monitor to demonstrate compliance with the Works of the District program.⁹³

In Lake Okeechobee, a Works of the District permit is required if an entity owns a parcel of land half an acre or greater within a Lake Okeechobee Drainage Basin that connects to or makes use of the Works of the District within the Lake Okeechobee Drainage Basin. The Works of the District are those projects and works including structures, remnant oxbows and sloughs, floodways and all tributaries, lakes, canals, channels, levees, structures, impoundments, reservoirs, wells, streams, and other water courses, together with associated facilities, lands, and wetlands.⁹⁴ The land areas and uses subject to the permits are described in Florida Administrative Code Rules 40E-61.041 and 40E-61.042, both of which relate to permits required in the Lake Okeechobee Drainage Basin. Works of the District Permits are also required for activities in the Everglades Agricultural Area and the C-139 Basin. Rules concerning permits in both areas may be found in Florida Administrative Code Rule 40E-63.

Pumping by the 298 Water Control Districts and Closter Farms:

Chapter 298, F.S., governs water control districts. Districts created under that chapter are called "298 districts." Prior to 1986, four 298 districts and Closter Farms, along the southern and eastern shore of Lake Okeechobee, discharged into the lake by back pumping into the lake to drain excess stormwater from the northern half of the Everglades Agricultural Area. Back pumping was performed without a permit issued by the Department of Environmental Preservation. Back pumping was accomplished by sending water through three pump stations,

⁸⁹ See s. 373.4595, F.S.

⁹⁰ SFWMD, 2014 South Florida Environmental Report: Lake Okeechobee Watershed Protection Program Annual and Three-Year Update, App. 10-2-3 (2012), available at

http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/crwpp_2012update_sfer_voli_app10_2.pdf (last visited Oct. 18, 2015).

⁹¹ DEP, *Basin Management Action Plans, available at* http://www.dep.state.fl.us/water/watersheds/bmap.htm (last visited Oct. 5, 2015).

⁹² Fla. Admin. Code R. 40E-61.

⁹³ Section 373.4595(3)(c)1.b., F.S.

⁹⁴ Fla. Admin. Code R. 40E-61.021; Works of the District within the Lake Okeechobee Basin are detailed in Fla. Admin. Code R. 40E-61.024.

designated S-2, S-3, and S-4.⁹⁵ In 1985, the Governor of Florida issued Executive Order Number 86-150, which directed the DEP to regulate back pumping into Lake Okeechobee.⁹⁶ The water control districts and Closter Farms agreed to new pumping practices which went into effect following the construction of structures necessary to accommodate sending water south rather than north into the lake. The consent orders for the 298 districts provided the following conditions:

- Discharge pumping may only be performed after significant rainfall events and/or when farm canal water levels reach excessively high levels;
- Initiation of pumping must be delayed after a rainfall event;
- The duration of pumping events is limited; and
- The minimum water level each associated SFWMD canal can be lowered is limited.⁹⁷

Closter Farms was limited by a different set of criteria that had the effect of limiting backpumping water into Lake Okeechobee based on canal levels, growing seasons, and potential harm to crops.

The 298 districts' and Closter Farms' pumping operations are controlled by the terms of the consent orders.⁹⁸ Except in emergency situations, the 298 districts and Closter Farms now send discharged water south into the stormwater treatment areas. Additionally, the areas controlled by the consent orders fall within an area that is permitted under two overlapping regulatory schemes, the SFWMD Works of the District under s. 373.4595, F.S., and Everglades Program under s. 373.4592, F.S. Consequently, entities in the four 298 districts and Closter Farms are statutorily required to have a NEEPP permit and may also be required to be permitted under the Everglades Program.

Central Florida Water Initiative (CFWI)

The areas encompassed by the CFWI Planning Area, which consists of all of Orange, Osceola, Seminole, and Polk counties and southern Lake County, have traditionally relied on groundwater from the Floridan aquifer system as the primary source of water. The three WMDs serving the area are the SFWMD, the Southwest Florida Water Management District (SWFWMD), and the St. Johns River Water Management District (SJRWMD).⁹⁹

⁹⁵ SFWMD, Assessing the Capability to Discharge Excess Lake Okeechobee Water South: Review of Systems Operations (January through mid-June 2013) 4, available at

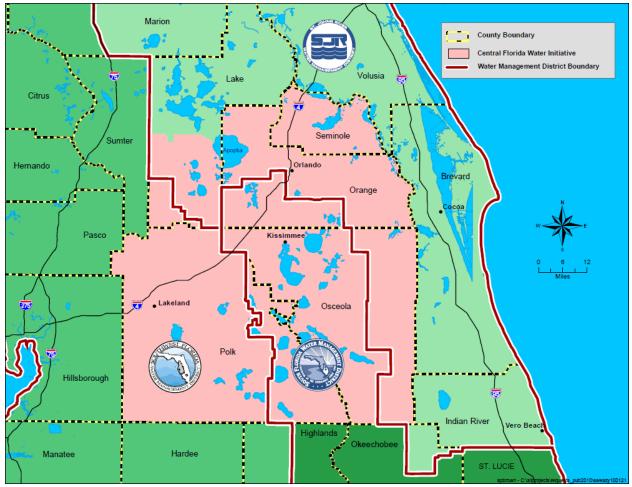
http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/final_lake_okeechobee_jan_jun_operations_rep ort_2013.pdf (last visited Oct. 22, 2015).

⁹⁶ 91-0695 South Shore Drainage District Consent Agreement 2 (on file with senate committee on Environmental Preservation and Conservation).

⁹⁷ *Id.* at 22 (Appendix A).

⁹⁸ *See* consent orders 91-0694-South Shore Drainage Dist Consent Agreement, 91-0705-East Beach Water Control Consent Agreement, 91-0706-East Shore Water Control Consent Agreement, 91-0707-South Florida Conservancy Consent Agreement, and RT50-205564-Closter Farms Consent Agreement (on file with the Senate Committee on Environmental Preservation and Conservation).

⁹⁹ Central Florida Water Initiative, *An Overview*, http://cfwiwater.com/pdfs/2012/06-28/CFWI_Overview_fact_sheet.pdf (last accessed Oct. 18, 2015).



Map of the CFWI area.

In the past, the three WMDs worked independently to resolve water resource issues, but the decisions of 1 district can affect the water resources of another. Currently, the WMDs are working collaboratively with other agencies and stakeholders to implement consistent water resource planning, development, and management through the CFWI. However, each WMD currently relies on its own existing criteria to review CUP applications, which leads to inconsistencies and confusion as it relates to permit applications for projects that overlap multiple WMD boundaries.¹⁰⁰

In 2006, the three WMDs agreed to a Central Florida Coordination Area Action Plan to address the near-term and long-term development of water supplies in the central Florida region.¹⁰¹ Phase I of the action plan created a framework to deal with the short-term water resource issues and concluded with interim water use regulations limiting groundwater withdrawals to projected 2013 demands and required development of alternative water supplies for future needs. The

 $^{^{100}}$ *Id*.

¹⁰¹ Central Florida Water Initiative, *Central Florida Water Initiative Guiding Document*, 2 (Jan. 30, 2015), *available at* http://cfwiwater.com/pdfs/CFWI_Guiding_Document_2015-01-30.pdf (last visited Oct. 18, 2015).

interim Central Florida Coordination Area rules expired on December 31, 2013, and additional rules specific to the Central Florida Coordination Area have not been promulgated.¹⁰²

Phase II of the action plan began in 2009. The initial objective was to establish new rules prior to the December 31, 2013, sunset date and to implement a long-term approach to water resource management in central Florida. Phase II of the action plan involved coordinated activities on a variety of issues including:

- Regional water supply planning;
- Investigations and development of traditional and alternative water supply projects;
- Assessment of environmental impacts and groundwater sustainability; and
- Development of water use rules and permitting criteria.¹⁰³

The main planning tool for the Phase II process was the development and calibration of the necessary hydrologic models to determine the sustainability of the groundwater supplies. The Phase II process was suspended, however, because of the complexity of the effort and the desire for consensus among stakeholders. Because of those problems, the Phase II effort did not meet the rulemaking deadlines prior to expiration of the interim rule. Additionally, because of the economic downturn in central Florida, the need for and use of permitted water demands in 2013 was lower than expected.¹⁰⁴

To address the limitations of the 2006 Central Florida Coordination Area Action Plan schedule and still fulfill the overarching objectives outlined in the plan, the CFWI was created in 2011. The CFWI builds on the work of the Central Florida Coordination Area. Both efforts focus on an area that includes all of Orange, Osceola, Seminole, and Polk Counties, and southern Lake County. The three affected WMDs, along with the DEP, the DACS, regional public water supply utilities, and other stakeholders are collaborating to develop a unified process to address central Florida's current and long-term water supply needs.¹⁰⁵ The CFWI is led by a steering committee comprised of:

- A public water supply utility representative;
- A designated governing board member from each of the WMDs;
- A representative from the DEP; and
- A representative from the DACS.¹⁰⁶

The guiding principles of the CFWI are:

- Identify the sustainable quantities of traditional groundwater sources available for water supply that can be used without causing unacceptable harm to the water resources and associated natural systems;
- Develop strategies to meet water demands that are in excess of the sustainable yield of existing traditional groundwater sources, implement demand management, and identify alternative water supplies that can be permitted and will be implemented as demands approach the sustainable yield of existing sources; and

 $^{^{102}}$ Id.

¹⁰³ Id.

¹⁰⁴ *Id.* at 3.

 $^{^{105}}$ *Id.* at 3.

¹⁰⁶ *Id.* at 5.

• Establish consistent rules and regulations for the three WMDs which meet the goals of the CFWI.¹⁰⁷

The goals of the CFWI are:

- One hydrologic model;
- A uniform definition of "harm", as it relates to water resources and associated natural systems;
- One reference condition;
- A process for permit reviews;
- A consistent process, where appropriate, to set MFLs and reservations; and
- A coordinated regional water supply plan, including any needed recovery and prevention strategies.¹⁰⁸

The entities that make up the CFWI are in the process of developing a memorandum of understanding that codifies many of the principles of the initiative and duties of the entities, among other things, though it has not yet been finalized.

The Harris Chain of Lakes Restoration Council

The Harris Chain of Lakes is located north and west of the Orlando metropolitan area and is in Lake and Orange counties.¹⁰⁹ It contains tens of thousands of acres of lakes and wetlands and is at the headwaters of the Ocklawaha River.¹¹⁰ The Harris Chain of Lakes Council was created to:

- Review audits and all data related to lake restoration techniques and sport fish population recovery strategies;
- Evaluate whether additional studies are needed;
- Explore all possible sources of funding to conduct the restoration activities; and
- Report to the President of the Senate and the Speaker of the House of Representatives yearly before November 25 on the progress of the Harris Chain of Lakes restoration program and provide any recommendations for the next fiscal year.¹¹¹

The council consists of nine voting members who are:

- A representative of waterfront property owners;
- A representative of the sport fishing industry;
- An environmental engineer;
- A person with training in biology or another scientific discipline;
- A person with training as an attorney;
- A physician;
- A person with training as an engineer; and

 $^{^{107}\}ensuremath{\textit{Id.}}$ at 5

¹⁰⁸ *Id*. at 5

¹⁰⁹ Harris Chain of Lakes Restoration Council, *Where is the Harris Chain of Lakes and What Does the Restoration Council Do?*, http://harrischainoflakescouncil.com/ (last visited Oct. 18, 2015).

 $^{^{110}}$ *Id*.

¹¹¹ Id.

• Two residents of Lake County appointed by the Lake County legislative delegation who do not meet any of the other qualifications for membership on the council.¹¹²

The council works with an advisory group composed of regional, state, and federal entities.¹¹³

Office of Economic and Demographic Research (EDR)

The Office of Economic and Demographic Research performs research for the Florida Legislature, principally focused on forecasting economic and social trends that affect policy making, revenues, and appropriations.¹¹⁴ The EDR also researches projects for legislative committees, and works with agencies, statewide commissions, and task forces that have legislators among their membership to assess the impact of proposals they are considering submitting to the Legislature.¹¹⁵ The EDR provides information related to:

- Economics;
- Demographics;
- Revenues;
- Education;
- Criminal Justice;
- Social Services;
- Workforce;
- Early Learning Programs;
- Self-Insurance; and
- The Florida Retirement System.¹¹⁶

III. Effect of Proposed Changes:

Section 1 amends s. 259.032, F.S., to require the Department of Environmental Protection (DEP) to develop, publish, update, and maintain a database of state conservation lands where public access is compatible with conservation and recreation. The bill requires the database to be available online by July 1, 2017. The database must include, at a minimum:

- The location of the lands;
- The types of allowable recreational opportunities;
- The points of public access;
- Facilities or other amenities; and
- Land use restrictions.

The DEP is to include any additional information that is appropriate to increase the public awareness of recreational opportunities on conservation lands. The database must be electronically accessible, searchable, and downloadable in a generally acceptable format.

¹¹² Section 373.467, F.S.

¹¹³ Id.

¹¹⁴ EDR, Welcome, http://edr.state.fl.us/Content/ (last visited Oct. 18, 2016).

¹¹⁵ EDR, *Function s of EDR*, http://edr.state.fl.us/Content/about/functions.cfm (last visited Oct. 26, 2015).

¹¹⁶ Section 216.136, F.S.

The bill directs the DEP, through its own efforts or in partnership with a third party, to create a downloadable mobile application to locate state lands available for public access using the user's current location or activity of interest. The database and application must include information for all publicly accessible state conservation lands that serve a recreational purpose.

The bill requires that beginning January 1, 2018, to the greatest extent practicable, the database must include similar information for recreational lands with public access that are owned by the federal and local governments.

The bill requires the DEP to submit a report by January 1 of each year to the Governor, the President of the Senate, and the Speaker of the House of Representatives, describing the percentage of public lands with public access purchased by the Board of Trustees of the Internal Improvement Trust Fund for conservation and recreational purposes, and efforts taken by the DEP to increase public access to such lands.

Section 2 amends s. 373.019, F.S., to amend the definition of "water resource development" to add "self-suppliers" to the list of entities that may receive technical assistance as long as such assistance is consistent with specific legislative policy goals.

Section 3 amends s. 373.036, F.S., to require additional information related to all water quality or water quantity projects as part of a 5-year work program. The following must be included in the Consolidated Water Management District Annual Report:

- All projects identified to implement a Basin Management Action Plan (BMAP) or recovery or prevention strategy;
- Priority ranking of each listed project, for which state funding through the water resources development work program is requested, which must be available for public comment at least 30 days before submission of the consolidated annual report;
- Estimated cost of each project;
- Estimated completion date for each project;
- Source and amount of financial assistance that will be made available by the DEP, a water management district (WMD), or some other entity for each project;
- A quantitative estimate of each project's benefit to the watershed, waterbody, or water segment in which it is located; and
- A grade for each watershed, waterbody, or water segment where a project is located representing the level of impairment and violations of adopted or interim minimum flow or minimum water level. The grading system must reflect the severity of the impairment.

Section 4 creates s. 373.037, F.S., to provide for a pilot program for alternative water supply development in restricted allocation areas.

The bill defines:

- Central Florida Water Initiative Area;
- Lower East Coast Regional Water Supply Planning Authority;
- Southern Water Use Caution Area; and
- Upper East Coast Regional Water Supply Planning Area.

The bill also defines "restricted allocation area" to mean an area within a specified water supply planning region where a WMD has determined that existing sources of water are not adequate to supply water for all existing and future reasonable-beneficial uses and to sustain the water resources and related natural systems and where the WMD has applied allocation restrictions with regard to the use of specific sources of water.

The bill provides the following legislative findings:

- There are significant challenges to securing funds for implementing large-scale alternative water supply projects in certain restricted allocation areas due to a variety of factors including:
 - The magnitude of the water resource challenges;
 - The large number of water users;
 - The difficulty of developing multijurisdictional solutions across district, county, or municipal boundaries; and
 - The expense of developing large-scale alternative water supply projects identified in the regional water supply plans.
- These factors make it necessary to provide other options for the South Florida Water Management District (SFWMD), the Southwest Florida Water Management District (SWFWMD), and the St. Johns River Water Management District (SJRWMD) to be able to take the lead in developing and implementing one alternative water supply project within a restricted allocation area as a pilot alternative water supply development project;
- Each pilot project must provide water supply and environmental benefits; and
- Consideration should be given to projects that provide reductions in damaging discharges to tide or that are part of a recovery or prevention strategy for MFLs.

The bill allows the SFWMD, SWFWMD, and the SJRWMD, at their sole discretion, to each designate and implement an existing alternative water supply project that is identified in each WMD's regional water supply plan or amend its regional water supply plan to add a new alternative water supply project as its one pilot project.

The bill provides a deadline of July 1, 2017, to designate a pilot project and provides that it is not subject to rulemaking requirements under ch. 120, F.S., or subject to legal challenge pursuant to ss. 120.569 and 120.57, F.S.

The bill allows a WMD to designate an alternative water supply project located in another WMD if the project is located in a restricted allocation area designated by the other WMD and a substantial quantity of water provided by the alternative water supply project will be used within the designating WMD's boundaries.

The bill details powers and restrictions for the SFWMD, SWFWMD, and SJRWMD in implementing a pilot project under this section:

- The WMDs may not develop and implement a pilot project on privately owned land without the voluntary consent of the landowner as evidenced by deed, easement, license, contract, or other written legal instrument executed by the landowner after July 1, 2016.
- The WMDs may not engage in local water supply distribution or sell water to the pilot project participants.

- For the purpose of carrying out their powers, the WMDs may join with other entities;
- The WMDs may also contract with any of those entities to finance or otherwise implement acquisitions, construction, and operation and maintenance, if the contracts are consistent with the public interest and based upon independent cost estimates, including comparisons with other alternative water supply projects. The contracts may provide for contributions to be made by each party to the contract for the division and apportionment of resulting costs.

The bill allows a WMD to provide up to 50 percent funding assistance for a pilot project.

The bill provides that if the SFWMD, SWFWMD, or the SJRWMD elects to implement a pilot project, it must submit a report to the Governor and Legislature by July 1, 2020, on the effectiveness of its pilot project. The report must include:

- A description of the alternative water supply project selected as a pilot project, including the quantity of water the project has produced or is expected to produce and the consumptive users who are expected to use the water produced by the pilot project to meet their existing and future reasonable-beneficial uses;
- Progress made in developing and implementing the pilot project in comparison to development and implementation of other alternative water supply projects in the restricted allocation area;
- The capital and operating costs to be expended by the WMD in implementing the pilot project in comparison to other alternative water supply projects being developed and implemented in the restricted allocation area;
- The source of funds to be used by the WMD in developing and implementing the pilot project;
- The benefits to the WMD's water resources and natural systems from implementation of the pilot project; and
- A recommendation as to whether the traditional role of WMDs regarding the development and implementation of alternative water supply projects should be revised and, if so, identification of the statutory changes necessary to expand the scope of the pilot program.

Section 5 amends s. 373.042, F.S., to amend the definition of "minimum water level" to add the phrase "or ecology." This changes the definition to: "the minimum water level is the level of groundwater in an aquifer and the level of surface water at which further withdrawals would be significantly harmful to the water resources or ecology of the area."

The bill provides that if a minimum flow and level (MFL) has not been adopted for an OFS, a WMD or the DEP must use emergency rulemaking authority to adopt an MFL no later than July 1, 2017, except for the Northwest Florida Water Management District (NWFWMD), which must use emergency rulemaking authority to adopt MFLs for OFSs (OFSs) no later than July 1, 2026. The bill requires recovery or prevention strategies to be adopted concurrently with the MFLs authorizes adoption using emergency rulemaking procedures.

For OFSs identified on a WMD's priority list, which have the potential to be affected by withdrawals in an adjacent district, the adjacent WMD or WMDs and the DEP must collaboratively develop and implement a recovery or prevention strategy for an OFS not meeting

an adopted MFL. Priority lists and schedules for the establishment of MFLs are prepared by the WMDs and submitted to the DEP for review and approval.

The bill provides that rules adopted under this section (s. 373.042, F.S., which concerns the adoption of MFLs) are not subject to legislative ratification.

Section 6 amends s. 373.0421, F.S., to require a recovery or prevention strategy to be adopted and implemented concurrently with the adoption of an MFL, and that a recovery or prevention strategy may not depend solely on water shortage restrictions.

The bill requires applicable regional water supply plans developed by the WMDs to be amended to include any water supply and resource development projects identified in a recovery or prevention strategy. The amendment must be approved concurrently with the relevant portions of the recovery or prevention strategy.

The bill requires a WMD to notify the DEP if an application for a water use permit is denied based upon the impact that the use will have on an adopted MFL. If notified, the DEP, in cooperation with the WMD, must conduct a review of the regional water supply plan to determine the plan's adequacy to provide sufficient water for all current and future users and natural systems and to avoid competition. If the regional water supply plan does not adequately address the legislative intent regarding water resource and supply development found in s. 373.705, F.S., the WMD must immediately initiate an update of the plan.

Section 7 creates s. 373.0465, F.S., to codify the Central Florida Water Initiative (CFWI) in statute and provides legislative findings.

The bill defines the "Central Florida Water Initiative Area" as all of Orange, Osceola, Polk, and Seminole Counties, and southern Lake County, as designated by the CFWI Guiding Document of January 30, 2015.

It directs the DEP, the SFWMD, the SWFWMD, the SJRWMD, and the Department of Agriculture and Consumer Services (DACS) to:

- Provide for the continuation of the collaborative process in the CFWI area among the state agencies, affected WMDs, regional public water supply utilities, and other stakeholders;
- Build on the guiding principles and goals in the CFWI Guiding Document of January 30, 2015, and the work that has already been accomplished by the CFWI participants;
- Develop and implement a single multidistrict regional water supply plan, including any needed recovery or prevention strategies and a list of water resource or supply development projects; and
- Provide for a single hydrologic planning model to assess the availability of groundwater in the CFWI area.

The bill specifies that the development of the water supply planning program must:

• Consider limitations on groundwater use together with opportunities for new, increased, or redistributed groundwater uses based on conditions established through the consumptive use permit (CUP) process;

- Establish a coordinated process for identification of water resources requiring new or revised conditions through the CUP process;
- Consider existing recovery or prevention strategies;
- Include a list of water supply options sufficient to meet the water needs of all existing and future reasonable-beneficial uses which meet CUP conditions; and
- Identify which of the water supply sources are preferred water supply sources.

The bill directs the DEP, in consultation with the SFWMD, the SWFWMD, the SJRWMD, and the DACS, to adopt uniform rules for the CFWI Area that include:

- A single, uniform definition of "harmful to the water resources" consistent with its usage for CUPs;
- A single method for calculating residential per capita water use;
- A single process for permit reviews;
- A single, consistent process, as appropriate, to set MFLs and water reservations;
- A goal for residential per capita water use for each consumptive use permit; and
- An annual conservation goal for each CUP consistent with the regional water supply plan.

The uniform rules must include existing recovery strategies within the CFWI Area adopted before July 1, 2016, and the DEP may grant variances to the uniform rules if there are unique circumstances or hydrogeological factors that make application of the uniform rules unrealistic or impractical.

The DEP is required to initiate rulemaking for the uniform rules by December 31, 2016. Those rules will be applied by the WMDs only in the CFWI Area. The rules must be implemented by the WMDs without further rulemaking and will be considered WMD rules.

The planning programs developed under this section of the bill may not serve to modify planning programs in areas of the affected WMDs that are not within the CFWI Area, but may include interregional projects located outside the CFWI Area if they are consistent with the planning and regulatory programs in the area they are located.

Section 8 amends s. 373.1501, F.S., to provide that the SFWMD will exercise the authority of the state to allocate water within its jurisdiction, including water supply in relation to the Central and Southern Florida (C&SF) Project, and be responsible for allocating water and assigning priorities among the other water uses served by the C&SF Project.

The bill requires the SFWMD to provide recommendations to the U.S. Army Corps of Engineers when developing or implementing water control plans or regulation schedules required for the operation of the C&SF Project.

Section 9 amends s. 373.219, F.S., to require the DEP, for OFSs, to adopt uniform rules for issuing permits which prevent groundwater withdrawals that are harmful to the water resources and adopt by rule a uniform definition of the term "harmful to the water resources" for OFSs to provide WMDs with minimum standards necessary to be consistent with the overall water policy of the state. This does not prohibit a WMD from adopting a definition that is more protective of the water resources consistent with local or regional conditions or objectives.

Section 10 amends s. 373.223, F.S., to require a new, renewal of, or modification to a CUP authorizing withdrawal of 100,000 gallons or more per day from a well with an inside diameter of eight inches or more to be monitored by the permit holder for water usage at intervals and using methods determined by the applicable WMD and report the results to the WMD at least annually.

The bill provides rulemaking authority to the WMDs to implement this provision.

Section 11 amends s. 373.2234, F.S., to direct the governing boards of the WMDs to consider the identification of preferred water supply sources for water users for whom access to or development of new water supplies is not technically or financially feasible. The identification of preferred water supply sources for such water users must be consistent with s. 373.016, F.S., which concerns the policy of Florida with respect to water resources.

Section 12 amends s. 373.227, F.S., regarding water conservation, to:

- Prohibit modification of a CUP allocation during the permit term if documented conservation measures result in decreased water use, and requires WMDs to adopt rules providing water conservation incentives, which may include limited permit extension; and
- Prohibit the reduction of permitted water use authorized by a CUP for agricultural irrigation during the term of the CUP if actual water use is less than permitted use due to weather, crop disease, nursery stock availability, market conditions, or changes in crop type.

Section 13 amends s. 373.233, F.S., to require a WMD or the DEP to give preference to the use or application of water closest to the preferred water source when deciding between two new competing applications that qualify equally.

Section 14 amends s. 373.4591, F.S., to provide that public-private partnerships may be entered into for groundwater recharge on private agricultural lands. It also provides that priority consideration must be given to public-private partnerships for such lands that:

- Store or treat water on private lands for purposes of enhancing hydrologic improvement, improving water quality, or assisting in water supply;
- Provide critical groundwater recharge; or
- Provide for changes in land use to activities that minimize nutrient loads and maximize water conservation.

Currently, when a private landowner enters into an agreement with DEP or a WMD, a baseline condition of wetlands on the property is established and documented. The bill adds DACS to the list of entities that should document baseline wetlands in an agreement that DACS makes with a private entity.

Section 15 amends s. 373.4595, F.S., to make changes to the Northern Everglades and Estuaries Protection Program. Revisions throughout this section are made to clarify that the BMAP is now the primary pollution control planning tool for Lake Okeechobee, the Caloosahatchee River, and the St. Lucie River Watersheds. Similarly, revisions are made in this section to provide that the DEP has the primary responsibility for these BMAPs. This is a substantive change from the

current s. 373.4595, F.S., because under existing law the SFWMD is tasked with the responsibilities for administering the pollution control programs for these watersheds.

The bill amends legislative intent, providing that the Lake Okeechobee, the Caloosahatchee River, and the St. Lucie River Watershed Protection Programs should be expeditiously implemented.

The bill defines "biosolids" and "soil amendment" and removes the definitions of "District's Works of the District Program" and the "Lake Okeechobee Watershed Phosphorous Control Program," as all references to those programs are removed throughout this section of the bill.

The definition of "Lake Okeechobee Watershed Protection Plan" is amended to specify that the plan consists of the Lake Okeechobee Watershed Construction Project and the Lake Okeechobee Watershed Research and Water Quality Monitoring Program.

Revisions to the Lake Okeechobee and the Caloosahatchee and St. Lucie Watershed Protection Programs

The bill makes the following revisions to the provisions of the Lake Okeechobee and the Caloosahatchee and St. Lucie Watershed Protection Programs:

- Reorganizes the watershed protection plans to place the existing watershed construction projects and watershed research and water quality monitoring programs under the umbrella of the plans.
- Replaces the pollutant control programs with the BMAP process.
- Expressly sets forth the following requirements of the BMAP process, which are also included in existing law (s. 403.067(7), F.S.):
 - The BMAP must include milestones for implementation and water quality improvement and an associated water quality monitoring component sufficient to evaluate whether reasonable progress in pollutant load reduction is being achieved over time.
 - An assessment of progress every five years is required.
 - Revisions to the BMAP must be made as the result of each 5-year review as appropriate.
 - BMPs or other measures must be reviewed and revised if they are leading to water quality problems.
- Requires each 5-year progress assessment to be submitted to the Governor and the Legislature.
- The bill requires the DEP to develop 5, 10, and 15-year measurable milestones and targets designed to meet the TMDL no more than 20 years after adoption of the plan. The initial implementation schedule is not subject to chapter 120, F.S., but will be incorporated into the BMAP as part of the 5-year update of the BMAP, which includes adoption by secretarial order through the chapter 120, F.S., process.
- If achieving the TMDL is not practicable within 20 years, the DEP must provide:
 - An explanation in the implementation schedule of the constraints that prevent achievement of the TMDL within 20 years;
 - An estimate of the time needed to achieve the TMDL; and
 - Additional 5-year milestones, as necessary.

- Requires DACS to include in its rules relating to entities that land-apply animal manure criteria and thresholds for the following requirements:
 - To develop a conservation or nutrient management plan,
 - For plan approval,
 - Site inspection, and
 - Recordkeeping.
- Deletes the deadlines for developing certain plans because those plans have already been developed.
- Requires the SFWMD to initiate rulemaking to provide for a monitoring program for nonpoint source dischargers required to monitor water quality pursuant to the BMAP process. The results of the monitoring must be reported to the coordinating agencies.

Beginning March 2020, and every five years thereafter, concurrent with BMAP revisions, the DEP, in cooperation with coordinating agencies, shall evaluate the pollutant reduction goals and other objectives of the River Watershed Protection Programs for dischargers in the Caloosahatchee and St. Lucie River watersheds.

Components of the Lake Okeechobee Watershed Protection Program (LOWPP) under existing law and under changes proposed in the bill:

Existing Law	Proposed Changes in the Bill		
	Proposed Changes in the Bill		
Lake Okeechobee Watershed Protection	Lake Okeechobee Watershed Protection		
Plan;	Plan, consisting of:		
Lake Okeechobee Watershed Construction	 Lake Okeechobee Watershed 		
Project, which includes the Phase I and II	Construction Project;		
Technical Plans;	 Lake Okeechobee Watershed Research 		
Lake Okeechobee Watershed Phosphorus	and Water Quality Monitoring Program;		
Control Program;	Lake Okeechobee Basin Management		
• Lake Okeechobee Watershed Research and	Action Plan, which is based on the Phase II		
Water Quality Monitoring Program;	Technical Plan;		
Lake Okeechobee Exotic Species Control	Lake Okeechobee Exotic Species Control		
Program; and	Program; and		
Lake Okeechobee Internal Phosphorus	Lake Okeechobee Internal Phosphorous		
Management Program.	Management Program.		

The bill amends s. 373.4595(3)(a), F.S., relating to the Lake Okeechobee Watershed Protection Plan, to:

- Require the SFWMD, beginning March 1, 2020, and every five years thereafter, to update the plan to ensure it is consistent with the Lake Okeechobee BMAP;
- Specify that the Phase II technical plan of the Lake Okeechobee Watershed Construction Project provides the basis for the Lake Okeechobee BMAP and remove a requirement that it be ratified by the Legislature;
- Require the DEP, within five years after adoption of the Lake Okeechobee BMAP, and every five years thereafter, to evaluate the Lake Okeechobee Watershed Construction Project to identify any further load reductions needed to achieve compliance with the Lake Okeechobee

Total Maximum Daily Load (TMDL). Any modification to the Lake Okeechobee Watershed Construction Project resulting from the evaluation must be incorporated into the Lake Okeechobee BMAP; and

- Revise and reorganize the Lake Okeechobee Watershed Research and Water Quality Monitoring Program to reflect the role of that program in the BMAP process. Changes include:
 - Every five years, beginning March 1, 2020, the DEP will reevaluate water quality and quantity data to ensure the appropriate projects are being designated and incorporated into the Lake Okeechobee BMAP;
 - Information on the sources of phosphorus from the Upper Kissimmee Chain of Lakes and Lake Istokpoga and their relative contribution to the water quality of Lake Okeechobee will be used as part of the Lake Okeechobee BMAP to develop interim measures, BMPs, or regulations; and
 - Any alternative nutrient reduction technologies determined to be feasible will be included in the Lake Okeechobee BMAP.

The bill revises the existing requirement for an interagency agreement to allow the coordinating agencies to develop an intergovernmental agreement with local governments to implement nonagricultural nonpoint source BMPs within their respective geographic boundaries.

The bill also makes the following revisions related to nonpoint sources of pollution:

- When water quality problems are detected despite the appropriate implementation of agricultural or nonagricultural BMPs, the BMPs must be reevaluated and revised if the reevaluation determines that the BMPs require modification. The bill provides that the revised BMPs must be implemented within a reasonable amount of time.
- The DACS, in consultation with the SFWMD, DEP, and affected parties, shall develop agricultural nonpoint source interim measures, BMPs, or other measures necessary for Lake Okeechobee Watershed TMDL reduction. DACS shall adopt such practices by rule.
- The DEP, in consultation with the SFWMD and affected parties, shall develop nonagricultural nonpoint source interim measures, BMPs, or other measures necessary for Lake Okeechobee Watershed TMDL reduction. It directs the DEP or the SFWMD to adopt new practices by rule.
- DACS, in cooperation with the DEP and the SFWMD, will provide technical and financial assistance for implementation of agricultural and nonagricultural nonpoint source BMPs, subject to the availability of funds.

The bill amends s. 373.4595(3)(b)12., F.S., to address the requirements of agricultural nonpoint source dischargers located south of Lake Okeechobee. These dischargers are currently subject to regulation under s. 373.4595, F.S. (implemented in rule 40E-61, F.A.C.), which regulates the Lake Okeechobee Watershed, and s. 373.4592, F.S. (implemented in rule 40E-63, F.A.C.), which regulates the Everglades. Agricultural nonpoint source dischargers may either implement BMPs or monitoring to comply with these regulatory schemes. The revisions to s. 373.4595(3)(b)12., F.S., of the bill state that the BMPs for the Everglades Program meet the BMP requirements for Lake Okeechobee (including the BMP requirements in the BMAP). The Everglades Program permit can be used in lieu of the requirements of the Lake Okeechobee BMAP (which would be BMPs or monitoring for nonpoint source dischargers) if the permit holder is in compliance with the BMPs set forth in the Everglades Program. However, subparagraph five of the section is still

intended to apply to those dischargers. That subparagraph states that where water quality problems are detected for agricultural nonpoint sources despite the implementation of BMPs, the BMPs must be reviewed and revised within a reasonable period as specified in rule. The regulatory requirements of the Everglades Program still apply to these dischargers.

The bill provides that management strategies and pollution reduction requirements set forth in a BMAP are not subject to challenge under ch. 120, F.S., at the time they are incorporated into a permit.

The bill requires the SFWMD to revise Florida Administrative Code Rule 40E-61, regarding the Works of the District (WOD) program, to:

- be consistent with the revised provisions of the Lake Okeechobee Watershed Protection Program and the implementation of TMDLs through the BMAP process,
- provide for a monitoring program for nonpoint source dischargers required to monitor water quality by s. 403.067, F.S., and
- to provide the results to be reported to the coordinating agencies.

The bill amends s. 373.4595(6), F.S., to require the DEP to report March 1 of every year on the status of the Lake Okeechobee, Caloosahatchee River Watershed, and St. Lucie River Watershed BMAPs. It also requires the DACS to report on the status of the implementation of agricultural nonpoint source BMPs, including an implementation assurance report summarizing survey responses and response rates, site inspections, and other methods used to verify implementation and compliance with BMPs in the Lake Okeechobee, Caloosahatchee, and St. Lucie watersheds.

The bill amends s. 373.4595(7)(c), F.S., to remove the requirement that owners or operators of existing structures that discharge into or from Lake Okeechobee that were subject to certain consent orders must get a permit under s. 373.4595(7), F.S. The holders of the consent orders are primarily water control districts regulated under ch. 298, F.S., that are responsible for canals and other structures that control water flow around the south and east portions of Lake Okeechobee. One consent order is for the holder of a state agricultural lease that operated a culvert that discharged into the Lake and Rim Canal. These structures will still be subject to the requirements of ss. 373.413 and 373.416, F.S., which govern the construction, alteration, maintenance, or operation of these structures. These structures are also subject to the requirements of the Lake Okeechobee BMAP. Owners and operators of existing structures will be deemed in compliance if they meet the conditions of permits under rule 40E-63, F.A.C., governing the Everglades Program.

Section 16 amends s. 373.467, F.S., to revise the membership requirements for the Harris Chain of Lakes Restoration Council. One member must be a person with experience in environmental science or regulation, rather than an environmental engineer. It requires an attorney and an engineer, rather than individuals that have training in either discipline. It also clarifies that the two members, who are residents of the county, are not required to meet any of the other requirements of membership to be appointed to the council. As the statute is currently written, it appears those two members are prohibited from meeting any of the other requirements for membership. The bill provides that the Lake County legislative delegation may waive the qualifications for membership on a case-by-case basis for good cause. The bill provides that

resignation by a council member or the failure of a member to attend three consecutive meetings without being excused by the chair of the committee results in a vacancy.

Section 17 amends s. 373.536, F.S., to require the WMDs to include an annual funding plan for each of the five years included in their plans for water resource and water supply development components of the plans.

The bill specifies that the funding plan must address the water supply projects proposed for funding and assistance. The plan must identify both anticipated available district funding and additional funding needs for the second through fifth years of the funding plan. Projects included in the work program must be shown to support the implementation of MFLs and water reservations and must avoid the adverse effects of competition for water supplies.

The bill requires the DEP to post the proposed work program on its website.

Section 18 amends s. 373.703, F.S., regarding water production, to include private landowners on the list of entities that a WMD is authorized to join with in carrying out its duties.

Section 19 amends s. 373.705, F.S., to specify that for regionally significant water resource development projects, the WMDs are responsible for securing necessary funding for regionally significant projects that: prevent or limit adverse water resource impacts, avoid competition among water users, or support the provision of new water supplies in order to meet an MFL or to implement a recovery or prevention strategy or water reservation.

It also requires the WMDs to include in their annual budget submittals the amount of funds for each project in the annual funding plan.

The bill adds projects that reduce or eliminate the adverse effects of competition between legal users and the natural system to the list of water supply development projects that will be given first consideration for state or WMD funding assistance.

The bill requires the WMDs to promote expanded cost-share criteria for additional conservation practices, such as soil and moisture sensors and other irrigation improvements, water-saving equipment, and water-saving household fixtures, and software technologies that can achieve verifiable water conservation by providing water use information to utility customers.

Section 20 amends s. 373.707, F.S., to include self-suppliers as entities that may receive technical and financial assistance from a WMD for alternative water supply projects if the projects help avoid the adverse effects of competition for limited water supplies.

In addition to the provision of funds via the Water Protection and Sustainability Program, the bill provides that when state funds are provided through specific appropriation, those funds serve to supplement existing WMD or basin board funding for alternative water supply development assistance and should not result in a reduction of such funding.

WMDs are required to include the amount of funds allocated for water resource development that supports alternative water supply development and funds allocated for alternative water supply projects. The bill specifies that those funds relate to projects identified in the annual funding plans developed by the WMDs as part of a 5-year water resource development work program.

Under existing law, only fiscally disadvantaged small local governments are eligible for a waiver from the 60 percent cost-share requirement for funding that is set forth in this section. The bill authorizes the WMDs to waive the match requirement for any water user for projects determined by the WMD to be in the public interest and that are not otherwise financially feasible.

Section 21 amends s. 373.709, F.S., to limit water supply development project options in each regional water supply plan to options that are technically and financially feasible.

For the required list of water resource development projects that support water supply development, the bill requires the list to include all existing and future reasonable-beneficial uses and for the natural systems identified in recovery or prevention strategies for adopted MFLs or water reservations.

Each listed water resource development project must include an estimate of the amount of water to become available through the project. The bill requires the estimate to be for all existing and future reasonable-beneficial uses and for natural systems identified in recovery or prevention strategies for adopted MFLs or water reservations.

The bill requires the inclusion of an assessment of how the regional water supply plan, and projects in the funding plans, support the recovery or prevention strategies for implementation of adopted MFLs or water reservations, including MFLs for OFSs, while ensuring that sufficient water will be available for all existing and future reasonable-beneficial uses and for natural systems, and that the adverse effects of competition for water supplies will be avoided.

It also requires the DEP's report on the status of regional water supply planning in each WMD to include an analysis of the sufficiency of potential sources of funding from all sources for water resource development and water supply development projects. The report must also include an explanation of how each project identified in the 5-year water resource development work program will contribute to additional water for MFLs or water reservations

Section 22 creates Part VIII of ch. 373, F.S., to consist of ss. 373.801, 373.802, 373.803, 373.805, 373.807, 373.811, and 373.813, F.S., and provides the title, "Florida Springs and Aquifer Protection Act."

Section 23 creates s. 373.801, F.S., to provide legislative findings and intent:

• Detailing the importance of Florida's springs, and various benefits they provide to the state including providing critical habitat for plants and animals. Springs provide immeasurable natural, recreational, economic, and inherent value. Springs are of great scientific importance in understanding the diverse functions aquatic ecosystems. Water quality in springs is an indicator of local conditions of the Floridan Aquifer. Water flows in springs reflect regional aquifer conditions. Springs also provide recreational opportunities for Floridians and visitors to the state and economically benefit local and state economies.

- Stating that water quantity and water quality in springs may be related. It also specifies the primary responsibilities of the DEP, WMDs, DACS, and local governments.
- Recognizing that springs are only as healthy as their local aquifer systems and identifying several of the problems affecting springs, including pollution runoff from urban and agricultural lands, stormwater runoff, and reduced water levels of the Floridan aquifer, which may have led to the degradation of many of Florida's springs.
- Recognizing that without significant action, the quality of Florida's springs will continue to degrade.
- Stating that springshed boundaries need to be delineated using the best available data.
- Recognizing that springsheds often cross WMD and local government jurisdictional boundaries, which requires a coordinated response.
- Recognizing that aquifers and springs are complex systems affected by many variables and influences.
- Recognizing that action is urgently needed, and action can be modified as additional data is acquired.

Section 24 creates s. 373.802, F.S., to provide definitions for "department," "local government," "onsite sewage and treatment disposal system," "spring run," "springshed," and "spring vent."

The bill also defines:

- "Outstanding Florida Springs," which includes all historic first magnitude springs, including their associated spring runs, as determined by the DEP using the most recent version of the Florida Geological Survey's springs bulletin. The following springs and their associated spring runs are also considered OFSs: Deleon Springs, Peacock Springs, Poe Spring Rock Springs, Wekiwa Springs, and Gemini Springs. The term does not include submarine springs or river rises.
- "Priority Focus Area," meaning "the area or areas of a basin where the Floridan Aquifer is generally most vulnerable to pollutant inputs where there is a known connectivity between groundwater pathways and an Outstanding Florida Spring, as determined by the department in consultation with the appropriate water management districts, and delineated in a basin management action plan."

Section 25 creates s. 373.803, F.S., to direct the DEP, in consultation with the WMDs, to delineate priority focus areas for each OFS or group of springs that contain one or more OFS and is identified as impaired, using the best available data. The DEP must use understood and identifiable boundaries such as roads or political jurisdictions for ease of implementation. The bill requires the delineation of the priority focus areas to be completed by July 1, 2018, and provides that a priority focus area will be effective upon its incorporation in a BMAP. It directs the DEP to consider groundwater travel time, hydrogeology, nutrient load, and any other factors that may lead to degradation of an OFS when delineating the areas.

Section 26 creates s. 373.805, F.S., to direct either a WMD or the DEP to adopt a recovery or prevention strategy concurrently with the adoption of an MFL for an OFS, if it is below, or projected within 20 years to fall below, an MFL.

When an MFL for an OFS is revised, if the spring is below or projected within 20 years to fall below the MFL, a WMD or the DEP must concurrently adopt or modify a recovery or prevention strategy. The bill provides that a WMD or the DEP may adopt the revised MFL before the adoption of a recovery or prevention strategy if the revised MFL is less constraining on existing or projected future consumptive uses.

For any OFS without an adopted recovery or prevention strategy, a WMD or the DEP must expeditiously adopt a recovery or prevention strategy if the WMD or the DEP determines that the OFS has fallen below, or is projected within 20 years to fall below, the adopted MFL.

The bill provides the following minimum requirements for a recovery or prevention strategy for OFSs:

- A list of all specific projects identified for implementation of the plan;
- A priority listing of each project;
- For each project, the estimated cost and date of completion;
- The source and amount of financial assistance from the WMD for each project which may not be less than 25 percent of the total cost unless there are funding sources that provide more than 75 percent of the total cost of the project. The NWFWMD and the SRWMD are not required to meet the minimum requirement to provide financial assistance;
- An estimate of each project's benefit to an OFS; and
- An implementation plan designed with a target to achieve the adopted MFL within 20 years or less after the adoption of a recovery or prevention strategy.

The WMD or the DEP must develop a schedule of 5, 10, and 15-year targets for achieving the adopted MFL. The schedule is not a rule but is intended to provide guidance for planning and funding purposes.

The bill also provides for a single extension of up to five years for local governments for any project in an adopted recovery or prevention strategy, which may be granted if the local government provides sufficient evidence that an extension is in the best interest of the public. If the local government is in a rural area of opportunity, the DEP may grant a single extension of up to 10 years.

Section 27 creates s. 373.807, F.S., to provide a deadline of July 1, 2016, for the DEP to initiate assessment of any OFSs or spring systems for which a determination of impairment has not been made and under the numeric nutrient standards for spring vents. The assessment must be complete by July 1, 2018. The bill requires that:

- When a TMDL is adopted, the DEP, or the DEP in coordination with a WMD, will concurrently initiate development of a BMAP;
- For an OFS that has an adopted nutrient TMDL before July 1, 2016, the DEP, or the DEP in coordination with a WMD, will initiate development of a BMAP by July 1, 2016; and
- As the BMAP is developed, if Onsite Sewage Treatment and Disposal Systems (OSTDSs) are identified as contributors of at least 20 percent of nonpoint source nitrogen pollution or if the DEP determines remediation is necessary to achieve the TMDL, the BMAP will include an OSTDS remediation plan for those systems identified as requiring remediation.

BMAPs for OFSs must be adopted within two years of their initiation and must include:

- A list of all projects and programs for implementing a nutrient TMDL;
- A list of all projects in any incorporated OSTDS remediation plan, if applicable;
- A priority ranking of all projects;
- A planning-level cost estimate and completion date of each project;
- The source and amount of any financial assistance from the DEP, WMD, or other entity;
- The estimate of each project's nutrient load reduction;
- The identification of each point source or category of nonpoint sources with an estimated allocation of the pollutant load for each point source and category of nonpoint sources; and
- An implementation plan designed with a target to achieve the nutrient TMDL no more than 20 years after the adoption of a BMAP.

The bill requires the WMD or the DEP to develop a schedule of 5, 10, and 15-year targets for achieving the adopted nutrient TMDL. The schedule is not a rule but is intended to provide guidance for planning and funding purposes and is exempt from rulemaking.

The bill requires BMAPs adopted by July 1, 2016 that address an OFS to be revised by the DEP, or the DEP in conjunction with a WMD, if necessary to comply with this section by July 1, 2018. Additionally, a local government may apply for an extension of up to five years, or 10 years in the case of a local government within a rural area of opportunity, for any project in an adopted BMAP upon showing that an extension is in the best interest of the public.

By July 1, 2017, each local government that has not adopted an ordinance modeled after the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes, must develop, enact, and implement an ordinance based on the model ordinance to control urban fertilizer use in springsheds or priority focus areas of an OFS. The bill also provides legislative intent that ordinances adopted under this subsection should reflect the latest scientific information, advancements, and technological improvements in the industry.

As part of a BMAP that includes an OFS, the DEP, the Department of Health (DOH) and relevant local governments and local public and private wastewater utilities, will develop an OSTDS remediation plan for a spring if the DEP determines OSTDSs within a priority focus area contribute at least 20 percent of nonpoint source nitrogen pollution, or if the DEP determines remediation is necessary to achieve the TMDL. The plan must identify cost-effective and financially feasible projects necessary to reduce the nutrient impacts from OSTDSs and it must be completed and adopted as part of the BMAP no later than the first 5-year milestone.

The DEP is the lead agency in coordinating the preparation of and adoption of the remediation plan. In preparing the plan, the DEP will:

- Collect and evaluate credible scientific information on the effect of nutrients, particularly forms of nitrogen, on springs and springs systems; and
- Develop a public education plan to provide area residents with reliable, understandable information about OSTDSs and springs.

In addition to requirements in s. 403.067, F.S., which details the establishment and implementation of the state's TMDL program, the remediation plan must include options for:

- Repair;
- Upgrade;
- Replacement;
- Drainfield modification;
- Addition of effective nitrogen reducing features;
- Connection to a central sewerage system; or
- Other action for an OSTDS or group of systems within a priority focus area that contribute at least 20 percent of nonpoint source nitrogen pollution, or are determined by the DEP to require remediation.

The DEP will include in the remediation plan a priority ranking for each system or group of systems that requires remediation and will award funds to implement the remediation projects contingent on an appropriation in the General Appropriations Act, which may include all or part of the costs necessary for repair, upgrade, replacement, drainfield modification, addition of effective nitrogen reducing features, initial connection to a central sewerage system, or other action.

In awarding funds, the DEP may consider expected nutrient reduction benefit per unit cost, size and scope of the project, relative local financial contribution to the project, and financial impact on property owners and the community. The DEP may waive matching funding requirements for proposed projects within an area designated as a rural area of opportunity.

The bill requires the DEP to provide notice to local governments that have any jurisdiction in a priority focus area of an OFS of any permit applicants under s. 403.814(12), F.S., which relates to general permits for the construction, alteration, and maintenance of a stormwater management system serving a total project area of up to 10 acres.

Section 28 creates s. 373.811, F.S., to detail prohibited activities in a priority focus area in effect for an Outstanding Florida Springs.

Activities prohibited within a priority focus area are:

- Construction of domestic wastewater disposal systems with permitted capacities of 100,000 gallons per day or greater unless the system meets a treatment standard of three mg/L total nitrogen on an annual permitted basis, unless the DEP determines a higher standard is necessary to attain a TMDL for the OFS;
- Construction of OSTDSs on lots less than one acre, if the addition of the specific systems conflicts with an onsite treatment and disposal system remediation plan incorporated into a BMAP;
- Construction of facilities for the disposal of hazardous waste;
- Land application of Class A or Class B domestic wastewater biosolids not in accordance with a DEP approved nutrient management plan establishing the rate at which all biosolids, soil amendments, and sources of nutrients at the land application site can be applied to the land for crop production while minimizing the amount of pollutants and nutrients discharged to groundwater or waters of the state; and

• New agriculture operations that do not implement BMPs, measures necessary to achieve pollution reduction levels established by the DEP, or groundwater monitoring plans approved by a WMD or the DEP.

Section 29 creates s. 373.813, F.S., to direct the DEP to adopt rules to improve water quantity and quality to administer Florida Springs and Aquifer Protection Act.

The bill specifies the DACS is the lead agency for coordinating the reduction of agricultural nonpoint sources of pollution for the protection of OFSs. The DACS and the DEP will study and, if necessary, initiate rulemaking within a reasonable amount of time to implement new or revised agricultural BMPs, in cooperation with applicable local governments and stakeholders.

The bill directs the DEP, the DACS, and the University of Florida Institute of Food and Agriculture Sciences to conduct research into improved or additional nutrient management tools, with a sensitivity to the necessary balance between water quality improvements and agricultural productivity. As applicable, the tools must be incorporated into revised agricultural BMPs adopted by rule by DACS.

Section 30 amends s. 403.061, F.S., to require the DEP to adopt by rule a specific surface water classification to protect surface waters used for treated potable water supply. Waters classified under this section must have the same water quality criteria as that for Class III waters. This new classification will allow utilities to withdraw water for potable use from a waterbody classified as Class II or III, so long as it does not require significant alteration of permitted treatment processes or prevent compliance with applicable state drinking water standards. Regardless, this classification or the inclusion of treated water supply as a designated use of a surface water does not prevent a surface water used for treated potable water supply from being reclassified as water designated for potable water supply (Class I).

Section 31 creates s. 403.0617, F.S., to implement an innovative nutrient and sediment reduction and conservation pilot project program. Project funding by the DEP is contingent upon a specific appropriation. The intent of the pilot projects are to test the effectiveness of innovative or existing nutrient reduction or water conservation technologies, programs or practices designed to minimize nutrient pollution or restore flows.

The bill directs the DEP to initiate rulemaking by October 1, 2016, to establish criteria to evaluate and rank pilot projects for funding. The projects may not be harmful to the ecological resources in the study area and the criteria must give preference to projects that will result in the greatest improvement to water quality and quantity for the funds expended.

The bill provides the following minimum considerations:

- Level of impairment of the waterbody, watershed, or water segment in which the project is located;
- Quantity of nutrients the project is estimated to remove;
- The potential for the project to provide a cost effective solution to pollution, including pollution caused by OSTDSs;
- The anticipated impact the project will have on restoring or increasing water flow or water level;

- The amount of matching funds for the project which will be provided by the entities responsible for implementing the project;
- Whether the project is located in a rural area of opportunity, with preference given to the local government responsible for implementing the project;
- For multiple-year projects, whether the project has funding sources that are identified and assured through the expected completion date;
- The cost of the project and length of time it will take to complete relative to its expected benefits; and
- Whether the entities responsible for implementing the project have used their own funds for projects to improve water quality or conserve water use, with preference given to those entities that have expended such funds.

Section 32 amends s. 403.0623, F.S., to direct the DEP, in coordination with the WMDs, regional water supply authorities, and the DACS, to establish statewide standards for the collection and analysis of water quantity, water quality, and related data to ensure quality, reliability, and validity of the data and testing results. The bill directs the DEP to coordinate with federal agencies, to the extent practicable, to ensure its collection and analysis of data is consistent with these data collection standards.

The bill requires state agencies and WMDs to show that they followed the DEP's collection and analysis standards, if available, in order to request state funds for the acquisition of lands or the financing of a water resource project.

The bill provides rulemaking authority to the DEP and the WMDs to implement these standards.

Section 33 amends s. 403.067, F.S., to provide that each new or revised BMAP must include:

- The appropriate management strategies available through existing water quality protection programs to achieve TMDLs, which may provide for phased implementation to promote timely, cost-effective actions;
- A description of BMPs adopted by rule;
- A list of projects in priority ranking with a planning-level cost estimate and estimated date of completion for each listed project;
- The source and amount of financial assistance to be made available by the DEP, a WMD, or other entity for each listed project, if applicable; and
- A planning-level estimate of each listed project's expected load reduction, if applicable.

The bill provides that BMAPs are enforceable pursuant to ss. 403.067 (establishment and implementation of TMDLs), 403.121 (judicial and administrative remedies available to the DEP for violations of ch. 403, F.S.), 403.141 (concerning civil liability), and 403.161 (concerning prohibitions and penalties), F.S., and that management strategies, including BMPs and water quality monitoring, are enforceable under ch. 403, F.S. The bill also provides authority to the DACS to include provisions for site inspections in its existing rulemaking authority to address agricultural pollution control.

The bill provides that no later than January 1, 2017:

- The DEP, in consultation with the WMDs and DACS will initiate rulemaking to adopt procedures to verify implementation of water quality monitoring required in lieu of implementation of BMPs or other measures;
- The DEP, in consultation with the WMDs and DACS, will initiate rulemaking to adopt procedures to verify implementation of nonagricultural interim measures, BMPs, or other measures adopted by rule; and
- DACS, in consultation with the WMDs and the DEP, will initiate rulemaking to adopt procedures to verify implementation of agricultural interim measures, BMPs, or other measures adopted by rule.

The bill provides that the rules are required to include enforcement procedures applicable to the landowner, discharger, or other responsible person required to implement applicable management strategies, including BMPs, or water quality monitoring as a result of noncompliance.

Section 34 creates s. 403.0675, F.S., to require the DEP, in conjunction with the WMDs, to post on its website and submit electronically an annual progress report to the Governor and the Legislature on the status of each TMDL, BMAP, MFL, and recovery or prevention strategy adopted pursuant to s. 403.067, F.S., or parts I and VIII of ch. 373, F.S. The report must include the status of each project identified to achieve an adopted TMDL or an adopted minimum flow or minimum water level, as applicable. The report must be posted and submitted by July 1 of each year, beginning in 2018.

If a report indicates that any of the 5, 10, or 15-year milestones, or the 20-year target date, if applicable, for achieving a TMDL or MFL will not be met, the report must include an explanation of the possible causes and potential solutions.

If applicable, the report shall include project descriptions, estimated costs, proposed priority ranking for project implementation, and funding needed to achieve the TMDL or the MFL by the target date. Each WMD must also post the DEP's report on its website.

The DACS will post on its website and submit electronically an annual progress report by July 1 of each year, beginning in 2018, to the Governor and the Legislature on the status of the implementation of the agricultural nonpoint source BMPs including an implementation assurance report summarizing survey responses and response rates, site inspections and other methods used to verify implementation of and compliance with BMPs pursuant to BMAPs.

Section 35 amends s. 403.861, F.S. to require the DEP to establish rules concerning the use of surface waters for treated potable public water supply.

The bill provides that when a construction permit is issued to construct a new public water system drinking water treatment facility to provide potable water using a surface water of the state that, at the time of the permit application, is not being used as a potable water supply, and the classification of which does not include potable water supply as a designated use, the DEP must add treated potable water supply as a designated use of the surface water segment.

The bill provides that for existing public water system drinking water treatment facilities that use a surface water of the state as a treated potable water supply, and the surface water classification does not include potable water as a designated use, the DEP shall add treated potable water supply as a designated use of the surface water segment.

Section 36 creates s. 403.928, F.S. to require the Office of Economic and Demographic Research (EDR) to conduct an annual assessment of Florida's water resources and conservation lands.

Concerning water resources, the assessment must include:

- Historical and current expenditures and projections of future expenditures by federal, state, regional, and local governments and public and private utilities based upon historical trends and ongoing projects or initiatives associated with water supply and demand and water quality protection and restoration;
- An analysis and estimates of future expenditures by federal, state, regional, and local governments and public and private utilities necessary to comply with federal and state laws and regulations. The analysis and estimates must address future expenditures by federal, state, regional, and local governments and all public and private utilities necessary to achieve the legislature's intent that sufficient water be available for all existing and future reasonable-beneficial uses and the natural systems, and that adverse effects of competition for water supplies be avoided. The assessment must include a compilation of projected water supply and demand data developed by each WMD pursuant to s. 373.036, F.S., which relates to the Florida water plan, WMD water management plans, and the consolidated WMD annual reports, and 373.709, F.S., which relates to regional water supply planning. The EDR must note any significant differences between the methods used by the WMDs to calculate the data;
- Forecasts of federal, state, regional, and local government revenues dedicated in current law for the purposes of the water supply demand and water quality protection and restoration, or that have been historically allocated for these purposes, as well as public and private utility revenues; and
- An identification of gaps between projected revenues and projected and estimated expenditures.

Concerning conservation lands, the assessment must also include:

- Historical and current expenditures and projections of future expenditures by federal, state, regional, and local governments based upon historical trends and ongoing projects or initiatives associated with real property interests eligible for funding under the Florida Forever Act;
- An analysis and estimates of future expenditures by federal, state, regional, and local governments necessary to purchaser lands identified in plans produced by state agencies or WMDs;
- An analysis of the ad valorem tax impacts, by county, resulting from public ownership of conservation lands;
- Forecasts of federal, state, regional, and local government revenues dedicated in current law to maintain conservation lands and the gap between projected expenditures and revenues;
- The total percentage of Florida real property that is publicly owned for conservation purposes;

• A comparison of the cost of acquiring and maintaining conservation lands under fee simple or less than fee simple ownership.

The assessment must also include:

- Analyses on a statewide, regional, or geographic basis, as appropriate;
- Any analytical challenges in assessing information across the different regions; and
- Any overlap in expenditures for water resources and conservation lands.

Various agencies and local governmental entities are directed to aid the EDR with their respective areas of expertise, and any agency must provide access to the EDR with any information, confidential or otherwise, the EDR considers necessary.

The assessment must be submitted to the President of the Senate and the Speaker of the House of Representatives by January 1, 2017, and by January 1 each year thereafter.

Section 37 creates an undesignated section of law to require the DEP to evaluate the feasibility and cost of creating and maintaining a web-based, interactive map that includes, at a minimum:

- All watersheds and each waterbody within them;
- The county or counties in which the watershed or waterbody is located;
- The WMD or districts in which the watershed or waterbody is located;
- Whether, if applicable, an MFL has been adopted for the waterbody and, if it has not been adopted, when it is anticipated to be adopted;
- Whether, if applicable, a recovery or prevention strategy has been adopted for the watershed or waterbody and, if it has not been adopted, when it is anticipated to be adopted;
- The impairment status of each waterbody;
- Whether, if applicable, a TMDL has been adopted if the waterbody is listed as impaired and, if one has not been adopted, the anticipated adoption date;
- Whether, if applicable, a BMAP has been adopted and, if it has not been adopted, when it is anticipated to be adopted;
- Each project listed on the 5-year water resources work program;
- The agency or agencies and local sponsor, if any, responsible for overseeing the project;
- The total or estimated cost and completion date of each project and the financial contribution of each entity;
- The estimated quantitative benefit to the watershed or waterbody; and
- The water projects completed within the last five years within the watershed or waterbody.

The bill requires the DEP to submit a report on the feasibility study to the President of the Senate and the Speaker of the House of Representatives by January 1, 2017.

Section 38 creates an undesignated section of law to provide that the act fulfills an important state interest.

Section 39 provides an effective date of July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The county/municipality mandates provision of Art. VII, section 18, of the Florida Constitution may apply because this bill may require local governments to expend funds to comply with planning schedules, adopt fertilizer ordinances, and expend funds for OSTDS remediation. If this bill rises to the level of a mandate, exceptions may apply due to the fact that similarly situated persons are required to comply with the provisions of the bill and funds are likely to be appropriated to cover the cost of the bill to the extent that those costs exceed those already required under current law.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The exact impact of CS/SB 552 on the private sector and individuals cannot be calculated because many of the costs are dependent on activities, such as delineation of priority focus areas that have not occurred. Potential private sector impacts include:

- Provisions that will require some property owners in priority focus areas to upgrade their Onsite Sewage Treatment and Disposal Systems (OSTDSs) or connect to a central sewerage system. This could result in higher rates for sewage disposal compared to the costs of using an OSTDS. Aerobic Treatment Units (ATUs) are also more costly to operate than conventional OSTDSs;
- Rate payers may pay for ongoing operation and maintenance for advanced wastewater treatment plants through rate increases;
- Property owners may have to pay more for passive nitrogen removing systems installed in OSTDSs in new developments with lots of less than one acre. They may also face more expensive pump out costs as a result of more expensive disposal options;
- Urban fertilizer use may decrease because of ordinances causing a reduction in revenue for fertilizer companies;
- Septic tank contractors may benefit due to increased scrutiny and required upgrades to OSTDSs; and
- Entities required to monitor water use could see a negative fiscal impact due to the costs of conducting monitoring.

C. Government Sector Impact:

The bill requires a number of activities that will result in significant increased costs for several government entities, including the Department of Environmental Protection (DEP), the Department of Agriculture and Consumer Services (DACS), and the Water Management Districts (WMDs).

Additional costs that are indeterminate include:

- <u>Minimum Flows and Levels (MFLs)</u> The bill would require the Water Management Districts (WMDs) and the Department of Environmental Protection (DEP) to adopt MFLs by certain deadlines for springs, which, according to the DEP, may cost between \$280,000 and \$2.25 million per MFL, including agency costs for extensive data collection, analysis and modeling, stakeholder coordination, and rulemaking. Costs can vary widely depending on the complexity of the system and the amount and type of scientific and technical data that exists or must be collected.¹¹⁷
- <u>MFLs Recovery or Prevention Strategies</u> The WMDs (excluding the Northwest Florida and Suwannee River WMDs) would be required to fund at least 25 percent of recovery or prevention strategies projects. However, the WMDs may provide less than a 25 percent match if another specific source(s) of funding will provide more than 75 percent of the project cost. Since the number of project applicants and project costs is unknown, the fiscal impact is indeterminate at this time.
- <u>Alternative Water Supply Projects</u> The Water Management Districts that provide technical and financial assistance to self-suppliers for alternative water supply projects will result in a negative fiscal impact on those WMDs that provide such assistance. The actual cost is indeterminate.
- <u>Alternative Water Supply Pilot Program</u> The bill allows the SFWMD, SWFWMD, and the SJRWMD to designate and implement alternative water supply projects.
 WMDs that choose to implement a new alternative water supply project as part of the program could incur additional costs to develop and administer the project. Since the WMDs have the option of developing and implementing an alternative water supply project, actual costs are indeterminate.

The creation of a database of lands where public access is available could require significant financial resources for information collection, website, and mobile application development.

VI. Technical Deficiencies:

None.

VII. Related Issues:

"Self Suppliers" is not defined, which could lead to some confusion over its meaning.

¹¹⁷ DEP, *SB 918 Agency Analysis* (Feb. 16, 2015) (on file with the Committee on Environmental Preservation and Conservation).

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 259.032, 373.019, 373.036, 373.042, 373.0421, 373.1501, 373.219, 373.223, 373.2234, 373.227, 373.233, 373.4591, 373.4595, 373.467, 373.536, 373.703, 373.705, 373.707, 373.709, 403.061, 403.0623, 403.067, and 403.861.

This bill creates the following sections of the Florida Statutes: 373.037, 373.0465, 373.801, 373.802, 373.803, 373.805, 373.807, 373.811, 373.813, 403.0617, 403.0675, and 403.928.

This bill creates two undesignated sections of Florida law.

IX. Additional Information:

A. Committee Substitute – Statement of Changes: (Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Environmental Preservation and Conservation on November 4, 2015: The word "receive" on line 3016 was changed to "provide".

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



LEGISLATIVE ACTION

Senate	
Comm: WD	
11/04/2015	

House

The Committee on Environmental Preservation and Conservation (Soto) recommended the following:

Senate Amendment (with title amendment)

Delete lines 465 - 891

and insert:

(c) Minimum flow and water level for an Outstanding Florida Spring, as defined in s. 373.802. The minimum flow and water level is the limit and level, respectively, at which further withdrawals would be harmful to the water resources or ecology of the area. All minimum flow and water level projections produced by the department or a water management district for an

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11 Outstanding Florida Spring must include a statistically valid 12 assessment of uncertainty levels associated with those 13 projections. If an Outstanding Florida Spring is below, or is projected within 20 years to fall below, the minimum flow or 14 15 minimum water level, the department or governing board shall, by 16 rule, reserve sufficient water from use by permit applicants 17 pursuant to s. 373.223 to maintain or restore the minimum flow 18 or minimum water level. 19 20 The minimum flow and minimum water level shall be calculated by 21 the department and the governing board using the best 22 information available. When appropriate, minimum flows and 23 minimum water levels may be calculated to reflect seasonal 24 variations. The department and the governing board shall also 25 consider, and at their discretion may provide for, the 26 protection of nonconsumptive uses in the establishment of 27 minimum flows and minimum water levels. 28 (2) (a) If a minimum flow or minimum water level has not been adopted for an Outstanding Florida Spring, a water 29 30 management district or the department shall use the emergency 31 rulemaking authority provided in paragraph (c) to adopt a 32 minimum flow or minimum water level no later than July 1, 2017, 33 except for the Northwest Florida Water Management District, 34 which shall use such authority to adopt minimum flows and 35 minimum water levels for Outstanding Florida Springs no later 36 than July 1, 2026. 37 (b) For Outstanding Florida Springs identified on a water 38 management district's priority list developed pursuant to 39 subsection (3) which have the potential to be affected by

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40 withdrawals in an adjacent district, the adjacent district or 41 districts and the department shall collaboratively develop and 42 implement a recovery or prevention strategy for an Outstanding 43 Florida Spring not meeting an adopted minimum flow or minimum 44 water level. 45 (c) The Legislature finds as provided in s. 373.801(3)(b) that the adoption of minimum flows and minimum water levels or 46 47 recovery or prevention strategies for Outstanding Florida 48 Springs requires immediate action. The department and the 49 districts are authorized, and all conditions are deemed to be 50 met, to use emergency rulemaking provisions pursuant to s. 51 120.54(4) to adopt minimum flows and minimum water levels 52 pursuant to this subsection and to adopt recovery or prevention 53 strategies concurrently with a minimum flow or minimum water 54 level pursuant to s. 373.805(2). The emergency rules shall 55 remain in effect during the pendency of procedures to adopt 56 rules addressing the subject of the emergency rules. (d) As used in this subsection, the term "Outstanding 57

<u>(a) As used in this subsection, the term "Outstanding</u> Florida Spring" has the same meaning as in s. 373.802.

59 (3) (2) By November 15, 1997, and annually thereafter, each 60 water management district shall submit to the department for 61 review and approval a priority list and schedule for the 62 establishment of minimum flows and minimum water levels for surface watercourses, aquifers, and surface waters within the 63 64 district. The priority list and schedule shall identify those 65 listed water bodies for which the district will voluntarily 66 undertake independent scientific peer review; any reservations 67 proposed by the district to be established pursuant to s. 373.223(4); and those listed water bodies that have the 68

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69 potential to be affected by withdrawals in an adjacent district 70 for which the department's adoption of a reservation pursuant to 71 s. 373.223(4) or a minimum flow or minimum water level pursuant 72 to subsection (1) may be appropriate. By March 1, 2006, and 73 annually thereafter, each water management district shall 74 include its approved priority list and schedule in the 75 consolidated annual report required by s. 373.036(7). The 76 priority list shall be based upon the importance of the waters 77 to the state or region and the existence of or potential for 78 significant harm to the water resources or ecology of the state 79 or region, and shall include those waters which are experiencing 80 or may reasonably be expected to experience adverse impacts. Each water management district's priority list and schedule 81 82 shall include all first magnitude springs, and all second magnitude springs within state or federally owned lands 83 84 purchased for conservation purposes. The specific schedule for 85 establishment of spring minimum flows and minimum water levels shall be commensurate with the existing or potential threat to 86 87 spring flow from consumptive uses. Springs within the Suwannee River Water Management District, or second magnitude springs in 88 89 other areas of the state, need not be included on the priority 90 list if the water management district submits a report to the 91 Department of Environmental Protection demonstrating that 92 adverse impacts are not now occurring nor are reasonably 93 expected to occur from consumptive uses during the next 20 94 years. The priority list and schedule is not subject to any 95 proceeding pursuant to chapter 120. Except as provided in 96 subsection (4) (3), the development of a priority list and compliance with the schedule for the establishment of minimum 97

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flows and <u>minimum water</u> levels pursuant to this subsection satisfies the requirements of subsection (1).

(4)(3) Minimum flows or <u>minimum water</u> levels for priority waters in the counties of Hillsborough, Pasco, and Pinellas shall be established by October 1, 1997. Where a minimum flow or <u>minimum water</u> level for the priority waters within those counties has not been established by the applicable deadline, the secretary of the department shall, if requested by the governing body of any local government within whose jurisdiction the affected waters are located, establish the minimum flow or <u>minimum water</u> level in accordance with the procedures established by this section. The department's reasonable costs in establishing a minimum flow or <u>minimum water</u> level shall, upon request of the secretary, be reimbursed by the district.

112 (5) (4) A water management district shall provide the department with technical information and staff support for the 113 development of a reservation, minimum flow or minimum water 114 115 level, or recovery or prevention strategy to be adopted by the 116 department by rule. A water management district shall apply any 117 reservation, minimum flow or minimum water level, or recovery or 118 prevention strategy adopted by the department by rule without 119 the district's adoption by rule of such reservation, minimum 120 flow or minimum water level, or recovery or prevention strategy.

121 <u>(6) (5)</u> (a) Upon written request to the department or 122 governing board by a substantially affected person, or by 123 decision of the department or governing board, <u>before</u> prior to 124 the establishment of a minimum flow or <u>minimum water</u> level and 125 <u>before</u> prior to the filing of any petition for administrative 126 hearing related to the minimum flow or <u>minimum water</u> level, all



127 scientific or technical data, methodologies, and models, 128 including all scientific and technical assumptions employed in 129 each model, used to establish a minimum flow or minimum water 130 level shall be subject to independent scientific peer review. 131 Independent scientific peer review means review by a panel of 132 independent, recognized experts in the fields of hydrology, 133 hydrogeology, limnology, biology, and other scientific 134 disciplines, to the extent relevant to the establishment of the 135 minimum flow or minimum water level.

(b) If independent scientific peer review is requested, it 136 137 shall be initiated at an appropriate point agreed upon by the 138 department or governing board and the person or persons 139 requesting the peer review. If no agreement is reached, the 140 department or governing board shall determine the appropriate 141 point at which to initiate peer review. The members of the peer 142 review panel shall be selected within 60 days of the point of 143 initiation by agreement of the department or governing board and 144 the person or persons requesting the peer review. If the panel is not selected within the 60-day period, the time limitation 145 146 may be waived upon the agreement of all parties. If no waiver 147 occurs, the department or governing board may proceed to select the peer review panel. The cost of the peer review shall be 148 149 borne equally by the district and each party requesting the peer 150 review, to the extent economically feasible. The panel shall 151 submit a final report to the governing board within 120 days 152 after its selection unless the deadline is waived by agreement 153 of all parties. Initiation of peer review pursuant to this 154 paragraph shall toll any applicable deadline under chapter 120 or other law or district rule regarding permitting, rulemaking, 155

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or administrative hearings, until 60 days following submittal of the final report. Any such deadlines shall also be tolled for 60 days following withdrawal of the request or following agreement of the parties that peer review will no longer be pursued. The department or the governing board shall give significant weight to the final report of the peer review panel when establishing the minimum flow or minimum water level.

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

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

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

(8) The rules adopted pursuant to this section are not

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185 subject to s. 120.541(3).

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186 Section 6. Section 373.0421, Florida Statutes, is amended 187 to read:

373.0421 Establishment and implementation of minimum flows and minimum water levels.-

(1) ESTABLISHMENT.-

191 (a) Considerations.-When establishing minimum flows and 192 minimum water levels pursuant to s. 373.042, the department or governing board shall consider changes and structural 193 194 alterations to watersheds, surface waters, and aquifers and the 195 effects such changes or alterations have had, and the 196 constraints such changes or alterations have placed, on the 197 hydrology of an affected watershed, surface water, or aquifer, 198 provided that nothing in this paragraph shall allow significant 199 harm as provided by s. 373.042(1) caused by withdrawals.

(b) Exclusions.-

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

210 2. The department or the governing board is not required to
211 establish minimum flows or <u>minimum water</u> levels pursuant to s.
212 373.042 for surface water bodies less than 25 acres in area,
213 unless the water body or bodies, individually or cumulatively,

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214 have significant economic, environmental, or hydrologic value. 215 3. The department or the governing board shall not set minimum flows or minimum water levels pursuant to s. 373.042 for 216 217 surface water bodies constructed before prior to the requirement 218 for a permit, or pursuant to an exemption, a permit, or a 219 reclamation plan which regulates the size, depth, or function of 220 the surface water body under the provisions of this chapter, 221 chapter 378, or chapter 403, unless the constructed surface water body is of significant hydrologic value or is an essential 222 223 element of the water resources of the area.

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

227 (2) If the existing flow or water level in a water body is 228 below, or is projected to fall within 20 years below, the 229 applicable minimum flow or minimum water level established 230 pursuant to s. 373.042, the department or governing board, 231 concurrent with the adoption of the minimum flow or minimum 232 water level and as part of the regional water supply plan 233 described in s. 373.709, shall adopt and expeditiously implement 234 a recovery or prevention strategy, which includes the 235 development of additional water supplies and other actions, 236 consistent with the authority granted by this chapter, to:

2.37 (a) Achieve recovery to the established minimum flow or 238 minimum water level as soon as practicable; or

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

The recovery or prevention strategy must shall include a phased-242

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243 in approach phasing or a timetable which will allow for the 244 provision of sufficient water supplies for all existing and projected reasonable-beneficial uses, including development of 245 246 additional water supplies and implementation of conservation and 247 other efficiency measures concurrent with and, to the maximum 248 extent practical, and to offset, reductions in permitted withdrawals, consistent with the provisions of this chapter. The 249 250 recovery or prevention strategy may not depend solely on water 251 shortage restrictions declared pursuant to s. 373.175 or s. 252 373.246. 253 (3) To ensure that sufficient water is available for all 254 existing and future reasonable-beneficial uses and the natural 255 systems, the applicable regional water supply plan prepared 256 pursuant to s. 373.709 shall be amended to include any water 257 supply development project or water resource development project 258 identified in a recovery or prevention strategy. Such amendment 259 shall be approved concurrently with relevant portions of the 260 recovery or prevention strategy. 261 (4) The water management district shall notify the

department if an application for a water use permit is denied based upon the impact that the use will have on an adopted minimum flow or minimum water level. Upon receipt of such notice, the department shall, as soon as practicable and in cooperation with the water management district, conduct a review of the applicable regional water supply plan prepared pursuant to s. 373.709. Such review shall include an assessment by the department of the adequacy of the plan in addressing the legislative intent of s. 373.705(2) (b) which provides that sufficient water be available for all existing and future

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272	reasonable-beneficial uses and natural systems and that the
273	adverse effects of competition for water supplies be avoided. If
274	the department determines, based upon this review, that the
275	regional water supply plan does not adequately address the
276	legislative intent of s. 373.705(2)(b), the water management
277	district shall immediately initiate an update of the plan
278	consistent with s. 373.709.
279	(5) (3) The provisions of this section are supplemental to
280	any other specific requirements or authority provided by law.
281	Minimum flows and <u>minimum water</u> levels shall be reevaluated
282	periodically and revised as needed.
283	Section 7. Section 373.0465, Florida Statutes, is created
284	to read:
285	373.0465 Central Florida Water Initiative
286	(1) The Legislature finds that:
287	(a) Historically, the Floridan Aquifer system has supplied
288	the vast majority of the water used in the Central Florida
289	Coordination Area.
290	(b) Because the boundaries of the St. Johns River Water
291	Management District, the South Florida Water Management
292	District, and the Southwest Florida Water Management District
293	meet within the Central Florida Coordination Area, the three
294	districts and the Department of Environmental Protection have
295	worked cooperatively to determine that the Floridan Aquifer
296	system is locally approaching the sustainable limits of use and
297	are exploring the need to develop sources of water to meet the
298	long-term water needs of the area.
299	(c) The Central Florida Water Initiative is a collaborative
300	process involving the Department of Environmental Protection,

301	the St. Johns River Water Management District, the South Florida
302	Water Management District, the Southwest Florida Water
303	Management District, the Department of Agriculture and Consumer
304	Services, regional public water supply utilities, and other
305	stakeholders. As set forth in the Central Florida Water
306	Initiative Guiding Document of January 30, 2015, the initiative
307	has developed an initial framework for a unified process to
308	address the current and long-term water supply needs of Central
309	Florida without causing harm to the water resources and
310	associated natural systems.
311	(d) Developing water sources as an alternative to continued
312	reliance on the Floridan Aquifer will benefit existing and
313	future water users and natural systems within and beyond the
314	boundaries of the Central Florida Water Initiative.
315	(2)(a) As used in this section, the term "Central Florida
316	Water Initiative Area" means all of Orange, Osceola, Polk, and
317	Seminole Counties, and southern Lake County, as designated by
318	the Central Florida Water Initiative Guiding Document of January
319	30, 2015.
320	(b) The department, the St. Johns River Water Management
321	District, the South Florida Water Management District, the
322	Southwest Florida Water Management District, and the Department
323	of Agriculture and Consumer Services shall:
324	1. Provide for a continuation of the collaborative process
325	in the Central Florida Water Initiative Area among the state
326	agencies, affected water management districts, regional public
327	water supply utilities, and other stakeholders;
328	2. Build upon the guiding principles and goals set forth in
329	the Central Florida Water Initiative Guiding Document of January

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330	30, 2015, and the work that has already been accomplished by the
331	Central Florida Water Initiative participants;
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	3. Develop and implement, as set forth in the Central
333	Florida Water Initiative Guiding Document of January 30, 2015, a
334	single multidistrict regional water supply plan, including any
335	needed recovery or prevention strategies and a list of water
336	supply development projects or water resource projects; and
337	4. Provide for a single hydrologic planning model to assess
338	the availability of groundwater in the Central Florida Water
339	Initiative Area.
340	(c) In developing the water supply planning program
341	consistent with the goals set forth in this subsection, the
342	department, the St. Johns River Water Management District, the
343	South Florida Water Management District, the Southwest Florida
344	Water Management District, and the Department of Agriculture and
345	Consumer Services shall:
346	1. Consider limitations on groundwater use together with
347	opportunities for new, increased, or redistributed groundwater
348	uses that are consistent with the conditions established under
349	s. 373.223;
350	2. Establish a coordinated process for the identification
351	of water resources requiring new or revised conditions. Any new
352	or revised condition must be consistent with s. 373.223;
353	3. Consider existing recovery or prevention strategies;
354	4. Include a list of water supply options sufficient to
355	meet the water needs of all existing and future reasonable-
356	beneficial uses consistent with the conditions established under
357	s. 373.223; and
358	5. Identify, as necessary, which of the water supply

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359	sources are preferred water supply sources pursuant to s.		
360	373.2234.		
361	(d) The department, in consultation with the St. Johns		
362	River Water Management District, the South Florida Water		
363	Management District, the Southwest Florida Water Management		
364	District, and the Department of Agriculture and Consumer		
365	Services, shall adopt uniform rules for application within the		
366	Central Florida Water Initiative Area that include:		
367	1. A single, uniform definition of the term "harmful to the		
368	water resources" consistent with the term's usage in s. 373.219;		
369	2. A single method for calculating residential per capita		
370	water use;		
371	3. A single process for permit reviews;		
372	4. A single, consistent process, as appropriate, to set		
373	minimum flows and minimum water levels and water reservations;		
374	5. A goal for residential per capita water use for each		
375	consumptive use permit; and		
376	6. An annual conservation goal for each consumptive use		
377	permit consistent with the regional water supply plan.		
378			
379	The uniform rules must include existing recovery strategies		
380	within the Central Florida Water Initiative Area adopted before		
381	July 1, 2016. The department may grant variances to the uniform		
382	rules if there are unique circumstances or hydrogeological		
383	factors that make application of the uniform rules unrealistic		
384	or impractical.		
385	(e) The department shall initiate rulemaking for the		
386	uniform rules by December 31, 2016. The department's uniform		
387	rules shall be applied by the water management districts only		
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388 within the Central Florida Water Initiative Area. Upon adoption 389 of the rules, the water management districts shall implement the 390 rules without further rulemaking pursuant to s. 120.54. The 391 rules adopted by the department pursuant to this section are 392 considered the rules of the water management districts. 393 (f) Water management district planning programs developed 394 pursuant to this subsection shall be approved or adopted as 395 required under this chapter. However, such planning programs may 396 not serve to modify planning programs in areas of the affected 397 districts that are not within the Central Florida Water 398 Initiative Area, but may include interregional projects located 399 outside the Central Florida Water Initiative Area which are 400 consistent with planning and regulatory programs in the areas in 401 which they are located. 402 Section 8. Subsection (4) of section 373.1501, Florida 403 Statutes, is amended, present subsections (7) and (8) are 404 redesignated as subsections (8) and (9), respectively, and a new 405 subsection (7) is added to that section, to read: 406 373.1501 South Florida Water Management District as local 407 sponsor.-408 (4) The district is authorized to act as local sponsor of 409 the project for those project features within the district as 410 provided in this subsection and subject to the oversight of the 411 department as further provided in s. 373.026. The district shall 412 exercise the authority of the state to allocate quantities of 413 water within its jurisdiction, including the water supply in 414 relation to the project, and be responsible for allocating water 415 and assigning priorities among the other water uses served by 416 the project pursuant to state law. The district may:

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417	(a) Act as local sponsor for all project features	
418	previously authorized by Congress <u>.</u>	
419	(b) Continue data gathering, analysis, research, and design	
420	of project components, participate in preconstruction	
421	engineering and design documents for project components, and	
422	further refine the Comprehensive Plan of the restudy as a guide	
423	and framework for identifying other project components. \cdot	
424	(c) Construct pilot projects that will assist in	
425	determining the feasibility of technology included in the	
426	Comprehensive Plan of the restudy <u>.; and</u>	
427	(d) Act as local sponsor for project components.	
428	(7) When developing or implementing water control plans or	
429	regulation schedules required for the operation of the project,	
430	the district shall provide recommendations to the United States	
431	Army Corps of Engineers which are consistent with all district	
432	programs and plans.	
433	======================================	
434	And the title is amended as follows:	
435	Delete lines 26 - 66	
436	and insert:	
437	amending s. 373.042, F.S.; establishing minimum flow	
438	and water level basis for Outstanding Florida Springs;	
439	establishing methodology for determining minimum flow	
440	and water levels for Outstanding Florida Springs;	
441	requiring the department or district governing board	
442	to reserve sufficient water for Outstanding Florida	
443	Springs from consumptive use permit applicants under	
444	certain conditions; requiring the department or the	
445	governing board of a water management district to	



446 adopt a minimum flow or minimum water level for an 447 Outstanding Florida Spring using emergency rulemaking 448 authority under certain circumstances; requiring 449 collaboration in the development and implementation of 450 recovery or prevention strategies under certain 451 circumstances; revising the rulemaking authority of 452 the department; amending s. 373.0421, F.S.; directing 453 the department or the water management district 454 governing boards to adopt and implement certain 455 recovery or prevention strategies concurrent with the 456 adoption of minimum flows and minimum water levels; 457 providing criteria for such recovery or prevention 458 strategies; requiring certain amendments to regional 459 water supply plans to be concurrent with relevant 460 portions of the recovery or prevention strategy; 461 directing water management districts to notify the 462 department when water use permit applications are 463 denied for a specified reason; providing for the 464 review and update of regional water supply plans in 465 such cases; creating s. 373.0465, F.S.; providing 466 legislative intent; defining the term "Central Florida 467 Water Initiative Area"; requiring the department, the 468 St. Johns River Water Management District, the South 469 Florida Water Management District, the Southwest 470 Florida Water Management District, and the Department 471 of Agriculture and Consumer Services to develop and 472 implement a multidistrict regional water supply plan; 473 providing plan criteria and requirements; providing 474 applicability; requiring the department to adopt



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475 rules; amending s. 373.1501, F.S.; specifying 476 authority of the South Florida Water Management District to allocate quantities of, and assign 477 478 priorities for the use of, water within its 479 jurisdiction; directing the district to provide 480 recommendations to the United States Army Corps of 481 Engineers when developing or implementing certain 482 water control plans or regulation schedules; amending 483 s. 373.223, F.S.;

House

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LEGISLATIVE ACTION

The Committee on Environmental Preservation and Conservation (Soto) recommended the following:

Senate Amendment (with title amendment)

Delete lines 895 - 903

and insert:

(6) All water use permits authorizing more than 100,000 gallons per day shall be metered on a monthly basis, with the cost of such metering to be borne by the permittee. Water management districts shall implement this subsection pursuant to the general procedures specified in Part B of the Water Use Permit Applicant's Handbook of the Southwest Florida Water

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11	Management District, dated May 19, 2014.
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13	========== T I T L E A M E N D M E N T ================
14	And the title is amended as follows:
15	Delete lines 67 - 68
16	and insert:
17	requiring consumptive use permits authorizing more
18	than a specified number of gallons per day to be
19	monitored on a specified basis with costs of such
20	monitoring borne by the permittee; requiring that the
21	metering be conducted pursuant to specified
22	procedures;

LEGISLATIVE ACTION

Senate	. House
Comm: WD	
11/04/2015	
	(with title amendment)
Delete lines 895 -	- 903
and insert:	
	ment shall contract with an independent,
(6)(a) The departm	ment shall contract with an independent, for an economic, environmental, and
(6)(a) The departm nongovernmental entity	=
(6)(a) The departm nongovernmental entity policy study analyzing	for an economic, environmental, and
(6)(a) The departmental entity nongovernmental entity policy study analyzing should be modeled after	for an economic, environmental, and water-use fees in Florida. This analysis

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11	possible implementation of Recommendation 18 of the report	
12	entitled "Governor's Water Resource Commission Final Report,"	
13	submitted to Governor Bob Martinez, December 1, 1989.	
14	(b) The study must address the following:	
15	1. Projected water usage in the state and potential	
16	revenues from that usage, factoring in price elasticity and	
17	possible credits;	
18	2. Operating assumptions for a Water Resources Trust Fund,	
19	including the mix of loans and grants, interest rates, leverage,	
20	and capitalization requirements, and recommendations for	
21	allocation of trust fund revenues;	
22	3. Impact of various fee levels, by county, on residential	
23	use, industry, and agriculture;	
24	4. Pros and cons of applying fees universally or	
25	selectively;	
26	5. A review of water-conservation technologies in	
27	agriculture and industry and how their deployment might be	
28	affected by various fee levels;	
29	6. How to ensure that low-income residents would not be	
30	disadvantaged by water fees;	
31	7. Recommendations on how pricing might vary by region or	
32	type of usage;	
33	8. Recommendations on how fees might be collected from	
34	residential self-supply wells;	
35	9. Recommendations on how to ensure universal water	
36	metering; and	
37	10. Metering and billing options.	
38	(c) The study must be completed and made publicly available	
39	<u>by July 1, 2017.</u>	



40	
41	========== T I T L E A M E N D M E N T ================
42	And the title is amended as follows:
43	Delete lines 67 - 68
44	and insert:
45	requiring the department to contract with an
46	independent, nongovernmental entity for an economic,
47	environmental, and policy study analyzing water-use
48	fees; requiring the study to include certain
49	information; requiring that the study be completed and
50	made publicly available by a specified date;

LEGISLATIVE ACTION

Senate	. House
Comm: RCS	
11/04/2015	
	l Preservation and Conservation
(Dean) recommended the follow	ing:
Senate Amendment	
Delete line 3016	
and insert:	
required to meet the minimum	requirement to provide financial

Florida Senate - 2016 Bill No. SB 552

LEGISLATIVE ACTION

Senate House . Comm: WD 11/04/2015 The Committee on Environmental Preservation and Conservation (Soto) recommended the following: Senate Amendment (with title amendment) Between lines 3226 and 3227 insert: Section 30. Section 373.814, Florida Statutes, is created to read: 373.814 Restoration Focus Spring.-(1) In formulating basin management action plans, the department has established focus areas in which remediation techniques may be applied and studied. This useful concept shall

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Florida Senate - 2016 Bill No. SB 552

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11	be applied to a springshed. In order to demonstrate to the
12	public that restoration of an Outstanding Florida Spring is
13	possible within a reasonable period of time, the department
14	shall designate an Outstanding Florida Spring as a Restoration
15	Focus Spring and shall develop a plan that will, within 15
16	years, restore flow to within 10 percent of historical levels
17	and reduce nitrate levels to below 0.35 mg/l.
18	(2) The department shall publish the plan by July 1, 2017,
19	and shall publish progress reports on restoration every 3 years
20	thereafter.
21	
22	=========== T I T L E A M E N D M E N T =================================
23	And the title is amended as follows:
24	Delete line 160
25	and insert:
26	authorizing rulemaking; creating s. 373.814, F.S.;
27	requiring the department to designate an Outstanding
28	Florida Spring as a Restoration Focus Spring and
29	develop a plan to achieve certain goals at that spring
30	within a specified timeframe; requiring the department
31	to publish the plan by a specified date and on a
32	periodic basis thereafter; amending s. 403.061,

592-01055-16

By Senator Dean

	5-00606-16 2016552
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 by a certain date
7	each year to the Governor and the Legislature
8	identifying the percentage of such lands which the
9	public has access to and the efforts the department
10	has undertaken to increase public access; amending s.
11	373.019, F.S.; revising the definition of the term
12	"water resource development" to include technical
13	assistance to self-suppliers under certain
14	circumstances; amending s. 373.036, F.S.; requiring
15	certain information to be included in the consolidated
16	annual report for certain projects related to water
17	quality or water quantity; creating s. 373.037, F.S.;
18	defining terms; providing legislative findings;
19	authorizing certain water management districts to
20	designate and implement pilot projects; providing
21	powers and limitations for the governing boards of
22	such water management districts; requiring a
23	participating water management district to submit a
24	report to the Governor and the Legislature on the
25	effectiveness of its pilot project by a certain date;
26	amending s. 373.042, F.S.; requiring the department or
27	the governing board of a water management district to
28	adopt a minimum flow or minimum water level for an
29	Outstanding Florida Spring using emergency rulemaking

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30authority under certain circumstances; requiring31collaboration in the development and implementation of32recovery or prevention strategies under certain33circumstances; revising the rulemaking authority of34the department; amending s. 373.0421, F.S.; directing35the department or the water management district36governing boards to adopt and implement certain37recovery or prevention strategies concurrent with the38adoption of minimum flows and minimum water levels;39providing criteria for such recovery or prevention40strategies; requiring certain amendments to regional41water supply plans to be concurrent with relevant42portions of the recovery or prevention strategy;43directing water management districts to notify the44department when water use permit applications are45denied for a specified reason; providing for the46review and update of regional water supply plans in47such cases; creating s. 373.0465, F.S.; providing48legislative intent; defining the term "Central Florida49Water Initiative Area"; requiring the department, the50St. Johns River Water Management District, the South51Florida Water Management District, and the Department52Florida Water Management District, and the Department53of Agriculture and Consumer Services to develop and54implement a multidistrict regional water supply plan;55providing plan criteria and		5-00606-16 2016552
recovery or prevention strategies under certain circumstances; revising the rulemaking authority of the department; amending s. 373.0421, F.S.; directing the department or the water management district governing boards to adopt and implement certain recovery or prevention strategies concurrent with the adoption of minimum flows and minimum water levels; providing criteria for such recovery or prevention strategies; requiring certain amendments to regional water supply plans to be concurrent with relevant portions of the recovery or prevention strategy; directing water management districts to notify the department when water use permit applications are denied for a specified reason; providing for the review and update of regional water supply plans in such cases; creating s. 373.0465, F.S.; providing legislative intent; defining the term "Central Florida Water Initiative Area"; requiring the department, the St. Johns River Water Management District, the South Florida Water Management District, the South Florida Water Management District, and the Department of Agriculture and Consumer Services to develop and implement a multidistrict regional water supply plan; providing plan criteria and requirements; providing applicability; requiring the department to adopt rules; amending s. 373.1501, F.S.; specifying	30	authority under certain circumstances; requiring
circumstances; revising the rulemaking authority of the department; amending s. 373.0421, F.S.; directing the department or the water management district governing boards to adopt and implement certain recovery or prevention strategies concurrent with the adoption of minimum flows and minimum water levels; providing criteria for such recovery or prevention strategies; requiring certain amendments to regional water supply plans to be concurrent with relevant portions of the recovery or prevention strategy; directing water management districts to notify the department when water use permit applications are denied for a specified reason; providing for the review and update of regional water supply plans in such cases; creating s. 373.0465, F.S.; providing legislative intent; defining the term "Central Florida Water Initiative Area"; requiring the department, the St. Johns River Water Management District, the South Florida Water Management District, and the Department of Agriculture and Consumer Services to develop and implement a multidistrict regional water supply plan; providing plan criteria and requirements; providing applicability; requiring the department to adopt rules; amending s. 373.1501, F.S.; specifying	31	collaboration in the development and implementation of
the department; amending s. 373.0421, F.S.; directing the department or the water management district governing boards to adopt and implement certain recovery or prevention strategies concurrent with the adoption of minimum flows and minimum water levels; providing criteria for such recovery or prevention strategies; requiring certain amendments to regional water supply plans to be concurrent with relevant portions of the recovery or prevention strategy; directing water management districts to notify the department when water use permit applications are denied for a specified reason; providing for the review and update of regional water supply plans in such cases; creating s. 373.0465, F.S.; providing legislative intent; defining the term "Central Florida Water Initiative Area"; requiring the department, the St. Johns River Water Management District, the South Florida Water Management District, the South strict, the South and the Amagement District, and the Department of Agriculture and Consumer Services to develop and implement a multidistrict regional water supply plan; providing plan criteria and requirements; providing applicability; requiring the department to adopt rules; amending s. 373.1501, F.S.; specifying	32	recovery or prevention strategies under certain
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of Agriculture and Consumer Services to develop and implement a multidistrict regional water supply plan; providing plan criteria and requirements; providing applicability; requiring the department to adopt rules; amending s. 373.1501, F.S.; specifying	51	Florida Water Management District, the Southwest
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55 providing plan criteria and requirements; providing 56 applicability; requiring the department to adopt 57 rules; amending s. 373.1501, F.S.; specifying	53	of Agriculture and Consumer Services to develop and
56 applicability; requiring the department to adopt 57 rules; amending s. 373.1501, F.S.; specifying	54	implement a multidistrict regional water supply plan;
57 rules; amending s. 373.1501, F.S.; specifying	55	providing plan criteria and requirements; providing
	56	applicability; requiring the department to adopt
58 authority of the South Florida Water Management	57	rules; amending s. 373.1501, F.S.; specifying
	58	authority of the South Florida Water Management

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59	District to allocate quantities of, and assign
60	priorities for the use of, water within its
61	jurisdiction; directing the district to provide
62	recommendations to the United States Army Corps of
63	Engineers when developing or implementing certain
64	water control plans or regulation schedules; amending
65	s. 373.219, F.S.; requiring the department to adopt
66	certain uniform rules; amending s. 373.223, F.S.;
67	requiring consumptive use permits authorizing over a
68	certain amount to be monitored on a specified basis;
69	amending s. 373.2234, F.S.; directing water management
70	district governing boards to consider the
71	identification of preferred water supply sources for
72	certain water users; amending s. 373.227, F.S.;
73	prohibiting water management districts from modifying
74	permitted allocation amounts under certain
75	circumstances; requiring the water management
76	districts to adopt rules to promote water conservation
77	incentives; amending s. 373.233, F.S.; providing
78	conditions under which the department and water
79	management district governing boards are directed to
80	give preference to certain applications; amending s.
81	373.4591, F.S.; providing priority consideration to
82	certain public-private partnerships for water storage,
83	groundwater recharge, and water quality improvements
84	on private agricultural lands; amending s. 373.4595,
85	F.S.; revising and providing definitions relating to
86	the Northern Everglades and Estuaries Protection
87	Program; clarifying provisions of the Lake Okeechobee

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

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5-00606-16 2016552 117 amending s. 373.707, F.S.; authorizing water 118 management districts to provide technical and 119 financial assistance to certain self-suppliers and to 120 waive certain construction costs of alternative water 121 supply development projects sponsored by certain water users; amending s. 373.709, F.S.; requiring regional 122 123 water supply plans to include traditional and 124 alternative water supply project options that are 125 technically and financially feasible; directing the 126 department to include certain funding analyses and project explanations in regional water supply planning 127 128 reports; creating part VIII of ch. 373, F.S., entitled 129 the "Florida Springs and Aquifer Protection Act"; 130 creating s. 373.801, F.S.; providing legislative findings and intent; creating s. 373.802, F.S.; 131 132 defining terms; creating s. 373.803, F.S.; requiring 133 the department to delineate a priority focus area for 134 each Outstanding Florida Spring by a certain date; 135 creating s. 373.805, F.S.; requiring a water 136 management district or the department to adopt or 137 revise various recovery or prevention strategies under 138 certain circumstances; providing minimum requirements 139 for recovery or prevention strategies for Outstanding 140 Florida Springs; authorizing local governments to apply for an extension for projects in an adopted 141 142 recovery or prevention strategy; creating s. 373.807, 143 F.S.; requiring the department to initiate assessments 144 of Outstanding Florida Springs by a certain date; 145 requiring the department to develop basin management

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146	action plans; authorizing local governments to apply
147	for an extension for projects in an adopted basin
148	management action plan; requiring certain local
149	governments to develop, enact, and implement an urban
150	fertilizer ordinance by a certain date; requiring the
151	Department of Environmental Protection, the Department
152	of Health, and relevant local governments and
153	utilities to develop onsite sewage treatment and
154	disposal system remediation plans under certain
155	circumstances; requiring the Department of
156	Environmental Protection to be the lead agency;
157	creating s. 373.811, F.S.; specifying prohibited
158	activities within a priority focus area of an
159	Outstanding Florida Spring; creating s. 373.813, F.S.;
160	providing rulemaking authority; amending s. 403.061,
161	F.S.; directing the department to adopt by rule a
162	specific surface water classification to protect
163	surface waters used for treated potable water supply;
164	providing criteria for such rule; authorizing the
165	reclassification of surface waters used for treated
166	potable water supply notwithstanding such rule;
167	creating s. 403.0617, F.S.; authorizing the department
168	to fund nutrient and sediment reduction and
169	conservation pilot projects under certain
170	circumstances; requiring the department to initiate
171	rulemaking by a certain date; amending s. 403.0623,
172	F.S.; requiring the department to establish certain
173	standards; requiring state agencies and water
174	management districts to show that they followed the

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

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204	Section 1. Paragraph (f) is added to subsection (9) of
205	section 259.032, Florida Statutes, to read:
206	259.032 Conservation and recreation lands
207	(9)
208	(f) To ensure that the public has knowledge of and access
209	to conservation lands, as defined in s. 253.034(2)(c), the
210	department shall publish, update, and maintain a database of
211	such lands where public access is compatible with conservation
212	and recreation purposes.
213	1. By July 1, 2017, the database must be available to the
214	public online and must include, at a minimum, the location,
215	types of allowable recreational opportunities, points of public
216	access, facilities or other amenities, restrictions, and any
217	other information the department deems appropriate to increase
218	public awareness of recreational opportunities on conservation
219	lands. Such data must be electronically accessible, searchable,
220	and downloadable in a generally acceptable format.
221	2. The department, through its own efforts or through
222	partnership with a third-party entity, shall create an
223	application downloadable on mobile devices to be used to locate
224	state lands available for public access using the user's
225	locational information or based upon an activity of interest.
226	3. The database and application must include information
227	for all state conservation lands to which the public has a right
228	of access for recreational purposes. Beginning January 1, 2018,
229	to the greatest extent practicable, the database shall include
230	similar information for lands owned by federal and local
231	governmental entities that allow access for recreational
232	purposes.
1	

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233	4. By January 1 of each year, the department shall provide
234	a report to the Governor, the President of the Senate, and the
235	Speaker of the House of Representatives describing the
236	percentage of public lands acquired under this chapter to which
237	the public has access and the efforts undertaken by the
238	department to increase public access to such lands.
239	Section 2. Subsection (24) of section 373.019, Florida
240	Statutes, is amended to read:
241	373.019 DefinitionsWhen appearing in this chapter or in
242	any rule, regulation, or order adopted pursuant thereto, the
243	term:
244	(24) "Water resource development" means the formulation and
245	implementation of regional water resource management strategies,
246	including the collection and evaluation of surface water and
247	groundwater data; structural and nonstructural programs to
248	protect and manage water resources; the development of regional
249	water resource implementation programs; the construction,
250	operation, and maintenance of major public works facilities to
251	provide for flood control, surface and underground water
252	storage, and groundwater recharge augmentation; and related
253	technical assistance to local governments <u>,</u> and to government-
254	owned and privately owned water utilities, and self-suppliers to
255	the extent assistance to self-suppliers promotes the policies as
256	set forth in s. 373.016.
257	Section 3. Paragraph (b) of subsection (7) of section
258	373.036, Florida Statutes, is amended to read:
259	373.036 Florida water plan; district water management
260	plans
261	(7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT
I	

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1	5-00606-16 2016552
262	(b) The consolidated annual report shall contain the
263	following elements, as appropriate to that water management
264	district:
265	1. A district water management plan annual report or the
266	annual work plan report allowed in subparagraph (2)(e)4.
267	2. The department-approved minimum flows and minimum water
268	levels annual priority list and schedule required by <u>s.</u>
269	<u>373.042(3)</u> s. 373.042(2) .
270	3. The annual 5-year capital improvements plan required by
271	s. 373.536(6)(a)3.
272	4. The alternative water supplies annual report required by
273	s. 373.707(8)(n).
274	5. The final annual 5-year water resource development work
275	program required by s. 373.536(6)(a)4.
276	6. The Florida Forever Water Management District Work Plan
277	annual report required by s. 373.199(7).
278	7. The mitigation donation annual report required by s.
279	373.414(1)(b)2.
280	8. Information on all projects related to water quality or
281	water quantity as part of a 5-year work program, including:
282	a. A list of all specific projects identified to implement
283	a basin management action plan or a recovery or prevention
284	strategy;
285	b. A priority ranking for each listed project for which
286	state funding through the water resources development work
287	program is requested, which must be made available to the public
288	for comment at least 30 days before submission of the
289	consolidated annual report;
290	c. The estimated cost for each listed project;

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291	d. The estimated completion date for each listed project;
292	e. The source and amount of financial assistance to be made
293	available by the department, a water management district, or
294	other entity for each listed project; and
295	f. A quantitative estimate of each listed project's benefit
296	to the watershed, water body, or water segment in which it is
297	located.
298	9. A grade for each watershed, water body, or water segment
299	in which a project listed under subparagraph 8. is located
300	representing the level of impairment and violations of adopted
301	minimum flow or minimum water levels. The grading system must
302	reflect the severity of the impairment of the watershed,
303	waterbody, or water segment.
304	Section 4. Section 373.037, Florida Statutes, is created to
305	read:
306	373.037 Pilot program for alternative water supply
307	development in restricted allocation areas
308	(1) As used in this section, the term:
309	(a) "Central Florida Water Initiative Area" means all of
310	Orange, Osceola, Polk, and Seminole Counties, and southern Lake
311	County, as designated by the Central Florida Water Initiative
312	Guiding Document of January 30, 2015.
313	(b) "Lower East Coast Regional Water Supply Planning Area"
314	means the areas withdrawing surface and groundwater from Water
315	Conservation Areas 1, 2A, 2B, 3A, and 3B, Grassy Waters
316	Preserve/Water Catchment Area, Pal Mar, J.W. Corbett Wildlife
317	Management Area, Loxahatchee Slough, Loxahatchee River,
318	Riverbend Park, Dupuis Reserve, Jonathan Dickinson State Park,
319	Kitching Creek, Moonshine Creek, Cypress Creek, Hobe Grove

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320	Ditch, the Holey Land and Rotenberger Wildlife Management Areas,
321	and the freshwater portions of the Everglades National Park, as
322	designated by the South Florida Water Management District.
323	(c) "Restricted allocation area" means an area within a
324	water supply planning region of the Southwest Florida Water
325	Management District, the South Florida Water Management
326	District, or the St. Johns River Water Management District where
327	the governing board of the water management district has
328	determined that existing sources of water are not adequate to
329	supply water for all existing and future reasonable-beneficial
330	uses and to sustain the water resources and related natural
331	systems for the planning period pursuant to ss. 373.036 and
332	373.709 and where the governing board of the water management
333	district has applied allocation restrictions with regard to the
334	use of specific sources of water. For the purposes of this
335	section, the term includes the Central Florida Water Initiative
336	Area, the Lower East Coast Regional Water Supply Planning Area,
337	the Southern Water Use Caution Area, and the Upper East Coast
338	Regional Water Supply Planning Area.
339	(d) "Southern Water Use Caution Area" means all of Desoto,
340	Hardee, Manatee, and Sarasota Counties and parts of Charlotte,
341	Highlands, Hillsborough, and Polk Counties, as designated by the
342	Southwest Florida Water Management District.
343	(e) "Upper East Coast Regional Water Supply Planning Area"
344	means the areas withdrawing surface and groundwater from the
345	Central and Southern Florida canals or the Floridan Aquifer, as
346	designated by the South Florida Water Management District.
347	(2) The Legislature finds that:
348	(a) Local governments, regional water supply authorities,
•	

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1	5-00606-16 2016552
349	and government-owned and privately owned water utilities face
350	significant challenges in securing funds for implementing large-
351	scale alternative water supply projects in certain restricted
352	allocation areas due to a variety of factors, such as the
353	magnitude of the water resource challenges, the large number of
354	water users, the difficulty of developing multijurisdictional
355	solutions across district, county, or municipal boundaries, and
356	the expense of developing large-scale alternative water supply
357	projects identified in the regional water supply plans pursuant
358	to s. 373.709.
359	(b) These factors make it necessary to provide other
360	options for the Southwest Florida Water Management District, the
361	South Florida Water Management District, and the St. Johns River
362	Water Management District to be able to take the lead in
363	developing and implementing one alternative water supply project
364	within a restricted allocation area as a pilot alternative water
365	supply development project.
366	(c) Each pilot project must provide water supply and
367	environmental benefits. Consideration should be given to
368	projects that provide reductions in damaging discharges to tide
369	or that are part of a recovery or prevention strategy for
370	minimum flows and minimum water levels.
371	(3) The water management districts specified in paragraph
372	(2)(b) may, at their sole discretion, designate and implement an
373	existing alternative water supply project that is identified in
374	each district's regional water supply plan as its one pilot
375	project or amend their respective regional water supply plans to
376	add a new alternative water supply project as their district
377	pilot project. A pilot project designation made pursuant to this

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378	section should be made no later than July 1, 2017, and is not
379	subject to the rulemaking requirements of chapter 120 or subject
380	to legal challenge pursuant to ss. 120.569 and 120.57. A water
381	management district may designate an alternative water supply
382	project located within another water management district if the
383	project is located in a restricted allocation area designated by
384	the other water management district and a substantial quantity
385	of water provided by the alternative water supply project will
386	be used within the designating water management district's
387	boundaries.
388	(4) In addition to the other powers granted and duties
389	imposed under this chapter, if a district specified in paragraph
390	(2)(b) elects to implement a pilot project pursuant to this
391	section, its governing board has the following powers and is
392	subject to the following restrictions in implementing the pilot
393	project:
394	(a) The governing board may not develop and implement a
395	pilot project on privately owned land without the voluntary
396	consent of the landowner, which consent may be evidenced by
397	deed, easement, license, contract, or other written legal
398	instrument executed by the landowner after July 1, 2016.
399	(b) The governing board may not engage in local water
400	supply distribution or sell water to the pilot project
401	participants.
402	(c) The governing board may join with one or more other
403	water management districts and counties, municipalities, special
404	districts, publicly owned or privately owned water utilities,
405	multijurisdictional water supply entities, regional water supply
406	authorities, self-suppliers, or other entities for the purpose

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407	of carrying out its powers, and may contract with any such other
408	entities to finance or otherwise implement acquisitions,
409	construction, and operation and maintenance, if such contracts
410	are consistent with the public interest and based upon
411	independent cost estimates, including comparisons with other
412	alternative water supply projects. The contracts may provide for
413	contributions to be made by each party to the contract for the
414	division and apportionment of resulting costs, including
415	operations and maintenance, benefits, services, and products.
416	The contracts may contain other covenants and agreements
417	necessary and appropriate to accomplish their purposes.
418	(5) A water management district may provide up to 50
419	percent of funding assistance for a pilot project.
420	(6) If a water management district specified in paragraph
421	(2)(b) elects to implement a pilot project, it shall submit a
422	report to the Governor, the President of the Senate, and the
423	Speaker of the House of Representatives by July 1, 2020, on the
424	effectiveness of its pilot project. The report must include all
425	of the following information:
426	(a) A description of the alternative water supply project
427	selected as a pilot project, including the quantity of water the
428	project has produced or is expected to produce and the
429	consumptive users who are expected to use the water produced by
430	the pilot project to meet their existing and future reasonable-
431	beneficial uses.
432	(b) Progress made in developing and implementing the pilot
433	project in comparison to the development and implementation of
434	other alternative water supply projects in the restricted
435	allocation area.

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436	(c) The capital and operating costs to be expended by the
437	water management district in implementing the pilot project in
438	comparison to other alternative water supply projects being
439	developed and implemented in the restricted allocation area.
440	(d) The source of funds to be used by the water management
441	district in developing and implementing the pilot project.
442	(e) The benefits to the district's water resources and
443	natural systems from implementation of the pilot project.
444	(f) A recommendation as to whether the traditional role of
445	water management districts regarding the development and
446	implementation of alternative water supply projects, as
447	specified in ss. 373.705 and 373.707, should be revised and, if
448	so, identification of the statutory changes necessary to expand
449	the scope of the pilot program.
450	Section 5. Section 373.042, Florida Statutes, is amended to
451	read:
452	373.042 Minimum flows and <u>minimum water</u> levels
453	(1) Within each section, or within the water management
454	district as a whole, the department or the governing board shall
455	establish the following:
456	(a) Minimum flow for all surface watercourses in the area.
457	The minimum flow for a given watercourse <u>is</u> shall be the limit
458	at which further withdrawals would be significantly harmful to
459	the water resources or ecology of the area.
460	(b) Minimum water level. The minimum water level <u>is</u> shall
461	be the level of groundwater in an aquifer and the level of
462	surface water at which further withdrawals would be
463	significantly harmful to the water resources <u>or ecology</u> of the
464	area.
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466	The minimum flow and minimum water level shall be calculated by
467	the department and the governing board using the best
468	information available. When appropriate, minimum flows and
469	minimum water levels may be calculated to reflect seasonal
470	variations. The department and the governing board shall also
471	consider, and at their discretion may provide for, the
472	protection of nonconsumptive uses in the establishment of
473	minimum flows and minimum water levels.
474	(2)(a) If a minimum flow or minimum water level has not
475	been adopted for an Outstanding Florida Spring, a water
476	management district or the department shall use the emergency
477	rulemaking authority provided in paragraph (c) to adopt a
478	minimum flow or minimum water level no later than July 1, 2017,
479	except for the Northwest Florida Water Management District,
480	which shall use such authority to adopt minimum flows and
481	minimum water levels for Outstanding Florida Springs no later
482	than July 1, 2026.
483	(b) For Outstanding Florida Springs identified on a water
484	management district's priority list developed pursuant to
485	subsection (3) which have the potential to be affected by
486	withdrawals in an adjacent district, the adjacent district or
487	districts and the department shall collaboratively develop and
488	implement a recovery or prevention strategy for an Outstanding
489	Florida Spring not meeting an adopted minimum flow or minimum
490	water level.
491	(c) The Legislature finds as provided in s. 373.801(3)(b)
492	that the adoption of minimum flows and minimum water levels or
493	recovery or prevention strategies for Outstanding Florida
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5-00606-16 2016552 494 Springs requires immediate action. The department and the 495 districts are authorized, and all conditions are deemed to be 496 met, to use emergency rulemaking provisions pursuant to s. 497 120.54(4) to adopt minimum flows and minimum water levels 498 pursuant to this subsection and to adopt recovery or prevention 499 strategies concurrently with a minimum flow or minimum water 500 level pursuant to s. 373.805(2). The emergency rules shall 501 remain in effect during the pendency of procedures to adopt 502 rules addressing the subject of the emergency rules. 503 (d) As used in this subsection, the term "Outstanding 504 Florida Spring" has the same meaning as in s. 373.802. 505 (3) (2) By November 15, 1997, and annually thereafter, each 506 water management district shall submit to the department for 507 review and approval a priority list and schedule for the 508 establishment of minimum flows and minimum water levels for 509 surface watercourses, aquifers, and surface waters within the 510 district. The priority list and schedule shall identify those 511 listed water bodies for which the district will voluntarily 512 undertake independent scientific peer review; any reservations 513 proposed by the district to be established pursuant to s. 514 373.223(4); and those listed water bodies that have the 515 potential to be affected by withdrawals in an adjacent district 516 for which the department's adoption of a reservation pursuant to 517 s. 373.223(4) or a minimum flow or minimum water level pursuant to subsection (1) may be appropriate. By March 1, 2006, and 518 519 annually thereafter, each water management district shall 520 include its approved priority list and schedule in the 521 consolidated annual report required by s. 373.036(7). The 522 priority list shall be based upon the importance of the waters

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5-00606-16 2016552 523 to the state or region and the existence of or potential for 524 significant harm to the water resources or ecology of the state 525 or region, and shall include those waters which are experiencing 526 or may reasonably be expected to experience adverse impacts. 527 Each water management district's priority list and schedule 528 shall include all first magnitude springs, and all second 529 magnitude springs within state or federally owned lands 530 purchased for conservation purposes. The specific schedule for 531 establishment of spring minimum flows and minimum water levels 532 shall be commensurate with the existing or potential threat to 533 spring flow from consumptive uses. Springs within the Suwannee 534 River Water Management District, or second magnitude springs in 535 other areas of the state, need not be included on the priority 536 list if the water management district submits a report to the 537 Department of Environmental Protection demonstrating that adverse impacts are not now occurring nor are reasonably 538 539 expected to occur from consumptive uses during the next 20 540 years. The priority list and schedule is not subject to any 541 proceeding pursuant to chapter 120. Except as provided in 542 subsection (4) (3), the development of a priority list and 543 compliance with the schedule for the establishment of minimum 544 flows and minimum water levels pursuant to this subsection 545 satisfies the requirements of subsection (1).

546 <u>(4)(3)</u> Minimum flows or <u>minimum water</u> levels for priority 547 waters in the counties of Hillsborough, Pasco, and Pinellas 548 shall be established by October 1, 1997. Where a minimum flow or 549 <u>minimum water</u> level for the priority waters within those 550 counties has not been established by the applicable deadline, 551 the secretary of the department shall, if requested by the

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5-00606-16 2016552 552 governing body of any local government within whose jurisdiction 553 the affected waters are located, establish the minimum flow or 554 minimum water level in accordance with the procedures 555 established by this section. The department's reasonable costs 556 in establishing a minimum flow or minimum water level shall, 557 upon request of the secretary, be reimbursed by the district. 558 (5) (4) A water management district shall provide the 559 department with technical information and staff support for the 560 development of a reservation, minimum flow or minimum water 561 level, or recovery or prevention strategy to be adopted by the 562 department by rule. A water management district shall apply any 563 reservation, minimum flow or minimum water level, or recovery or 564 prevention strategy adopted by the department by rule without 565 the district's adoption by rule of such reservation, minimum flow or minimum water level, or recovery or prevention strategy. 566 567 (6) (5) (a) Upon written request to the department or 568 governing board by a substantially affected person, or by 569 decision of the department or governing board, before prior to 570 the establishment of a minimum flow or minimum water level and 571 before prior to the filing of any petition for administrative 572 hearing related to the minimum flow or minimum water level, all 573 scientific or technical data, methodologies, and models, 574 including all scientific and technical assumptions employed in 575 each model, used to establish a minimum flow or minimum water 576 level shall be subject to independent scientific peer review. 577 Independent scientific peer review means review by a panel of 578 independent, recognized experts in the fields of hydrology, 579 hydrogeology, limnology, biology, and other scientific 580 disciplines, to the extent relevant to the establishment of the

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581 minimum flow or minimum water level.

582 (b) If independent scientific peer review is requested, it 583 shall be initiated at an appropriate point agreed upon by the 584 department or governing board and the person or persons requesting the peer review. If no agreement is reached, the 585 586 department or governing board shall determine the appropriate 587 point at which to initiate peer review. The members of the peer 588 review panel shall be selected within 60 days of the point of 589 initiation by agreement of the department or governing board and 590 the person or persons requesting the peer review. If the panel 591 is not selected within the 60-day period, the time limitation 592 may be waived upon the agreement of all parties. If no waiver 593 occurs, the department or governing board may proceed to select 594 the peer review panel. The cost of the peer review shall be 595 borne equally by the district and each party requesting the peer 596 review, to the extent economically feasible. The panel shall 597 submit a final report to the governing board within 120 days 598 after its selection unless the deadline is waived by agreement 599 of all parties. Initiation of peer review pursuant to this 600 paragraph shall toll any applicable deadline under chapter 120 601 or other law or district rule regarding permitting, rulemaking, 602 or administrative hearings, until 60 days following submittal of 603 the final report. Any such deadlines shall also be tolled for 60 604 days following withdrawal of the request or following agreement of the parties that peer review will no longer be pursued. The 605 606 department or the governing board shall give significant weight 607 to the final report of the peer review panel when establishing 608 the minimum flow or minimum water level.

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(c) If the final data, methodologies, and models, including

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610	all scientific and technical assumptions employed in each model
611	upon which a minimum flow or level is based, have undergone peer
612	review pursuant to this subsection, by request or by decision of
613	the department or governing board, no further peer review shall
614	be required with respect to that minimum flow or minimum water
615	level.
616	(d) No minimum flow or <u>minimum water</u> level adopted by rule
617	or formally noticed for adoption on or before May 2, 1997, shall
618	be subject to the peer review provided for in this subsection.
619	<u>(7)</u> If a petition for administrative hearing is filed
620	under chapter 120 challenging the establishment of a minimum
621	flow or minimum water level, the report of an independent
622	scientific peer review conducted under subsection (5) (4) is
623	admissible as evidence in the final hearing, and the
624	administrative law judge must render the order within 120 days
625	after the filing of the petition. The time limit for rendering
626	the order shall not be extended except by agreement of all the
627	parties. To the extent that the parties agree to the findings of
628	the peer review, they may stipulate that those findings be
629	incorporated as findings of fact in the final order.
630	(8) The rules adopted pursuant to this section are not
631	subject to s. 120.541(3).
632	Section 6. Section 373.0421, Florida Statutes, is amended
633	to read:
634	373.0421 Establishment and implementation of minimum flows
635	and <u>minimum water</u> levels
636	(1) ESTABLISHMENT
637	(a) Considerations.—When establishing minimum flows and
638	minimum water levels pursuant to s. 373.042, the department or
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639	governing board shall consider changes and structural
640	alterations to watersheds, surface waters, and aquifers and the
641	effects such changes or alterations have had, and the
642	constraints such changes or alterations have placed, on the
643	hydrology of an affected watershed, surface water, or aquifer,
644	provided that nothing in this paragraph shall allow significant
645	harm as provided by s. 373.042(1) caused by withdrawals.
646	(b) Exclusions
647	1. The Legislature recognizes that certain water bodies no
648	longer serve their historical hydrologic functions. The
649	Legislature also recognizes that recovery of these water bodies
650	to historical hydrologic conditions may not be economically or
651	technically feasible, and that such recovery effort could cause
652	adverse environmental or hydrologic impacts. Accordingly, the
653	department or governing board may determine that setting a
654	minimum flow or <u>minimum water</u> level for such a water body based
655	on its historical condition is not appropriate.
656	2. The department or the governing board is not required to
657	establish minimum flows or <u>minimum water</u> levels pursuant to s.
658	373.042 for surface water bodies less than 25 acres in area,
659	unless the water body or bodies, individually or cumulatively,
660	have significant economic, environmental, or hydrologic value.
661	3. The department or the governing board shall not set
662	minimum flows or <u>minimum water</u> levels pursuant to s. 373.042 for
663	surface water bodies constructed <u>before</u> prior to the requirement

664 for a permit, or pursuant to an exemption, a permit, or a 665 reclamation plan which regulates the size, depth, or function of 666 the surface water body under the provisions of this chapter, 667 chapter 378, or chapter 403, unless the constructed surface

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668	water body is of significant hydrologic value or is an essential
669	element of the water resources of the area.
670	
671	The exclusions of this paragraph shall not apply to the
672	Everglades Protection Area, as defined in s. 373.4592(2)(i).
673	(2) If the existing flow or <u>water</u> level in a water body is
674	below, or is projected to fall within 20 years below, the
675	applicable minimum flow or minimum water level established
676	pursuant to s. 373.042, the department or governing board,
677	concurrent with the adoption of the minimum flow or minimum
678	water level and as part of the regional water supply plan
679	described in s. 373.709, shall <u>adopt and</u> expeditiously implement
680	a recovery or prevention strategy, which includes the
681	development of additional water supplies and other actions,
682	consistent with the authority granted by this chapter, to:
683	(a) Achieve recovery to the established minimum flow or
684	minimum water level as soon as practicable; or
685	(b) Prevent the existing flow or <u>water</u> level from falling
686	below the established minimum flow or minimum water level.
687	
688	The recovery or prevention strategy <u>must</u> shall include <u>a phased-</u>
689	<u>in approach</u> phasing or a timetable which will allow for the
690	provision of sufficient water supplies for all existing and
691	projected reasonable-beneficial uses, including development of
692	additional water supplies and implementation of conservation and
693	other efficiency measures concurrent with and, to the maximum
694	extent practical, and to offset $_{m au}$ reductions in permitted
695	withdrawals, consistent with the provisions of this chapter. <u>The</u>
696	recovery or prevention strategy may not depend solely on water
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5-00606-16 2016552 shortage restrictions declared pursuant to s. 373.175 or s. 697 698 373.246. 699 (3) To ensure that sufficient water is available for all 700 existing and future reasonable-beneficial uses and the natural 701 systems, the applicable regional water supply plan prepared 702 pursuant to s. 373.709 shall be amended to include any water 703 supply development project or water resource development project 704 identified in a recovery or prevention strategy. Such amendment 705 shall be approved concurrently with relevant portions of the 706 recovery or prevention strategy. 707 (4) The water management district shall notify the 708 department if an application for a water use permit is denied 709 based upon the impact that the use will have on an adopted 710 minimum flow or minimum water level. Upon receipt of such 711 notice, the department shall, as soon as practicable and in 712 cooperation with the water management district, conduct a review 713 of the applicable regional water supply plan prepared pursuant 714 to s. 373.709. Such review shall include an assessment by the 715 department of the adequacy of the plan in addressing the 716 legislative intent of s. 373.705(2)(b) which provides that 717 sufficient water be available for all existing and future 718 reasonable-beneficial uses and natural systems and that the 719 adverse effects of competition for water supplies be avoided. If 720 the department determines, based upon this review, that the 721 regional water supply plan does not adequately address the 722 legislative intent of s. 373.705(2)(b), the water management 723 district shall immediately initiate an update of the plan 724 consistent with s. 373.709. 725 (5) (3) The provisions of this section are supplemental to

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726	any other specific requirements or authority provided by law.
727	Minimum flows and <u>minimum water</u> levels shall be reevaluated
728	periodically and revised as needed.
729	Section 7. Section 373.0465, Florida Statutes, is created
730	to read:
731	373.0465 Central Florida Water Initiative
732	(1) The Legislature finds that:
733	(a) Historically, the Floridan Aquifer system has supplied
734	the vast majority of the water used in the Central Florida
735	Coordination Area.
736	(b) Because the boundaries of the St. Johns River Water
737	Management District, the South Florida Water Management
738	District, and the Southwest Florida Water Management District
739	meet within the Central Florida Coordination Area, the three
740	districts and the Department of Environmental Protection have
741	worked cooperatively to determine that the Floridan Aquifer
742	system is locally approaching the sustainable limits of use and
743	are exploring the need to develop sources of water to meet the
744	long-term water needs of the area.
745	(c) The Central Florida Water Initiative is a collaborative
746	process involving the Department of Environmental Protection,
747	the St. Johns River Water Management District, the South Florida
748	Water Management District, the Southwest Florida Water
749	Management District, the Department of Agriculture and Consumer
750	Services, regional public water supply utilities, and other
751	stakeholders. As set forth in the Central Florida Water
752	Initiative Guiding Document of January 30, 2015, the initiative
753	has developed an initial framework for a unified process to
754	address the current and long-term water supply needs of Central
1	

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755	Florida without causing harm to the water resources and
756	associated natural systems.
757	(d) Developing water sources as an alternative to continued
758	reliance on the Floridan Aquifer will benefit existing and
759	future water users and natural systems within and beyond the
760	boundaries of the Central Florida Water Initiative.
761	(2)(a) As used in this section, the term "Central Florida
762	Water Initiative Area" means all of Orange, Osceola, Polk, and
763	Seminole Counties, and southern Lake County, as designated by
764	the Central Florida Water Initiative Guiding Document of January
765	30, 2015.
766	(b) The department, the St. Johns River Water Management
767	District, the South Florida Water Management District, the
768	Southwest Florida Water Management District, and the Department
769	of Agriculture and Consumer Services shall:
770	1. Provide for a continuation of the collaborative process
771	in the Central Florida Water Initiative Area among the state
772	agencies, affected water management districts, regional public
773	water supply utilities, and other stakeholders;
774	2. Build upon the guiding principles and goals set forth in
775	the Central Florida Water Initiative Guiding Document of January
776	30, 2015, and the work that has already been accomplished by the
777	Central Florida Water Initiative participants;
778	3. Develop and implement, as set forth in the Central
779	Florida Water Initiative Guiding Document of January 30, 2015, a
780	single multidistrict regional water supply plan, including any
781	needed recovery or prevention strategies and a list of water
782	supply development projects or water resource projects; and
783	4. Provide for a single hydrologic planning model to assess

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784	the availability of groundwater in the Central Florida Water
785	Initiative Area.
786	(c) In developing the water supply planning program
787	consistent with the goals set forth in this subsection, the
788	department, the St. Johns River Water Management District, the
789	South Florida Water Management District, the Southwest Florida
790	Water Management District, and the Department of Agriculture and
791	Consumer Services shall:
792	1. Consider limitations on groundwater use together with
793	opportunities for new, increased, or redistributed groundwater
794	uses that are consistent with the conditions established under
795	<u>s. 373.223;</u>
796	2. Establish a coordinated process for the identification
797	of water resources requiring new or revised conditions. Any new
798	or revised condition must be consistent with s. 373.223;
799	3. Consider existing recovery or prevention strategies;
800	4. Include a list of water supply options sufficient to
801	meet the water needs of all existing and future reasonable-
802	beneficial uses consistent with the conditions established under
803	s. 373.223; and
804	5. Identify, as necessary, which of the water supply
805	sources are preferred water supply sources pursuant to s.
806	373.2234.
807	(d) The department, in consultation with the St. Johns
808	River Water Management District, the South Florida Water
809	Management District, the Southwest Florida Water Management
810	District, and the Department of Agriculture and Consumer
811	Services, shall adopt uniform rules for application within the
812	Central Florida Water Initiative Area that include:
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813	1. A single, uniform definition of the term "harmful to the
814	water resources" consistent with the term's usage in s. 373.219;
815	2. A single method for calculating residential per capita
816	water use;
817	3. A single process for permit reviews;
818	4. A single, consistent process, as appropriate, to set
819	minimum flows and minimum water levels and water reservations;
820	5. A goal for residential per capita water use for each
821	consumptive use permit; and
822	6. An annual conservation goal for each consumptive use
823	permit consistent with the regional water supply plan.
824	
825	The uniform rules must include existing recovery strategies
826	within the Central Florida Water Initiative Area adopted before
827	July 1, 2016. The department may grant variances to the uniform
828	rules if there are unique circumstances or hydrogeological
829	factors that make application of the uniform rules unrealistic
830	or impractical.
831	(e) The department shall initiate rulemaking for the
832	uniform rules by December 31, 2016. The department's uniform
833	rules shall be applied by the water management districts only
834	within the Central Florida Water Initiative Area. Upon adoption
835	of the rules, the water management districts shall implement the
836	rules without further rulemaking pursuant to s. 120.54. The
837	rules adopted by the department pursuant to this section are
838	considered the rules of the water management districts.
839	(f) Water management district planning programs developed
840	pursuant to this subsection shall be approved or adopted as
841	required under this chapter. However, such planning programs may

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842	not serve to modify planning programs in areas of the affected
843	districts that are not within the Central Florida Water
844	Initiative Area, but may include interregional projects located
845	outside the Central Florida Water Initiative Area which are
846	consistent with planning and regulatory programs in the areas in
847	which they are located.
848	Section 8. Subsection (4) of section 373.1501, Florida
849	Statutes, is amended, present subsections (7) and (8) are
850	redesignated as subsections (8) and (9), respectively, and a new
851	subsection (7) is added to that section, to read:
852	373.1501 South Florida Water Management District as local
853	sponsor
854	(4) The district is authorized to act as local sponsor of
855	the project for those project features within the district as
856	provided in this subsection and subject to the oversight of the
857	department as further provided in s. 373.026. The district shall
858	exercise the authority of the state to allocate quantities of
859	water within its jurisdiction, including the water supply in
860	relation to the project, and be responsible for allocating water
861	and assigning priorities among the other water uses served by
862	the project pursuant to state law. The district may:
863	(a) Act as local sponsor for all project features
864	previously authorized by Congress <u>.</u> +
865	(b) Continue data gathering, analysis, research, and design
866	of project components, participate in preconstruction
867	engineering and design documents for project components, and
868	further refine the Comprehensive Plan of the restudy as a guide
869	and framework for identifying other project components $\underline{\cdot} \dot{\boldsymbol{\cdot}}$
870	(c) Construct pilot projects that will assist in

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871	determining the feasibility of technology included in the
872	Comprehensive Plan of the restudy <u>.; and</u>
873	(d) Act as local sponsor for project components.
874	(7) When developing or implementing water control plans or
875	regulation schedules required for the operation of the project,
876	the district shall provide recommendations to the United States
877	Army Corps of Engineers which are consistent with all district
878	programs and plans.
879	Section 9. Subsection (3) is added to section 373.219,
880	Florida Statutes, to read:
881	373.219 Permits required
882	(3) For Outstanding Florida Springs, the department shall
883	adopt uniform rules for issuing permits which prevent
884	groundwater withdrawals that are harmful to the water resources
885	and adopt by rule a uniform definition of the term "harmful to
886	the water resources" to provide water management districts with
887	minimum standards necessary to be consistent with the overall
888	water policy of the state. This subsection does not prohibit a
889	water management district from adopting a definition that is
890	more protective of the water resources consistent with local or
891	regional conditions and objectives.
892	Section 10. Subsection (6) is added to section 373.223,
893	Florida Statutes, to read:
894	373.223 Conditions for a permit
895	(6) A new consumptive use permit, or the renewal or
896	modification of a consumptive use permit, that authorizes
897	groundwater withdrawals of 100,000 gallons or more per day from
898	a well with an inside diameter of 8 inches or more shall be
899	monitored for water usage at intervals using methods determined

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900	by the applicable water management district, and the results of
901	such monitoring shall be reported to the applicable water
902	management district at least annually. The water management
903	districts may adopt rules to implement this subsection.
904	Section 11. Section 373.2234, Florida Statutes, is amended
905	to read:
906	373.2234 Preferred water supply sources
907	(1) The governing board of a water management district is
908	authorized to adopt rules that identify preferred water supply
909	sources for consumptive uses for which there is sufficient data
910	to establish that a preferred source will provide a substantial
911	new water supply to meet the existing and projected reasonable-
912	beneficial uses of a water supply planning region identified
913	pursuant to s. 373.709(1), while sustaining existing water
914	resources and natural systems. At a minimum, such rules must
915	contain a description of the preferred water supply source and
916	an assessment of the water the preferred source is projected to
917	produce.
918	(2)(a) If an applicant proposes to use a preferred water
919	supply source, that applicant's proposed water use is subject to
920	s. 373.223(1), except that the proposed use of a preferred water
921	supply source must be considered by a water management district
922	when determining whether a permit applicant's proposed use of
923	water is consistent with the public interest pursuant to s.
924	373.223(1)(c).
925	(b) The governing board of a water management district
926	shall consider the identification of preferred water supply
927	sources for water users for whom access to or development of new
928	water supplies is not technically or financially feasible.

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929	Identification of preferred water supply sources for such water
930	users must be consistent with s. 373.016.
931	(c) A consumptive use permit issued for the use of a
932	preferred water supply source must be granted, when requested by
933	the applicant, for at least a 20-year period and may be subject
934	to the compliance reporting provisions of s. 373.236(4).
935	(3)(a) Nothing in This section does not: shall be construed
936	to
937	1. Exempt the use of preferred water supply sources from
938	the provisions of ss. 373.016(4) and 373.223(2) and (3) <u>;</u> or be
939	construed to
940	2. Provide that permits issued for the use of a
941	nonpreferred water supply source must be issued for a duration
942	of less than 20 years or that the use of a nonpreferred water
943	supply source is not consistent with the public interest; or $\overline{\cdot}$
944	3. Additionally, nothing in this section shall be
945	interpreted to Require the use of a preferred water supply
946	source or to restrict or prohibit the use of a nonpreferred
947	water supply source.
948	(b) Rules adopted by the governing board of a water
949	management district to implement this section shall specify that
950	the use of a preferred water supply source is not required and
951	that the use of a nonpreferred water supply source is not
952	restricted or prohibited.
953	Section 12. Present subsection (5) of section 373.227,
954	Florida Statutes, is redesignated as subsection (7), and a new
955	subsection (5) and subsection (6) are added to that section, to
956	read:
957	373.227 Water conservation; legislative findings and

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958	intent; objectives; comprehensive statewide water conservation
959	program requirements
960	(5) To incentivize water conservation, if actual water use
961	is less than permitted water use due to documented
962	implementation of water conservation measures beyond those
963	required in a consumptive use permit, including, but not limited
964	to, those measures identified in best management practices
965	pursuant to s. 570.93, the permitted allocation may not be
966	modified solely due to such water conservation during the term
967	of the permit. To promote water conservation and the
968	implementation of measures that produce significant water
969	savings beyond those required in a consumptive use permit, each
970	water management district shall adopt rules providing water
971	conservation incentives, which may include limited permit
972	extensions.
973	(6) For consumptive use permits for agricultural
974	irrigation, if actual water use is less than permitted water use
975	due to weather events, crop diseases, nursery stock
976	availability, market conditions, or changes in crop type, a
977	district may not, as a result, reduce permitted allocation
978	amounts during the term of the permit.
979	Section 13. Subsection (2) of section 373.233, Florida
980	Statutes, is amended to read:
981	373.233 Competing applications
982	(2) (a) If In the event that two or more competing
983	applications qualify equally under the provisions of subsection
984	(1), the governing board or the department shall give preference
985	to a renewal application over an initial application.
986	(b) If two or more competing applications qualify equally

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987	under subsection (1) and none of the competing applications is a
988	renewal application, the governing board or the department shall
989	give preference to the application for the use where the source
990	is nearest to the area of use or application consistent with s.
991	373.016(4)(a).
992	Section 14. Section 373.4591, Florida Statutes, is amended
993	to read:
994	373.4591 Improvements on private agricultural lands
995	(1) The Legislature encourages public-private partnerships
996	to accomplish water storage, groundwater recharge, and water
997	quality improvements on private agricultural lands. <u>Priority</u>
998	consideration shall be given to public-private partnerships
999	that:
1000	(a) Store or treat water on private lands for purposes of
1001	enhancing hydrologic improvement, improving water quality, or
1002	assisting in water supply;
1003	(b) Provide critical groundwater recharge; or
1004	(c) Provide for changes in land use to activities that
1005	minimize nutrient loads and maximize water conservation.
1006	(2)(a) When an agreement is entered into between the
1007	<u>department,</u> a water management district <u>,</u> or the Department <u>of</u>
1008	Agriculture and Consumer Services and a private landowner to
1009	establish such a <u>public-private</u> partnership <u>that may create or</u>
1010	impact wetlands or other surface waters, a baseline condition
1011	determining the extent of wetlands and other surface waters on
1012	the property shall be established and documented in the
1013	agreement before improvements are constructed.
1014	(b) When an agreement is entered into between the
1015	Department of Agriculture and Consumer Services and a private

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5-00606-16 2016552 1016 landowner to implement best management practices pursuant to s. 1017 403.067(7)(c), a baseline condition determining the extent of 1018 wetlands and other surface water on the property may be 1019 established at the option and expense of the private landowner 1020 and documented in the agreement before improvements are 1021 constructed. The Department of Agriculture and Consumer Services 1022 shall submit the landowner's proposed baseline condition 1023 documentation to the lead agency for review and approval, and 1024 the agency shall use its best efforts to complete the review 1025 within 45 days. (3) The Department of Agriculture and Consumer Services, 1026 1027 the department, and the water management districts shall provide 1028 a process for reviewing these requests in the timeframe 1029 specified. The determination of a baseline condition shall be 1030 conducted using the methods set forth in the rules adopted 1031 pursuant to s. 373.421. The baseline condition documented in an 1032 agreement shall be considered the extent of wetlands and other 1033 surface waters on the property for the purpose of regulation 1034 under this chapter for the duration of the agreement and after 1035 its expiration. 1036 Section 15. Paragraph (h) of subsection (1) and subsections 1037 (2) through (7) of section 373.4595, Florida Statutes, are 1038 amended to read: 1039 373.4595 Northern Everglades and Estuaries Protection 1040 Program.-1041 (1) FINDINGS AND INTENT.-1042 (h) The Legislature finds that the expeditious implementation of the Lake Okeechobee Watershed Protection 1043 1044 Program, the Caloosahatchee River Watershed Protection Program,

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5-00606-16 2016552 1045 Plan and the St. Lucie River Watershed Protection Program Plans 1046 is needed to improve the quality, quantity, timing, and 1047 distribution of water in the northern Everglades ecosystem and 1048 that this section, in conjunction with s. 403.067, including the 1049 implementation of the plans developed and approved pursuant to 1050 subsections (3) and (4), and any related basin management action 1051 plan developed and implemented pursuant to s. 403.067(7)(a), 1052 provide a reasonable means of achieving the total maximum daily 1053 load requirements and achieving and maintaining compliance with 1054 state water quality standards. 1055 (2) DEFINITIONS.-As used in this section, the term: 1056 (a) "Best management practice" means a practice or 1057 combination of practices determined by the coordinating 1058 agencies, based on research, field-testing, and expert review, 1059 to be the most effective and practicable on-location means, 1060 including economic and technological considerations, for 1061 improving water quality in agricultural and urban discharges. 1062 Best management practices for agricultural discharges shall 1063 reflect a balance between water quality improvements and 1064 agricultural productivity. 1065 (b) "Biosolids" means the solid, semisolid, or liquid 1066 residue generated during the treatment of domestic wastewater in 1067 a domestic wastewater treatment facility, formerly known as 1068 "domestic wastewater residuals" or "residuals," and includes products and treated material from biosolids treatment 1069 1070 facilities and septage management facilities regulated by the 1071 department. The term does not include the treated effluent or 1072 reclaimed water from a domestic wastewater treatment facility, 1073 solids removed from pump stations and lift stations, screenings

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1074	and grit removed from the preliminary treatment components of
1075	domestic wastewater treatment facilities, or ash generated
1076	during the incineration of biosolids.
1077	<u>(c)</u> "Caloosahatchee River watershed" means the
1078	Caloosahatchee River, its tributaries, its estuary, and the area
1079	within Charlotte, Glades, Hendry, and Lee Counties from which
1080	surface water flow is directed or drains, naturally or by
1081	constructed works, to the river, its tributaries, or its
1082	estuary.
1083	(d) (c) "Coordinating agencies" means the Department of
1084	Agriculture and Consumer Services, the Department of
1085	Environmental Protection, and the South Florida Water Management
1086	District.
1087	<u>(e)</u> "Corps of Engineers" means the United States Army
1088	Corps of Engineers.
1089	(f) (e) "Department" means the Department of Environmental
1090	Protection.
1091	(g) (f) "District" means the South Florida Water Management
1092	District.
1093	(g) "District's WOD program" means the program implemented
1094	pursuant to rules adopted as authorized by this section and ss.
1095	373.016, 373.044, 373.085, 373.086, 373.109, 373.113, 373.118,
1096	373.451, and 373.453, entitled "Works of the District Basin."
1097	(h) "Lake Okeechobee Watershed Construction Project" means
1098	the construction project developed pursuant to <u>this section</u>
1099	paragraph (3)(b).
1100	(i) "Lake Okeechobee Watershed Protection Plan" means the
1101	Lake Okeechobee Watershed Construction Project and the Lake
1102	Okeechobee Watershed Research and Water Quality Monitoring
I.	

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5-00606-16 2016552 Program plan developed pursuant to this section and ss. 1103 373.451-1104 373.459. 1105 (j) "Lake Okeechobee watershed" means Lake Okeechobee, its 1106 tributaries, and the area within which surface water flow is 1107 directed or drains, naturally or by constructed works, to the lake or its tributaries. 1108 1109 (k) "Lake Okeechobee Watershed Phosphorus Control Program" 1110 means the program developed pursuant to paragraph (3)(c). (k) (1) "Northern Everglades" means the Lake Okeechobee 1111 1112 watershed, the Caloosahatchee River watershed, and the St. Lucie 1113 River watershed. (1) (m) "Project component" means any structural or 1114 1115 operational change, resulting from the Restudy, to the Central 1116 and Southern Florida Project as it existed and was operated as 1117 of January 1, 1999. (m) (n) "Restudy" means the Comprehensive Review Study of 1118 1119 the Central and Southern Florida Project, for which federal 1120 participation was authorized by the Federal Water Resources 1121 Development Acts of 1992 and 1996 together with related 1122 Congressional resolutions and for which participation by the 1123 South Florida Water Management District is authorized by s. 1124 373.1501. The term includes all actions undertaken pursuant to 1125 the aforementioned authorizations which will result in 1126 recommendations for modifications or additions to the Central 1127 and Southern Florida Project. 1128 (n) (o) "River Watershed Protection Plans" means the

1120 Caloosahatchee River Watershed Protection Plan and the St. Lucie 1130 River Watershed Protection Plan developed pursuant to this 1131 section.

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1132	(o) "Soil amendment" means any substance or mixture of
1133	substances sold or offered for sale for soil enriching or
1134	corrective purposes, intended or claimed to be effective in
1135	promoting or stimulating plant growth, increasing soil or plant
1136	productivity, improving the quality of crops, or producing any
1137	chemical or physical change in the soil, except amendments,
1138	conditioners, additives, and related products that are derived
1139	solely from inorganic sources and that contain no recognized
1140	plant nutrients.
1141	(p) "St. Lucie River watershed" means the St. Lucie River,
1142	its tributaries, its estuary, and the area within Martin,
1143	Okeechobee, and St. Lucie Counties from which surface water flow
1144	is directed or drains, naturally or by constructed works, to the
1145	river, its tributaries, or its estuary.
1146	(q) "Total maximum daily load" means the sum of the
1147	individual wasteload allocations for point sources and the load
1148	allocations for nonpoint sources and natural background <u>adopted</u>
1149	pursuant to s. 403.067. Before Prior to determining individual
1150	wasteload allocations and load allocations, the maximum amount
1151	of a pollutant that a water body or water segment can assimilate
1152	from all sources without exceeding water quality standards must
1153	first be calculated.
1154	(3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAMThe Lake
1155	Okeechobee Watershed Protection Program shall consist of the
1156	Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee
1157	Basin Management Action Plan adopted pursuant to s. 403.067, the
1158	Lake Okeechobee Exotic Species Control Program, and the Lake
1159	Okeechobee Internal Phosphorus Management Program. The Lake
1160	Okeechobee Basin Management Action Plan adopted pursuant to s.
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5-00606-16 2016552 1161 403.067 shall be the component of the Lake Okeechobee Watershed 1162 Protection A protection Program for Lake Okeechobee that 1163 achieves phosphorus load reductions for Lake Okeechobee shall be 1164 immediately implemented as specified in this subsection. The 1165 Lake Okeechobee Watershed Protection Program shall address the 1166 reduction of phosphorus loading to the lake from both internal 1167 and external sources. Phosphorus load reductions shall be 1168 achieved through a phased program of implementation. Initial implementation actions shall be technology-based, based upon a 1169 1170 consideration of both the availability of appropriate technology 1171 and the cost of such technology, and shall include phosphorus 1172 reduction measures at both the source and the regional level. 1173 The initial phase of phosphorus load reductions shall be based 1174 upon the district's Technical Publication 81-2 and the 1175 district's WOD program, with subsequent phases of phosphorus 1176 load reductions based upon the total maximum daily loads 1177 established in accordance with s. 403.067. In the development 1178 and administration of the Lake Okeechobee Watershed Protection 1179 Program, the coordinating agencies shall maximize opportunities 1180 provided by federal cost-sharing programs and opportunities for partnerships with the private sector. 1181 1182 (a) Lake Okeechobee Watershed Protection Plan.-In-order To protect and restore surface water resources, the district, in 1183 1184 cooperation with the other coordinating agencies, shall complete a Lake Okeechobee Watershed Protection Plan in accordance with 1185

1186 this section and ss. 373.451-373.459. Beginning March 1, 2020, 1187 and every 5 years thereafter, the district shall update the Lake 1188 Okeechobee Watershed Protection Plan to ensure that it is 1189 consistent with the Lake Okeechobee Basin Management Action Plan

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1190	adopted pursuant to s. 403.067. The Lake Okeechobee Watershed
1191	<u>Protection</u> Plan shall identify the geographic extent of the
1192	watershed, be coordinated with the plans developed pursuant to
1193	paragraphs (4)(a) and <u>(c)</u> (b) , and include the Lake Okeechobee
1194	Watershed Construction Project and the Lake Okeechobee Watershed
1195	Research and Water Quality Monitoring Program contain an
1196	implementation schedule for subsequent phases of phosphorus load
1197	reduction consistent with the total maximum daily loads
1198	established in accordance with s. 403.067. The plan shall
1199	consider and build upon a review and analysis of the following:
1200	1. the performance of projects constructed during Phase I
1201	and Phase II of the Lake Okeechobee Watershed Construction
1202	Project, pursuant to <u>subparagraph 1.;</u> paragraph (b).
1203	2. relevant information resulting from the Lake Okeechobee
1204	Basin Management Action Plan Watershed Phosphorus Control
1205	Program , pursuant to paragraph <u>(b);</u> (c).
1206	3. relevant information resulting from the Lake Okeechobee
1207	Watershed Research and Water Quality Monitoring Program,
1208	pursuant to <u>subparagraph 2.;</u> paragraph (d).
1209	4. relevant information resulting from the Lake Okeechobee
1210	Exotic Species Control Program, pursuant to paragraph (c); and
1211	(c).
1212	5. relevant information resulting from the Lake Okeechobee
1213	Internal Phosphorus Management Program, pursuant to paragraph
1214	<u>(d)</u> (f) .
1215	<u>1.(b)</u> Lake Okeechobee Watershed Construction ProjectTo
1216	 improve the hydrology and water quality of Lake Okeechobee and
1217	downstream receiving waters, including the Caloosahatchee and
1218	St. Lucie Rivers and their estuaries, the district, in

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5-00606-16 2016552 1219 cooperation with the other coordinating agencies, shall design 1220 and construct the Lake Okeechobee Watershed Construction 1221 Project. The project shall include: 1222 a.1. Phase I.-Phase I of the Lake Okeechobee Watershed 1223 Construction Project shall consist of a series of project 1224 features consistent with the recommendations of the South 1225 Florida Ecosystem Restoration Working Group's Lake Okeechobee 1226 Action Plan. Priority basins for such projects include S-191, S-1227 154, and Pools D and E in the Lower Kissimmee River. In order To 1228 obtain phosphorus load reductions to Lake Okeechobee as soon as 1229 possible, the following actions shall be implemented: 1230 (I)a. The district shall serve as a full partner with the 1231 Corps of Engineers in the design and construction of the Grassy 1232 Island Ranch and New Palm Dairy stormwater treatment facilities 1233 as components of the Lake Okeechobee Water Retention/Phosphorus 1234

Removal Critical Project. The Corps of Engineers shall have the lead in design and construction of these facilities. Should delays be encountered in the implementation of either of these facilities, the district shall notify the department and recommend corrective actions.

1239 <u>(II)</u> The district shall obtain permits and complete 1240 construction of two of the isolated wetland restoration projects 1241 that are part of the Lake Okeechobee Water Retention/Phosphorus 1242 Removal Critical Project. The additional isolated wetland 1243 projects included in this critical project shall further reduce 1244 phosphorus loading to Lake Okeechobee.

1245 <u>(III)</u> c. The district shall work with the Corps of Engineers 1246 to expedite initiation of the design process for the Taylor 1247 Creek/Nubbins Slough Reservoir Assisted Stormwater Treatment

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1248	Area, a project component of the Comprehensive Everglades
1249	Restoration Plan. The district shall propose to the Corps of
1250	Engineers that the district take the lead in the design and
1251	construction of the Reservoir Assisted Stormwater Treatment Area
1252	and receive credit towards the local share of the total cost of
1253	the Comprehensive Everglades Restoration Plan.
1254	<u>b.</u> 2. Phase II <u>technical plan and construction</u> .— By February
1255	1, 2008, The district, in cooperation with the other
1256	coordinating agencies, shall develop a detailed technical plan
1257	for Phase II of the Lake Okeechobee Watershed Construction
1258	Project which provides the basis for the Lake Okeechobee Basin
1259	Management Action Plan adopted by the department pursuant to s.
1260	403.067. The detailed technical plan shall include measures for
1261	the improvement of the quality, quantity, timing, and
1262	distribution of water in the northern Everglades ecosystem,
1263	including the Lake Okeechobee watershed and the estuaries, and
1264	for facilitating the achievement of water quality standards. Use
1265	of cost-effective biologically based, hybrid wetland/chemical
1266	and other innovative nutrient control technologies shall be
1267	incorporated in the plan where appropriate. The detailed
1268	technical plan shall also include a Process Development and
1269	Engineering component to finalize the detail and design of Phase
1270	II projects and identify additional measures needed to increase
1271	the certainty that the overall objectives for improving water
1272	quality and quantity can be met. Based on information and
1273	recommendations from the Process Development and Engineering
1274	component, the Phase II detailed technical plan shall be
1275	periodically updated. Phase II shall include construction of
1276	additional facilities in the priority basins identified in <u>sub-</u>

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1305

estuaries.

5-00606-16 2016552 1277 subparagraph a. subparagraph 1., as well as facilities for other 1278 basins in the Lake Okeechobee watershed. This detailed technical 1279 plan will require legislative ratification pursuant to paragraph 1280 (i). The technical plan shall: 1281 (I)a. Identify Lake Okeechobee Watershed Construction 1282 Project facilities designed to contribute to achieving all 1283 applicable total maximum daily loads established pursuant to s. 1284 403.067 within the Lake Okeechobee watershed. 1285 (II) b. Identify the size and location of all such Lake 1286 Okeechobee Watershed Construction Project facilities. 1287 (III) c. Provide a construction schedule for all such Lake 1288 Okeechobee Watershed Construction Project facilities, including 1289 the sequencing and specific timeframe for construction of each 1290 Lake Okeechobee Watershed Construction Project facility. 1291 (IV) d. Provide a schedule for the acquisition of lands or 1292 sufficient interests necessary to achieve the construction 1293 schedule. 1294 (V) e. Provide a detailed schedule of costs associated with 1295 the construction schedule. 1296 (VI) f. Identify, to the maximum extent practicable, impacts 1297 on wetlands and state-listed species expected to be associated 1298 with construction of such facilities, including potential 1299 alternatives to minimize and mitigate such impacts, as 1300 appropriate. 1301 (VII) q. Provide for additional measures, including 1302 voluntary water storage and quality improvements on private 1303 land, to increase water storage and reduce excess water levels 1304 in Lake Okeechobee and to reduce excess discharges to the

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1306(VIII) The technical plan shall also bevelop the1307appropriate water quantity storage goal to achieve the desired1308Lake Okeechobee range of lake levels and inflow volumes to the1309Caloosahatchee and St. Lucie estuaries while meeting the other1310water-related needs of the region, including water supply and1311flood protection.1312(IX)+- Provide for additional source controls needed to1313enhance performance of the Lake Okeechobee Watershed1314Construction Project facilities. Such additional source controls1315shall be incorporated into the Lake Okeechobee Basin Management1316Action Plan Watershed Phosphorous Centrol Program pursuant to1317paragraph (b) (c).1318c.3-r EvaluationWithin 5 years after the adoption of the1320Hake Okeechobee Basin Management Action Plan pursuant to s.1321403.067 and every 5 By January 1, 2004, and every 3 years1322thereafter, the department district, in cooperation with the1323take Okeechobee Watershed Construction Project and identify any1324further load reductions necessary to achieve compliance with the1325ahl Lake Okeechobee Watershed Construction Project as appropriate to meet1326established pursuant to s. 403.067. Additionallyr The district1327shall identify modifications to facilities of the Lake1328Okeechobee Watershed Construction Project resulting from this1329evaluation shall be incorporated into the Lake Okeechobee Basin1331evalu		5-00606-16 2016552
 Lake Okeechobee range of lake levels and inflow volumes to the Caloosahatchee and St. Lucie estuaries while meeting the other water-related needs of the region, including water supply and flood protection. (IX) +- Provide for additional source controls needed to enhance performance of the Lake Okeechobee Watershed Construction Project facilities. Such additional source controls shall be incorporated into the Lake Okeechobee <u>Basin Management</u> <u>Action Plan Watershed Phosphorous Control Program</u> pursuant to paragraph (b) (c). <u>c.3-</u> EvaluationWithin 5 years after the adoption of the <u>Lake Okeechobee Basin Management Action Plan pursuant to s.</u> 403.067 and every 5 By January 1, 2004, and every 3 years thereafter, the <u>department district</u>, in cooperation with the other coordinating agencies, shall conduct an evaluation of <u>the</u> <u>Lake Okeechobee Watershed Construction Project and identify any</u> further load reductions necessary to achieve compliance with <u>the</u> all Lake Okeechobee watershed total maximum daily loads established pursuant to s. 403.067. <u>Additionally</u>. The district shall identify modifications to facilities of the Lake Okeechobee Watershed Construction Project as appropriate to meet the total maximum daily loads. <u>Modifications to the Lake</u> Okeechobee Watershed Construction Project resulting from this evaluation shall be incorporated into the Lake Okeechobee Basin Management Action Plan and The evaluation shall be included in the applicable annual progress report submitted pursuant to 	1306	
 Caloosahatchee and St. Lucie estuaries while meeting the other water-related needs of the region, including water supply and flood protection. <u>(IX)</u> - Provide for additional source controls needed to enhance performance of the Lake Okeechobee Watershed Construction Project facilities. Such additional source controls shall be incorporated into the Lake Okeechobee Basin Management <u>Action Plan Watershed Phosphorous Control Program</u> pursuant to paragraph (b) (+). <u>c.3-</u> EvaluationWithin 5 years after the adoption of the Lake Okeechobee Basin Management Action Plan pursuant to s. 403.067 and every 5 By January 1, 2004, and every 3 years thereafter, the <u>department district</u>, in cooperation with the other coordinating agencies, shall conduct an evaluation of <u>the</u> Lake Okeechobee Watershed Construction Project and identify any further load reductions necessary to achieve compliance with <u>the</u> all Lake Okeechobee watershed total maximum daily loads established pursuant to s. 403.067. Additionally, The district shall identify modifications to facilities of the Lake Okeechobee Watershed Construction Project as appropriate to meet the total maximum daily loads. <u>Modifications to the Lake</u> Okeechobee Watershed Construction Project resulting from this evaluation shall be incorporated into the Lake Okeechobee Basin Management Action Plan and The evaluation shall be included in the applicable annual progress report submitted pursuant to 	1307	appropriate water quantity storage goal to achieve the desired
 water-related needs of the region, including water supply and flood protection. (IX) h- Provide for additional source controls needed to enhance performance of the Lake Okeechobee Watershed Construction Project facilities. Such additional source controls shall be incorporated into the Lake Okeechobee Basin Management Action Plan Watershed Phosphorous Control Program pursuant to paragraph (b) (e). c.3- EvaluationWithin 5 years after the adoption of the Lake Okeechobee Basin Management Action Plan pursuant to s. 403.067 and every 5 By January 1, 2004, and every 3 years thereafter, the department district, in cooperation with the other coordinating agencies, shall conduct an evaluation of the Lake Okeechobee Watershed Construction Project and identify any further load reductions necessary to achieve compliance with the all Lake Okeechobee watershed total maximum daily loads established pursuant to s. 403.067. Additionally, The district shall identify modifications to facilities of the Lake Okeechobee Watershed Construction Project as appropriate to meet the total maximum daily loads. Modifications to the Lake Okeechobee Watershed Construction Project resulting from this evaluation shall be incorporated into the Lake Okeechobee Basin Management Action Plan and The evaluation ohall be included in the applicable annual progress report submitted pursuant to 	1308	Lake Okeechobee range of lake levels and inflow volumes to the
flood protection. flood protection. (IX) A. Provide for additional source controls needed to enhance performance of the Lake Okeechobee Watershed Construction Project facilities. Such additional source controls shall be incorporated into the Lake Okeechobee Basin Management Action Plan Watershed Phosphorous Control Program pursuant to paragraph (b) (e). C. 3. EvaluationWithin 5 years after the adoption of the Lake Okeechobee Basin Management Action Plan pursuant to s. 403.067 and every 5 By January 1, 2004, and every 3 years thereafter, the department district, in cooperation with the other coordinating agencies, shall conduct an evaluation of the Lake Okeechobee Watershed Construction Project and identify any further load reductions necessary to achieve compliance with the all Lake Okeechobee Watershed total maximum daily loads established pursuant to s. 403.067. Additionally, The district shall identify modifications to facilities of the Lake Okeechobee Watershed Construction Project as appropriate to meet the total maximum daily loads. Modifications to the Lake Okeechobee Watershed Construction Project resulting from this evaluation shall be incorporated into the Lake Okeechobee Basin Management Action Plan and The evaluation shall be included in that applicable annual progress report submitted pursuant to	1309	Caloosahatchee and St. Lucie estuaries while meeting the other
1312(IX) h-Provide for additional source controls needed to1313enhance performance of the Lake Okeechobee Watershed1314Construction Project facilities. Such additional source controls1315shall be incorporated into the Lake Okeechobee Basin Management1316Action Plan Watershed Phosphorous Control Program pursuant to1317paragraph (b) (c).1318c.3- EvaluationWithin 5 years after the adoption of the1319Lake Okeechobee Basin Management Action Plan pursuant to s.1320403.067 and every 5 By January 1, 2004, and every 3 years1321thereafter, the department district, in cooperation with the1322other coordinating agencies, shall conduct an evaluation of the1323Lake Okeechobee Watershed Construction Project and identify any1324further load reductions necessary to achieve compliance with the1325all Lake Okeechobee watershed total maximum daily loads1326established pursuant to s. 403.067. Additionally,1327shall identify modifications to facilities of the Lake1328Okeechobee Watershed Construction Project as appropriate to meet1329the total maximum daily loads. Modifications to the Lake1320Okeechobee Watershed Construction Project resulting from this1321evaluation shall be incorporated into the Lake Okeechobee Basin1322Management Action Plan and The evaluation shall be included in1333the applicable annual progress report submitted pursuant to	1310	water-related needs of the region, including water supply and
 enhance performance of the Lake Okeechobee Watershed Construction Project facilities. Such additional source controls shall be incorporated into the Lake Okeechobee <u>Basin Management</u> <u>Action Plan Watershed Phosphorous Control Program</u> pursuant to paragraph (b) (c). <u>c.3.</u> EvaluationWithin 5 years after the adoption of the <u>Lake Okeechobee Basin Management Action Plan pursuant to s.</u> <u>403.067 and every 5</u> By January 1, 2004, and every 3 years thereafter, the <u>department district</u>, in cooperation with the <u>other</u> coordinating agencies, shall conduct an evaluation of <u>the</u> <u>Lake Okeechobee Watershed Construction Project and identify</u> any further load reductions necessary to achieve compliance with <u>the</u> all Lake Okeechobee watershed total maximum daily loads established pursuant to s. 403.067. Additionally, The district shall identify modifications to facilities of the Lake Okeechobee Watershed Construction Project as appropriate to meet the total maximum daily loads. <u>Modifications to the Lake</u> Okeechobee Watershed Construction Project resulting from this evaluation shall be incorporated into the Lake Okeechobee Basin Management Action Plan and The evaluation shall be included in the applicable annual progress report submitted pursuant to 	1311	flood protection.
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Action Plan Watershed Phosphorous Control Program pursuant to paragraph (b) (c). 1317 <u>c.3.</u> EvaluationWithin 5 years after the adoption of the Lake Okeechobee Basin Management Action Plan pursuant to s. 1320 <u>403.067 and every 5 By January 1, 2004, and every 3 years</u> 1321 thereafter, the <u>department district</u> , in cooperation with the 1322 <u>other</u> coordinating agencies, shall conduct an evaluation of <u>the</u> 1323 <u>Lake Okeechobee Watershed Construction Project and identify</u> any 1324 further load reductions necessary to achieve compliance with <u>the</u> 1325 all Lake Okeechobee watershed total maximum daily loads 1326 established pursuant to s. 403.067. Additionally, The district 1327 shall identify modifications to facilities of the Lake 1328 Okeechobee Watershed Construction Project as appropriate to meet 1329 the total maximum daily loads. <u>Modifications to the Lake</u> 1330 <u>Okeechobee Watershed Construction Project resulting from this</u> 1331 <u>evaluation shall be incorporated into the Lake Okeechobee Basin</u> 1332 <u>Management Action Plan and The evaluation shall be</u> included in 1333 the applicable annual progress report submitted pursuant to	1314	Construction Project facilities. Such additional source controls
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1321thereafter, the department district, in cooperation with the1322other coordinating agencies, shall conduct an evaluation of the1323Lake Okeechobee Watershed Construction Project and identify any1324further load reductions necessary to achieve compliance with the1325all Lake Okeechobee watershed total maximum daily loads1326established pursuant to s. 403.067. Additionally, The district1327shall identify modifications to facilities of the Lake1328Okeechobee Watershed Construction Project as appropriate to meet1329the total maximum daily loads. Modifications to the Lake1330Okeechobee Watershed Construction Project resulting from this1331evaluation shall be incorporated into the Lake Okeechobee Basin1332Management Action Plan and The evaluation shall be included in1333the applicable annual progress report submitted pursuant to	1319	Lake Okeechobee Basin Management Action Plan pursuant to s.
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1326 established pursuant to s. 403.067. Additionally, The district 1327 shall identify modifications to facilities of the Lake 1328 Okeechobee Watershed Construction Project as appropriate to meet 1329 the total maximum daily loads. <u>Modifications to the Lake</u> 1330 <u>Okeechobee Watershed Construction Project resulting from this</u> 1331 <u>evaluation shall be incorporated into the Lake Okeechobee Basin</u> 1332 <u>Management Action Plan and The evaluation shall be</u> included in 1333 the applicable annual progress report submitted pursuant to	1324	further load reductions necessary to achieve compliance with <u>the</u>
1327 shall identify modifications to facilities of the Lake 1328 Okeechobee Watershed Construction Project as appropriate to meet 1329 the total maximum daily loads. <u>Modifications to the Lake</u> 1330 <u>Okeechobee Watershed Construction Project resulting from this</u> 1331 <u>evaluation shall be incorporated into the Lake Okeechobee Basin</u> 1332 <u>Management Action Plan and The evaluation shall be</u> included in 1333 the applicable annual progress report submitted pursuant to	1325	all Lake Okeechobee watershed total maximum daily loads
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1329 the total maximum daily loads. <u>Modifications to the Lake</u> 1330 <u>Okeechobee Watershed Construction Project resulting from this</u> 1331 <u>evaluation shall be incorporated into the Lake Okeechobee Basin</u> 1332 <u>Management Action Plan and The evaluation shall be</u> included in 1333 the applicable annual progress report submitted pursuant to	1327	shall identify modifications to facilities of the Lake
1330 Okeechobee Watershed Construction Project resulting from this 1331 evaluation shall be incorporated into the Lake Okeechobee Basin 1332 Management Action Plan and The evaluation shall be included in 1333 the applicable annual progress report submitted pursuant to	1328	Okeechobee Watershed Construction Project as appropriate to meet
 1331 evaluation shall be incorporated into the Lake Okeechobee Basin 1332 Management Action Plan and The evaluation shall be included in 1333 the applicable annual progress report submitted pursuant to 	1329	the total maximum daily loads. Modifications to the Lake
1332 <u>Management Action Plan and</u> The evaluation shall be included in 1333 the applicable annual progress report submitted pursuant to	1330	Okeechobee Watershed Construction Project resulting from this
1333 the applicable annual progress report submitted pursuant to	1331	evaluation shall be incorporated into the Lake Okeechobee Basin
	1332	Management Action Plan and The evaluation shall be included in
1334 subsection (6)	1333	the applicable annual progress report submitted pursuant to
	1334	subsection (6).

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1335	<u>d.4.</u> Coordination and review.—To ensure the timely
1336	implementation of the Lake Okeechobee Watershed Construction
1337	Project, the design of project facilities shall be coordinated
1338	with the department and other interested parties, including
1339	affected local governments, to the maximum extent practicable.
1340	Lake Okeechobee Watershed Construction Project facilities shall
1341	be reviewed and commented upon by the department <u>before</u> prior to
1342	the execution of a construction contract by the district for
1343	that facility.
1344	2. Lake Okeechobee Watershed Research and Water Quality
1345	Monitoring ProgramThe coordinating agencies shall implement a
1346	Lake Okeechobee Watershed Research and Water Quality Monitoring
1347	Program. Results from the program shall be used by the
1348	department, in cooperation with the other coordinating agencies,
1349	to make modifications to the Lake Okeechobee Basin Management
1350	Action Plan adopted pursuant to s. 403.067, as appropriate. The
1351	program shall:
1352	a. Evaluate all available existing water quality data
1353	concerning total phosphorus in the Lake Okeechobee watershed,
1354	develop a water quality baseline to represent existing
1355	conditions for total phosphorus, monitor long-term ecological
1356	changes, including water quality for total phosphorus, and
1357	measure compliance with water quality standards for total
1358	phosphorus, including any applicable total maximum daily load
1359	for the Lake Okeechobee watershed as established pursuant to s.
1360	403.067. Beginning March 1, 2020, and every 5 years thereafter,
1361	the department shall reevaluate water quality and quantity data
1362	to ensure that the appropriate projects are being designated and
1363	incorporated into the Lake Okeechobee Basin Management Action
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1364	Plan adopted pursuant to s. 403.067. The district shall
1365	implement a total phosphorus monitoring program at appropriate
1366	structures owned or operated by the district and within the Lake
1367	Okeechobee watershed.
1368	b. Develop a Lake Okeechobee water quality model that
1369	reasonably represents the phosphorus dynamics of Lake Okeechobee
1370	and incorporates an uncertainty analysis associated with model
1371	predictions.
1372	c. Determine the relative contribution of phosphorus from
1373	all identifiable sources and all primary and secondary land
1374	uses.
1375	d. Conduct an assessment of the sources of phosphorus from
1376	the Upper Kissimmee Chain of Lakes and Lake Istokpoga and their
1377	relative contribution to the water quality of Lake Okeechobee.
1378	The results of this assessment shall be used by the coordinating
1379	agencies as part of the Lake Okeechobee Basin Management Action
1380	Plan adopted pursuant to s. 403.067 to develop interim measures,
1381	best management practices, or regulations, as applicable.
1382	e. Assess current water management practices within the
1383	Lake Okeechobee watershed and develop recommendations for
1384	structural and operational improvements. Such recommendations
1385	shall balance water supply, flood control, estuarine salinity,
1386	maintenance of a healthy lake littoral zone, and water quality
1387	considerations.
1388	f. Evaluate the feasibility of alternative nutrient
1389	reduction technologies, including sediment traps, canal and
1390	ditch maintenance, fish production or other aquaculture,
1391	bioenergy conversion processes, and algal or other biological
1392	treatment technologies and include any alternative nutrient

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5-00606-16 2016552 1393 reduction technologies determined to be feasible in the Lake 1394 Okeechobee Basin Management Action Plan adopted pursuant to s. 1395 403.067. 1396 g. Conduct an assessment of the water volumes and timing 1397 from the Lake Okeechobee watershed and their relative 1398 contribution to the water level changes in Lake Okeechobee and 1399 to the timing and volume of water delivered to the estuaries. 1400 (b) (c) Lake Okeechobee Basin Management Action Plan 1401 Watershed Phosphorus Control Program. - The Lake Okeechobee Basin 1402 Management Action Plan adopted pursuant to s. 403.067 shall be 1403 the watershed phosphorus control component for Lake Okeechobee. 1404 The Lake Okeechobee Basin Management Action Plan shall be 1405 Program is designed to be a multifaceted approach designed to 1406 achieve the total maximum daily load reducing phosphorus loads 1407 by improving the management of phosphorus sources within the 1408 Lake Okeechobee watershed through implementation of regulations 1409 and best management practices, continued development and 1410 continued implementation of improved best management practices, 1411 improvement and restoration of the hydrologic function of 1412 natural and managed systems, and use utilization of alternative technologies for nutrient reduction. As provided in s. 1413 1414 403.067(7)(a)6., the Lake Okeechobee Basin Management Action Plan must include milestones for implementation and water 1415 1416 quality improvement, and an associated water quality monitoring component sufficient to evaluate whether reasonable progress in 1417 1418 pollutant load reductions is being achieved over time. An 1419 assessment of progress toward these milestones shall be 1420 conducted every 5 years and shall be provided to the Governor, the President of the Senate, and the Speaker of the House of 1421

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1422	Representatives. Revisions to the plan shall be made, as
1423	appropriate, as a result of each 5-year review. Revisions to the
1424	basin management action plan shall be made by the department in
1425	cooperation with the basin stakeholders. Revisions to best
1426	management practices or other measures must follow the
1427	procedures set forth in s. 403.067(7)(c)4. Revised basin
1428	management action plans must be adopted pursuant to s.
1429	403.067(7)(a)5. The department shall develop an implementation
1430	schedule establishing 5-year, 10-year, and 15-year measurable
1431	milestones and targets to achieve the total maximum daily load
1432	no more than 20 years after adoption of the plan. The initial
1433	implementation schedule shall be used to provide guidance for
1434	planning and funding purposes and is exempt from chapter 120.
1435	Upon the first 5-year review, the implementation schedule shall
1436	be adopted as part of the plan. If achieving the total maximum
1437	daily load within 20 years is not practicable, the
1438	implementation schedule must contain an explanation of the
1439	constraints that prevent achievement of the total maximum daily
1440	load within 20 years, an estimate of the time needed to achieve
1441	the total maximum daily load, and additional 5-year measurable
1442	milestones, as necessary. The coordinating agencies shall
1443	develop an interagency agreement pursuant to ss. 373.046 and
1444	373.406(5) which is consistent with the department taking the
1445	lead on water quality protection measures through the Lake
1446	Okeechobee Basin Management Action Plan adopted pursuant to s.
1447	403.067; the district taking the lead on hydrologic improvements
1448	pursuant to paragraph (a); and the Department of Agriculture and
1449	Consumer Services taking the lead on agricultural interim
1450	measures, best management practices, and other measures adopted

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5-00606-16 2016552 1451 pursuant to s. 403.067. The interagency agreement must specify 1452 how best management practices for nonagricultural nonpoint 1453 sources are developed and how all best management practices are 1454 implemented and verified consistent with s. 403.067 and this 1455 section and must address measures to be taken by the 1456 coordinating agencies during any best management practice 1457 reevaluation performed pursuant to subparagraphs 5. and 10. The department shall use best professional judgment in making the 1458 1459 initial determination of best management practice effectiveness. 1460 The coordinating agencies may develop an intergovernmental 1461 agreement with local governments to implement nonagricultural 1462 nonpoint source best management practices within their 1463 respective geographic boundaries. The coordinating agencies shall facilitate the application of federal programs that offer 1464 1465 opportunities for water quality treatment, including 1466 preservation, restoration, or creation of wetlands on 1467 agricultural lands. 1468 1. Agricultural nonpoint source best management practices, 1469 developed in accordance with s. 403.067 and designed to achieve 1470 the objectives of the Lake Okeechobee Watershed Protection 1471 Program as part of a phased approach of management strategies 1472 within the Lake Okeechobee Basin Management Action Plan, shall 1473 be implemented on an expedited basis. The coordinating agencies 1474 shall develop an interagency agreement pursuant to ss. 373.046 1475 and 373.406(5) that assures the development of best management

practices that complement existing regulatory programs and 1477 specifies how those best management practices are implemented

1478 and verified. The interagency agreement shall address measures

to be taken by the coordinating agencies during any best 1479

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1480 management practice reevaluation performed pursuant to subsubparagraph d. The department shall use best professional judgment in making the initial determination of best management 1483 practice effectiveness.

1484 2.a. As provided in s. 403.067(7)(c), the Department of 1485 Agriculture and Consumer Services, in consultation with the 1486 department, the district, and affected parties, shall initiate 1487 rule development for interim measures, best management practices, conservation plans, nutrient management plans, or 1488 1489 other measures necessary for Lake Okeechobee watershed total 1490 maximum daily load reduction. The rule shall include thresholds 1491 for requiring conservation and nutrient management plans and 1492 criteria for the contents of such plans. Development of 1493 agricultural nonpoint source best management practices shall 1494 initially focus on those priority basins listed in sub-1495 subparagraph (a)1.a. subparagraph (b)1. The Department of 1496 Agriculture and Consumer Services, in consultation with the 1497 department, the district, and affected parties, shall conduct an 1498 ongoing program for improvement of existing and development of 1499 new agricultural nonpoint source interim measures and or best 1500 management practices. The Department of Agriculture and Consumer 1501 Services shall adopt for the purpose of adoption of such 1502 practices by rule. The Department of Agriculture and Consumer 1503 Services shall work with the University of Florida Florida's 1504 Institute of Food and Agriculture Sciences to review and, where 1505 appropriate, develop revised nutrient application rates for all 1506 agricultural soil amendments in the watershed.

1507 <u>3.b.</u> As provided in s. 403.067, where agricultural nonpoint 1508 source best management practices or interim measures have been

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1509	adopted by rule of the Department of Agriculture and Consumer
1510	Services, the owner or operator of an agricultural nonpoint
1511	source addressed by such rule shall either implement interim
1512	measures or best management practices or demonstrate compliance
1513	with state water quality standards addressed by the Lake
1514	Okeechobee Basin Management Action Plan adopted pursuant to s.
1515	403.067 the district's WOD program by conducting monitoring
1516	prescribed by the department or the district. Owners or
1517	operators of agricultural nonpoint sources who implement interim
1518	measures or best management practices adopted by rule of the
1519	Department of Agriculture and Consumer Services shall be subject
1520	to the provisions of s. 403.067 (7) . The Department of
1521	Agriculture and Consumer Services, in cooperation with the
1522	department and the district, shall provide technical and
1523	financial assistance for implementation of agricultural best
1524	management practices, subject to the availability of funds.
1525	4.e. The district or department shall conduct monitoring at
1526	representative sites to verify the effectiveness of agricultural
1527	nonpoint source best management practices.
1528	5.d. Where water quality problems are detected for
1529	agricultural nonpoint sources despite the appropriate

1530 implementation of adopted best management practices, the 1531 Department of Agriculture and Consumer Services, in consultation 1532 with the other coordinating agencies and affected parties, shall 1533 institute a reevaluation of the best management practices shall 1534 be conducted pursuant to s. 403.067(7)(c)4. If the reevaluation 1535 determines that the best management practices or other measures 1536 require modification, the rule shall be revised to require 1537 implementation of the modified practice within a reasonable

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5-00606-162016552_1538period as specified in the rule and make appropriate changes to1539the rule adopting best management practices.1540<u>6.2-</u> As provided in s. 403.067, nonagricultural nonpoint1541source best management practices, developed in accordance with

1542 s. 403.067 and designed to achieve the objectives of the Lake Okeechobee Watershed Protection Program as part of a phased 1543 1544 approach of management strategies within the Lake Okeechobee Basin Management Action Plan, shall be implemented on an 1545 1546 expedited basis. The department and the district shall develop 1547 an interagency agreement pursuant to ss. 373.046 and 373.406(5) 1548 that assures the development of best management practices that 1549 complement existing regulatory programs and specifies how those 1550 best management practices are implemented and verified. The 1551 interagency agreement shall address measures to be taken by the 1552 department and the district during any best management practice 1553 reevaluation performed pursuant to sub-subparagraph d.

1554 7.a. The department and the district are directed to work 1555 with the University of Florida Florida's Institute of Food and 1556 Agricultural Sciences to develop appropriate nutrient 1557 application rates for all nonagricultural soil amendments in the 1558 watershed. As provided in s. 403.067 s. 403.067(7)(c), the 1559 department, in consultation with the district and affected 1560 parties, shall develop nonagricultural nonpoint source interim 1561 measures, best management practices, or other measures necessary 1562 for Lake Okeechobee watershed total maximum daily load 1563 reduction. Development of nonagricultural nonpoint source best 1564 management practices shall initially focus on those priority 1565 basins listed in sub-subparagraph (a)1.a. subparagraph (b)1. The 1566 department, the district, and affected parties shall conduct an

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5-00606-16 2016552 1567 ongoing program for improvement of existing and development of 1568 new interim measures and or best management practices. The 1569 department or the district shall adopt such practices by rule 1570 The district shall adopt technology-based standards under the 1571 district's WOD program for nonagricultural nonpoint sources of 1572 phosphorus. Nothing in this sub-subparagraph shall affect the 1573 authority of the department or the district to adopt basin-1574 specific criteria under this part to prevent harm to the water 1575 resources of the district.

1576 8.b. Where nonagricultural nonpoint source best management 1577 practices or interim measures have been developed by the 1578 department and adopted by the district, the owner or operator of 1579 a nonagricultural nonpoint source shall implement interim 1580 measures or best management practices and be subject to the 1581 provisions of s. 403.067(7). The department and district shall 1582 provide technical and financial assistance for implementation of 1583 nonagricultural nonpoint source best management practices, 1584 subject to the availability of funds.

1585 <u>9.c.</u> As provided in s. 403.067, the district or the 1586 department shall conduct monitoring at representative sites to 1587 verify the effectiveness of nonagricultural nonpoint source best 1588 management practices.

1589 <u>10.d.</u> Where water quality problems are detected for 1590 nonagricultural nonpoint sources despite the appropriate 1591 implementation of adopted best management practices, the 1592 department and the district shall institute a reevaluation of 1593 the best management practices <u>shall be conducted pursuant to s.</u> 1594 <u>403.067(7)(c)4</u>. If the reevaluation determines that the best 1595 management practices or other measures require modification, the

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1596	rule shall be revised to require implementation of the modified
1597	practice within a reasonable time period as specified in the
1598	<u>rule.</u>
1599	<u>11.</u> 3. The provisions of Subparagraphs 1. and 2. and 7. do
1600	may not preclude the department or the district from requiring
1601	compliance with water quality standards or with current best
1602	management practices requirements set forth in any applicable
1603	regulatory program authorized by law for the purpose of
1604	protecting water quality. Additionally, Subparagraphs 1. and 2.
1605	and 7. are applicable only to the extent that they do not
1606	conflict with any rules adopted by the department that are
1607	necessary to maintain a federally delegated or approved program.
1608	12. The program of agricultural best management practices
1609	set forth in the Everglades Program of the district meets the
1610	requirements of this paragraph and s. 403.067(7) for the Lake
1611	Okeechobee watershed. An entity in compliance with the best
1612	management practices set forth in the Everglades Program of the
1613	district may elect to use that permit in lieu of the
1614	requirements of this paragraph. The provisions of subparagraph
1615	5. apply to this subparagraph. This subparagraph does not alter
1616	any requirement of s. 373.4592.
1617	13. The Department of Agriculture and Consumer Services, in
1618	cooperation with the department and the district, shall provide
1619	technical and financial assistance for implementation of
1620	agricultural best management practices, subject to the
1621	availability of funds. The department and district shall provide
1622	technical and financial assistance for implementation of
1623	nonagricultural nonpoint source best management practices,
1624	subject to the availability of funds.

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1625 <u>14.4.</u> Projects that reduce the phosphorus load originating 1626 from domestic wastewater systems within the Lake Okeechobee 1627 watershed shall be given funding priority in the department's 1628 revolving loan program under s. 403.1835. The department shall 1629 coordinate and provide assistance to those local governments 1630 seeking financial assistance for such priority projects.

1631 15.5. Projects that make use of private lands, or lands 1632 held in trust for Indian tribes, to reduce nutrient loadings or concentrations within a basin by one or more of the following 1633 1634 methods: restoring the natural hydrology of the basin, restoring wildlife habitat or impacted wetlands, reducing peak flows after 1635 1636 storm events, increasing aquifer recharge, or protecting range 1637 and timberland from conversion to development, are eligible for 1638 grants available under this section from the coordinating 1639 agencies. For projects of otherwise equal priority, special 1640 funding priority will be given to those projects that make best 1641 use of the methods outlined above that involve public-private 1642 partnerships or that obtain federal match money. Preference 1643 ranking above the special funding priority will be given to 1644 projects located in a rural area of opportunity designated by the Governor. Grant applications may be submitted by any person 1645 1646 or tribal entity, and eligible projects may include, but are not 1647 limited to, the purchase of conservation and flowage easements, 1648 hydrologic restoration of wetlands, creating treatment wetlands, 1649 development of a management plan for natural resources, and 1650 financial support to implement a management plan.

1651 <u>16.6.a.</u> The department shall require all entities disposing 1652 of domestic wastewater <u>biosolids</u> residuals within the Lake 1653 Okeechobee watershed and the remaining areas of Okeechobee,

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5-00606-16 2016552 1654 Glades, and Hendry Counties to develop and submit to the 1655 department an agricultural use plan that limits applications 1656 based upon phosphorus loading consistent with the Lake 1657 Okeechobee Basin Management Action Plan adopted pursuant to s. 1658 403.067. By July 1, 2005, phosphorus concentrations originating 1659 from these application sites may not exceed the limits 1660 established in the district's WOD program. After December 31, 1661 $\frac{2007}{7}$ The department may not authorize the disposal of domestic wastewater biosolids residuals within the Lake Okeechobee 1662 1663 watershed unless the applicant can affirmatively demonstrate 1664 that the phosphorus in the biosolids residuals will not add to 1665 phosphorus loadings in Lake Okeechobee or its tributaries. This 1666 demonstration shall be based on achieving a net balance between 1667 phosphorus imports relative to exports on the permitted 1668 application site. Exports shall include only phosphorus removed 1669 from the Lake Okeechobee watershed through products generated on 1670 the permitted application site. This prohibition does not apply 1671 to Class AA biosolids residuals that are marketed and 1672 distributed as fertilizer products in accordance with department 1673 rule. 1674 17.b. Private and government-owned utilities within Monroe,

1675 Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian 1676 River, Okeechobee, Highlands, Hendry, and Glades Counties that 1677 dispose of wastewater biosolids residual sludge from utility 1678 operations and septic removal by land spreading in the Lake 1679 Okeechobee watershed may use a line item on local sewer rates to 1680 cover wastewater biosolids residual treatment and disposal if 1681 such disposal and treatment is done by approved alternative 1682 treatment methodology at a facility located within the areas

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5-00606-16 2016552 1683 designated by the Governor as rural areas of opportunity 1684 pursuant to s. 288.0656. This additional line item is an 1685 environmental protection disposal fee above the present sewer 1686 rate and may not be considered a part of the present sewer rate 1687 to customers, notwithstanding provisions to the contrary in 1688 chapter 367. The fee shall be established by the county 1689 commission or its designated assignee in the county in which the 1690 alternative method treatment facility is located. The fee shall 1691 be calculated to be no higher than that necessary to recover the 1692 facility's prudent cost of providing the service. Upon request by an affected county commission, the Florida Public Service 1693 1694 Commission will provide assistance in establishing the fee. 1695 Further, for utilities and utility authorities that use the 1696 additional line item environmental protection disposal fee, such 1697 fee may not be considered a rate increase under the rules of the 1698 Public Service Commission and shall be exempt from such rules. 1699 Utilities using the provisions of this section may immediately 1700 include in their sewer invoicing the new environmental 1701 protection disposal fee. Proceeds from this environmental 1702 protection disposal fee shall be used for treatment and disposal 1703 of wastewater biosolids residuals, including any treatment 1704 technology that helps reduce the volume of biosolids residuals 1705 that require final disposal, but such proceeds may not be used 1706 for transportation or shipment costs for disposal or any costs 1707 relating to the land application of biosolids residuals in the 1708 Lake Okeechobee watershed. 1709 18.c. No less frequently than once every 3 years, the

1709 <u>18.e.</u> No less frequently than once every 3 years, the 1710 Florida Public Service Commission or the county commission 1711 through the services of an independent auditor shall perform a

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1712	financial audit of all facilities receiving compensation from an
1713	environmental protection disposal fee. The Florida Public
1714	Service Commission or the county commission through the services
1715	of an independent auditor shall also perform an audit of the
1716	methodology used in establishing the environmental protection
1717	disposal fee. The Florida Public Service Commission or the
1718	county commission shall, within 120 days after completion of an
1719	audit, file the audit report with the President of the Senate
1720	and the Speaker of the House of Representatives and shall
1721	provide copies to the county commissions of the counties set
1722	forth in <u>subparagraph 17.</u> sub-subparagraph b. The books and
1723	records of any facilities receiving compensation from an
1724	environmental protection disposal fee shall be open to the
1725	Florida Public Service Commission and the Auditor General for
1726	review upon request.
1727	<u>19.7.</u> The Department of Health shall require all entities
1728	disposing of septage within the Lake Okeechobee watershed to

1728 disposing of septage within the Lake Okeechobee watershed to 1729 develop and submit to that agency an agricultural use plan that 1730 limits applications based upon phosphorus loading <u>consistent</u> 1731 <u>with the Lake Okeechobee Basin Management Action Plan adopted</u> 1732 <u>pursuant to s. 403.067</u>. By July 1, 2005, phosphorus 1733 concentrations originating from these application sites may not 1734 exceed the limits established in the district's WOD program.

1735 <u>20.8</u>. The Department of Agriculture and Consumer Services 1736 shall initiate rulemaking requiring entities within the Lake 1737 Okeechobee watershed which land-apply animal manure to develop 1738 resource management system level conservation plans, according 1739 to United States Department of Agriculture criteria, which limit 1740 such application. Such rules <u>must</u> may include criteria and

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1741	thresholds for the requirement to develop a conservation or
1742	nutrient management plan, requirements for plan approval, <u>site</u>
1743	inspection requirements, and recordkeeping requirements.
1744	21. The district shall revise chapter 40E-61, Florida
1745	Administrative Code, to be consistent with this section and s.
1746	403.067; provide for a monitoring program for nonpoint source
1747	dischargers required to monitor water quality by s. 403.067; and
1748	provide for the results of such monitoring to be reported to the
1749	coordinating agencies.
1750	9. The district, the department, or the Department of
1751	Agriculture and Consumer Services, as appropriate, shall
1752	implement those alternative nutrient reduction technologies
1753	determined to be feasible pursuant to subparagraph (d)6.
1754	(d) Lake Okeechobee Watershed Research and Water Quality
1755	Monitoring ProgramThe district, in cooperation with the other
1756	coordinating agencies, shall establish a Lake Okeechobee
1757	Watershed Research and Water Quality Monitoring Program that
1758	builds upon the district's existing Lake Okeechobee research
1759	program. The program shall:
1760	1. Evaluate all available existing water quality data
1761	concerning total phosphorus in the Lake Okeechobee watershed,
1762	develop a water quality baseline to represent existing
1763	conditions for total phosphorus, monitor long-term ecological
1764	changes, including water quality for total phosphorus, and
1765	measure compliance with water quality standards for total
1766	phosphorus, including any applicable total maximum daily load
1767	for the Lake Okeechobee watershed as established pursuant to s.
1768	403.067. Every 3 years, the district shall reevaluate water
1769	quality and quantity data to ensure that the appropriate
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 projects are being designated and implemented to meet the water quality and storage goals of the plan. The district shall also implement a total phosphorus monitoring program at appropriate structures owned or operated by the South Florida Water Management District and within the Lake Okeechobee watershed. 2. Develop a Lake Okeechobee water quality model that reasonably represents phosphorus dynamics of the lake and incorporates an uncertainty analysis associated with model predictions. 3. Determine the relative contribution of phosphorus from all identifiable sources and all primary and secondary land uses. 4. Conduct an assessment of the sources of phosphorus from the Upper Kissimmee Chain-of-Lakes and Lake Totokpoga, and their relative contribution to the water quality of Lake Okeechobee. The results of this assessment shall be used by the coordinating agencies to develop interim measures, best management practices, or regulation, as applicable. 5. Assess current water management practices within the Hake Okeechobee water shed and develop recommendations for otructural and operational improvements. Such recommendations ohall balance water aupply, flood control, estuarine salinity, maintenance of a healthy lake littoral zone, and water quality considerations. 6. Evaluate the feasibility of alternative nutrient reduction technologies, including sediment traps, canal and ditch maintenance, fish production or other aquaculture, bioenergy conversion processes, and algal or other biological treatment technologies. 		5-00606-16 2016552
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1774Management District and within the Lake Okeechobee watershed.17752. Develop a Lake Okeechobee water quality model that1776reasonably represents phosphorus dynamics of the lake and1777incorporates an uncertainty analysis associated with model1778predictions.17793. Determine the relative contribution of phosphorus from1810all identifiable sources and all primary and secondary land17824. Conduct an assessment of the sources of phosphorus from1783the Upper Kissimmee Chain-of-Lakes and Lake Istokpoga, and their1784relative contribution to the water quality of Lake Okeechobee.1785The results of this assessment shall be used by the coordinating1786agencies to develop interim measures, best management practices,1787or regulation, as applicable.1788S. Assess current water management practices within the1789Lake Okeechobee watershed and develop recommendations for1790oftnetucural and operational improvements. Such recommendations1791considerations.1792S. Pauluate the feasibility of alternative nutrient1793considerations.1794f. Evaluate the feasibility of alternative nutrient1795reduction technologies, including sediment traps, canal and1796ditch maintenance, fish production or other aquaculture,1797bioenergy conversion processes, and algal or other biological	1772	implement a total phosphorus monitoring program at appropriate
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<pre>1792 maintenance of a healthy lake littoral zone, and water quality 1793 considerations. 1794 6. Evaluate the feasibility of alternative nutrient 1795 reduction technologies, including sediment traps, canal and 1796 ditch maintenance, fish production or other aquaculture, 1797 bioenergy conversion processes, and algal or other biological</pre>	1790	structural and operational improvements. Such recommendations
<pre>1793 considerations. 1794 6. Evaluate the feasibility of alternative nutrient 1795 reduction technologies, including sediment traps, canal and 1796 ditch maintenance, fish production or other aquaculture, 1797 bioenergy conversion processes, and algal or other biological</pre>	1791	shall balance water supply, flood control, estuarine salinity,
1794 6. Evaluate the feasibility of alternative nutrient 1795 reduction technologies, including sediment traps, canal and 1796 ditch maintenance, fish production or other aquaculture, 1797 bioenergy conversion processes, and algal or other biological	1792	maintenance of a healthy lake littoral zone, and water quality
<pre>1795 reduction technologies, including sediment traps, canal and 1796 ditch maintenance, fish production or other aquaculture, 1797 bioenergy conversion processes, and algal or other biological</pre>	1793	considerations.
<pre>1796 ditch maintenance, fish production or other aquaculture, 1797 bioenergy conversion processes, and algal or other biological</pre>	1794	6. Evaluate the feasibility of alternative nutrient
1797 bioenergy conversion processes, and algal or other biological	1795	reduction technologies, including sediment traps, canal and
	1796	ditch maintenance, fish production or other aquaculture,
1798 treatment technologies.	1797	bioenergy conversion processes, and algal or other biological
	1798	treatment technologies.

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1799
           7. Conduct an assessment of the water volumes and timing
1800
      from the Lake Okeechobee watershed and their relative
      contribution to the water level changes in Lake Okeechobee and
1801
1802
      to the timing and volume of water delivered to the estuaries.
1803
           (c) (e) Lake Okeechobee Exotic Species Control Program.-The
1804
      coordinating agencies shall identify the exotic species that
1805
      threaten the native flora and fauna within the Lake Okeechobee
1806
      watershed and develop and implement measures to protect the
1807
      native flora and fauna.
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1808 (d) (f) Lake Okeechobee Internal Phosphorus Management 1809 Program.-The district, in cooperation with the other 1810 coordinating agencies and interested parties, shall evaluate the 1811 feasibility of complete a Lake Okeechobee internal phosphorus 1812 load removal projects feasibility study. The evaluation 1813 feasibility study shall be based on technical feasibility, as 1814 well as economic considerations, and shall consider address all 1815 reasonable methods of phosphorus removal. If projects methods 1816 are found to be feasible, the district shall immediately pursue 1817 the design, funding, and permitting for implementing such 1818 projects methods.

1819 (e) (g) Lake Okeechobee Watershed Protection Program Plan 1820 implementation.-The coordinating agencies shall be jointly 1821 responsible for implementing the Lake Okeechobee Watershed 1822 Protection Program Plan, consistent with the statutory authority 1823 and responsibility of each agency. Annual funding priorities 1824 shall be jointly established, and the highest priority shall be 1825 assigned to programs and projects that address sources that have 1826 the highest relative contribution to loading and the greatest 1827 potential for reductions needed to meet the total maximum daily

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1828	loads. In determining funding priorities, the coordinating
1829	agencies shall also consider the need for regulatory compliance,
1830	the extent to which the program or project is ready to proceed,
1831	and the availability of federal matching funds or other nonstate
1832	funding, including public-private partnerships. Federal and
1833	other nonstate funding shall be maximized to the greatest extent
1834	practicable.
1835	(f) (h) Priorities and implementation schedules.—The
1836	coordinating agencies are authorized and directed to establish
1837	priorities and implementation schedules for the achievement of
1838	total maximum daily loads, compliance with the requirements of
1839	s. 403.067, and compliance with applicable water quality
1840	standards within the waters and watersheds subject to this
1841	section.
1842	(i) Legislative ratification.—The coordinating agencies
1843	shall submit the Phase II technical plan developed pursuant to
1844	paragraph (b) to the President of the Senate and the Speaker of
1845	the House of Representatives prior to the 2008 legislative
1846	session for review. If the Legislature takes no action on the
1847	plan during the 2008 legislative session, the plan is deemed
1848	approved and may be implemented.
1849	(4) CALOOSAHATCHEE RIVER WATERSHED PROTECTION PROGRAM AND
1850	ST. LUCIE RIVER WATERSHED PROTECTION PROGRAMA protection
1851	program shall be developed and implemented as specified in this
1852	subsection. In order To protect and restore surface water
1853	resources, the program shall address the reduction of pollutant
1854	loadings, restoration of natural hydrology, and compliance with
1855	applicable state water quality standards. The program shall be
1856	achieved through a phased program of implementation. In

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5-00606-16 2016552 1857 addition, pollutant load reductions based upon adopted total 1858 maximum daily loads established in accordance with s. 403.067 1859 shall serve as a program objective. In the development and 1860 administration of the program, the coordinating agencies shall 1861 maximize opportunities provided by federal and local government 1862 cost-sharing programs and opportunities for partnerships with 1863 the private sector and local government. The program plan shall 1864 include a goal for salinity envelopes and freshwater inflow 1865 targets for the estuaries based upon existing research and 1866 documentation. The goal may be revised as new information is 1867 available. This goal shall seek to reduce the frequency and 1868 duration of undesirable salinity ranges while meeting the other 1869 water-related needs of the region, including water supply and 1870 flood protection, while recognizing the extent to which water 1871 inflows are within the control and jurisdiction of the district. 1872 (a) Caloosahatchee River Watershed Protection Plan.-No 1873 later than January 1, 2009, The district, in cooperation with 1874 the other coordinating agencies, Lee County, and affected 1875 counties and municipalities, shall complete a River Watershed 1876 Protection Plan in accordance with this subsection. The 1877 Caloosahatchee River Watershed Protection Plan shall identify 1878 the geographic extent of the watershed, be coordinated as needed 1879 with the plans developed pursuant to paragraph (3)(a) and 1880 paragraph (c) (b) of this subsection, and contain an 1881 implementation schedule for pollutant load reductions consistent 1882 with any adopted total maximum daily loads and compliance with 1883 applicable state water quality standards. The plan shall include 1884 the Caloosahatchee River Watershed Construction Project and the 1885 Caloosahatchee River Watershed Research and Water Quality

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Monitoring Program.+

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1000	
1890	1, 2012, plan, design, and construct the initial phase of the
1891	Watershed Construction Project. In doing so, the district shall:
1892	a. Develop and designate the facilities to be constructed
1893	to achieve stated goals and objectives of the Caloosahatchee
1894	River Watershed Protection Plan.
1895	b. Conduct scientific studies that are necessary to support
1896	the design of the Caloosahatchee River Watershed Construction
1897	Project facilities.
1898	c. Identify the size and location of all such facilities.
1899	d. Provide a construction schedule for all such facilities,
1900	including the sequencing and specific timeframe for construction
1901	of each facility.
1902	e. Provide a schedule for the acquisition of lands or
1903	sufficient interests necessary to achieve the construction
1904	schedule.
1905	f. Provide a schedule of costs and benefits associated with
1906	each construction project and identify funding sources.
1907	g. To ensure timely implementation, coordinate the design,
1908	scheduling, and sequencing of project facilities with the
1909	coordinating agencies, Lee County, other affected counties and
1910	municipalities, and other affected parties.
1911	2. Caloosahatchee River Watershed Research and Water
1912	Quality Monitoring ProgramThe district, in cooperation with
1913	the other coordinating agencies and local governments, shall
1914	implement a Caloosahatchee River Watershed Research and Water
	Page 66 of 134 CODING: Words stricken are deletions; words <u>underlined</u> are additions.

1. Caloosahatchee River Watershed Construction Project.-To

improve the hydrology, water quality, and aquatic habitats

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1915	Quality Monitoring Program that builds upon the district's
1916	existing research program and that is sufficient to carry out,
1917	comply with, or assess the plans, programs, and other
1918	responsibilities created by this subsection. The program shall
1919	also conduct an assessment of the water volumes and timing from
1920	Lake Okeechobee and the Caloosahatchee River watershed and their
1921	relative contributions to the timing and volume of water
1922	delivered to the estuary.
1923	(b) 2. Caloosahatchee River Watershed Basin Management
1924	<u>Action Plans</u> Pollutant Control Program The basin management
1925	action plans adopted pursuant to s. 403.067 for the
1926	Caloosahatchee River watershed shall be the Caloosahatchee River
1927	Watershed Pollutant Control Program. The plans shall be $rac{\mathrm{i} \mathrm{s}}{\mathrm{i} \mathrm{s}}$
1928	designed to be a multifaceted approach to reducing pollutant
1929	loads by improving the management of pollutant sources within
1930	the Caloosahatchee River watershed through implementation of
1931	regulations and best management practices, development and
1932	implementation of improved best management practices,
1933	improvement and restoration of the hydrologic function of
1934	natural and managed systems, and utilization of alternative
1935	technologies for pollutant reduction, such as cost-effective
1936	biologically based, hybrid wetland/chemical and other innovative
1937	nutrient control technologies. As provided in s.
1938	403.067(7)(a)6., the Caloosahatchee River Watershed Basin
1939	Management Action Plans must include milestones for
1940	implementation and water quality improvement, and an associated
1941	water quality monitoring component sufficient to evaluate
1942	whether reasonable progress in pollutant load reductions is
1943	being achieved over time. An assessment of progress toward these

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1944	milestones shall be conducted every 5 years and shall be
1945	provided to the Governor, the President of the Senate, and the
1946	Speaker of the House of Representatives. Revisions to the plans
1947	shall be made, as appropriate, as a result of each 5-year
1948	review. Revisions to the basin management action plans shall be
1949	made by the department in cooperation with the basin
1950	stakeholders. Revisions to best management practices or other
1951	measures must follow the procedures set forth in s.
1952	403.067(7)(c)4. Revised basin management action plans must be
1953	adopted pursuant to s. 403.067(7)(a)5. The department shall
1954	develop an implementation schedule establishing 5-year, 10-year,
1955	and 15-year measurable milestones and targets to achieve the
1956	total maximum daily load no more than 20 years after adoption of
1957	the plan. The initial implementation schedule shall be used to
1958	provide guidance for planning and funding purposes and is exempt
1959	from chapter 120. Upon the first 5-year review, the
1960	implementation schedule shall be adopted as part of the plans.
1961	If achieving the total maximum daily load within 20 years is not
1962	practicable, the implementation schedule must contain an
1963	explanation of the constraints that prevent achievement of the
1964	total maximum daily load within 20 years, an estimate of the
1965	time needed to achieve the total maximum daily load, and
1966	additional 5-year measurable milestones, as necessary. The
1967	coordinating agencies shall facilitate the <u>use</u> utilization of
1968	federal programs that offer opportunities for water quality
1969	treatment, including preservation, restoration, or creation of
1970	wetlands on agricultural lands.
1971	1.a. Nonpoint source best management practices consistent
1070	

1972 with <u>s. 403.067</u> paragraph (3)(c), designed to achieve the

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1973	
1974	Program, shall be implemented on an expedited basis. The
1975	coordinating agencies may develop an intergovernmental agreement
1976	with local governments to implement the nonagricultural,
1977	nonpoint-source best management practices within their
1978	respective geographic boundaries.
1979	2. b. This subsection does not preclude the department or
1980	the district from requiring compliance with water quality
1981	standards, adopted total maximum daily loads, or current best
1982	management practices requirements set forth in any applicable
1983	regulatory program authorized by law for the purpose of
1984	protecting water quality. This subsection applies only to the
1985	extent that it does not conflict with any rules adopted by the
1986	department or district which are necessary to maintain a
1987	federally delegated or approved program.
1988	3.e. Projects that make use of private lands, or lands held
1989	in trust for Indian tribes, to reduce pollutant loadings or
1990	concentrations within a basin, or that reduce the volume of
1991	harmful discharges by one or more of the following methods:
1992	restoring the natural hydrology of the basin, restoring wildlife
1993	habitat or impacted wetlands, reducing peak flows after storm
1994	events, or increasing aquifer recharge, are eligible for grants
1995	available under this section from the coordinating agencies.
1996	4.d. The Caloosahatchee River Watershed Basin Management

<u>Action Plans</u> Pollutant Control Program shall require assessment of current water management practices within the watershed and shall require development of recommendations for structural, nonstructural, and operational improvements. Such recommendations shall consider and balance water supply, flood

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5-00606-16 2016552_ 2002 control, estuarine salinity, aquatic habitat, and water quality 2003 considerations.

2004 5.e. After December 31, 2007, The department may not 2005 authorize the disposal of domestic wastewater biosolids 2006 residuals within the Caloosahatchee River watershed unless the 2007 applicant can affirmatively demonstrate that the nutrients in 2008 the biosolids residuals will not add to nutrient loadings in the 2009 watershed. This demonstration shall be based on achieving a net 2010 balance between nutrient imports relative to exports on the 2011 permitted application site. Exports shall include only nutrients 2012 removed from the watershed through products generated on the 2013 permitted application site. This prohibition does not apply to 2014 Class AA biosolids residuals that are marketed and distributed 2015 as fertilizer products in accordance with department rule.

2016 6.f. The Department of Health shall require all entities 2017 disposing of septage within the Caloosahatchee River watershed 2018 to develop and submit to that agency an agricultural use plan 2019 that limits applications based upon nutrient loading consistent 2020 with any basin management action plan adopted pursuant to s. 2021 403.067. By July 1, 2008, nutrient concentrations originating 2022 from these application sites may not exceed the limits 2023 established in the district's WOD program.

2024 <u>7.g.</u> The Department of Agriculture and Consumer Services 2025 shall <u>require</u> initiate rulemaking requiring entities within the 2026 Caloosahatchee River watershed which land-apply animal manure to 2027 develop a resource management system level conservation plan, 2028 according to United States Department of Agriculture criteria, 2029 which limit such application. Such rules <u>shall</u> may include 2030 criteria and thresholds for the requirement to develop a

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5-00606-16 2016552 2031 conservation or nutrient management plan, requirements for plan approval, site inspection requirements, and recordkeeping 2032 2033 requirements. 2034 8. The district shall initiate rulemaking to provide for a 2035 monitoring program for nonpoint source dischargers required to 2036 monitor water quality pursuant to s. 403.067(7)(b)2.g. or s. 2037 403.067(7)(c)3. The results of such monitoring must be reported 2038 to the coordinating agencies. 2039 3. Caloosahatchee River Watershed Research and Water 2040 Quality Monitoring Program.-The district, in cooperation with 2041 the other coordinating agencies and local governments, shall 2042 establish a Caloosahatchee River Watershed Research and Water 2043 Quality Monitoring Program that builds upon the district's 2044 existing research program and that is sufficient to carry out,

2045 comply with, or assess the plans, programs, and other 2046 responsibilities created by this subsection. The program shall 2047 also conduct an assessment of the water volumes and timing from 2048 the Lake Okeechobee and Caloosahatchee River watersheds and 2049 their relative contributions to the timing and volume of water 2050 delivered to the estuary.

2051 (c) (b) St. Lucie River Watershed Protection Plan. - No later 2052 than January 1, 2009, The district, in cooperation with the 2053 other coordinating agencies, Martin County, and affected 2054 counties and municipalities shall complete a plan in accordance 2055 with this subsection. The St. Lucie River Watershed Protection 2056 Plan shall identify the geographic extent of the watershed, be 2057 coordinated as needed with the plans developed pursuant to 2058 paragraph (3) (a) and paragraph (a) of this subsection, and 2059 contain an implementation schedule for pollutant load reductions

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2060	consistent with any adopted total maximum daily loads and
2061	compliance with applicable state water quality standards. The
2062	plan shall include the St. Lucie River Watershed Construction
2063	Project and St. Lucie River Watershed Research and Water Quality
2064	Monitoring Program.÷
2065	1. St. Lucie River Watershed Construction ProjectTo
2066	improve the hydrology, water quality, and aquatic habitats
2067	within the watershed, the district shall, no later than January
2068	1, 2012, plan, design, and construct the initial phase of the
2069	Watershed Construction Project. In doing so, the district shall:
2070	a. Develop and designate the facilities to be constructed
2071	to achieve stated goals and objectives of the St. Lucie River
2072	Watershed Protection Plan.
2073	b. Identify the size and location of all such facilities.
2074	c. Provide a construction schedule for all such facilities,
2075	including the sequencing and specific timeframe for construction
2076	of each facility.
2077	d. Provide a schedule for the acquisition of lands or
2078	sufficient interests necessary to achieve the construction
2079	schedule.
2080	e. Provide a schedule of costs and benefits associated with
2081	each construction project and identify funding sources.
2082	f. To ensure timely implementation, coordinate the design,
2083	scheduling, and sequencing of project facilities with the
2084	coordinating agencies, Martin County, St. Lucie County, other
2085	interested parties, and other affected local governments.
2086	2. St. Lucie River Watershed Research and Water Quality
2087	Monitoring ProgramThe district, in cooperation with the other
2088	coordinating agencies and local governments, shall establish a

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2089	St. Lucie River Watershed Research and Water Quality Monitoring
2090	Program that builds upon the district's existing research
2091	program and that is sufficient to carry out, comply with, or
2092	assess the plans, programs, and other responsibilities created
2093	by this subsection. The district shall also conduct an
2094	assessment of the water volumes and timing from Lake Okeechobee
2095	and the St. Lucie River watershed and their relative
2096	contributions to the timing and volume of water delivered to the
2097	estuary.
2098	(d) 2. St. Lucie River Watershed <u>Basin Management Action</u>
2099	<u>Plan</u> Pollutant Control ProgramThe basin management action plan
2100	for the St. Lucie River watershed adopted pursuant to s. 403.067
2101	<u>shall be</u> the St. Lucie River Watershed Pollutant Control Program
2102	and shall be is designed to be a multifaceted approach to
2103	reducing pollutant loads by improving the management of
2104	pollutant sources within the St. Lucie River watershed through
2105	implementation of regulations and best management practices,
2106	development and implementation of improved best management
2107	practices, improvement and restoration of the hydrologic
2108	function of natural and managed systems, and <u>use</u> utilization of
2109	alternative technologies for pollutant reduction, such as cost-
2110	effective biologically based, hybrid wetland/chemical and other
2111	innovative nutrient control technologies. As provided in s.
2112	403.067(7)(a)6., the St. Lucie River Watershed Basin Management
2113	Action Plan must include milestones for implementation and water
2114	quality improvement, and an associated water quality monitoring
2115	component sufficient to evaluate whether reasonable progress in
2116	pollutant load reductions is being achieved over time. An
2117	assessment of progress toward these milestones shall be

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2118	conducted every 5 years and shall be provided to the Governor,
2119	the President of the Senate, and the Speaker of the House of
2120	Representatives. Revisions to the plan shall be made, as
2121	appropriate, as a result of each 5-year review. Revisions to the
2122	basin management action plan shall be made by the department in
2123	cooperation with the basin stakeholders. Revisions to best
2124	management practices or other measures must follow the
2125	procedures set forth in s. 403.067(7)(c)4. Revised basin
2126	management action plans must be adopted pursuant to s.
2127	403.067(7)(a)5. The department shall develop an implementation
2128	schedule establishing 5-year, 10-year, and 15-year measurable
2129	milestones and targets to achieve the total maximum daily load
2130	no more than 20 years after adoption of the plan. The initial
2131	implementation schedule shall be used to provide guidance for
2132	planning and funding purposes and is exempt from chapter 120.
2133	Upon the first 5-year review, the implementation schedule shall
2134	be adopted as part of the plan. If achieving the total maximum
2135	daily load within 20 years is not practicable, the
2136	implementation schedule must contain an explanation of the
2137	constraints that prevent achievement of the total maximum daily
2138	load within 20 years, an estimate of the time needed to achieve
2139	the total maximum daily load, and additional 5-year measurable
2140	milestones, as necessary. The coordinating agencies shall
2141	facilitate the <u>use</u> utilization of federal programs that offer
2142	opportunities for water quality treatment, including
2143	preservation, restoration, or creation of wetlands on
2144	agricultural lands.
2145	<u>1.</u> a. Nonpoint source best management practices consistent
2146	with <u>s. 403.067</u> paragraph (3)(c), designed to achieve the

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5-00606-16 2016552 2147 objectives of the St. Lucie River Watershed Protection Program, 2148 shall be implemented on an expedited basis. The coordinating 2149 agencies may develop an intergovernmental agreement with local 2150 governments to implement the nonagricultural nonpoint source 2151 best management practices within their respective geographic 2152 boundaries. 2153 2.b. This subsection does not preclude the department or 2154 the district from requiring compliance with water quality 2155 standards, adopted total maximum daily loads, or current best 2156 management practices requirements set forth in any applicable 2157 regulatory program authorized by law for the purpose of 2158 protecting water quality. This subsection applies only to the extent that it does not conflict with any rules adopted by the 2159 department or district which are necessary to maintain a 2160 2161 federally delegated or approved program.

2162 3.c. Projects that make use of private lands, or lands held 2163 in trust for Indian tribes, to reduce pollutant loadings or 2164 concentrations within a basin, or that reduce the volume of 2165 harmful discharges by one or more of the following methods: 2166 restoring the natural hydrology of the basin, restoring wildlife 2167 habitat or impacted wetlands, reducing peak flows after storm 2168 events, or increasing aquifer recharge, are eligible for grants 2169 available under this section from the coordinating agencies.

2170 <u>4.d.</u> The St. Lucie River Watershed <u>Basin Management Action</u> 2171 <u>Plan Pollutant Control Program</u> shall require assessment of 2172 current water management practices within the watershed and 2173 shall require development of recommendations for structural, 2174 nonstructural, and operational improvements. Such 2175 recommendations shall consider and balance water supply, flood

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5-00606-16 2016552_ 2176 control, estuarine salinity, aquatic habitat, and water quality 2177 considerations. 2178 5.c. After December 31, 2007, The department may not

2178 2179 authorize the disposal of domestic wastewater biosolids 2180 residuals within the St. Lucie River watershed unless the 2181 applicant can affirmatively demonstrate that the nutrients in 2182 the biosolids residuals will not add to nutrient loadings in the 2183 watershed. This demonstration shall be based on achieving a net 2184 balance between nutrient imports relative to exports on the 2185 permitted application site. Exports shall include only nutrients 2186 removed from the St. Lucie River watershed through products 2187 generated on the permitted application site. This prohibition 2188 does not apply to Class AA biosolids residuals that are marketed 2189 and distributed as fertilizer products in accordance with 2190 department rule.

2191 6.f. The Department of Health shall require all entities 2192 disposing of septage within the St. Lucie River watershed to 2193 develop and submit to that agency an agricultural use plan that 2194 limits applications based upon nutrient loading consistent with 2195 any basin management action plan adopted pursuant to s. 403.067. 2196 By July 1, 2008, nutrient concentrations originating from these 2197 application sites may not exceed the limits established in the 2198 district's WOD program.

2199 <u>7.g.</u> The Department of Agriculture and Consumer Services 2200 shall initiate rulemaking requiring entities within the St. 2201 Lucie River watershed which land-apply animal manure to develop 2202 a resource management system level conservation plan, according 2203 to United States Department of Agriculture criteria, which limit 2204 such application. Such rules <u>shall</u> may include criteria and

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2229

5-00606-16 2016552 2205 thresholds for the requirement to develop a conservation or 2206 nutrient management plan, requirements for plan approval, site 2207 inspection requirements, and recordkeeping requirements. 2208 8. The district shall initiate rulemaking to provide for a 2209 monitoring program for nonpoint source dischargers required to 2210 monitor water quality pursuant to s. 403.067(7)(b)2.g. or s. 2211 403.067(7)(c)3. The results of such monitoring must be reported 2212 to the coordinating agencies. 2213 3. St. Lucie River Watershed Research and Water Quality 2214 Monitoring Program.-The district, in cooperation with the other 2215 coordinating agencies and local governments, shall establish a 2216 St. Lucie River Watershed Research and Water Quality Monitoring 2217 Program that builds upon the district's existing research 2218 program and that is sufficient to carry out, comply with, or 2219 assess the plans, programs, and other responsibilities created 2220 by this subsection. The program shall also conduct an assessment 2221 of the water volumes and timing from the Lake Okeechobee and St. Lucie River watersheds and their relative contributions to the 2222 2223 timing and volume of water delivered to the estuary. 2224 (e) (c) River Watershed Protection Plan implementation.-The 2225 coordinating agencies shall be jointly responsible for 2226 implementing the River Watershed Protection Plans, consistent 2227 with the statutory authority and responsibility of each agency. 2228 Annual funding priorities shall be jointly established, and the

have the greatest potential for achieving the goals and objectives of the plans. In determining funding priorities, the coordinating agencies shall also consider the need for regulatory compliance, the extent to which the program or

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highest priority shall be assigned to programs and projects that

5-00606-16 2016552 2234 project is ready to proceed, and the availability of federal or 2235 local government matching funds. Federal and other nonstate 2236 funding shall be maximized to the greatest extent practicable. 2237 (f) (d) Evaluation.-Beginning By March 1, 2020 2012, and 2238 every 5 $\frac{3}{2}$ years thereafter, concurrent with the updates of the 2239 basin management action plans adopted pursuant to s. 403.067, 2240 the department, district in cooperation with the other 2241 coordinating agencies, shall conduct an evaluation of any 2242 pollutant load reduction goals, as well as any other specific 2243 objectives and goals, as stated in the River Watershed 2244 Protection Programs Plans. Additionally, The district shall 2245 identify modifications to facilities of the River Watershed 2246 Construction Projects, as appropriate, or any other elements of 2247 the River Watershed Protection Programs Plans. The evaluation 2248 shall be included in the annual progress report submitted 2249 pursuant to this section. 2250 (g) (e) Priorities and implementation schedules.-The 2251 coordinating agencies are authorized and directed to establish 2252 priorities and implementation schedules for the achievement of 2253 total maximum daily loads, the requirements of s. 403.067, and 2254 compliance with applicable water quality standards within the 2255 waters and watersheds subject to this section.

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

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5-00606-16 2016552 2263 (5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.-The 2264 2265 department is directed to expedite development and adoption of 2266 total maximum daily loads for the Caloosahatchee River and 2267 estuary. The department is further directed to, no later than 2268 December 31, 2008, propose for final agency action total maximum 2269 daily loads for nutrients in the tidal portions of the 2270 Caloosahatchee River and estuary. The department shall initiate 2271 development of basin management action plans for Lake 2272 Okeechobee, the Caloosahatchee River watershed and estuary, and 2273 the St. Lucie River watershed and estuary as provided in s. 2274 403.067 s. 403.067(7)(a) as follows: 2275 (a) Basin management action plans shall be developed as soon as practicable as determined necessary by the department to 2276 2277 achieve the total maximum daily loads established for the Lake 2278 Okeechobee watershed and the estuaries. 2279 (b) The Phase II technical plan development pursuant to 2280

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

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

(d) As provided in s. 403.067, management strategies and pollution reduction requirements set forth in a basin management action plan subject to permitting by the department under

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2292	subsection (7) must be completed pursuant to the schedule set
2293	forth in the basin management action plan, as amended. The
2294	implementation schedule may extend beyond the 5-year permit
2295	term.
2296	(e) As provided in s. 403.067, management strategies and
2297	pollution reduction requirements set forth in a basin management
2298	action plan for a specific pollutant of concern are not subject
2299	to challenge under chapter 120 at the time they are
2300	incorporated, in an identical form, into a department or
2301	district issued permit or a permit modification issued in
2302	accordance with subsection (7).
2303	(d) Development of basin management action plans that
2304	implement the provisions of the legislatively ratified plans
2305	shall be initiated by the department no later than September 30
2306	of the year in which the applicable plan is ratified. Where a
2307	total maximum daily load has not been established at the time of
2308	plan ratification, development of basin management action plans
2309	shall be initiated no later than 90 days following adoption of
2310	the applicable total maximum daily load.
2311	(6) ANNUAL PROGRESS REPORT.—Each March 1 the district <u>, in</u>
2312	cooperation with the other coordinating agencies, shall report
2313	on implementation of this section as part of the consolidated
2314	annual report required in s. 373.036(7). The annual report shall
2315	include a summary of the conditions of the hydrology, water
2316	quality, and aquatic habitat in the northern Everglades based on
2317	the results of the Research and Water Quality Monitoring
2318	Programs, the status of the Lake Okeechobee Watershed
2319	Construction Project, the status of the Caloosahatchee River
2320	Watershed Construction Project, and the status of the St. Lucie

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2321	River Watershed Construction Project. In addition, the report
2322	shall contain an annual accounting of the expenditure of funds
2323	from the Save Our Everglades Trust Fund. At a minimum, the
2324	annual report shall provide detail by program and plan,
2325	including specific information concerning the amount and use of
2326	funds from federal, state, or local government sources. In
2327	detailing the use of these funds, the district shall indicate
2328	those designated to meet requirements for matching funds. The
2329	district shall prepare the report in cooperation with the other
2330	coordinating agencies and affected local governments. <u>The</u>
2331	department shall report on the status of the Lake Okeechobee
2332	Basin Management Action Plan, the Caloosahatchee River Watershed
2333	Basin Management Action Plan, and the St. Lucie River Watershed
2334	Basin Management Action Plan. The Department of Agriculture and
2335	Consumer Services shall report on the status of the
2336	implementation of the agricultural nonpoint source best
2337	management practices, including an implementation assurance
2338	report summarizing survey responses and response rates, site
2339	inspections, and other methods used to verify implementation of
2340	and compliance with best management practices in the Lake
2341	Okeechobee, Caloosahatchee River and St. Lucie River watersheds.
2342	(7) LAKE OKEECHOBEE PROTECTION PERMITS

(a) The Legislature finds that the Lake Okeechobee
<u>Watershed</u> Protection Program will benefit Lake Okeechobee and
downstream receiving waters and is <u>in consistent with</u> the public
interest. The Lake Okeechobee <u>Watershed</u> Construction Project and
structures discharging into or from Lake Okeechobee shall be
constructed, operated, and maintained in accordance with this
section.

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5-00606-16 2016552 2350 (b) Permits obtained pursuant to this section are in lieu 2351 of all other permits under this chapter or chapter 403, except those issued under s. 403.0885, if applicable. No Additional 2352 2353 permits are not required for the Lake Okeechobee Watershed 2354 Construction Project, or structures discharging into or from 2355 Lake Okeechobee, if such project or structures are permitted 2356 under this section. Construction activities related to 2357 implementation of the Lake Okeechobee Watershed Construction 2358 Project may be initiated before prior to final agency action, or 2359 notice of intended agency action, on any permit from the 2360 department under this section. 2361 (c)1. Within 90 days of completion of the diversion plans 2362 set forth in Department Consent Orders 91-0694, 91-0707, 91-2363 0706, 91-0705, and RT50-205564, Owners or operators of existing 2364 structures which discharge into or from Lake Okeechobee that 2365 were subject to Department Consent Orders 91-0694, 91-0705, 91-2366 0706, 91-0707, and RT50-205564 and that are subject to the 2367 provisions of s. 373.4592(4)(a) do not require a permit under 2368 this section and shall be governed by permits issued under apply 2369 for a permit from the department to operate and maintain such 2370 structures. By September 1, 2000, owners or operators of all 2371 other existing structures which discharge into or from Lake 2372 Okeechobee shall apply for a permit from the department to 2373 operate and maintain such structures. The department shall issue 2374 one or more such permits for a term of 5 years upon the demonstration of reasonable assurance that schedules and 2375 2376 strategies to achieve and maintain compliance with water quality standards have been provided for, to the maximum extent 2377 practicable, and that operation of the structures otherwise 2378

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2379	complies with provisions of ss. 373.413 and 373.416 and the Lake
2380	Okeechobee Basin Management Action Plan adopted pursuant to s.
2381	403.067.
2382	1. Permits issued under this paragraph shall also contain
2383	reasonable conditions to ensure that discharges of waters
2384	through structures:
2385	a. Are adequately and accurately monitored;
2386	b. Will not degrade existing Lake Okeechobee water quality
2387	and will result in an overall reduction of phosphorus input into
2388	Lake Okeechobee, as set forth in the district's Technical
2389	Publication 81-2 and the total maximum daily load established in
2390	accordance with s. 403.067, to the maximum extent practicable;
2391	and
2392	c. Do not pose a serious danger to public health, safety,
2393	or welfare.
2394	2. For the purposes of this paragraph, owners and operators
2395	of existing structures which are subject to the provisions of s.
2396	373.4592(4)(a) and which discharge into or from Lake Okeechobee
2397	shall be deemed in compliance with <u>this paragraph</u> the term
2398	"maximum extent practicable" if they are in full compliance with
2399	the conditions of permits under <u>chapter</u> chapters 40E-61 and 40E-
2400	63, Florida Administrative Code.
2401	3. By January 1, 2017 2004 , the district shall submit to
2402	the department <u>a complete application for</u> a permit modification
2403	to the Lake Okeechobee structure permits to incorporate proposed
2404	changes necessary to ensure that discharges through the
2405	structures covered by this permit <u>are consistent with the basin</u>
2406	management action plan adopted pursuant to achieve state water
2407	quality standards, including the total maximum daily load

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5-00606-16 2016552 2408 established in accordance with s. 403.067. These changes shall 2409 be designed to achieve such compliance with state water quality 2410 standards no later than January 1, 2015. 2411 (d) The department shall require permits for district 2412 regional projects that are part of the Lake Okeechobee Watershed Construction Project facilities. However, projects identified in 2413 2414 sub-subparagraph (3) (b) 1.b. that qualify as exempt pursuant to 2415 s. 373.406 do shall not require need permits under this section. Such permits shall be issued for a term of 5 years upon the 2416 2417 demonstration of reasonable assurances that: 2418 1. District regional projects that are part of the Lake 2419 Okeechobee Watershed Construction Project shall facility, based upon the conceptual design documents and any subsequent detailed 2420 2421 design documents developed by the district, will achieve the 2422 design objectives for phosphorus required in subparagraph 2423 (3) (a) 1. paragraph (3) (b); 2424 2. For water quality standards other than phosphorus, the 2425 quality of water discharged from the facility is of equal or 2426 better quality than the inflows; 2427 3. Discharges from the facility do not pose a serious 2428 danger to public health, safety, or welfare; and 2429 4. Any impacts on wetlands or state-listed species 2430 resulting from implementation of that facility of the Lake 2431 Okeechobee Construction Project are minimized and mitigated, as 2432 appropriate. 2433 (e) At least 60 days before prior to the expiration of any 2434 permit issued under this section, the permittee may apply for a 2435 renewal thereof for a period of 5 years. 2436 (f) Permits issued under this section may include any

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5-00606-16 2016552 2437 standard conditions provided by department rule which are 2438 appropriate and consistent with this section. 2439 (q) Permits issued under pursuant to this section may be 2440 modified, as appropriate, upon review and approval by the 2441 department. 2442 Section 16. Paragraph (a) of subsection (1) and subsection 2443 (3) of section 373.467, Florida Statutes, are amended, to read: 373.467 The Harris Chain of Lakes Restoration Council.-2444 2445 There is created within the St. Johns River Water Management 2446 District, with assistance from the Fish and Wildlife 2447 Conservation Commission and the Lake County Water Authority, the 2448 Harris Chain of Lakes Restoration Council. 2449 (1) (a) The council shall consist of nine voting members τ 2450 which shall include: a representative of waterfront property 2451 owners, a representative of the sport fishing industry, a person 2452 with experience in an environmental science or regulation 2453 engineer, a person with training in biology or another 2454 scientific discipline, a person with training as an attorney, a 2455 physician, a person with training as an engineer, and two 2456 residents of the county who are do not required to meet any 2457 additional of the other qualifications for membership enumerated 2458 in this paragraph, each to be appointed by the Lake County 2459 legislative delegation. The Lake County legislative delegation 2460 may waive the qualifications for membership on a case-by-case basis if good cause is shown. A No person serving on the council 2461 may not be appointed to a council, board, or commission of any 2462 2463 council advisory group agency. The council members shall serve 2464 as advisors to the governing board of the St. Johns River Water 2465 Management District. The council is subject to the provisions of

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2494

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2466	chapters 119 and 120.
2467	(3) The council shall meet at the call of its chair, at the
2468	request of six of its members, or at the request of the chair of
2469	the governing board of the St. Johns River Water Management
2470	District. Resignation by a council member, or failure by a
2471	council member to attend three consecutive meetings without an
2472	excuse approved by the chair, results in a vacancy on the
2473	council.
2474	Section 17. Paragraphs (a) and (b) of subsection (6) of
2475	section 373.536, Florida Statutes, are amended to read:
2476	373.536 District budget and hearing thereon
2477	(6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
2478	WATER RESOURCE DEVELOPMENT WORK PROGRAM
2479	(a) Each district must, by the date specified for each
2480	item, furnish copies of the following documents to the Governor,
2481	the President of the Senate, the Speaker of the House of
2482	Representatives, the chairs of all legislative committees and
2483	subcommittees having substantive or fiscal jurisdiction over the
2484	districts, as determined by the President of the Senate or the
2485	Speaker of the House of Representatives as applicable, the
2486	secretary of the department, and the governing board of each
2487	county in which the district has jurisdiction or derives any
2488	funds for the operations of the district:
2489	1. The adopted budget, to be furnished within 10 days after
2490	its adoption.
2491	2. A financial audit of its accounts and records, to be
2492	furnished within 10 days after its acceptance by the governing
2493	board. The audit must be conducted in accordance with s. 11.45

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and the rules adopted thereunder. In addition to the entities

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5-00606-16 2016552 2495 named above, the district must provide a copy of the audit to 2496 the Auditor General within 10 days after its acceptance by the 2497 governing board. 2498 3. A 5-year capital improvements plan, to be included in 2499 the consolidated annual report required by s. 373.036(7). The 2500 plan must include expected sources of revenue for planned 2501 improvements and must be prepared in a manner comparable to the 2502 fixed capital outlay format set forth in s. 216.043. 2503 4. A 5-year water resource development work program to be 2504 furnished within 30 days after the adoption of the final budget. 2505 The program must describe the district's implementation strategy 2506 and include an annual funding plan for each of the 5 years 2507 included in the plan for the water resource and τ water supply τ 2508 development components, including and alternative water supply 2509 development, components of each approved regional water supply 2510 plan developed or revised under s. 373.709. The work program 2511 must address all the elements of the water resource development 2512 component in the district's approved regional water supply 2513 plans, as well as the water supply projects proposed for 2514 district funding and assistance. The annual funding plan shall 2515 identify both anticipated available district funding and 2516 additional funding needs for the second through fifth years of 2517 the funding plan. The work program and must identify projects in 2518 the work program which will provide water; explain how each 2519 water resource and τ water supply τ and alternative water supply 2520 development project will produce additional water available for 2521 consumptive uses; estimate the quantity of water to be produced 2522 by each project; and provide an assessment of the contribution 2523 of the district's regional water supply plans in supporting the

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1	5-00606-16 2016552
2524	implementation of minimum flows and minimum water levels and
2525	water reservations; and ensure providing sufficient water is
2526	<u>available</u> needed to timely meet the water supply needs of
2527	existing and future reasonable-beneficial uses for a 1-in-10-
2528	year drought event and to avoid the adverse effects of
2529	competition for water supplies.
2530	(b) Within 30 days after its submittal, the department
2531	shall review the proposed work program and submit its findings,
2532	questions, and comments to the district. The review must include
2533	a written evaluation of the program's consistency with the
2534	furtherance of the district's approved regional water supply
2535	plans, and the adequacy of proposed expenditures. As part of the
2536	review, the department shall post the proposed work program on
2537	its website and give interested parties the opportunity to
2538	provide written comments on each district's proposed work
2539	program. Within 45 days after receipt of the department's
2540	evaluation, the governing board shall state in writing to the
2541	department which of the changes recommended in the evaluation it
2542	will incorporate into its work program submitted as part of the
2543	March 1 consolidated annual report required by s. 373.036(7) or
2544	specify the reasons for not incorporating the changes. The
2545	department shall include the district's responses in a final
2546	evaluation report and shall submit a copy of the report to the
2547	Governor, the President of the Senate, and the Speaker of the
2548	House of Representatives.
2549	Section 18. Subsection (9) of section 373.703, Florida
2550	Statutes, is amended to read:

2551 373.703 Water production; general powers and duties.—In the 2552 performance of, and in conjunction with, its other powers and

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5-00606-16 2016552 2553 duties, the governing board of a water management district 2554 existing pursuant to this chapter: 2555 (9) May join with one or more other water management 2556 districts, counties, municipalities, special districts, publicly 2557 owned or privately owned water utilities, multijurisdictional 2558 water supply entities, regional water supply authorities, 2559 private landowners, or self-suppliers for the purpose of 2560 carrying out its powers, and may contract with such other 2561 entities to finance acquisitions, construction, operation, and 2562 maintenance, provided that such contracts are consistent with 2563 the public interest. The contract may provide for contributions 2564 to be made by each party to the contract for the division and 2565 apportionment of the expenses of acquisitions, construction, 2566 operation, and maintenance, and for the division and 2567 apportionment of resulting benefits, services, and products. The 2568 contracts may contain other covenants and agreements necessary 2569 and appropriate to accomplish their purposes. 2570 Section 19. Paragraph (b) of subsection (2), subsection 2571 (3), and paragraph (b) of subsection (4) of section 373.705, 2572 Florida Statutes, are amended, and subsection (5) is added to 2573 that section, to read: 2574 373.705 Water resource development; water supply 2575 development.-2576 (2) It is the intent of the Legislature that: 2577 (b) Water management districts take the lead in identifying 2578 and implementing water resource development projects, and be 2579 responsible for securing necessary funding for regionally 2580 significant water resource development projects, including regionally significant projects that prevent or limit adverse 2581

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2582	water resource impacts, avoid competition among water users, or
2583	support the provision of new water supplies in order to meet a
2584	minimum flow or minimum water level or to implement a recovery
2585	or prevention strategy or water reservation.
2586	(3) (a) The water management districts shall fund and
2587	implement water resource development as defined in s. 373.019.
2588	The water management districts are encouraged to implement water
2589	resource development as expeditiously as possible in areas
2590	subject to regional water supply plans.
2591	(b) Each governing board shall include in its annual budget
2592	submittals required under this chapter:
2593	1. The amount of funds for each project in the annual
2594	funding plan developed pursuant to s. 373.536(6)(a)4.; and
2595	2. The total amount needed for the fiscal year to implement
2596	water resource development projects, as prioritized in its
2597	regional water supply plans.
2598	(4)
2599	(b) Water supply development projects that meet the
2600	criteria in paragraph (a) and that meet one or more of the
2601	following additional criteria shall be given first consideration
2602	for state or water management district funding assistance:
2603	1. The project brings about replacement of existing sources
2604	in order to help implement a minimum flow or <u>minimum water</u>
2605	level; or
2606	2. The project implements reuse that assists in the
2607	elimination of domestic wastewater ocean outfalls as provided in
2608	s. 403.086(9) <u>; or</u>
2609	3. The project reduces or eliminates the adverse effects of
2610	competition between legal users and the natural system.

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2611	(5) The water management districts shall promote expanded
2612	cost-share criteria for additional conservation practices, such
2613	as soil and moisture sensors and other irrigation improvements,
2614	water-saving equipment, and water-saving household fixtures, and
2615	software technologies that can achieve verifiable water
2616	conservation by providing water use information to utility
2617	customers.
2618	Section 20. Paragraph (f) of subsection (3), paragraph (a)
2619	of subsection (6), and paragraph (e) of subsection (8) of
2620	section 373.707, Florida Statutes, are amended to read:
2621	373.707 Alternative water supply development
2622	(3) The primary roles of the water management districts in
2623	water resource development as it relates to supporting
2624	alternative water supply development are:
2625	(f) The provision of technical and financial assistance to
2626	local governments and publicly owned and privately owned water
2627	utilities for alternative water supply projects and to self-
2628	suppliers for alternative water supply projects to the extent
2629	that such assistance to self-suppliers promotes the policies in
2630	paragraph (1)(f).
2631	(6)(a) <u>If state</u> The statewide funds <u>are</u> provided <u>through</u>
2632	specific appropriation or pursuant to the Water Protection and
2633	Sustainability Program, such funds serve to supplement existing
2634	water management district or basin board funding for alternative
2635	water supply development assistance and should not result in a
2636	reduction of such funding. For each project identified in the
2637	annual funding plans prepared pursuant to s. 373.536(6)(a)4.
2638	Therefore, the water management districts shall include in the
2639	annual tentative and adopted budget submittals required under

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5-00606-16 2016552 2640 this chapter the amount of funds allocated for water resource 2641 development that supports alternative water supply development 2642 and the funds allocated for alternative water supply projects 2643 selected for inclusion in the Water Protection and 2644 Sustainability Program. It shall be the goal of each water 2645 management district and basin boards that the combined funds 2646 allocated annually for these purposes be, at a minimum, the 2647 equivalent of 100 percent of the state funding provided to the 2648 water management district for alternative water supply 2649 development. If this goal is not achieved, the water management 2650 district shall provide in the budget submittal an explanation of 2651 the reasons or constraints that prevent this goal from being 2652 met, an explanation of how the goal will be met in future years, 2653 and affirmation of match is required during the budget review 2654 process as established under s. 373.536(5). The Suwannee River 2655 Water Management District and the Northwest Florida Water 2656 Management District shall not be required to meet the match 2657 requirements of this paragraph; however, they shall try to 2658 achieve the match requirement to the greatest extent 2659 practicable. (8)

2660

2661 (e) Applicants for projects that may receive funding 2662 assistance pursuant to the Water Protection and Sustainability 2663 Program shall, at a minimum, be required to pay 60 percent of 2664 the project's construction costs. The water management districts 2665 may, at their discretion, totally or partially waive this 2666 requirement for projects sponsored by:

2667 1. Financially disadvantaged small local governments as defined in former s. 403.885(5); or 2668

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2669	2. Water users for projects determined by a water
2670	management district governing board to be in the public interest
2671	pursuant to paragraph (1)(f), if the projects are not otherwise
2672	financially feasible.
2673	
2674	The water management districts or basin boards may, at their
2675	discretion, use ad valorem or federal revenues to assist a
2676	project applicant in meeting the requirements of this paragraph.
2677	Section 21. Subsection (2) and paragraphs (a) and (e) of
2678	subsection (6) of section 373.709, Florida Statutes, are amended
2679	to read:
2680	373.709 Regional water supply planning
2681	(2) Each regional water supply plan must be based on at
2682	least a 20-year planning period and must include, but need not
2683	be limited to:
2684	(a) A water supply development component for each water
2685	supply planning region identified by the district which
2686	includes:
2687	1. A quantification of the water supply needs for all
2688	existing and future reasonable-beneficial uses within the
2689	planning horizon. The level-of-certainty planning goal
2690	associated with identifying the water supply needs of existing
2691	and future reasonable-beneficial uses must be based upon meeting
2692	those needs for a 1-in-10-year drought event.
2693	a. Population projections used for determining public water
2694	supply needs must be based upon the best available data. In
2695	determining the best available data, the district shall consider
2696	the University of <u>Florida</u> Florida's Bureau of Economic and
2697	Business Research (BEBR) medium population projections and

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2698	population projection data and analysis submitted by a local
2699	government pursuant to the public workshop described in
2700	subsection (1) if the data and analysis support the local
2701	government's comprehensive plan. Any adjustment of or deviation
2702	from the BEBR projections must be fully described, and the
2703	original BEBR data must be presented along with the adjusted
2704	data.
2705	b. Agricultural demand projections used for determining the
2706	needs of agricultural self-suppliers must be based upon the best
2707	available data. In determining the best available data for
2708	agricultural self-supplied water needs, the district shall
2709	consider the data indicative of future water supply demands
2710	provided by the Department of Agriculture and Consumer Services
2711	pursuant to s. 570.93 and agricultural demand projection data
2712	and analysis submitted by a local government pursuant to the
2713	public workshop described in subsection (1), if the data and
2714	analysis support the local government's comprehensive plan. Any
2715	adjustment of or deviation from the data provided by the
2716	Department of Agriculture and Consumer Services must be fully
2717	described, and the original data must be presented along with
2718	the adjusted data.
2719	2. A list of water supply development project options,
2720	including traditional and alternative water supply project
2721	options that are technically and financially feasible, from
2722	which local government, government-owned and privately owned
2723	utilities, regional water supply authorities,
2724	multijurisdictional water supply entities, self-suppliers, and
2725	others may choose for water supply development. In addition to
2726	projects listed by the district, such users may propose specific

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5-00606-16 2016552 2727 projects for inclusion in the list of alternative water supply 2728 projects. If such users propose a project to be listed as an 2729 alternative water supply project, the district shall determine 2730 whether it meets the goals of the plan, and, if so, it shall be 2731 included in the list. The total capacity of the projects 2732 included in the plan must exceed the needs identified in 2733 subparagraph 1. and take into account water conservation and 2734 other demand management measures, as well as water resources 2735 constraints, including adopted minimum flows and minimum water 2736 levels and water reservations. Where the district determines it 2737 is appropriate, the plan should specifically identify the need 2738 for multijurisdictional approaches to project options that, 2739 based on planning level analysis, are appropriate to supply the 2740 intended uses and that, based on such analysis, appear to be 2741 permittable and financially and technically feasible. The list 2742 of water supply development options must contain provisions that 2743 recognize that alternative water supply options for agricultural 2744 self-suppliers are limited. 2745 3. For each project option identified in subparagraph 2., 2746 the following must be provided: 2747

a. An estimate of the amount of water to become availablethrough the project.

2749 b. The timeframe in which the project option should be 2750 implemented and the estimated planning-level costs for capital 2751 investment and operating and maintaining the project.

2752 c. An analysis of funding needs and sources of possible 2753 funding options. For alternative water supply projects, the 2754 water management districts shall provide funding assistance 2755 pursuant to s. 373.707(8).

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5-00606-16 2016552 2756 d. Identification of the entity that should implement each 2757 project option and the current status of project implementation. 2758 (b) A water resource development component that includes: 2759 1. A listing of those water resource development projects 2760 that support water supply development for all existing and 2761 future reasonable-beneficial uses as described in paragraph 2762 (2) (a) and for the natural systems as identified in the recovery 2763 or prevention strategies for adopted minimum flows and minimum 2764 water levels or water reservations. 2765 2. For each water resource development project listed: 2766 a. An estimate of the amount of water to become available 2767 through the project for all existing and future reasonablebeneficial uses as described in paragraph (2)(a) and for the 2768 2769 natural systems as identified in the recovery or prevention 2770 strategies for adopted minimum flows and minimum water levels or 2771 water reservations. 2772 b. The timeframe in which the project option should be 2773 implemented and the estimated planning-level costs for capital 2774 investment and for operating and maintaining the project. 2775 c. An analysis of funding needs and sources of possible 2776 funding options. 2777 d. Identification of the entity that should implement each 2778 project option and the current status of project implementation. 2779 (c) The recovery and prevention strategy described in s. 2780 373.0421(2). 2781 (d) A funding strategy for water resource development projects, which shall be reasonable and sufficient to pay the 2782 2783 cost of constructing or implementing all of the listed projects. 2784 (e) Consideration of how the project options addressed in Page 96 of 134

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2785	paragraph (a) serve the public interest or save costs overall by
2786	preventing the loss of natural resources or avoiding greater
2787	future expenditures for water resource development or water
2788	supply development. However, unless adopted by rule, these
2789	considerations do not constitute final agency action.
2790	(f) The technical data and information applicable to each
2791	planning region which are necessary to support the regional
2792	water supply plan.
2793	(g) The minimum flows and <u>minimum water</u> levels established
2794	for water resources within each planning region.
2795	(h) Reservations of water adopted by rule pursuant to s.
2796	373.223(4) within each planning region.
2797	(i) Identification of surface waters or aquifers for which
2798	minimum flows and <u>minimum water</u> levels are scheduled to be
2799	adopted.
2800	(j) An analysis, developed in cooperation with the
2801	department, of areas or instances in which the variance
2802	provisions of s. 378.212(1)(g) or s. 378.404(9) may be used to
2803	create water supply development or water resource development
2804	projects.
2805	(k) An assessment of how the regional water supply plan and
2806	the projects identified in the funding plans prepared pursuant
2807	to sub-subparagraphs (a)3.c. and (b)2.c. support the recovery or
2808	prevention strategies for implementation of adopted minimum
2809	flows and minimum water levels or water reservations, including
2810	minimum flows and minimum water levels for Outstanding Florida
2811	Springs adopted pursuant to s. 373.805; while ensuring that
2812	sufficient water will be available for all existing and future
2813	reasonable-beneficial uses and the natural systems identified

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2814	 herein; and that the adverse effects of competition for water
2815	supplies will be avoided.
2816	(6) Annually and in conjunction with the reporting
2817	requirements of s. 373.536(6)(a)4., the department shall submit
2818	to the Governor and the Legislature a report on the status of
2819	regional water supply planning in each district. The report
2820	shall include:
2821	(a) A compilation of the estimated costs of and <u>an analysis</u>
2822	of the sufficiency of potential sources of funding from all
2823	sources for water resource development and water supply
2824	development projects as identified in the water management
2825	district regional water supply plans.
2826	(e) An overall assessment of the progress being made to
2827	develop water supply in each district, including, but not
2828	limited to, an explanation of how each project in the 5-year
2829	water resource development work program developed pursuant to s.
2830	373.536(6)(a)4., either alternative or traditional, will
2831	produce, contribute to, or account for additional water being
2832	made available for consumptive uses, minimum flows and minimum
2833	water levels, or water reservations; an estimate of the quantity
2834	of water to be produced by each project $\underline{;}_{\mathcal{T}}$ and an assessment of
2835	the contribution of the district's regional water supply plan in
2836	providing sufficient water to meet the needs of existing and
2837	future reasonable-beneficial uses for a 1-in-10-year drought
2838	event, as well as the needs of the natural systems.
2839	Section 22. Part VIII of chapter 373, Florida Statutes,
2840	consisting of ss. 373.801-373.813, Florida Statutes, is created
2841	and entitled the "Florida Springs and Aquifer Protection Act."
2842	Section 23. Section 373.801, Florida Statutes, is created

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2843	to read:
2844	373.801 Legislative findings and intent
2845	(1) The Legislature finds that springs are a unique part of
2846	this state's scenic beauty. Springs provide critical habitat for
2847	plants and animals, including many endangered or threatened
2848	species. Springs also provide immeasurable natural,
2849	recreational, economic, and inherent value. Springs are of great
2850	scientific importance in understanding the diverse functions of
2851	aquatic ecosystems. Water quality of springs is an indicator of
2852	local conditions of the Floridan Aquifer, which is a source of
2853	drinking water for many residents of this state. Water flows in
2854	springs may reflect regional aquifer conditions. In addition,
2855	springs provide recreational opportunities for swimming,
2856	canoeing, wildlife watching, fishing, cave diving, and many
2857	other activities in this state. These recreational opportunities
2858	and the accompanying tourism they provide are a benefit to local
2859	economies and the economy of the state as a whole.
2860	(2) The Legislature finds that the water quantity and water
2861	quality in springs may be related. For regulatory purposes, the
2862	department has primary responsibility for water quality; the
2863	water management districts have primary responsibility for water
2864	quantity; and the Department of Agriculture and Consumer
2865	Services has primary responsibility for the development and
2866	implementation of agricultural best management practices. Local
2867	governments have primary responsibility for providing domestic
2868	wastewater collection and treatment services and stormwater
2869	management. The foregoing responsible entities must coordinate
2870	to restore and maintain the water quantity and water quality of
2871	the Outstanding Florida Springs.

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2872	(3) The Legislature recognizes that:
2873	(a) A spring is only as healthy as its aquifer system. The
2874	groundwater that supplies springs is derived from water that
2875	recharges the aquifer system in the form of seepage from the
2876	land surface and through direct conduits, such as sinkholes.
2877	Springs may be adversely affected by polluted runoff from urban
2878	and agricultural lands; discharges resulting from inadequate
2879	wastewater and stormwater management practices; stormwater
2880	runoff; and reduced water levels of the Floridan Aquifer. As a
2881	result, the hydrologic and environmental conditions of a spring
2882	or spring run are directly influenced by activities and land
2883	uses within a springshed and by water withdrawals from the
2884	Floridan Aquifer.
2885	(b) Springs, whether found in urban or rural settings, or
2886	on public or private lands, may be threatened by actual or
2887	potential flow reductions and declining water quality. Many of
2888	this state's springs are demonstrating signs of significant
2889	ecological imbalance, increased nutrient loading, and declining
2890	flow. Without effective remedial action, further declines in
2891	water quality and water quantity may occur.
2892	(c) Springshed boundaries and areas of high vulnerability
2893	within a springshed need to be identified and delineated using
2894	the best available data.
2895	(d) Springsheds typically cross water management district
2896	boundaries and local government jurisdictional boundaries, so a
2897	coordinated statewide springs protection plan is needed.
2898	(e) The aquifers and springs of this state are complex
2899	systems affected by many variables and influences.
2900	(4) The Legislature recognizes that action is urgently

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2901	needed and, as additional data is acquired, action must be
2902	modified.
2903	Section 24. Section 373.802, Florida Statutes, is created
2904	to read:
2905	373.802 DefinitionsAs used in this part, the term:
2906	(1) "Department" means the Department of Environmental
2907	Protection, which includes the Florida Geological Survey or its
2908	successor agencies.
2909	(2) "Local government" means a county or municipal
2910	government the jurisdictional boundaries of which include an
2911	Outstanding Florida Spring or any part of a springshed or
2912	delineated priority focus area of an Outstanding Florida Spring.
2913	(3) "Onsite sewage treatment and disposal system" means a
2914	system that contains a standard subsurface, filled, or mound
2915	drainfield system; an aerobic treatment unit; a graywater system
2916	tank; a laundry wastewater system tank; a septic tank; a grease
2917	interceptor; a pump tank; a solids or effluent pump; a
2918	waterless, incinerating, or organic waste-composting toilet; or
2919	a sanitary pit privy that is installed or proposed to be
2920	installed beyond the building sewer on land of the owner or on
2921	other land on which the owner has the legal right to install
2922	such system. The term includes any item placed within, or
2923	intended to be used as a part of or in conjunction with, the
2924	system. The term does not include package sewage treatment
2925	facilities and other treatment works regulated under chapter
2926	403.
2927	(4) "Outstanding Florida Spring" includes all historic
2928	first magnitude springs, including their associated spring runs,
2929	as determined by the department using the most recent Florida

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2930	Geological Survey springs bulletin, and the following additional
2931	springs, including their associated spring runs:
2932	(a) De Leon Springs;
2933	(b) Peacock Springs;
2934	(c) Poe Springs;
2935	(d) Rock Springs;
2936	(e) Wekiwa Springs; and
2937	(f) Gemini Springs.
2938	
2939	The term does not include submarine springs or river rises.
2940	(5) "Priority focus area" means the area or areas of a
2941	basin where the Floridan Aquifer is generally most vulnerable to
2942	pollutant inputs where there is a known connectivity between
2943	groundwater pathways and an Outstanding Florida Spring, as
2944	determined by the department in consultation with the
2945	appropriate water management districts, and delineated in a
2946	basin management action plan.
2947	(6) "Springshed" means the areas within the groundwater and
2948	surface water basins which contribute, based upon all relevant
2949	facts, circumstances, and data, to the discharge of a spring as
2950	defined by potentiometric surface maps and surface watershed
2951	boundaries.
2952	(7) "Spring run" means a body of flowing water that
2953	originates from a spring or whose primary source of water is a
2954	spring or springs under average rainfall conditions.
2955	(8) "Spring vent" means a location where groundwater flows
2956	out of a natural, discernible opening in the ground onto the
2957	land surface or into a predominantly fresh surface water body.
2958	Section 25. Section 373.803, Florida Statutes, is created
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2959	to read:
2960	373.803 Delineation of priority focus areas for Outstanding
2961	Florida Springs.—Using the best data available from the water
2962	management districts and other credible sources, the department,
2963	in coordination with the water management districts, shall
2964	delineate priority focus areas for each Outstanding Florida
2965	Spring or group of springs that contains one or more Outstanding
2966	Florida Springs and is identified as impaired in accordance with
2967	s. 373.807. In delineating priority focus areas, the department
2968	shall consider groundwater travel time to the spring,
2969	hydrogeology, nutrient load, and any other factors that may lead
2970	to degradation of an Outstanding Florida Spring. The delineation
2971	of priority focus areas must be completed by July 1, 2018, shall
2972	use understood and identifiable boundaries such as roads or
2973	political jurisdictions for ease of implementation, and is
2974	effective upon incorporation in a basin management action plan.
2975	Section 26. Section 373.805, Florida Statutes, is created
2976	to read:
2977	373.805 Minimum flows and minimum water levels for
2978	Outstanding Florida Springs
2979	(1) At the time a minimum flow or minimum water level is
2980	adopted pursuant to s. 373.042 for an Outstanding Florida
2981	Spring, if the spring is below or is projected within 20 years
2982	to fall below the minimum flow or minimum water level, a water
2983	management district or the department shall concurrently adopt a
2984	recovery or prevention strategy.
2985	(2) When a minimum flow or minimum water level for an
2986	Outstanding Florida Spring is revised pursuant to s.
2987	373.0421(3), if the spring is below or is projected within 20

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2988	years to fall below the minimum flow or minimum water level, a
2989	water management district or the department shall concurrently
2990	adopt a recovery or prevention strategy or modify an existing
2991	recovery or prevention strategy. A district or the department
2992	may adopt the revised minimum flow or minimum water level before
2993	the adoption of a recovery or prevention strategy if the revised
2994	minimum flow or minimum water level is less constraining on
2995	existing or projected future consumptive uses.
2996	(3) For an Outstanding Florida Spring without an adopted
2997	recovery or prevention strategy, if a district or the department
2998	determines the spring has fallen below, or is projected within
2999	20 years to fall below, the adopted minimum flow or minimum
3000	water level, a water management district or the department shall
3001	expeditiously adopt a recovery or prevention strategy.
3002	(4) The recovery or prevention strategy for each
3003	Outstanding Florida Spring must, at a minimum, include:
3004	(a) A listing of all specific projects identified for
3005	implementation of the plan;
3006	(b) A priority listing of each project;
3007	(c) For each listed project, the estimated cost of and the
3008	estimated date of completion;
3009	(d) The source and amount of financial assistance to be
3010	made available by the water management district for each listed
3011	project, which may not be less than 25 percent of the total
3012	project cost unless a specific funding source or sources are
3013	identified which will provide more than 75 percent of the total
3014	project cost. The Northwest Florida Water Management District
3015	and the Suwannee River Water Management District are not
3016	required to meet the minimum requirement to receive financial

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3017	assistance pursuant to this paragraph;
3018	(e) An estimate of each listed project's benefit to an
3019	Outstanding Florida Spring; and
3020	(f) An implementation plan designed with a target to
3021	achieve the adopted minimum flow or minimum water level no more
3022	than 20 years after the adoption of a recovery or prevention
3023	strategy.
3024	
3025	The water management district or the department shall develop a
3026	schedule establishing 5-year, 10-year, and 15-year targets for
3027	achieving the adopted minimum flows or minimum water levels. The
3028	schedule shall be used to provide guidance for planning and
3029	funding purposes and is exempt from chapter 120.
3030	(5) A local government may apply to the department for a
3031	single extension of up to 5 years for any project in an adopted
3032	recovery or prevention strategy. The department may grant the
3033	extension if the local government provides to the department
3034	sufficient evidence that an extension is in the best interest of
3035	the public. For a local government in a rural area of
3036	opportunity, as defined in s. 288.0656, the department may grant
3037	a single extension of up to 10 years.
3038	Section 27. Section 373.807, Florida Statutes, is created
3039	to read:
3040	373.807 Protection of water quality in Outstanding Florida
3041	SpringsBy July 1, 2016, the department shall initiate
3042	assessment, pursuant to s. 403.067(3), of Outstanding Florida
3043	Springs or spring systems for which an impairment determination
3044	has not been made under the numeric nutrient standards in effect
3045	for spring vents. Assessments must be completed by July 1, 2018.

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3046	(1) (a) Concurrent with the adoption of a nutrient total
3047	maximum daily load for an Outstanding Florida Spring, the
3048	department, or the department in conjunction with a water
3049	
3049	management district, shall initiate development of a basin
3051	management action plan, as specified in s. 403.067. For an
	Outstanding Florida Spring with a nutrient total maximum daily
3052	load adopted before July 1, 2016, the department, or the
3053	department in conjunction with a water management district,
3054	shall initiate development of a basin management action plan by
3055	July 1, 2016. During the development of a basin management
3056	action plan, if the department identifies onsite sewage
3057	treatment and disposal systems as contributors of at least 20
3058	percent of nonpoint source nitrogen pollution or if the
3059	department determines remediation is necessary to achieve the
3060	total maximum daily load, the basin management action plan shall
3061	include an onsite sewage treatment and disposal system
3062	remediation plan pursuant to subsection (3) for those systems
3063	identified as requiring remediation.
3064	(b) A basin management action plan for an Outstanding
3065	Florida Spring shall be adopted within 2 years after its
3066	initiation and must include, at a minimum:
3067	1. A list of all specific projects and programs identified
3068	to implement a nutrient total maximum daily load;
3069	2. A list of all specific projects identified in any
3070	incorporated onsite sewage treatment and disposal system
3071	remediation plan, if applicable;
3072	3. A priority rank for each listed project;
3073	4. For each listed project, a planning level cost estimate
3074	and the estimated date of completion;
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3075	5. The source and amount of financial assistance to be made
3076	available by the department, a water management district, or
3077	other entity for each listed project;
3078	6. An estimate of each listed project's nutrient load
3079	reduction;
3080	7. Identification of each point source or category of
3081	nonpoint sources, including, but not limited to, urban turf
3082	fertilizer, sports turf fertilizer, agricultural fertilizer,
3083	onsite sewage treatment and disposal systems, wastewater
3084	treatment facilities, animal wastes, and stormwater facilities.
3085	An estimated allocation of the pollutant load must be provided
3086	for each point source or category of nonpoint sources; and
3087	8. An implementation plan designed with a target to achieve
3088	the nutrient total maximum daily load no more than 20 years
3089	after the adoption of a basin management action plan.
3090	
3091	The department shall develop a schedule establishing 5-year, 10-
3092	year, and 15-year targets for achieving the nutrient total
3093	maximum daily load. The schedule shall be used to provide
3094	guidance for planning and funding purposes and is exempt from
3095	chapter 120.
3096	(c) For a basin management action plan adopted before July
3097	1, 2016, which addresses an Outstanding Florida Spring, the
3098	department or the department in conjunction with a water
3099	management district must revise the plan if necessary to comply
3100	with this section by July 1, 2018.
3101	(d) A local government may apply to the department for a
3102	single extension of up to 5 years for any project in an adopted
3103	basin management action plan. A local government in a rural area

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3104	of opportunity, as defined in s. 288.0656, may apply for a
3105	single extension of up to 10 years for such a project. The
3106	department may grant the extension if the local government
3107	provides to the department sufficient evidence that an extension
3108	is in the best interest of the public.
3109	(2) By July 1, 2017, each local government, as defined in
3110	s. 373.802(2), that has not adopted an ordinance pursuant to s.
3111	403.9337, shall develop, enact, and implement an ordinance
3112	pursuant to that section. It is the intent of the Legislature
3113	that ordinances required to be adopted under this subsection
3114	reflect the latest scientific information, advancements, and
3115	technological improvements in the industry.
3116	(3) As part of a basin management action plan that includes
3117	an Outstanding Florida Spring, the department, the Department of
3118	Health, relevant local governments, and relevant local public
3119	and private wastewater utilities, shall develop an onsite sewage
3120	treatment and disposal system remediation plan for a spring if
3121	the department determines onsite sewage treatment and disposal
3122	systems within a priority focus area contribute at least 20
3123	percent of nonpoint source nitrogen pollution or if the
3124	department determines remediation is necessary to achieve the
3125	total daily maximum load. The plan shall identify cost-effective
3126	and financially feasible projects necessary to reduce the
3127	nutrient impacts from onsite sewage treatment and disposal
3128	systems and shall be completed and adopted as part of the basin
3129	management action plan no later than the first 5-year milestone
3130	required by subparagraph (1)(b)8. The department is the lead
3131	agency in coordinating the preparation of and the adoption of
3132	the plan. The department shall:

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3133	(a) Collect and evaluate credible scientific information on
3134	the effect of nutrients, particularly forms of nitrogen, on
3135	springs and springs systems; and
3136	(b) Develop a public education plan to provide area
3137	residents with reliable, understandable information about onsite
3138	sewage treatment and disposal systems and springs.
3139	
3140	In addition to the requirements in s. 403.067, the plan shall
3141	include options for repair, upgrade, replacement, drainfield
3142	modification, addition of effective nitrogen reducing features,
3143	connection to a central sewerage system, or other action for an
3144	onsite sewage treatment and disposal system or group of systems
3145	within a priority focus area that contribute at least 20 percent
3146	of nonpoint source nitrogen pollution or if the department
3147	determines remediation is necessary to achieve a total maximum
3148	daily load. For these systems, the department shall include in
3149	the plan a priority ranking for each system or group of systems
3150	that requires remediation and shall award funds to implement the
3151	remediation projects contingent on an appropriation in the
3152	General Appropriations Act, which may include all or part of the
3153	costs necessary for repair, upgrade, replacement, drainfield
3154	modification, addition of effective nitrogen reducing features,
3155	initial connection to a central sewerage system, or other
3156	action. In awarding funds, the department may consider expected
3157	nutrient reduction benefit per unit cost, size and scope of
3158	project, relative local financial contribution to the project,
3159	financial impact on property owners and the community. The
3160	department may waive matching funding requirements for proposed
3161	projects within an area designated as a rural area of

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3162	opportunity under s. 288.0656.
3163	(4) The department shall provide notice to a local
3164	government of all permit applicants under s. 403.814(12) in a
3165	priority focus area of an Outstanding Florida Spring over which
3166	the local government has full or partial jurisdiction.
3167	Section 28. Section 373.811, Florida Statutes, is created
3168	to read:
3169	373.811 Prohibited activities within a priority focus
3170	area.—The following activities are prohibited within a priority
3171	focus area in effect for an Outstanding Florida Spring:
3172	(1) New domestic wastewater disposal facilities, including
3173	rapid infiltration basins, with permitted capacities of 100,000
3174	gallons per day or more, except for those facilities that meet
3175	an advanced wastewater treatment standard of no more than 3 mg/l $$
3176	total nitrogen, expressed as N, on an annual permitted basis, or
3177	a more stringent treatment standard if the department determines
3178	the more stringent standard is necessary to attain a total
3179	maximum daily load for the Outstanding Florida Spring.
3180	(2) New onsite sewage treatment and disposal systems on
3181	lots of less than 1 acre, if the addition of the specific
3182	systems conflicts with an onsite treatment and disposal system
3183	remediation plan incorporated into a basin management action
3184	plan in accordance with s. 373.807(3).
3185	(3) New facilities for the disposal of hazardous waste.
3186	(4) The land application of Class A or Class B domestic
3187	wastewater biosolids not in accordance with a department
3188	approved nutrient management plan establishing the rate at which
3189	all biosolids, soil amendments, and sources of nutrients at the
3190	land application site can be applied to the land for crop

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CODING: Words stricken are deletions; words underlined are additions.

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3191	production while minimizing the amount of pollutants and
3192	nutrients discharged to groundwater or waters of the state.
3193	(5) New agriculture operations that do not implement best
3194	management practices, measures necessary to achieve pollution
3195	reduction levels established by the department, or groundwater
3196	monitoring plans approved by a water management district or the
3197	department.
3198	Section 29. Section 373.813, Florida Statutes, is created
3199	to read:
3200	373.813 Rules
3201	(1) The department shall adopt rules to improve water
3202	quantity and water quality to administer this part, as
3203	applicable.
3204	(2)(a) The Department of Agriculture and Consumer Services
3205	is the lead agency coordinating the reduction of agricultural
3206	nonpoint sources of pollution for the protection of Outstanding
3207	Florida Springs. The Department of Agriculture and Consumer
3208	Services and the department, pursuant to s. 403.067(7)(c)4.,
3209	shall study new or revised agricultural best management
3210	practices for improving and protecting Outstanding Florida
3211	Springs and, if necessary, in cooperation with applicable local
3212	governments and stakeholders, initiate rulemaking to require the
3213	implementation of such practices within a reasonable period.
3214	(b) The department, the Department of Agriculture and
3215	Consumer Services, and the University of Florida Institute of
3216	Food and Agricultural Sciences shall cooperate in conducting the
3217	necessary research and demonstration projects to develop
3218	improved or additional nutrient management tools, including the
3219	use of controlled release fertilizer that can be used by

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3220	agricultural producers as part of an agricultural best
3221	management practices program. The development of such tools must
3222	reflect a balance between water quality improvement and
3223	agricultural productivity and, if applicable, must be
3224	incorporated into the revised agricultural best management
3225	practices adopted by rule by the Department of Agriculture and
3226	Consumer Services.
3227	Section 30. Subsection (29) of section 403.061, Florida
3228	Statutes, is amended to read:
3229	403.061 Department; powers and dutiesThe department shall
3230	have the power and the duty to control and prohibit pollution of
3231	air and water in accordance with the law and rules adopted and
3232	promulgated by it and, for this purpose, to:
3233	(29) <u>(a)</u> Adopt by rule special criteria to protect Class II
3234	and Class III shellfish harvesting waters. Such rules may
3235	include special criteria for approving docking facilities that
3236	have 10 or fewer slips if the construction and operation of such
3237	facilities will not result in the closure of shellfish waters.
3238	(b) Adopt by rule a specific surface water classification
3239	to protect surface waters used for treated potable water supply.
3240	These designated surface waters shall have the same water
3241	quality criteria protections as waters designated for fish
3242	consumption, recreation, and the propagation and maintenance of
3243	a healthy, well-balanced population of fish and wildlife, and
3244	shall be free from discharged substances at a concentration
3245	that, alone or in combination with other discharged substances,
3246	would require significant alteration of permitted treatment
3247	processes at the permitted treatment facility or that would
3248	otherwise prevent compliance with applicable state drinking
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3249	water standards in the treated water. Notwithstanding this
3250	classification or the inclusion of treated water supply as a
3251	designated use of a surface water, a surface water used for
3252	treated potable water supply may be reclassified to the potable
3253	water supply classification.
3254	
3255	The department shall implement such programs in conjunction with
3256	its other powers and duties and shall place special emphasis on
3257	reducing and eliminating contamination that presents a threat to
3258	humans, animals or plants, or to the environment.
3259	Section 31. Section 403.0617, Florida Statutes, is created
3260	to read:
3261	403.0617 Innovative nutrient and sediment reduction and
3262	conservation pilot project program
3263	(1) Contingent upon a specific appropriation in the General
3264	Appropriation Act, the department may fund innovative nutrient
3265	and sediment reduction and conservation pilot projects selected
3266	pursuant to this section. These pilot projects are intended to
3267	test the effectiveness of innovative or existing nutrient
3268	reduction or water conservation technologies, programs, or
3269	practices designed to minimize nutrient pollution or restore
3270	flows in the water bodies of the state.
3271	(2) By October 1, 2016, the department shall initiate
3272	rulemaking to establish criteria by which the department will
3273	evaluate and rank pilot projects for funding. The criteria must
3274	include a determination by the department that the pilot project
3275	will not be harmful to the ecological resources in the study
3276	area. The criteria must give preference to projects that will
3277	result in the greatest improvement to water quality and water

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3278	quantity for the dollars to be expended for the project. At a
3279	minimum, the department shall consider all of the following:
3280	(a) The level of nutrient impairment of the waterbody,
3281	watershed, or water segment in which the project is located.
3282	(b) The quantity of nutrients the project is estimated to
3283	remove from a water body, watershed, or water segment with a
3284	nutrient total maximum daily load.
3285	(c) The potential for the project to provide a cost-
3286	effective solution to pollution, including pollution caused by
3287	onsite sewage treatment and disposal systems.
3288	(d) The anticipated impact the project will have on
3289	restoring or increasing flow or water level.
3290	(e) The amount of matching funds for the project which will
3291	be provided by the entities responsible for implementing the
3292	project.
3293	(f) Whether the project is located in a rural area of
3294	opportunity, as defined in s. 288.0656, with preference given to
3295	the local government responsible for implementing the project.
3296	(g) For multiple-year projects, whether the project has
3297	funding sources that are identified and assured through the
3298	expected completion date of the project.
3299	(h) The cost of the project and the length of time it will
3300	take to complete relative to its expected benefits.
3301	(i) Whether the entities responsible for implementing the
3302	project have used their own funds for projects to improve water
3303	quality or conserve water use with preference given to those
3304	entities that have expended such funds.
3305	Section 32. Section 403.0623, Florida Statutes, is amended
3306	to read:

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5-00606-16 2016552 3307 403.0623 Environmental data; quality assurance.-3308 (1) The department must establish, by rule, appropriate 3309 quality assurance requirements for environmental data submitted 3310 to the department and the criteria by which environmental data 3311 may be rejected by the department. The department may adopt and enforce rules to establish data quality objectives and specify 3312 3313 requirements for training of laboratory and field staff, sample 3314 collection methodology, proficiency testing, and audits of laboratory and field sampling activities. Such rules may be in 3315 3316 addition to any laboratory certification provisions under ss. 3317 403.0625 and 403.863. 3318 (2) (a) The department, in coordination with the water 3319 management districts, regional water supply authorities, and the 3320 Department of Agriculture and Consumer Services shall establish 3321 standards for the collection and analysis of water quantity, 3322 water quality, and related data to ensure quality, reliability, 3323 and validity of the data and testing results. 3324 (b) To the extent practicable, the department shall 3325 coordinate with federal agencies to ensure that its collection 3326 and analysis of water quality, water quantity, and related data, 3327 which may be used by any state agency, water management 3328 district, or local government, is consistent with this 3329 subsection. 3330 (c) To receive state funds for the acquisition of land or 3331 the financing of a water resource project, state agencies and 3332 water management districts must show that they followed the 3333 department's collection and analysis standards, if available, as 3334 a prerequisite for any such request for funding. 3335 (d) The department and the water management districts may

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3336	adopt rules to implement this subsection.
3337	Section 33. Subsection (7) of section 403.067, Florida
3338	Statutes, is amended to read:
3339	403.067 Establishment and implementation of total maximum
3340	daily loads
3341	(7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
3342	IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS
3343	(a) Basin management action plans
3344	1. In developing and implementing the total maximum daily
3345	load for a water body, the department, or the department in
3346	conjunction with a water management district, may develop a
3347	basin management action plan that addresses some or all of the
3348	watersheds and basins tributary to the water body. Such plan
3349	must integrate the appropriate management strategies available
3350	to the state through existing water quality protection programs
3351	to achieve the total maximum daily loads and may provide for
3352	phased implementation of these management strategies to promote
3353	timely, cost-effective actions as provided for in s. 403.151.
3354	The plan must establish a schedule implementing the management
3355	strategies, establish a basis for evaluating the plan's
3356	effectiveness, and identify feasible funding strategies for
3357	implementing the plan's management strategies. The management
3358	strategies may include regional treatment systems or other
3359	public works, where appropriate, and voluntary trading of water
3360	quality credits to achieve the needed pollutant load reductions.
3361	2. A basin management action plan must equitably allocate,
3362	pursuant to paragraph (6)(b), pollutant reductions to individual
3363	basins, as a whole to all basins, or to each identified point

3364 source or category of nonpoint sources, as appropriate. For

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5-00606-16 2016552 3365 nonpoint sources for which best management practices have been 3366 adopted, the initial requirement specified by the plan must be 3367 those practices developed pursuant to paragraph (c). Where 3368 appropriate, the plan may take into account the benefits of 3369 pollutant load reduction achieved by point or nonpoint sources 3370 that have implemented management strategies to reduce pollutant 3371 loads, including best management practices, before the 3372 development of the basin management action plan. The plan must 3373 also identify the mechanisms that will address potential future 3374 increases in pollutant loading. 3375 3. The basin management action planning process is intended

3376 to involve the broadest possible range of interested parties, 3377 with the objective of encouraging the greatest amount of 3378 cooperation and consensus possible. In developing a basin 3379 management action plan, the department shall assure that key stakeholders, including, but not limited to, applicable local 3380 3381 governments, water management districts, the Department of 3382 Agriculture and Consumer Services, other appropriate state 3383 agencies, local soil and water conservation districts, 3384 environmental groups, regulated interests, and affected 3385 pollution sources, are invited to participate in the process. 3386 The department shall hold at least one public meeting in the 3387 vicinity of the watershed or basin to discuss and receive 3388 comments during the planning process and shall otherwise 3389 encourage public participation to the greatest practicable 3390 extent. Notice of the public meeting must be published in a 3391 newspaper of general circulation in each county in which the 3392 watershed or basin lies not less than 5 days nor more than 15 3393 days before the public meeting. A basin management action plan

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3394	does not supplant or otherwise alter any assessment made under
3395	subsection (3) or subsection (4) or any calculation or initial
3396	allocation.
3397	4. Each new or revised basin management action plan shall
3398	include:
3399	a. The appropriate management strategies available through
3400	existing water quality protection programs to achieve total
3401	maximum daily loads, which may provide for phased implementation
3402	to promote timely, cost-effective actions as provided for in s.
3403	<u>403.151;</u>
3404	b. A description of best management practices adopted by
3405	rule;
3406	c. A list of projects in priority ranking with a planning-
3407	level cost estimate and estimated date of completion for each
3408	listed project;
3409	d. The source and amount of financial assistance to be made
3410	available by the department, a water management district, or
3411	other entity for each listed project, if applicable; and
3412	e. A planning-level estimate of each listed project's
3413	expected load reduction, if applicable.
3414	5.4. The department shall adopt all or any part of a basin
3415	management action plan and any amendment to such plan by
3416	secretarial order pursuant to chapter 120 to implement the
3417	provisions of this section.
3418	<u>6.</u> 5. The basin management action plan must include
3419	milestones for implementation and water quality improvement, and
3420	an associated water quality monitoring component sufficient to
3421	evaluate whether reasonable progress in pollutant load
3422	reductions is being achieved over time. An assessment of

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3423 progress toward these milestones shall be conducted every 5 3424 years, and revisions to the plan shall be made as appropriate. 3425 Revisions to the basin management action plan shall be made by 3426 the department in cooperation with basin stakeholders. Revisions 3427 to the management strategies required for nonpoint sources must 3428 follow the procedures set forth in subparagraph (c)4. Revised 3429 basin management action plans must be adopted pursuant to 3430 subparagraph 5.4. 7.6. In accordance with procedures adopted by rule under 3431 3432 paragraph (9)(c), basin management action plans, and other 3433 pollution control programs under local, state, or federal 3434 authority as provided in subsection (4), may allow point or 3435 nonpoint sources that will achieve greater pollutant reductions 3436 than required by an adopted total maximum load or wasteload 3437 allocation to generate, register, and trade water quality 3438 credits for the excess reductions to enable other sources to 3439 achieve their allocation; however, the generation of water 3440 quality credits does not remove the obligation of a source or 3441 activity to meet applicable technology requirements or adopted 3442 best management practices. Such plans must allow trading between NPDES permittees, and trading that may or may not involve NPDES 3443 3444 permittees, where the generation or use of the credits involve 3445 an entity or activity not subject to department water discharge 3446 permits whose owner voluntarily elects to obtain department

3448 <u>8.7.</u> The provisions of the department's rule relating to 3449 the equitable abatement of pollutants into surface waters do not 3450 apply to water bodies or water body segments for which a basin 3451 management plan that takes into account future new or expanded

authorization for the generation and sale of credits.

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total maximum daily load has been developed, including effluent

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3481	limits set forth for a discharger subject to NPDES permitting,
3482	if any, must be included in a timely manner in subsequent NPDES
3483	permits or permit modifications for that discharger. The
3484	department may not impose limits or conditions implementing an
3485	adopted total maximum daily load in an NPDES permit until the
3486	permit expires, the discharge is modified, or the permit is
3487	reopened pursuant to an adopted basin management action plan.
3488	a. Absent a detailed allocation, total maximum daily loads
3489	must be implemented through NPDES permit conditions that provide
3490	for a compliance schedule. In such instances, a facility's NPDES
3491	permit must allow time for the issuance of an order adopting the
3492	basin management action plan. The time allowed for the issuance
3493	of an order adopting the plan may not exceed 5 years. Upon
3494	issuance of an order adopting the plan, the permit must be
3495	reopened or renewed, as necessary, and permit conditions
3496	consistent with the plan must be established. Notwithstanding
3497	the other provisions of this subparagraph, upon request by an
3498	NPDES permittee, the department as part of a permit issuance,
3499	renewal, or modification may establish individual allocations
3500	before the adoption of a basin management action plan.
3501	b. For holders of NPDES municipal separate storm sewer
3502	system permits and other stormwater sources, implementation of a
3503	total maximum daily load or basin management action plan must be
3504	achieved, to the maximum extent practicable, through the use of
3505	best management practices or other management measures.
3506	c. The basin management action plan does not relieve the
3507	discharger from any requirement to obtain renew or modify an

3507 discharger from any requirement to obtain, renew, or modify an 3508 NPDES permit or to abide by other requirements of the permit. 3509 d. Management strategies set forth in a basin management

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h. A nonpoint source discharger included in a basinmanagement action plan may be subject to enforcement action by

established under subsection (6).

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5-00606-16 2016552 3539 the department or a water management district based upon a 3540 failure to implement the responsibilities set forth in sub-3541 subparagraph q. 3542 i. A landowner, discharger, or other responsible person who 3543 is implementing applicable management strategies specified in an 3544 adopted basin management action plan may not be required by 3545 permit, enforcement action, or otherwise to implement additional 3546 management strategies, including water quality credit trading, 3547 to reduce pollutant loads to attain the pollutant reductions 3548 established pursuant to subsection (6) and shall be deemed to be 3549 in compliance with this section. This subparagraph does not 3550 limit the authority of the department to amend a basin 3551 management action plan as specified in subparagraph (a)6. $\frac{(a)5}{(a)}$ (c) Best management practices.-3552 3553 1. The department, in cooperation with the water management 3554 districts and other interested parties, as appropriate, may

3555 develop suitable interim measures, best management practices, or 3556 other measures necessary to achieve the level of pollution 3557 reduction established by the department for nonagricultural 3558 nonpoint pollutant sources in allocations developed pursuant to 3559 subsection (6) and this subsection. These practices and measures 3560 may be adopted by rule by the department and the water 3561 management districts and, where adopted by rule, shall be 3562 implemented by those parties responsible for nonagricultural 3563 nonpoint source pollution.

2. The Department of Agriculture and Consumer Services may develop and adopt by rule pursuant to ss. 120.536(1) and 120.54 suitable interim measures, best management practices, or other measures necessary to achieve the level of pollution reduction

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5-00606-16 2016552 3568 established by the department for agricultural pollutant sources 3569 in allocations developed pursuant to subsection (6) and this 3570 subsection or for programs implemented pursuant to paragraph 3571 (12) (b). These practices and measures may be implemented by 3572 those parties responsible for agricultural pollutant sources and 3573 the department, the water management districts, and the 3574 Department of Agriculture and Consumer Services shall assist 3575 with implementation. In the process of developing and adopting 3576 rules for interim measures, best management practices, or other 3577 measures, the Department of Agriculture and Consumer Services 3578 shall consult with the department, the Department of Health, the 3579 water management districts, representatives from affected 3580 farming groups, and environmental group representatives. Such 3581 rules must also incorporate provisions for a notice of intent to 3582 implement the practices and a system to assure the 3583 implementation of the practices, including site inspection and 3584 recordkeeping requirements. 3. Where interim measures, best management practices, or 3585

3586 other measures are adopted by rule, the effectiveness of such 3587 practices in achieving the levels of pollution reduction 3588 established in allocations developed by the department pursuant 3589 to subsection (6) and this subsection or in programs implemented 3590 pursuant to paragraph (12) (b) must be verified at representative sites by the department. The department shall use best 3591 3592 professional judgment in making the initial verification that 3593 the best management practices are reasonably expected to be 3594 effective and, where applicable, must notify the appropriate 3595 water management district or the Department of Agriculture and 3596 Consumer Services of its initial verification before the

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5-00606-16 2016552 3597 adoption of a rule proposed pursuant to this paragraph. 3598 Implementation, in accordance with rules adopted under this 3599 paragraph, of practices that have been initially verified to be 3600 effective, or verified to be effective by monitoring at 3601 representative sites, by the department, shall provide a 3602 presumption of compliance with state water quality standards and 3603 release from the provisions of s. 376.307(5) for those 3604 pollutants addressed by the practices, and the department is not 3605 authorized to institute proceedings against the owner of the 3606 source of pollution to recover costs or damages associated with 3607 the contamination of surface water or groundwater caused by 3608 those pollutants. Research projects funded by the department, a 3609 water management district, or the Department of Agriculture and 3610 Consumer Services to develop or demonstrate interim measures or 3611 best management practices shall be granted a presumption of 3612 compliance with state water quality standards and a release from 3613 the provisions of s. 376.307(5). The presumption of compliance 3614 and release is limited to the research site and only for those 3615 pollutants addressed by the interim measures or best management 3616 practices. Eligibility for the presumption of compliance and 3617 release is limited to research projects on sites where the owner 3618 or operator of the research site and the department, a water 3619 management district, or the Department of Agriculture and 3620 Consumer Services have entered into a contract or other agreement that, at a minimum, specifies the research objectives, 3621 3622 the cost-share responsibilities of the parties, and a schedule 3623 that details the beginning and ending dates of the project. 3624 4. Where water quality problems are demonstrated, despite

3625 the appropriate implementation, operation, and maintenance of

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5-00606-16 2016552 3626 best management practices and other measures required by rules 3627 adopted under this paragraph, the department, a water management 3628 district, or the Department of Agriculture and Consumer 3629 Services, in consultation with the department, shall institute a 3630 reevaluation of the best management practice or other measure. 3631 Should the reevaluation determine that the best management 3632 practice or other measure requires modification, the department, 3633 a water management district, or the Department of Agriculture 3634 and Consumer Services, as appropriate, shall revise the rule to 3635 require implementation of the modified practice within a 3636 reasonable time period as specified in the rule. 3637 5. Agricultural records relating to processes or methods of 3638 production, costs of production, profits, or other financial 3639 information held by the Department of Agriculture and Consumer 3640 Services pursuant to subparagraphs 3. and 4. or pursuant to any 3641 rule adopted pursuant to subparagraph 2. are confidential and 3642

3642 exempt from s. 119.07(1) and s. 24(a), Art. I of the State 3643 Constitution. Upon request, records made confidential and exempt 3644 pursuant to this subparagraph shall be released to the 3645 department or any water management district provided that the 3646 confidentiality specified by this subparagraph for such records 3647 is maintained.

6. The provisions of subparagraphs 1. and 2. do not preclude the department or water management district from requiring compliance with water quality standards or with current best management practice requirements set forth in any applicable regulatory program authorized by law for the purpose of protecting water quality. Additionally, subparagraphs 1. and 2. are applicable only to the extent that they do not conflict

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3655	with any rules adopted by the department that are necessary to
3656	maintain a federally delegated or approved program.
3657	(d) Enforcement and verification of basin management action
3658	plans and management strategies
3659	1. Basin management action plans are enforceable pursuant
3660	to this section and ss. 403.121, 403.141, and 403.161.
3661	Management strategies, including best management practices and
3662	water quality monitoring, are enforceable under this chapter.
3663	2. No later than January 1, 2017:
3664	a. The department, in consultation with the water
3665	management districts and the Department of Agriculture and
3666	Consumer Services, shall initiate rulemaking to adopt procedures
3667	to verify implementation of water quality monitoring required in
3668	lieu of implementation of best management practices or other
3669	measures pursuant to s. 403.067(7)(b)2.g.;
3670	b. The department, in consultation with the water
3671	management districts and the Department of Agriculture and
3672	Consumer Services, shall initiate rulemaking to adopt procedures
3673	to verify implementation of nonagricultural interim measures,
3674	best management practices, or other measures adopted by rule
3675	pursuant to s. 403.067(7)(c)1.; and
3676	c. The Department of Agriculture and Consumer Services, in
3677	consultation with the water management districts and the
3678	department, shall initiate rulemaking to adopt procedures to
3679	verify implementation of agricultural interim measures, best
3680	management practices, or other measures adopted by rule pursuant
3681	to s. 403.067(7)(c)2.
3682	
3683	The rules required under this subparagraph shall include

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3684	enforcement procedures applicable to the landowner, discharger,
3685	or other responsible person required to implement applicable
3686	management strategies, including best management practices or
3687	water quality monitoring as a result of noncompliance.
3688	Section 34. Section 403.0675, Florida Statutes, is created
3689	to read:
3690	403.0675 Progress reportsOn or before July 1 of each
3691	year, beginning in 2018:
3692	(1) The department, in conjunction with the water
3693	management districts, shall post on its website and submit
3694	electronically an annual progress report to the Governor, the
3695	President of the Senate, and the Speaker of the House of
3696	Representatives on the status of each total maximum daily load,
3697	basin management action plan, minimum flow or minimum water
3698	level, and recovery or prevention strategy adopted pursuant to
3699	s. 403.067 or parts I and VIII of chapter 373. The report must
3700	include the status of each project identified to achieve a total
3701	maximum daily load or an adopted minimum flow or minimum water
3702	level, as applicable. If a report indicates that any of the 5-
3703	year, 10-year, or 15-year milestones, or the 20-year target
3704	date, if applicable, for achieving a total maximum daily load or
3705	a minimum flow or minimum water level will not be met, the
3706	report must include an explanation of the possible causes and
3707	potential solutions. If applicable, the report must include
3708	project descriptions, estimated costs, proposed priority ranking
3709	for project implementation, and funding needed to achieve the
3710	total maximum daily load or the minimum flow or minimum water
3711	level by the target date. Each water management district shall
3712	post the department's report on its website.

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3713	(2) The Department of Agriculture and Consumer Services
3714	shall post on its website and submit electronically an annual
3715	progress report to the Governor, the President of the Senate,
3716	and the Speaker of the House of Representatives on the status of
3717	the implementation of the agricultural nonpoint source best
3718	management practices, including an implementation assurance
3719	report summarizing survey responses and response rates, site
3720	inspections, and other methods used to verify implementation of
3721	and compliance with best management practices pursuant to basin
3722	management action plans.
3723	Section 35. Subsection (21) is added to section 403.861,
3724	Florida Statutes, to read:
3725	403.861 Department; powers and dutiesThe department shall
3726	have the power and the duty to carry out the provisions and
3727	purposes of this act and, for this purpose, to:
3728	(21) (a) Upon issuance of a construction permit to construct
3729	<u>a new public water system drinking water treatment facility to</u>
3730	provide potable water supply using a surface water that, at the
3731	time of the permit application, is not being used as a potable
3732	water supply, and the classification of which does not include
3733	potable water supply as a designated use, the department shall
3734	add treated potable water supply as a designated use of the
3735	surface water segment in accordance with s. 403.061(29)(b).
3736	(b) For existing public water system drinking water
3737	treatment facilities that use a surface water as a treated
3738	potable water supply, which surface water classification does
3739	not include potable water supply as a designated use, the
3740	department shall add treated potable water supply as a
3741	designated use of the surface water segment in accordance with
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3742	<u>s. 403.061(29)(b).</u>
3743	Section 36. Section 403.928, Florida Statutes, is created
3744	to read:
3745	403.928 Assessment of water resources and conservation
3746	landsThe Office of Economic and Demographic Research shall
3747	conduct an annual assessment of Florida's water resources and
3748	conservation lands.
3749	(1) WATER RESOURCESThe assessment must include all of the
3750	following:
3751	(a) Historical and current expenditures and projections of
3752	future expenditures by federal, state, regional, and local
3753	governments and public and private utilities based upon
3754	historical trends and ongoing projects or initiatives associated
3755	with:
3756	1. Water supply and demand; and
3757	2. Water quality protection and restoration.
3758	(b) An analysis and estimates of future expenditures by
3759	federal, state, regional, and local governments and public and
3760	private utilities necessary to comply with federal and state
3761	laws and regulations governing subparagraphs (a)1. and (a)2. The
3762	analysis and estimates must address future expenditures by
3763	federal, state, regional, and local governments and all public
3764	and private utilities necessary to achieve the legislature's
3765	intent that sufficient water be available for all existing and
3766	future reasonable-beneficial uses and the natural systems, and
3767	that adverse effects of competition for water supplies be
3768	avoided. The assessment must include a compilation of projected
3769	water supply and demand data developed by each water management
3770	district pursuant to ss. 373.036 and 373.709, with notations

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3771	regarding any significant differences between the methods used
3772	by the districts to calculate the data.
3773	(c) Forecasts of federal, state, regional, and local
3774	government revenues dedicated in current law for the purposes
3775	specified in subparagraphs (a)1. and (a)2. or that have been
3776	historically allocated for these purposes, as well as public and
3777	private utility revenues.
3778	(d) An identification of gaps between projected revenues
3779	and projected and estimated expenditures.
3780	(2) CONSERVATION LANDS The assessment must include all of
3781	the following:
3782	(a) Historical and current expenditures and projections of
3783	future expenditures by federal, state, regional, and local
3784	governments based upon historical trends and ongoing projects or
3785	initiatives associated with real property interests eligible for
3786	funding under s. 259.105.
3787	(b) An analysis and estimates of future expenditures by
3788	federal, state, regional, and local governments necessary to
3789	purchase lands identified in plans set forth by state agencies
3790	or water management districts.
3791	(c) An analysis of the ad valorem tax impacts, by county,
3792	resulting from public ownership of conservation lands.
3793	(d) Forecasts of federal, state, regional, and local
3794	government revenues dedicated in current law to maintain
3795	conservation lands and the gap between projected expenditures
3796	and revenues.
3797	(e) The total percentage of Florida real property that is
3798	publicly owned for conservation purposes
3799	(f) A comparison of the cost of acquiring and maintaining

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3800	conservation lands under fee simple or less than fee simple
3801	ownership.
3802	(3) The assessment shall include analyses on a statewide,
3803	regional, or geographic basis, as appropriate, and shall
3804	identify analytical challenges in assessing information across
3805	the different regions of the state.
3806	(4) The assessment must identify any overlap in the
3807	expenditures for water resources and conservation lands.
3808	(5) The water management districts, the Department of
3809	Environmental Protection, the Department of Agriculture and
3810	Consumer Services, the Fish and Wildlife Conservation
3811	Commission, counties, municipalities, and special districts
3812	shall provide assistance to the Office of Economic and
3813	Demographic Research related to their respective areas of
3814	expertise.
3815	(6) The Office of Economic and Demographic Research must be
3816	given access to any data held by an agency as defined in s.
3817	112.312 if the Office of Economic Demographic Research considers
3818	the data necessary to complete the assessment, including any
3819	confidential data.
3820	(7) The assessment shall be submitted to the President of
3821	the Senate and the Speaker of the House of Representatives by
3822	January 1, 2017, and by January 1 of each year thereafter.
3823	Section 37. (1) The Department of Environmental Protection
3824	shall evaluate the feasibility and cost of creating and
3825	maintaining a web-based, interactive map that includes, at a
3826	minimum:
3827	(a) All watersheds and each water body within those
3828	watersheds;

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3829	(b) The county or counties in which the watershed or water
3830	body is located;
3831	(c) The water management district or districts in which the
3832	watershed or water body is located;
3833	(d) Whether, if applicable, a minimum flow or minimum water
3834	level has been adopted for the water body and if such minimum
3835	flow or minimum water level has not been adopted, the
3836	anticipated adoption date;
3837	(e) Whether, if applicable, a recovery or prevention
3838	strategy has been adopted for the watershed or water body and,
3839	if such a plan has not been adopted, the anticipated adoption
3840	date;
3841	(f) The impairment status of each water body;
3842	(g) Whether, if applicable, a total maximum daily load has
3843	been adopted if the water body is listed as impaired and, if
3844	such total maximum daily load has not been adopted, the
3845	anticipated adoption date;
3846	(h) Whether, if applicable, a basin management action plan
3847	has been adopted for the watershed and, if such a plan has not
3848	been adopted, the anticipated adoption date;
3849	(i) Each project listed on the 5-year water resource
3850	development work program developed pursuant to s.
3851	373.536(6)(a)4.;
3852	(j) The agency or agencies and local sponsor, if any,
3853	responsible for overseeing the project;
3854	(k) The total or estimated cost and completion date of each
3855	project and the financial contribution of each entity;
3856	(1) The estimated quantitative benefit to the watershed or
3857	water body; and

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3858	(m) The water projects completed within the last 5 years
3859	within the watershed or water body.
3860	(2) On or before January 1, 2017, the department must
3861	submit a report containing the findings on the feasibility study
3862	to the President of the Senate and the Speaker of the House of
3863	Representatives.
3864	Section 38. The Legislature finds that a proper and
3865	legitimate state purpose is served when protecting the
3866	environmental resources of this state. Therefore, the
3867	Legislature determines and declares that this act fulfills an
3868	important state interest.
3869	Section 39. This act shall take effect July 1, 2016.

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	THE FLO	DRIDA SENATE	Suprolito
49 ⁵	APPEARA	NCE RECO	RD
11/4/15	H copies of this form to the Senato		
Meeting Date			Bill Number (if applicable)
Topic Enviromental Resource	S		Amendment Barcode (if applicable)
Name Brewster Bevis			
Job Title Senior Vice Presiden	t		_ ·
Address 516 N. Adams St			Phone 224-7173
Tallahassee	FL	32301	Email bbevi@aif.com
City	State	Zip	
Speaking: K For Against	Information		Speaking: In Support Against Against in will read this information into the record.)
Representing Associated I	ndustries of Florida		
Appearing at request of Chair:	Yes 🖌 No	Lobbyist regist	ered with Legislature: 🖌 Yes 🗌 No
While it is a Senate tradition to encou	rage public testimony tim	A may not normit al	I porcone wishing to apoply to be been at this

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S-001 (10/14/14)

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THE FLORIDA S	ENATE
APPEARANCE	RECORD
$\frac{Vov 4 Lois}{Meeting Date}$ (Deliver BOTH copies of this form to the Senator or Senat	e Professional Staff conducting the meeting) $\frac{552}{Bill Number (if applicable)}$
Topic Water Leyislation	Amendment Barcode (if applicable)
Name David Childs	
Job Title Counsel	
Address 119 S. Monroe' Steet	Phone 850 222-7500
	Z301 Email DAVIDCE HUSLAW. (ON
Speaking: For Against Information	Waive Speaking: In Support Against (The Chair will read this information into the record.)
Representing Florida Chamber	F Commerce
Appearing at request of Chair: Yes Volume Kook	yist registered with Legislature: Yes 🗌 No

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THE FLC	DRIDA SENATE
	NCE RECORD or or Senate Professional Staff conducting the meeting) Bill Number (if applicable)
Topic <u>ENV, RESOURCES</u>	Amendment Barcode (if applicable)
Name TAVID CULLE	·
Job Title	
Address 1624 Durwersing	Presely Phone 991.323-2404
City State	<u>37773</u> Email <u>En llenser E</u>
Speaking: For Against Information	Waive Speaking: In Support Against (The Chair will read this information into the record.)
Representing	3 FLOR-DA
Appearing at request of Chair: Yes Vo	Lobbyist registered with Legislature: 🔽 Yes 🗌 No

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THE FLORIDA SENATE	
APPEARANCE RECO	
11/1/2013	SBS52
Meeting Date	Bill Number (if applicable)
Topic Environmendol Resources	Amendment Barcode (if applicable)
Name Kvan Smart	
Job Title President	
Address 308 N. Monroe St.	Phone 850-222-6277
	Email rsmart@ 1000 fof.org
Speaking: For Against Information Waive Speaking:	peaking: In Support Against ir will read this information into the record.)
Representing 1006 Friends of Florida	
Appearing at request of Chair: Yes 📝 No Lobbyist regist	ered with Legislature: 🖉 Yes 🗌 No

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APPEARANCE	
11 - 4 - 15 (Deliver BOTH copies of this form to the Senator or Senate	Professional Staff conducting the meeting) $\leq \mathcal{R} + \mathcal{K} \leq \mathcal{T}$
Meeting Date	Bill Number (if applicable)
Topic (Springs) Water Bill	Amendment Barcode (if applicable)
Name Merrillee Malwitz-Dipson	
Job Title Policy Director, Volunteer	
Address 2070 SW County Road 13	8 Phone <u>352-222-8893</u>
Fort White FL 3207 City State Z	Email Merrillee O oursantaferiver.
Speaking: For X Against Information	Waive Speaking: In Support Against (The Chair will read this information into the record.)
Representing Our Santa fe River	
Appearing at request of Chair: Yes X No Lobby	vist registered with Legislature: 🗌 Yes 🔀 No

THE FLORIDA SENATE

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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	NCE RECORD For Senate Professional Staff conducting the meeting) SB 552
Meeting Date	Bill Number (if applicable)
Topic Water	Amendment Barcode (if applicable)
Name Stephanie Kunkel	
Job Title	
Address <u>1143</u> Albritton DR	Phone <u>850-320-4208</u>
Tallahasse FL City State	32301 Email Stef. Kunkelegmail.com
Speaking: For Against Information	Waive Speaking: In Support Against (The Chair will read this information into the record.)
Representing Conservancy of Southur	jest Florida
Appearing at request of Chair: 🗌 Yes 📈 No	Lobbyist registered with Legislature: 🔀 Yes 🔲 No

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While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE	
APPEARANCE RECO	
(Deliver BOTH copies of this form to the Senator or Senate Professional S	Staff conducting the meeting) 552
Meeting Date	Bill Number (if applicable)
Topic Env REQUICES	Amendment Barcode (if applicable)
Name Adam Bas Sord	
Job Title Leg APP Director	
Address 315 5 Calhoun #850	Phone 222 - 2557
City State FL 3230	Email
Speaking: For Against Information Waive Speaking: The Cha	peaking: In Support Against ir will read this information into the record.)
Representing <u>FL Farm Burray</u>	
Appearing at request of Chair: Yes No Lobbyist register	ered with Legislature: Yes No

This form is part of the public record for this meeting.

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THE FLORIDA SENATE APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date	Bill Number (if applicable)
Topic Water Loll- Lake Okercheren	Amendment Barcode (if applicable)
Name Eric Draper	_
Job Title <u>Ex. Director</u>	_
Address <u>JOS N Manna</u> Street	Phone 999 1074
City State Zip	_ Email_ <u>edrope-@ardulman</u>
Speaking: For Against Information Waive S	Speaking: In Support Against air will read this information into the record.)
Representing Adula	· · · · · · · · · · · · · · · · · · ·
Appearing at request of Chair: Yes No Lobbyist regis	tered with Legislature:YesNo

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

C7 550

	DA SENATE
APPEARAN	CE RECORD
	Senate Professional Staff conducting the meeting)
Topic	Amendment Barcode (if applicable)
Name Bob Palmaer.	
Job Title	
Address Street GalacsUstle	Phone <u>352 371 4093</u> Email
City State	Zip
Speaking: For Against Information	Waive Speaking: In Support Against (The Chair will read this information into the record.)
Representing	
Appearing at request of Chair: Yes No	_obbyist registered with Legislature: Yes No

This form is part of the public record for this meeting.

THE FLORIDA SENATE	
APPEARANCE RECO	RD
(Deliver BOTH copies of this form to the Senator or Senate Professional S	
' Meeting Date	Bill Number (if applicable)
Topic Enviro Resources	823976
	Amendment Barcode (if applicable)
Name Brewster Bevis	
Job Title Senior UP	
Address <u>SIG</u> NAdaus St	Phone 224-7173
$\frac{Tally}{City} \stackrel{[]{}_{\text{City}}}{IC} \frac{1}{State} \frac{3230}{Zip}$	Email bberis Caif.c
Speaking: For Against Information Waive Sp	peaking: In Support Against ir will read this information into the record.)
Representing Associated Industries	of Florida
Appearing at request of Chair: Yes No Lobbyist register	ered with Legislature: Yes No

This form is part of the public record for this meeting.

THE FLORIDA SENATE	
APPEARANCE RECO	RD
(Deliver BOTH copies of this form to the Senator or Senate Professional St Meeting Date	taff conducting the meeting) Bill Number (if applicable)
Topic Water Bill	<u> </u>
Name Merrillee Malwitz-Jipson	
Job Title	
Address	Phone
City State Zin	Email
Speaking: For Against Information Waive Sp	eaking: 🔀 In Support 🔄 Against r will read this information into the record.)
Representing <u>Our Santa Fe River</u>	
Appearing at request of Chair: Yes 📉 No Lobbyist registe	ered with Legislature: 🔲 Yes 💢 No

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THE FLORIDA SENATE	
IIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIII	
Topic	Amendment Barcode (if applicable)
Name BOB Palmer	
Job Title	
Address	Phone 352 37/ 4093
Street GRINPSVILLE City State Zip	Email
Speaking: For Against Information Waive Speaking:	peaking: In Support I Against ir will read this information into the record.)
Representing <u>FSC</u>	
Appearing at request of Chair: Yes No Lobbyist register	ered with Legislature: 🗌 Yes 📈 No

This form is part of the public record for this meeting.

APPEARANCE	
(Deliver BOTH copies of this form to the Senator or Senate Meeting Date	Professional Staff conducting the meeting) <u>557</u> Bill Number (if applicable)
Topic Enviro Resources	624264 Amondment Periods (if applicable)
Name Brewster Bevis	Amendment Barcode (if applicable)
Job Title Senior VP	
Address <u>516</u> N Aclans St	Phone <u>224-7173</u>
Talu FC 32	Bul Email bbevis Caif.com
Speaking: For Against Information	Waive Speaking: In Support Against (The Chair will read this information into the record.)
Representing <u>HSSOCIATE & Industrie</u>	s of Florida
Appearing at request of Chair: Yes -No Lobby	ist registered with Legislature: 🔤 Yes 🔲 No

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(Deliver BOTH copies of this	PEARANCE form to the Senator or Sena		
Meeting Date			Bill Number (if applicable)
Topic Water Bill			<u>(24264</u> Amendment Barcode (if applicable)
Name Merrillee Mal	witz-Jip	SON	
Job Title Policy Director,	Volonfeer	<i></i>	
Address			Phone
Street			
City	State	Zip	Email
Speaking: For Against Info	rmation		eaking: In Support Against will read this information into the record.)
Representing <u>Our Sauta</u>	G River		
Appearing at request of Chair: 🗌 Yes 🏻	No Lob	byist registe	ered with Legislature: 🔄 Yes 🏹 No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA	A SENATE	
(Deliver BOTH copies of this form to the Senator on O		
(Deliver BOTH copies of this form to the Senator or Se Meeting Date	_552	<u></u>
Topic Enviro Resources	Bill Number (if applicable)	
Name Brewster Benis	Amendment Barcode (if applicat	ble)
Job Title Senior VP		
Address 516 N. Adams St	Phone 224-7173	
	<u>32301</u> Email <u>bbenise aifican</u>	
Speaking: For Against Information	Waive Speaking: In Support Against (The Chair will read this information into the record.)	
Representing Associated Industrie	s of Floridg	
Appearing at request of Chair: Yes No Lo	obbyist registered with Legislature:	 כ

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date	Bill Number (if applicable)
	9541820
Торіс	Amendment Barcode (if applicable)
Name Merrillee Malwitz-Jip	SAJ
Job Title Policy Director, Volunt	eer
Address	Phone
Street	
	Email
City State	Zip
Speaking: For Against Information	Waive Speaking: 🔀 In Support 🔲 Against (The Chair will read this information into the record.)
Representing <u>Our Santa Fe River</u>	
Appearing at request of Chair: 🗌 Yes 🏹 No	Lobbyist registered with Legislature: 🗌 Yes 📉 No
While it is a Senate tradition to encourage public testimony, tim	e may not permit all persons wishing to speak to be heard at this

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	RIDA SENATE
(Deliver BOTH copies of this form to the Senato	NCE RECORD r or Senate Professional Staff conducting the meeting)
Meeting Date	Bill Number (if applicable)
Topic	Amendment Barcode (if applicable)
Name Bob Palmer	
Job Title	
Address	Phone 3523714093
bargesville	Email
	Zip
Speaking: For Against Information	Waive Speaking: In Support Against (The Chair will read this information into the record.)
Representing $\frac{FSC}{FSC}$	
Appearing at request of Chair: Yes No	Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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(Deliver BOTH copies of this form to the Senator or Senate Profession Meeting Date	
Topic Enviro Rasouras	<u> </u>
Name Brewster Beris .	
Job Title Senior VP	
Address <u>SIC W Adaug</u>	Phone 274-7173
$\frac{\int all_{S}}{City} \frac{FC}{State} \frac{323UI}{Zip}$	Email <u>bbevisCaif.con</u>
	e Speaking: In Support Against Chair will read this information into the record.)
Representing Associated Industries (of Florida
Appearing at request of Chair: Yes Ko Lobbyist reg	istered with Legislature: 🔁 Yes 🗌 No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date	Bill Number (if applicable)
Topic Water Bill	<u> </u>
Name Merrillee Malwitz-Jipson	
Job Title Palicy Director, Volunteer	
Address	Phone
	Email
City State Zip	
Speaking: For Against Information W	aive Speaking: 🔀 In Support 🔄 Against The Chair will read this information into the record.)
Representing Our Sagta fe River	
Appearing at request of Chair: Yes No Lobbyist	registered with Legislature: Yes No

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THE FLO	PRIDA SENATE
	NCE RECORD or or Senate Professional Staff conducting the meeting) Bill Number (if applicable)
Topic Name_Bob Palmer	<i>Amendment Barcode (if applicable)</i>
Job Title	
Address	Phone 352 37/ 4-093
Gallesville City State	Email
Speaking: For Against Information	Waive Speaking: In Support Against (The Chair will read this information into the record.)
Representing FSC	
Appearing at request of Chair: Yes No	Lobbyist registered with Legislature: Yes No

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CourtSmart Tag Report

Room: LL 37 Case No.: Caption: Senate Environmental Preservation and Conservation

Started: 11/4/2015 11:04:12 AM Ends: 11/4/2015 12:05:31 PM Length: 01:01:20

11:04:11 AM Meeting called to order 11:04:33 AM roll call 11:05:00 AM pledge of allegience quorum 11:05:12 AM SB 552 Senator Dean to explain the bill 11:06:27 AM 11:11:55 AM SB 552 Ellen Rogers to explain differences SB 552 Senator Soto question 11:13:41 AM SB 552 Drew Bartlett, DEP, for a response 11:14:14 AM SB 552 Senator Soto question 11:15:27 AM 11:16:06 AM SB 552 DEP Drew Bartlett for response SB 552 Amendment by Senator Dean 11:16:35 AM SB 552 Amendment 889938 adopted 11:16:57 AM SB 552 Amendment 910196 Senator Soto w/d 11:17:20 AM SB 552 Amendment 541820 Senator Soto w/d 11:18:00 AM SB 552 Amendment 624264 Senator Soto w/d 11:18:12 AM SB 552 Amendment 823976 Senator Soto w/d 11:19:06 AM 11:21:36 AM SB 552 Questions on bill as amended 11:21:47 AM SB 552 Senator Altman question 11:22:39 AM SB 552 Ellen response SB 552 Senator Simpson response 11:23:31 AM SB 552 Senator Dean response 11:24:05 AM SB 552 Senator Altman response 11:24:32 AM SB 552 Senator Dean 11:25:21 AM SB 552 Senator Soto question 11:26:15 AM 11:26:36 AM SB 552 Ellen response 11:26:52 AM SB 552 Senator Soto question SB 552 Ellen response 11:27:03 AM 11:27:12 AM SB 552 Senator Soto question 11:27:19 AM SB 552 Ellen response SB 552 Senator Soto question 11:27:33 AM 11:27:38 AM SB 552 Ellen response 11:28:23 AM SB 552 Drew Bartlett DEP SB 552 Ellen response 11:29:13 AM SB 552 David Childs Florida Chamber 11:29:40 AM SB 552 Eric Draper Audubon 11:31:02 AM 11:31:38 AM SB 552 Adam Basford FL Farm Bureau 11:32:33 AM SB 552 Stephanie Kunkel Conservancy of Southwest Florida 11:34:16 AM SB 552 Merrilee Malwitz-Jipson Our Santa Fe River SB 552 Ryan Smart 1000 Friends of Florida 11:36:07 AM SB 552 David Cullen Sierra Club Florida 11:37:33 AM 11:42:45 AM SB 552 Brewster Bevis Associated Industries of Florida 11:43:54 AM SB 552 Grace Lovett FL Dept. of Agriculture 11:44:41 AM SB 552 Bob Palmer Florida Springs Counsel SB 552 Senator Simmons question 11:47:21 AM 11:49:52 AM SB 552 Bob Palmer response 11:51:49 AM SB 552 Senator Simmons response 11:52:51 AM SB 552 Bob Palmer response 11:53:29 AM SB 552 Senator Simmons response 11:54:33 AM SB 552 Beth Lewis Nature Conservancy SB 552 Brian Pitts Justice-2-Jesus 11:55:38 AM SB 552 Vani Ungapen Florida Realtors 12:00:50 PM 12:01:52 PM SB 552 Senator Soto

Type: Judge:

- 12:02:21 PM SB 552 Senator Dean close on bill as amended
- 12:03:25 PM Roll call
- 12:04:25 PM
- All in support reported favorably Senator Dean moves to allow technical changes Adjourn 12:04:45 PM
- 12:05:09 PM