

By the Committees on Appropriations; and Environmental Preservation and Conservation; and Senators Dean and Margolis

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A bill to be entitled

An act relating to environmental resources; amending s. 259.032, F.S.; requiring the Department of Environmental Protection to publish, update, and maintain a database of conservation lands; requiring the department to submit a report by a certain date each year to the Governor and the Legislature identifying the percentage of such lands which the public has access to and the efforts the department has undertaken to increase public access; amending ss. 260.0144 and 335.065, F.S.; conforming provisions to changes made by the act; creating s. 339.81, F.S.; creating the Florida Shared-Use Nonmotorized Trail Network; specifying the composition of the network; requiring the network to be included in the Department of Transportation's work program; declaring the planning, development, operation, and maintenance of the network to be a public purpose; authorizing the department to transfer maintenance responsibilities to certain state agencies and contract with not-for-profit or private sector entities to provide maintenance services; authorizing the department to adopt rules; providing an appropriation; creating s. 339.82, F.S.; requiring the department to develop a network plan for the Florida Shared-Use Nonmotorized Trail Network; creating s. 339.83, F.S.; authorizing the department to enter into concession agreements with not-for-profit or private sector entities for certain commercial sponsorship signs, markings, and

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30 exhibits; authorizing the department to contract for
31 the provision of certain services related to the trail
32 sponsorship program; authorizing the department to
33 adopt rules; amending s. 373.019, F.S.; revising the
34 definition of the term "water resource development" to
35 include technical assistance to self-suppliers under
36 certain circumstances; amending s. 373.036, F.S.;
37 requiring certain information to be included in the
38 consolidated annual report for all projects related to
39 water quality or water quantity; creating s. 373.037,
40 F.S.; defining terms; providing legislative findings;
41 authorizing certain water management districts to
42 designate and implement pilot projects; providing
43 powers and limitations for the governing boards of
44 such water management districts; requiring a
45 participating water management district to submit a
46 report to the Governor and the Legislature on the
47 effectiveness of its pilot project by a certain date;
48 amending s. 373.042, F.S.; requiring the Department of
49 Environmental Protection or the governing board of a
50 water management district to adopt a minimum flow or
51 minimum water level for an Outstanding Florida Spring
52 using emergency rulemaking authority under certain
53 circumstances; requiring collaboration in the
54 development and implementation of recovery or
55 prevention strategies under certain circumstances;
56 authorizing the department to use emergency rulemaking
57 procedures under certain circumstances; amending s.
58 373.0421, F.S.; directing the department or the water

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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 Southwest 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 authority of the South Florida Water Management District to allocate quantities of, and assign priorities for the use of, water within its jurisdiction; directing the district to provide recommendations to the United States Army Corps of Engineers when developing or implementing certain water control plans or regulation schedules; amending

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s. 373.219, F.S.; requiring the department to adopt certain uniform rules; amending s. 373.223, F.S.; requiring consumptive use permits authorizing over a certain amount to be monitored on a specified basis; amending s. 373.2234, F.S.; directing water management district governing boards to consider the identification of preferred water supply sources for certain water users; amending s. 373.227, F.S.; prohibiting water management districts from modifying permitted allocation amounts under certain circumstances; requiring the water management districts to adopt rules to promote water conservation incentives; amending s. 373.233, F.S.; providing conditions under which the department and water management district governing boards are directed to give preference to certain applications; amending s. 373.4591, F.S.; providing priority consideration to certain public-private partnerships for water storage, groundwater recharge, and water quality improvements on private agricultural lands; amending s. 373.4595, F.S.; revising and providing definitions relating to the Northern Everglades and Estuaries Protection Program; clarifying provisions of the Lake Okeechobee Watershed Protection Program; directing the South Florida Water Management District to revise certain rules and provide for a watershed research and water quality monitoring program; revising provisions for the Caloosahatchee River Watershed Protection Program and the St. Lucie River Watershed Protection Program;

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revising permitting and annual reporting requirements relating to the Northern Everglades and Estuaries Protection Program; revising requirements for certain basin management action plans; amending s. 373.467, F.S.; revising the qualifications for membership on the Harris Chain of Lakes Restoration Council; authorizing the Lake County legislative delegation to waive such membership qualifications for good cause; providing for council vacancies; amending s. 373.536, F.S.; requiring a water management district to include an annual funding plan in the water resource development work program; directing the department to post the work program on its website; amending s. 373.703, F.S.; authorizing water management districts to join with private landowners for the purpose of carrying out their powers; amending s. 373.705, F.S.; revising legislative intent; requiring water management district governing boards to include certain information in their annual budget submittals; requiring water management districts to promote expanded cost-share criteria for additional conservation practices; amending s. 373.707, F.S.; authorizing water management districts to provide technical and financial assistance to certain self-suppliers and to waive certain construction costs of alternative water supply development projects sponsored by certain water users; amending s. 373.709, F.S.; requiring regional water supply plans to include traditional and alternative water supply project

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options that are technically and financially feasible;
directing the department to include certain funding
analyses and project explanations in regional water
supply planning reports; creating part VIII of ch.
373, F.S., entitled the "Florida Springs and Aquifer
Protection Act"; creating s. 373.801, F.S.; providing
legislative findings and intent; creating s. 373.802,
F.S.; defining terms; creating s. 373.803, F.S.;
requiring the department to delineate a priority focus
area for each Outstanding Florida Spring by a certain
date; creating s. 373.805, F.S.; requiring a water
management district or the department to adopt or
revise various recovery or prevention strategies under
certain circumstances; providing minimum requirements
for recovery or prevention strategies for Outstanding
Florida Springs; authorizing local governments to
apply for an extension for projects in an adopted
recovery or prevention strategy; creating s. 373.807,
F.S.; requiring the department to initiate assessments
of Outstanding Florida Springs by a certain date;
requiring the department to develop basin management
action plans; authorizing local governments to apply
for an extension for projects in an adopted basin
management action plan; requiring certain local
governments to develop, enact, and implement an urban
fertilizer ordinance by a certain date; requiring the
department in consultation with the Department of
Health and relevant local governments and utilities,
to develop onsite sewage treatment and disposal system

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remediation plans under certain circumstances;
creating s. 373.811, F.S.; specifying prohibited
activities within a priority focus area of an
Outstanding Florida Spring; creating s. 373.813, F.S.;
providing rulemaking authority; amending s. 403.061,
F.S.; requiring the department to create a
consolidated water resources work plan; directing the
department to adopt by rule a specific surface water
classification to protect surface waters used for
treated potable water supply; providing criteria for
such rule; authorizing the reclassification of surface
waters used for treated potable water supply
notwithstanding such rule; requiring the department to
create and maintain a web-based interactive map;
creating s. 403.0616, F.S.; creating the Florida Water
Resources Advisory Council to provide the Legislature
with recommendations for projects submitted by
governmental entities; requiring the council to
consolidate various reports to enhance the water
resources of this state; requiring the department to
adopt rules; creating s. 403.0617, F.S.; requiring the
department to propose for adoption rules to
competitively evaluate and rank projects for selection
and prioritization by the Water Resources Advisory
Council by a certain date; amending s. 403.0623, F.S.;
requiring the department to establish certain
standards; requiring state agencies and water
management districts to show that they followed the
department's standards in order to receive certain

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204 funding; amending s. 403.067, F.S.; providing
205 requirements for new or revised best management action
206 plans; requiring the department adopt rules relating
207 to the enforcement and verification of best management
208 action plans and management strategies; creating s.
209 403.0675, F.S.; requiring the department and the
210 Department of Agriculture and Consumer Services to
211 post annual progress reports on their websites and
212 submit such reports to the Governor and the
213 Legislature; requiring each water management district
214 to post the Department of Environmental Protection's
215 report on its website; amending s. 403.861, F.S.;
216 directing the department to add treated potable water
217 supply as a designated use of a surface water segment
218 under certain circumstances; providing an effective
219 date.

220
221 Be It Enacted by the Legislature of the State of Florida:

222
223 Section 1. Paragraph (g) is added to subsection (11) of
224 section 259.032, Florida Statutes, to read:

225 259.032 Conservation and Recreation Lands Trust Fund;
226 purpose.—

227 (11)

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

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233 1. By July 1, 2016, the database must be available to the
234 public online and must include, at a minimum, the location,
235 types of allowable recreational opportunities, points of public
236 access, facilities or other amenities, restrictions, and any
237 other information the department deems appropriate to increase
238 public awareness of recreational opportunities on conservation
239 lands. Such data must be electronically accessible, searchable,
240 and downloadable in a generally acceptable format.

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

246 3. The database and application must include information
247 for all state conservation lands to which the public has a right
248 of access for recreational purposes. Beginning January 1, 2018,
249 to the greatest extent practicable, the database shall include
250 similar information for lands owned by federal and local
251 government entities that allow access for recreational purposes.

252 4. By January 1 of each year, the department shall provide
253 a report to the Governor, the President of the Senate, and the
254 Speaker of the House of Representatives describing the
255 percentage of public lands acquired under this chapter to which
256 the public has access and efforts undertaken by the department
257 to increase public access to such lands.

258 Section 2. Section 260.0144, Florida Statutes, is amended
259 to read:

260 260.0144 Sponsorship of state greenways and trails.—The
261 department may enter into a concession agreement with a not-for-

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profit entity or private sector business or entity for commercial sponsorship to be displayed on state greenway and trail facilities not included within the Shared-Use Nonmotorized Trail Network established in chapter 339 ~~or property specified in this section~~. The department may establish the cost for entering into a concession agreement.

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

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

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

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

2. One small sign or display, not to exceed 4 square feet in area, may be located at each designated trail public access point.

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

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

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... (Name of the sponsor) ... proudly sponsors the costs of maintaining the ... (Name of the greenway or trail)

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

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

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

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

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

(4) Commercial sponsorship pursuant to a concession

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320 agreement is for public relations or advertising purposes of the
321 not-for-profit entity or private sector business or entity, and
322 may not be construed by that not-for-profit entity or private
323 sector business or entity as having a relationship to any other
324 actions of the department.

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

327 (6) Proceeds from concession agreements shall be
328 distributed as follows:

329 (a) Eighty-five percent shall be deposited into the
330 appropriate department trust fund that is the source of funding
331 for management and operation of state greenway and trail
332 facilities and properties.

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

337 (7) The department may adopt rules to administer this
338 section.

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

341 335.065 Bicycle and pedestrian ways along state roads and
342 transportation facilities.—

343 (3) The department, in cooperation with the Department of
344 Environmental Protection, shall establish a statewide integrated
345 system of bicycle and pedestrian ways in such a manner as to
346 take full advantage of any such ways which are maintained by any
347 governmental entity. ~~The department may enter into a concession~~
348 ~~agreement with a not for profit entity or private sector~~

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~~business or entity for commercial sponsorship displays on multiuse trails and related facilities and use any concession agreement revenues for the maintenance of the multiuse trails and related facilities. Commercial sponsorship displays are subject to the requirements of the Highway Beautification Act of 1965 and all federal laws and agreements, when applicable. For the purposes of this section, bicycle facilities may be established as part of or separate from the actual roadway and may utilize existing road rights-of-way or other rights-of-way or easements acquired for public use.~~

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

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

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

~~b. One small sign or display, not to exceed 4 square feet in area, may be located at each designated trail public access point.~~

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

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

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~~... (Name of the sponsor) ... proudly sponsors the costs of maintaining the ... (Name of the greenway or trail)~~

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

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

~~(4) (a) The department may use appropriated funds to support the establishment of a statewide system of interconnected multiuse trails and to pay the costs of planning, land acquisition, design, and construction of such trails and related facilities. The department shall give funding priority to projects that:~~

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

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

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

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

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

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

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

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

339.81 Florida Shared-Use Nonmotorized Trail Network.—

(1) The Legislature finds that increasing demands continue to be placed on the state's transportation system by a growing economy, continued population growth, and increasing tourism. The Legislature also finds that significant challenges exist in providing additional capacity to the conventional transportation system and enhanced accommodation of alternative travel modes to meet the needs of residents and visitors are required. The Legislature further finds that improving bicyclist and pedestrian safety for both residents and visitors remains a high priority. Therefore, the Legislature declares that the development of a nonmotorized trail network will increase mobility and recreational alternatives for residents and visitors of this state, enhance economic prosperity, enrich quality of life, enhance safety, and reflect responsible environmental stewardship. To that end, it is the intent of the Legislature that the department make use of its expertise in efficiently providing transportation projects and develop the Florida Shared-Use Nonmotorized Trail Network, consisting of a statewide network of nonmotorized trails, which allows nonmotorized vehicles and pedestrians to access a variety of

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origins and destinations with limited exposure to motorized vehicles.

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

(3) Network components do not include sidewalks, nature trails, loop trails wholly within a single park or natural area, or on-road facilities, such as bicycle lanes or routes other than:

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

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

(4) The planning, development, operation, and maintenance

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of the Florida Shared-Use Nonmotorized Trail Network is declared to be a public purpose, and the department, together with other agencies of this state and all counties, municipalities, and special districts of this state, may spend public funds for such purposes and accept gifts and grants of funds, property, or property rights from public or private sources to be used for such purposes.

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

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

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

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

339.82 Shared-Use Nonmotorized Trail Network Plan.—

(1) The department shall develop a network plan for the Florida Shared-Use Nonmotorized Trail Network in coordination with the Department of Environmental Protection, metropolitan planning organizations, affected local governments and public agencies, and the Florida Greenways and Trails Council. The plan

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494 must be consistent with the Florida Greenways and Trails Plan
495 developed under s. 260.014 and must be updated at least once
496 every 5 years.

497 (2) The network plan must include all of the following:

498 (a) A needs assessment, including, but not limited to, a
499 comprehensive inventory and analysis of existing trails that may
500 be considered for inclusion in the Florida Shared-Use
501 Nonmotorized Trail Network.

502 (b) A project prioritization process that includes
503 assigning funding priority to projects that:

504 1. Are identified by the Florida Greenways and Trails
505 Council as a priority within the Florida Greenways and Trails
506 System under chapter 260;

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

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

512 (c) A map that illustrates existing and planned facilities
513 and identifies critical gaps between facilities.

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

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

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

522 (g) A marketing plan prepared in consultation with the

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523 Florida Tourism Industry Marketing Corporation.

524 Section 6. Section 339.83, Florida Statutes, is created to
525 read:

526 339.83 Sponsorship of Shared-Use Nonmotorized Trails.—

527 (1) The department may enter into a concession agreement
528 with a not-for-profit entity or private sector business or
529 entity for commercial sponsorship signs, pavement markings, and
530 exhibits on nonmotorized trails and related facilities
531 constructed as part of the Shared-Use Nonmotorized Trail
532 Network. The concession agreement may also provide for
533 recognition of trail sponsors in any brochure, map, or website
534 providing trail information. Trail websites may provide links to
535 sponsors. Revenue from such agreements may be used for the
536 maintenance of the nonmotorized trails and related facilities.

537 (a) A concession agreement shall be administered by the
538 department.

539 (b)1. Signage, pavement markings, or exhibits erected
540 pursuant to this section must comply with s. 337.407 and chapter
541 479 and are limited as follows:

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

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

548 c. Pavement markings denoting specified distances must be
549 located at least 1 mile apart.

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

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552 3. The department shall ensure that the size, color,
553 materials, construction, and location of all signs, pavement
554 markings, and exhibits are consistent with the management plan
555 for the property and the standards of the department, do not
556 intrude on natural and historic settings, and contain a logo
557 selected by the sponsor and the following sponsorship wording:

558
559 ...(Name of the sponsor)... proudly sponsors the costs
560 of maintaining the ...(Name of the greenway or
561 trail)...

562
563 4. Exhibits may provide additional information and
564 materials, including, but not limited to, maps and brochures for
565 trail user services related or proximate to the trail. Pavement
566 markings may display mile marker information.

567 5. The costs of a sign, pavement marking, or exhibit,
568 including development, construction, installation, operation,
569 maintenance, and removal costs, shall be paid by the
570 concessionaire.

571 (c) A concession agreement shall be for a minimum of 1
572 year, but may be for a longer period under a multiyear
573 agreement, and may be terminated for just cause by the
574 department upon 60 days' advance notice. Just cause for
575 termination of a concession agreement includes, but is not
576 limited to, violation of the terms of the concession agreement
577 or this section.

578 (2) Pursuant to s. 287.057, the department may contract for
579 the provision of services related to the trail sponsorship
580 program, including recruitment and qualification of businesses,

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581 review of applications, permit issuance, and fabrication,
582 installation, and maintenance of signs, pavement markings, and
583 exhibits. The department may reject all proposals and seek
584 another request for proposals or otherwise perform the work. The
585 contract may allow the contractor to retain a portion of the
586 annual fees as compensation for its services.

587 (3) This section does not create a proprietary or
588 compensable interest in any sponsorship site or location for any
589 permittee, and the department may terminate permits or change
590 locations of sponsorship sites as it determines necessary for
591 construction or improvement of facilities.

592 (4) The department may adopt rules to establish
593 requirements for qualification of businesses, qualification and
594 location of sponsorship sites, and permit applications and
595 processing. The department may adopt rules to establish other
596 criteria necessary to implement this section and to provide for
597 variances when necessary to serve the interest of the public or
598 when required to ensure equitable treatment of program
599 participants.

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

602 373.019 Definitions.—When appearing in this chapter or in
603 any rule, regulation, or order adopted pursuant thereto, the
604 term:

605 (24) "Water resource development" means the formulation and
606 implementation of regional water resource management strategies,
607 including the collection and evaluation of surface water and
608 groundwater data; structural and nonstructural programs to
609 protect and manage water resources; the development of regional

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610 water resource implementation programs; the construction,
611 operation, and maintenance of major public works facilities to
612 provide for flood control, surface and underground water
613 storage, and groundwater recharge augmentation; and related
614 technical assistance to local governments, ~~and to government-~~
615 owned and privately owned water utilities, and self-suppliers to
616 the extent assistance to self-suppliers promotes the policies as
617 set forth in s. 373.016.

618 Section 8. Paragraph (b) of subsection (7) of section
619 373.036, Florida Statutes, is amended to read:

620 373.036 Florida water plan; district water management
621 plans.—

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

623 (b) The consolidated annual report shall contain the
624 following elements, as appropriate to that water management
625 district:

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

628 2. The department-approved minimum flows and minimum water
629 levels annual priority list and schedule required by s.
630 373.042(3) ~~s. 373.042(2)~~.

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

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

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

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

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639 7. The mitigation donation annual report required by s.
640 373.414(1) (b)2.

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

643 a. A list of all specific projects identified to implement
644 a basin management action plan or a recovery or prevention
645 strategy;

646 b. A priority ranking for each listed project for which
647 state funding through the water resources work program is
648 requested, which must be made available to the public for
649 comment at least 30 days before submission of the consolidated
650 annual report;

651 c. The estimated cost for each listed project;

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

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

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

659 9. A grade for each watershed, water body, or water segment
660 in which a project listed under subparagraph 8. is located
661 representing the level of impairment and violations of adopted
662 minimum flow or minimum water level. The grading system must
663 reflect the severity of the impairment of the watershed,
664 waterbody, or water segment.

665 Section 9. Section 373.037, Florida Statutes, is created to
666 read:

667 373.037 Pilot program for alternative water supply

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development in restricted allocation areas.—

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

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

(b) "Lower East Coast Regional Water Supply Planning Area" means the areas withdrawing surface and groundwater from Water Conservation Areas 1, 2A, 2B, 3A, and 3B, Grassy Waters Preserve/Water Catchment Area, Pal Mar, J.W. Corbett Wildlife Management Area, Loxahatchee Slough, Loxahatchee River, Riverbend Park, Dupuis Reserve, Jonathan Dickinson State Park, Kitching Creek, Moonshine Creek, Cypress Creek, Hobe Grove Ditch, the Holey Land and Rotenberger Wildlife Management Areas, and the freshwater portions of the Everglades National Park, as designated by the South Florida Water Management District.

(c) "Restricted allocation area" means an area within a water supply planning region of the Southwest Florida Water Management District, the South Florida Water Management District, or the St. Johns River Water Management District where the governing board of the water management district 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 for the planning period pursuant to ss. 373.036 and 373.709 and where the governing board of the water management district has applied allocation restrictions with regard to the use of specific sources of water. For the purposes of this section, the term includes the Central Florida Water Initiative

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Area, the Lower East Coast Regional Water Supply Planning Area,
the Southern Water Use Caution Area, and the Upper East Coast
Regional Water Supply Planning Area.

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

(e) "Upper East Coast Regional Water Supply Planning Area"
means the areas withdrawing surface and groundwater from the
Central and Southern Florida canals or the Floridan Aquifer, as
designated by the South Florida Water Management District.

(2) The Legislature finds that:

(a) Local governments, regional water supply authorities,
and government-owned and privately owned water utilities face
significant challenges in securing funds for implementing large-
scale alternative water supply projects in certain restricted
allocation areas due to a variety of factors, such as 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 pursuant
to s. 373.709.

(b) These factors make it necessary to provide other
options for the Southwest Florida Water Management District, the
South Florida Water Management District, and the St. Johns River
Water Management District 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

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supply development project.

(c) The development and implementation of an alternative water supply project by the water management districts specified in paragraph (b) within a restricted allocation area as a pilot project is for the benefit of the public health, safety, and welfare and is in the public interest. Each pilot project must provide water supply and environmental benefits. Consideration should be given to projects that provide reductions in damaging discharges to tide or that are part of a recovery or prevention strategy for minimum flows and minimum water levels.

(3) The water management districts specified in paragraph (2)(b) may, at their sole discretion, designate and implement an existing alternative water supply project that is identified in each district's regional water supply plan as its one pilot project or amend their respective regional water supply plans to add a new alternative water supply project as their district pilot project. A pilot project designation made pursuant to this section should be made no later than July 1, 2016, and is not subject to the rulemaking requirements of chapter 120 or subject to legal challenge pursuant to ss. 120.569 and 120.57. A water management district may designate an alternative water supply project located within another water management district if the project is located in a restricted allocation area designated by the other water management district and a substantial quantity of water provided by the alternative water supply project will be used within the designating water management district's boundaries.

(4) In addition to the other powers granted and duties imposed under this chapter, if a district specified in paragraph

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755 (2) (b) elects to implement a pilot project pursuant to this
756 section, its governing board has the following powers and is
757 subject to the following restrictions in implementing the pilot
758 project:

759 (a) The governing board may not develop and implement a
760 pilot project on privately owned land without the voluntary
761 consent of the landowner, which consent may be evidenced by
762 deed, easement, license, contract, or other written legal
763 instrument executed by the landowner after July 1, 2015.

764 (b) The governing board may not engage in local water
765 supply distribution or sell water to the pilot project
766 participants.

767 (c) The governing board may join with one or more other
768 water management districts and counties, municipalities, special
769 districts, publicly owned or privately owned water utilities,
770 multijurisdictional water supply entities, regional water supply
771 authorities, self-suppliers, or other entities for the purpose
772 of carrying out its powers, and may contract with any such other
773 entities to finance or otherwise implement acquisitions,
774 construction, and operation and maintenance, if such contracts
775 are consistent with the public interest and based upon
776 independent cost estimates, including comparisons with other
777 alternative water supply projects. The contracts may provide for
778 contributions to be made by each party to the contract for the
779 division and apportionment of resulting costs, including
780 operations and maintenance, benefits, services, and products.
781 The contracts may contain other covenants and agreements
782 necessary and appropriate to accomplish their purposes.

783 (5) A water management district may provide up to 50

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percent of funding assistance for a pilot project.

(6) If a water management district specified in paragraph (2)(b) elects to implement a pilot project, it shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2019, on the effectiveness of its pilot project. The report must include all of the following information:

(a) 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.

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

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

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

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

(f) A recommendation as to whether the traditional role of water management districts regarding the development and implementation of alternative water supply projects, as specified in ss. 373.705 and 373.707, should be revised and, if

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so, identification of the statutory changes necessary to expand the scope of the pilot program.

Section 10. Section 373.042, Florida Statutes, is amended to read:

373.042 Minimum flows and minimum water levels.—

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

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

(b) Minimum water level. The minimum water level is ~~shall be~~ 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 minimum flow and minimum water level shall be calculated by the department and the governing board using the best information available. When appropriate, minimum flows and minimum water levels may be calculated to reflect seasonal variations. The department and the governing board shall ~~also~~ consider, and at their discretion may provide for, the protection of nonconsumptive uses in the establishment of minimum flows and minimum water levels.

(2) (a) If a minimum flow or minimum water level has not been adopted for an Outstanding Florida Spring, a water management district or the department shall use the emergency

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rulemaking authority provided in paragraph (c) to adopt a minimum flow or minimum water level no later than July 1, 2017, except for the Northwest Florida Water Management District, which shall use such authority to adopt minimum flows and minimum water levels for Outstanding Florida Springs no later than July 1, 2026.

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

(c) The Legislature finds as provided in s. 373.801(3) (b) that the adoption of minimum flows and minimum water levels or recovery or prevention strategies for Outstanding Florida Springs requires immediate action. The department and the districts are authorized, and all conditions are deemed to be met, to use emergency rulemaking provisions pursuant to s. 120.54(4) to adopt minimum flows and minimum water levels pursuant to this subsection and recovery or prevention strategies adopted concurrently with a minimum flow or minimum water level pursuant to s. 373.805(2).

(3)~~(2)~~ By November 15, 1997, and annually thereafter, each water management district shall submit to the department for review and approval a priority list and schedule for the establishment of minimum flows and minimum water levels for surface watercourses, aquifers, and surface waters within the

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district. The priority list and schedule shall identify those listed water bodies for which the district will voluntarily undertake independent scientific peer review; any reservations proposed by the district to be established pursuant to s. 373.223(4); and those listed water bodies that have the potential to be affected by withdrawals in an adjacent district for which the department's adoption of a reservation pursuant to s. 373.223(4) or a minimum flow or minimum water level pursuant to subsection (1) may be appropriate. By March 1, 2006, and annually thereafter, each water management district shall include its approved priority list and schedule in the consolidated annual report required by s. 373.036(7). The priority list shall be based upon the importance of the waters to the state or region and the existence of or potential for significant harm to the water resources or ecology of the state or region, and shall include those waters which are experiencing or may reasonably be expected to experience adverse impacts. Each water management district's priority list and schedule shall include all first magnitude springs, and all second magnitude springs within state or federally owned lands purchased for conservation purposes. The specific schedule for establishment of spring minimum flows and minimum water levels shall be commensurate with the existing or potential threat to spring flow from consumptive uses. Springs within the Suwannee River Water Management District, or second magnitude springs in other areas of the state, need not be included on the priority list if the water management district submits a report to the Department of Environmental Protection demonstrating that adverse impacts are not now occurring nor are reasonably

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900 expected to occur from consumptive uses during the next 20
901 years. The priority list and schedule is not subject to any
902 proceeding pursuant to chapter 120. Except as provided in
903 subsection (4) ~~(3)~~, the development of a priority list and
904 compliance with the schedule for the establishment of minimum
905 flows and minimum water levels pursuant to this subsection
906 satisfies the requirements of subsection (1).

907 (4) ~~(3)~~ Minimum flows or minimum water levels for priority
908 waters in the counties of Hillsborough, Pasco, and Pinellas
909 shall be established by October 1, 1997. Where a minimum flow or
910 minimum water level for the priority waters within those
911 counties has not been established by the applicable deadline,
912 the secretary of the department shall, if requested by the
913 governing body of any local government within whose jurisdiction
914 the affected waters are located, establish the minimum flow or
915 minimum water level in accordance with the procedures
916 established by this section. The department's reasonable costs
917 in establishing a minimum flow or minimum water level shall,
918 upon request of the secretary, be reimbursed by the district.

919 (5) ~~(4)~~ A water management district shall provide the
920 department with technical information and staff support for the
921 development of a reservation, minimum flow or minimum water
922 level, or recovery or prevention strategy to be adopted by the
923 department by rule. A water management district shall apply any
924 reservation, minimum flow or minimum water level, or recovery or
925 prevention strategy adopted by the department by rule without
926 the district's adoption by rule of such reservation, minimum
927 flow or minimum water level, or recovery or prevention strategy.

928 (6) ~~(5)~~ (a) Upon written request to the department or

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governing board by a substantially affected person, or by decision of the department or governing board, prior to the establishment of a minimum flow or minimum water level and prior to the filing of any petition for administrative hearing related to the minimum flow or minimum water level, all scientific or technical data, methodologies, and models, including all scientific and technical assumptions employed in each model, used to establish a minimum flow or minimum water level shall be subject to independent scientific peer review. Independent scientific peer review means review by a panel of independent, recognized experts in the fields of hydrology, hydrogeology, limnology, biology, and other scientific disciplines, to the extent relevant to the establishment of the minimum flow or minimum water level.

(b) If independent scientific peer review is requested, it shall be initiated at an appropriate point agreed upon by the department or governing board and the person or persons requesting the peer review. If no agreement is reached, the department or governing board shall determine the appropriate point at which to initiate peer review. The members of the peer review panel shall be selected within 60 days of the point of initiation by agreement of the department or governing board and the person or persons requesting the peer review. If the panel is not selected within the 60-day period, the time limitation may be waived upon the agreement of all parties. If no waiver occurs, the department or governing board may proceed to select the peer review panel. The cost of the peer review shall be borne equally by the district and each party requesting the peer review, to the extent economically feasible. The panel shall

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submit a final report to the governing board within 120 days after its selection unless the deadline is waived by agreement of all parties. Initiation of peer review pursuant to this paragraph shall toll any applicable deadline under chapter 120 or other law or district rule regarding permitting, rulemaking, 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 minimum water level.

(d) No minimum flow or minimum water 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.

(7) ~~(6)~~ If a petition for administrative hearing is filed under chapter 120 challenging the establishment of a minimum flow or minimum water level, the report of an independent scientific peer review conducted under subsection (5) ~~(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

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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 subject to s. 120.541(3).

Section 11. Section 373.0421, Florida Statutes, is amended to read:

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

(1) ESTABLISHMENT.—

(a) *Considerations.*—When establishing minimum flows and minimum water levels pursuant to s. 373.042, the department or governing board shall consider changes and structural alterations to watersheds, surface waters, and aquifers and the effects such changes or alterations have had, and the constraints such changes or alterations have placed, on the hydrology of an affected watershed, surface water, or aquifer, provided that nothing in this paragraph shall allow significant 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 minimum water level for such a water body based

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on its historical condition is not appropriate.

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

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

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

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

(a) Achieve recovery to the established minimum flow or

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1045 minimum water level as soon as practicable; or

1046 (b) Prevent the existing flow or water level from falling
1047 below the established minimum flow or minimum water level.

1048
1049 The recovery or prevention strategy must ~~shall~~ include a phased-
1050 in approach ~~phasing~~ or a timetable which will allow for the
1051 provision of sufficient water supplies for all existing and
1052 projected reasonable-beneficial uses, including development of
1053 additional water supplies and implementation of conservation and
1054 other efficiency measures concurrent with and, to the maximum
1055 extent practical, ~~and~~ to offset, reductions in permitted
1056 withdrawals, consistent with ~~the provisions of~~ this chapter. The
1057 recovery or prevention strategy may not depend solely on water
1058 shortage restrictions declared pursuant to s. 373.175 or s.
1059 373.246.

1060 (3) In order to ensure that sufficient water is available
1061 for all existing and future reasonable-beneficial uses and the
1062 natural systems, the applicable regional water supply plan
1063 prepared pursuant to s. 373.709 shall be amended to include any
1064 water supply development project or water resource development
1065 project identified in a recovery or prevention strategy. Such
1066 amendment shall be approved concurrently with relevant portions
1067 of the recovery or prevention strategy.

1068 (4) The water management district shall notify the
1069 department if an application for a water use permit is denied
1070 based upon the impact that the use will have on an adopted
1071 minimum flow or minimum water level. Upon receipt of such
1072 notice, the department shall, as soon as practicable and in
1073 cooperation with the water management district, conduct a review

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

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

Section 12. Section 373.0465, Florida Statutes, is created to read:

373.0465 Central Florida Water Initiative.-

(1) The Legislature finds that:

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

(b) Because the boundaries of the St. Johns River Water Management District, the South Florida Water Management District, and the Southwest Florida Water Management District meet within the Central Florida Coordination Area, the three districts and the Department of Environmental Protection have worked cooperatively to determine that the Floridan Aquifer

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1103 system is locally approaching the sustainable limits of use and
1104 are exploring the need to develop sources of water to meet the
1105 long-term water needs of the area.

1106 (c) The Central Florida Water Initiative is a collaborative
1107 process involving the Department of Environmental Protection,
1108 the St. Johns River Water Management District, the South Florida
1109 Water Management District, the Southwest Florida Water
1110 Management District, the Department of Agriculture and Consumer
1111 Services, regional public water supply utilities, and other
1112 stakeholders. As set forth in the Central Florida Water
1113 Initiative Guiding Document of January 30, 2015, the initiative
1114 has developed an initial framework for a unified process to
1115 address the current and long-term water supply needs of Central
1116 Florida without causing harm to the water resources and
1117 associated natural systems.

1118 (d) Developing water sources as an alternative to continued
1119 reliance on the Floridan Aquifer will benefit existing and
1120 future water users and natural systems within and beyond the
1121 boundaries of the Central Florida Water Initiative.

1122 (2) (a) As used in this section, the term "Central Florida
1123 Water Initiative Area" means all of Orange, Osceola, Polk, and
1124 Seminole Counties, and southern Lake County, as designated by
1125 the Central Florida Water Initiative Guiding Document of January
1126 30, 2015.

1127 (b) The department, the St. Johns River Water Management
1128 District, the South Florida Water Management District, the
1129 Southwest Florida Water Management District, and the Department
1130 of Agriculture and Consumer Services shall:

1131 1. Provide for a continuation of the collaborative process

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in the Central Florida Water Initiative Area among the state agencies, affected water management districts, regional public water supply utilities, and other stakeholders;

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

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

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

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

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

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

3. Consider existing recovery or prevention strategies;

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1161 4. Include a list of water supply options sufficient to
1162 meet the water needs of all existing and future reasonable-
1163 beneficial uses consistent with the conditions established under
1164 s. 373.223; and

1165 5. Identify, as necessary, which of the water supply
1166 sources are preferred water supply sources pursuant to s.
1167 373.2234.

1168 (d) The department, in consultation with the St. Johns
1169 River Water Management District, the South Florida Water
1170 Management District, the Southwest Florida Water Management
1171 District, and the Department of Agriculture and Consumer
1172 Services, shall adopt uniform rules for application within the
1173 Central Florida Water Initiative Area that include:

1174 1. A single, uniform definition of "harmful to the water
1175 resources" consistent with the term's usage in s. 373.219;

1176 2. A single method for calculating residential per capita
1177 water use;

1178 3. A single process for permit reviews;

1179 4. A single, consistent process, as appropriate, to set
1180 minimum flows and minimum water levels and water reservations;

1181 5. A goal for residential per capita water use for each
1182 consumptive use permit; and

1183 6. An annual conservation goal for each consumptive use
1184 permit consistent with the regional water supply plan.

1185
1186 The uniform rules shall include existing recovery strategies
1187 within the Central Florida Water Initiative Area adopted before
1188 July 1, 2015. The department may grant variances to the uniform
1189 rules if there are unique circumstances or hydrogeological

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1190 factors that make application of the uniform rules unrealistic
1191 or impractical.

1192 (e) The department shall initiate rulemaking for the
1193 uniform rules by December 31, 2015. The department's uniform
1194 rules shall be applied by the water management districts only
1195 within the Central Florida Water Initiative Area. Upon adoption
1196 of the rules, the water management districts shall implement the
1197 rules without further rulemaking pursuant to s. 120.54. The
1198 rules adopted by the department pursuant to this section are
1199 considered the rules of the water management districts.

1200 (f) Water management district planning programs developed
1201 pursuant this subsection shall be approved or adopted as
1202 required under this chapter. However, such planning programs may
1203 not serve to modify planning programs in areas of the affected
1204 districts that are not within the Central Florida Water
1205 Initiative Area, but may include interregional projects located
1206 outside the Central Florida Water Initiative Area which are
1207 consistent with planning and regulatory programs in the areas in
1208 which they are located.

1209 Section 13. Subsection (4) of section 373.1501, Florida
1210 Statutes, is amended, present subsections (7) and (8) are
1211 redesignated as subsections (8) and (9), respectively, and a new
1212 subsection (7) is added to that section, to read:

1213 373.1501 South Florida Water Management District as local
1214 sponsor.—

1215 (4) The district is authorized to act as local sponsor of
1216 the project for those project features within the district as
1217 provided in this subsection and subject to the oversight of the
1218 department as further provided in s. 373.026. The district shall

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1219 exercise the authority of the state to allocate quantities of
1220 water within its jurisdiction, including the water supply in
1221 relation to the project, and be responsible for allocating water
1222 and assigning priorities among the other water uses served by
1223 the project pursuant to state law. The district may:

1224 (a) Act as local sponsor for all project features
1225 previously authorized by Congress.~~†~~

1226 (b) Continue data gathering, analysis, research, and design
1227 of project components, participate in preconstruction
1228 engineering and design documents for project components, and
1229 further refine the Comprehensive Plan of the restudy as a guide
1230 and framework for identifying other project components.~~†~~

1231 (c) Construct pilot projects that will assist in
1232 determining the feasibility of technology included in the
1233 Comprehensive Plan of the restudy.~~†~~ ~~and~~

1234 (d) Act as local sponsor for project components.

1235 (7) When developing or implementing water control plans or
1236 regulation schedules required for the operation of the project,
1237 the district shall provide recommendations to the United States
1238 Army Corps of Engineers which are consistent with all district
1239 programs and plans.

1240 Section 14. Subsection (3) is added to section 373.219,
1241 Florida Statutes, to read:

1242 373.219 Permits required.—

1243 (3) The department shall adopt uniform rules for issuing
1244 permits which prevent groundwater withdrawals that are harmful
1245 to the water resources and adopt by rule a uniform definition of
1246 the term "harmful to the water resources" for Outstanding
1247 Florida Springs to provide water management districts with

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1248 minimum standards necessary to be consistent with the overall
1249 water policy of the state. This subsection does not prohibit a
1250 water management district from adopting a definition that is
1251 more protective of the water resources consistent with local or
1252 regional conditions and objectives.

1253 Section 15. Subsection (6) is added to section 373.223,
1254 Florida Statutes, to read:

1255 373.223 Conditions for a permit.—

1256 (6) A new, renewal of, or modification to a consumptive use
1257 permit authorizing groundwater withdrawals of 100,000 gallons or
1258 more per day shall be monitored for water usage at intervals and
1259 using methods determined by the applicable water management
1260 district, the results of which shall be reported to the water
1261 management district at least annually. The water management
1262 districts may adopt rules to implement this subsection.

1263 Section 16. Section 373.2234, Florida Statutes, is amended
1264 to read:

1265 373.2234 Preferred water supply sources.—

1266 (1) The governing board of a water management district is
1267 authorized to adopt rules that identify preferred water supply
1268 sources for consumptive uses for which there is sufficient data
1269 to establish that a preferred source will provide a substantial
1270 new water supply to meet the existing and projected reasonable-
1271 beneficial uses of a water supply planning region identified
1272 pursuant to s. 373.709(1), while sustaining existing water
1273 resources and natural systems. At a minimum, such rules must
1274 contain a description of the preferred water supply source and
1275 an assessment of the water the preferred source is projected to
1276 produce.

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1277 (2) (a) If an applicant proposes to use a preferred water
1278 supply source, that applicant's proposed water use is subject to
1279 s. 373.223(1), except that the proposed use of a preferred water
1280 supply source must be considered by a water management district
1281 when determining whether a permit applicant's proposed use of
1282 water is consistent with the public interest pursuant to s.
1283 373.223(1) (c).

1284 (b) The governing board of a water management district
1285 shall consider the identification of preferred water supply
1286 sources for water users for whom access to or development of new
1287 water supplies is not technically or financially feasible.
1288 Identification of preferred water supply sources for such water
1289 users must be consistent with s. 373.016.

1290 (c) A consumptive use permit issued for the use of a
1291 preferred water supply source must be granted, when requested by
1292 the applicant, for at least a 20-year period and may be subject
1293 to the compliance reporting provisions of s. 373.236(4).

1294 (3) (a) ~~Nothing in This section does not: shall be construed~~
1295 ~~to~~

1296 1. Exempt the use of preferred water supply sources from
1297 ~~the provisions of ss. 373.016(4) and 373.223(2) and (3); or be~~
1298 ~~construed to~~

1299 2. Provide that permits issued for the use of a
1300 nonpreferred water supply source must be issued for a duration
1301 of less than 20 years or that the use of a nonpreferred water
1302 supply source is not consistent with the public interest; or-

1303 3. ~~Additionally, nothing in this section shall be~~
1304 ~~interpreted to~~ Require the use of a preferred water supply
1305 source or to restrict or prohibit the use of a nonpreferred

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1306 water supply source.

1307 (b) Rules adopted by the governing board of a water
1308 management district to implement this section shall specify that
1309 the use of a preferred water supply source is not required and
1310 that the use of a nonpreferred water supply source is not
1311 restricted or prohibited.

1312 Section 17. Present subsection (5) of section 373.227,
1313 Florida Statutes, is redesignated as subsection (7), and a new
1314 subsection (5) and a subsection (6) are added to that section,
1315 to read:

1316 373.227 Water conservation; legislative findings and
1317 intent; objectives; comprehensive statewide water conservation
1318 program requirements.—

1319 (5) In order to incentivize water conservation, if actual
1320 water use is less than permitted water use due to documented
1321 implementation of water conservation measures beyond those
1322 required in a consumptive use permit, including, but not limited
1323 to, those measures identified in best management practices
1324 pursuant to s. 570.93, the permitted allocation may not be
1325 modified solely due to such water conservation during the term
1326 of the permit. In order to promote water conservation and the
1327 implementation of measures that produce significant water
1328 savings beyond those required in a consumptive use permit, each
1329 water management district shall adopt rules providing water
1330 conservation incentives, which may include limited permit
1331 extensions.

1332 (6) For consumptive use permits for agricultural
1333 irrigation, if actual water use is less than permitted water use
1334 due to weather events, crop diseases, nursery stock

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1335 availability, market conditions, or changes in crop type, a
1336 district may not, as a result, reduce permitted allocation
1337 amounts during the term of the permit.

1338 Section 18. Subsection (2) of section 373.233, Florida
1339 Statutes, is amended to read:

1340 373.233 Competing applications.—

1341 (2) (a) If ~~In the event that~~ two or more competing
1342 applications qualify equally under ~~the provisions of~~ subsection
1343 (1), the governing board or the department shall give preference
1344 to a renewal application over an initial application.

1345 (b) If two or more competing applications qualify equally
1346 under subsection (1) and none of the competing applications is a
1347 renewal application, the governing board or the department shall
1348 give preference to the application for the use where the source
1349 is nearest to the area of use or application consistent with s.
1350 373.016(4) (a).

1351 Section 19. Section 373.4591, Florida Statutes, is amended
1352 to read:

1353 373.4591 Improvements on private agricultural lands.—

1354 (1) The Legislature encourages public-private partnerships
1355 to accomplish water storage, groundwater recharge, and water
1356 quality improvements on private agricultural lands. Priority
1357 consideration shall be given to public-private partnerships
1358 that:

1359 (a) Store or treat water on private lands for purposes of
1360 enhancing hydrologic improvement, improving water quality, or
1361 assisting in water supply;

1362 (b) Provide critical ground water recharge; or

1363 (c) Provide for changes in land use to activities that

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1364 minimize nutrient loads and maximize water conservation.

1365 (2) (a) When an agreement is entered into between the
1366 department, a water management district, or the Department of
1367 Agriculture and Consumer Services and a private landowner to
1368 establish ~~such~~ a public-private partnership that may create or
1369 impact wetlands or other surface waters, a baseline condition
1370 determining the extent of wetlands and other surface waters on
1371 the property shall be established and documented in the
1372 agreement before improvements are constructed.

1373 (b) When an agreement is entered into between the
1374 Department of Agriculture and Consumer Services and a private
1375 landowner to implement best management practices pursuant to s.
1376 403.067(7)(c), a baseline condition determining the extent of
1377 wetlands and other surface water on the property may be
1378 established at the option and expense of the private landowner
1379 and documented in the agreement before improvements are
1380 constructed. The Department of Agriculture and Consumer Services
1381 shall submit the landowner's proposed baseline condition
1382 documentation to the lead agency for review and approval, and
1383 the agency shall use its best efforts to complete the review
1384 within 45 days.

1385 (3) The Department of Agriculture and Consumer Services,
1386 the department, and the water management districts shall provide
1387 a process for reviewing these requests in the timeframe
1388 specified. The determination of a baseline condition shall be
1389 conducted using the methods set forth in the rules adopted
1390 pursuant to s. 373.421. The baseline condition documented in an
1391 agreement shall be considered the extent of wetlands and other
1392 surface waters on the property for the purpose of regulation

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under this chapter for the duration of the agreement and after its expiration.

Section 20. Paragraph (h) of subsection (1) and subsections (2) through (7) of section 373.4595, Florida Statutes, are amended, and present subsections (8) through (13) of that section are redesignated as subsections (9) through (14), respectively, and a new subsection (8) is added to that section, to read:

373.4595 Northern Everglades and Estuaries Protection Program.—

(1) FINDINGS AND INTENT.—

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

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

(a) "Best management practice" means a practice or combination of practices determined by the coordinating agencies, based on research, field-testing, and expert review, to be the most effective and practicable on-location means,

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including economic and technological considerations, for improving water quality in agricultural and urban discharges. Best management practices for agricultural discharges shall reflect a balance between water quality improvements and agricultural productivity.

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

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

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

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

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1451 (f)~~(e)~~ "Department" means the Department of Environmental
1452 Protection.

1453 (g)~~(f)~~ "District" means the South Florida Water Management
1454 District.

1455 ~~(g) "District's WOD program" means the program implemented~~
1456 ~~pursuant to rules adopted as authorized by this section and ss.~~
1457 ~~373.016, 373.044, 373.085, 373.086, 373.109, 373.113, 373.118,~~
1458 ~~373.451, and 373.453, entitled "Works of the District Basin."~~

1459 (h) "Lake Okeechobee Watershed Construction Project" means
1460 the construction project developed pursuant to this section
1461 ~~paragraph (3)(b)~~.

1462 (i) "Lake Okeechobee Watershed Protection Plan" means the
1463 Lake Okeechobee Watershed Construction Project and the Lake
1464 Okeechobee Watershed Research and Water Quality Monitoring
1465 Program ~~plan developed pursuant to this section and ss. 373.451-~~
1466 ~~373.459.~~

1467 (j) "Lake Okeechobee watershed" means Lake Okeechobee, its
1468 tributaries, and the area within which surface water flow is
1469 directed or drains, naturally or by constructed works, to the
1470 lake or its tributaries.

1471 ~~(k) "Lake Okeechobee Watershed Phosphorus Control Program"~~
1472 ~~means the program developed pursuant to paragraph (3)(c).~~

1473 (k)~~(l)~~ "Northern Everglades" means the Lake Okeechobee
1474 watershed, the Caloosahatchee River watershed, and the St. Lucie
1475 River watershed.

1476 (l)~~(m)~~ "Project component" means any structural or
1477 operational change, resulting from the Restudy, to the Central
1478 and Southern Florida Project as it existed and was operated as
1479 of January 1, 1999.

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1480 ~~(m)-(n)~~ "Restudy" means the Comprehensive Review Study of
1481 the Central and Southern Florida Project, for which federal
1482 participation was authorized by the Federal Water Resources
1483 Development Acts of 1992 and 1996 together with related
1484 Congressional resolutions and for which participation by the
1485 South Florida Water Management District is authorized by s.
1486 373.1501. The term includes all actions undertaken pursuant to
1487 the aforementioned authorizations which will result in
1488 recommendations for modifications or additions to the Central
1489 and Southern Florida Project.

1490 ~~(n)-(o)~~ "River Watershed Protection Plans" means the
1491 Caloosahatchee River Watershed Protection Plan and the St. Lucie
1492 River Watershed Protection Plan developed pursuant to this
1493 section.

1494 (o) "Soil amendment" means any substance or mixture of
1495 substances sold or offered for sale for soil enriching or
1496 corrective purposes, intended or claimed to be effective in
1497 promoting or stimulating plant growth, increasing soil or plant
1498 productivity, improving the quality of crops, or producing any
1499 chemical or physical change in the soil, except amendments,
1500 conditioners, additives, and related products that are derived
1501 solely from inorganic sources and that contain no recognized
1502 plant nutrients.

1503 (p) "St. Lucie River watershed" means the St. Lucie River,
1504 its tributaries, its estuary, and the area within Martin,
1505 Okeechobee, and St. Lucie Counties from which surface water flow
1506 is directed or drains, naturally or by constructed works, to the
1507 river, its tributaries, or its estuary.

1508 (q) "Total maximum daily load" means the sum of the

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individual wasteload allocations for point sources and the load allocations for nonpoint sources and natural background adopted pursuant to s. 403.067. Before ~~Prior to~~ determining individual wasteload allocations and load allocations, the maximum amount of a pollutant that a water body or water segment can assimilate from all sources without exceeding water quality standards must first be calculated.

(3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—The Lake Okeechobee Watershed Protection Program shall consist of the Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067, the Lake Okeechobee Exotic Species Control Program, and the Lake Okeechobee Internal Phosphorus Management Program. The Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067 shall be the component of the Lake Okeechobee Watershed Protection ~~A protection Program for Lake Okeechobee that achieves phosphorus load reductions for Lake Okeechobee shall be immediately implemented as specified in this subsection. The Lake Okeechobee Watershed Protection Program shall address the reduction of phosphorus loading to the lake from both internal and external sources. Phosphorus load reductions shall be achieved through a phased program of implementation. Initial implementation actions shall be technology-based, based upon a consideration of both the availability of appropriate technology and the cost of such technology, and shall include phosphorus reduction measures at both the source and the regional level. The initial phase of phosphorus load reductions shall be based upon the district's Technical Publication 81-2 and the district's WOD program, with subsequent phases of phosphorus~~

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1538 ~~load reductions based upon the total maximum daily loads~~
1539 ~~established in accordance with s. 403.067.~~ In the development
1540 and administration of the Lake Okeechobee Watershed Protection
1541 Program, the coordinating agencies shall maximize opportunities
1542 provided by federal cost-sharing programs and opportunities for
1543 partnerships with the private sector.

1544 (a) *Lake Okeechobee Watershed Protection Plan.*—In order to
1545 protect and restore surface water resources, the district, in
1546 cooperation with the other coordinating agencies, shall complete
1547 a Lake Okeechobee Watershed Protection Plan in accordance with
1548 this section and ss. 373.451-373.459. Beginning March 1, 2020,
1549 and every 5 years thereafter, the district shall update the Lake
1550 Okeechobee Watershed Protection Plan to ensure that it is
1551 consistent with the Lake Okeechobee Basin Management Action Plan
1552 adopted pursuant to s. 403.067. The Lake Okeechobee Watershed
1553 Protection Plan shall identify the geographic extent of the
1554 watershed, be coordinated with the plans developed pursuant to
1555 paragraphs (4) (a) and (c) ~~(b)~~, and include the Lake Okeechobee
1556 Watershed Construction Project and the Lake Okeechobee Watershed
1557 Research and Water Quality Monitoring Program ~~contain an~~
1558 ~~implementation schedule for subsequent phases of phosphorus load~~
1559 ~~reduction consistent with the total maximum daily loads~~
1560 ~~established in accordance with s. 403.067.~~ The plan shall
1561 consider and build upon a review and analysis of ~~the following:~~

1562 ~~1.~~ the performance of projects constructed during Phase I
1563 and Phase II of the Lake Okeechobee Watershed Construction
1564 Project, pursuant to subparagraph 1.; ~~paragraph (b).~~

1565 ~~2.~~ relevant information resulting from the Lake Okeechobee
1566 Basin Management Action Plan ~~Watershed Phosphorus Control~~

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Program, pursuant to paragraph (b); ~~(e)~~.

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

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

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

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

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

(I) ~~a.~~ The district shall serve as a full partner with the Corps of Engineers in the design and construction of the Grassy Island Ranch and New Palm Dairy stormwater treatment facilities as components of the Lake Okeechobee Water Retention/Phosphorus

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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.

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

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

b.2. Phase II technical plan and construction. ~~By February 1, 2008,~~ The district, in cooperation with the other coordinating agencies, shall develop a detailed technical plan for Phase II of the Lake Okeechobee Watershed Construction Project which provides the basis for the Lake Okeechobee Basin Management Action Plan adopted by the department pursuant to s. 403.067. The detailed technical plan shall include measures for the improvement of the quality, quantity, timing, and distribution of water in the northern Everglades ecosystem,

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including the Lake Okeechobee watershed and the estuaries, and for facilitating the achievement of water quality standards. Use of cost-effective biologically based, hybrid wetland/chemical and other innovative nutrient control technologies shall be incorporated in the plan where appropriate. The detailed technical plan shall also include a Process Development and Engineering component to finalize the detail and design of Phase II projects and identify additional measures needed to increase the certainty that the overall objectives for improving water quality and quantity can be met. Based on information and recommendations from the Process Development and Engineering component, the Phase II detailed technical plan shall be periodically updated. Phase II shall include construction of additional facilities in the priority basins identified in sub-subparagraph a. ~~subparagraph 1.~~, as well as facilities for other basins in the Lake Okeechobee watershed. ~~This detailed technical plan will require legislative ratification pursuant to paragraph (i).~~ The technical plan shall:

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

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

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

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

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sufficient interests necessary to achieve the construction schedule.

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

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

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

(VIII) ~~The technical plan shall also~~ Develop the appropriate water quantity storage goal to achieve the desired 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)~~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~~.~~ Evaluation.—Within 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

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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
the applicable annual progress report submitted pursuant to
subsection (6).

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

2. Lake Okeechobee Watershed Research and Water Quality
Monitoring Program.—The coordinating agencies shall implement a
Lake Okeechobee Watershed Research and Water Quality Monitoring
Program. Results from the program shall be used by the
department, in cooperation with the other coordinating agencies,
to make modifications to the Lake Okeechobee Basin Management

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1712 Action Plan adopted pursuant to s. 403.067, as appropriate. The
1713 program shall:

1714 a. Evaluate all available existing water quality data
1715 concerning total phosphorus in the Lake Okeechobee watershed,
1716 develop a water quality baseline to represent existing
1717 conditions for total phosphorus, monitor long-term ecological
1718 changes, including water quality for total phosphorus, and
1719 measure compliance with water quality standards for total
1720 phosphorus, including any applicable total maximum daily load
1721 for the Lake Okeechobee watershed as established pursuant to s.
1722 403.067. Beginning March 1, 2020, and every 5 years thereafter,
1723 the department shall reevaluate water quality and quantity data
1724 to ensure that the appropriate projects are being designated and
1725 incorporated into the Lake Okeechobee Basin Management Action
1726 Plan adopted pursuant to s. 403.067. The district shall
1727 implement a total phosphorus monitoring program at appropriate
1728 structures owned or operated by the district and within the Lake
1729 Okeechobee watershed.

1730 b. Develop a Lake Okeechobee water quality model that
1731 reasonably represents the phosphorus dynamics of Lake Okeechobee
1732 and incorporates an uncertainty analysis associated with model
1733 predictions.

1734 c. Determine the relative contribution of phosphorus from
1735 all identifiable sources and all primary and secondary land
1736 uses.

1737 d. Conduct an assessment of the sources of phosphorus from
1738 the Upper Kissimmee Chain-of-Lakes and Lake Istokpoga, and their
1739 relative contribution to the water quality of Lake Okeechobee.
1740 The results of this assessment shall be used by the coordinating

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1741 agencies as part of the Lake Okeechobee Basin Management Action
1742 Plan adopted pursuant to s. 403.067 to develop interim measures,
1743 best management practices, or regulations, as applicable.

1744 e. Assess current water management practices within the
1745 Lake Okeechobee watershed and develop recommendations for
1746 structural and operational improvements. Such recommendations
1747 shall balance water supply, flood control, estuarine salinity,
1748 maintenance of a healthy lake littoral zone, and water quality
1749 considerations.

1750 f. Evaluate the feasibility of alternative nutrient
1751 reduction technologies, including sediment traps, canal and
1752 ditch maintenance, fish production or other aquaculture,
1753 bioenergy conversion processes, and algal or other biological
1754 treatment technologies and include any alternative nutrient
1755 reduction technologies determined to be feasible in the Lake
1756 Okeechobee Basin Management Action Plan adopted pursuant to s.
1757 403.067.

1758 g. Conduct an assessment of the water volumes and timing
1759 from the Lake Okeechobee watershed and their relative
1760 contribution to the water level changes in Lake Okeechobee and
1761 to the timing and volume of water delivered to the estuaries.

1762 (b)(e) Lake Okeechobee Basin Management Action Plan
1763 ~~Watershed Phosphorus Control Program.~~The Lake Okeechobee Basin
1764 Management Action Plan adopted pursuant to s. 403.067 shall be
1765 the watershed phosphorus control component for Lake Okeechobee.
1766 The Lake Okeechobee Basin Management Action Plan shall be
1767 Program is designed to be a multifaceted approach designed to
1768 achieve the total maximum daily load ~~reducing phosphorus loads~~
1769 by improving the management of phosphorus sources within the

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1770 Lake Okeechobee watershed through implementation of regulations
1771 and best management practices, continued development and
1772 continued implementation of improved best management practices,
1773 improvement and restoration of the hydrologic function of
1774 natural and managed systems, and use ~~utilization~~ of alternative
1775 technologies for nutrient reduction. The plan must include an
1776 implementation schedule pursuant to this subsection for
1777 pollutant load reductions. As provided in s. 403.067(7)(a)6.,
1778 the Lake Okeechobee Basin Management Action Plan must include
1779 milestones for implementation and water quality improvement and
1780 an associated water quality monitoring component sufficient to
1781 evaluate whether reasonable progress in pollutant load
1782 reductions is being achieved over time. The department shall
1783 develop a schedule to establish 5-, 10-, and 15-year measurable
1784 milestones and a target to achieve the adopted total maximum
1785 daily load no more than 20 years after adoption of the plan. The
1786 schedule shall be used to provide guidance for planning and
1787 funding purposes and is exempt from s. 120.54(1)(a). An
1788 assessment of progress toward these milestones shall be
1789 conducted every 5 years and revisions to the plan shall be made,
1790 as appropriate, as a result of each 5-year review. The
1791 assessment shall be provided to the Governor, the President of
1792 the Senate, and the Speaker of the House of Representatives.
1793 Upon the first 5-year review, the schedule of measurable
1794 milestones and a target to achieve water quality improvement
1795 consistent with this section shall be adopted into the plan.
1796 Revisions to the basin management action plan shall be made by
1797 the department in cooperation with the basin stakeholders.
1798 Revisions to best management practices or other measures must

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1799 follow the procedures set forth in s. 403.067(7)(c)4. Revised
1800 basin management action plans must be adopted pursuant to s.
1801 403.067(7)(a)5. If achieving the adopted total maximum daily
1802 load within 20 years is not practicable, the schedule must
1803 contain an explanation of the constraints that prevent the
1804 achievement of the total maximum daily load within 20 years, an
1805 estimate of the time needed to achieve the total maximum daily
1806 load, and additional 5-year measurable milestones, as necessary.
1807 The coordinating agencies shall develop an interagency agreement
1808 pursuant to ss. 373.046 and 373.406 which is consistent with the
1809 department taking the lead on water quality protection measures
1810 through the Lake Okeechobee Basin Management Action Plan adopted
1811 pursuant to s. 403.067; the district taking the lead on
1812 hydrologic improvements pursuant to paragraph (a); and the
1813 Department of Agriculture and Consumer Services taking the lead
1814 on agricultural interim measures, best management practices, and
1815 other measures adopted pursuant to s. 403.067. The interagency
1816 agreement must specify how best management practices for
1817 nonagricultural nonpoint sources are developed and how all best
1818 management practices are implemented and verified consistent
1819 with s. 403.067 and this section. The interagency agreement must
1820 address measures to be taken by the coordinating agencies during
1821 any best management practice reevaluation performed pursuant to
1822 subparagraphs 5. and 10. The department shall use best
1823 professional judgment in making the initial determination of
1824 best management practice effectiveness. The coordinating
1825 agencies may develop an intergovernmental agreement with local
1826 governments to implement nonagricultural nonpoint source best
1827 management practices within their respective geographic

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1828 boundaries. The coordinating agencies shall facilitate the
1829 application of federal programs that offer opportunities for
1830 water quality treatment, including preservation, restoration, or
1831 creation of wetlands on agricultural lands.

1832 1. Agricultural nonpoint source best management practices,
1833 developed in accordance with s. 403.067 and designed to achieve
1834 the objectives of the Lake Okeechobee Watershed Protection
1835 Program as part of a phased approach of management strategies
1836 within the Lake Okeechobee Basin Management Action Plan, shall
1837 be implemented on an expedited basis. ~~The coordinating agencies~~
1838 ~~shall develop an interagency agreement pursuant to ss. 373.046~~
1839 ~~and 373.406(5) that assures the development of best management~~
1840 ~~practices that complement existing regulatory programs and~~
1841 ~~specifies how those best management practices are implemented~~
1842 ~~and verified. The interagency agreement shall address measures~~
1843 ~~to be taken by the coordinating agencies during any best~~
1844 ~~management practice reevaluation performed pursuant to sub-~~
1845 ~~subparagraph d. The department shall use best professional~~
1846 ~~judgment in making the initial determination of best management~~
1847 ~~practice effectiveness.~~

1848 2.a. As provided in s. 403.067~~(7)(e)~~, the Department of
1849 Agriculture and Consumer Services, in consultation with the
1850 department, the district, and affected parties, shall initiate
1851 rule development for interim measures, best management
1852 practices, conservation plans, nutrient management plans, or
1853 other measures necessary for Lake Okeechobee watershed total
1854 maximum daily load reduction. The rule shall include thresholds
1855 for requiring conservation and nutrient management plans and
1856 criteria for the contents of such plans. Development of

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1857 agricultural nonpoint source best management practices shall
1858 initially focus on those priority basins listed in sub-
1859 subparagraph (a)1.a. ~~subparagraph (b)1.~~ The Department of
1860 Agriculture and Consumer Services, in consultation with the
1861 department, the district, and affected parties, shall conduct an
1862 ongoing program for improvement of existing and development of
1863 new agricultural nonpoint source interim measures and ~~or~~ best
1864 management practices. The Department of Agriculture and Consumer
1865 Services shall adopt ~~for the purpose of adoption of~~ such
1866 practices by rule. The Department of Agriculture and Consumer
1867 Services shall work with the University of Florida ~~Florida's~~
1868 Institute of Food and Agriculture Sciences to review and, where
1869 appropriate, develop revised nutrient application rates for all
1870 agricultural soil amendments in the watershed.

1871 3.b. ~~As provided in s. 403.067,~~ where agricultural nonpoint
1872 source best management practices or interim measures have been
1873 adopted by rule of the Department of Agriculture and Consumer
1874 Services, the owner or operator of an agricultural nonpoint
1875 source addressed by such rule shall either implement interim
1876 measures or best management practices or demonstrate compliance
1877 with state water quality standards addressed by the Lake
1878 Okeechobee Basin Management Action Plan adopted pursuant to s.
1879 403.067 ~~the district's WOD program~~ by conducting monitoring
1880 prescribed by the department or the district. Owners or
1881 operators of agricultural nonpoint sources who implement interim
1882 measures or best management practices adopted by rule of the
1883 Department of Agriculture and Consumer Services shall be subject
1884 to ~~the provisions of s. 403.067(7).~~ ~~The Department of~~
1885 ~~Agriculture and Consumer Services, in cooperation with the~~

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~~department and the district, shall provide technical and financial assistance for implementation of agricultural best management practices, subject to the availability of funds.~~

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

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

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

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~~interagency agreement shall address measures to be taken by the department and the district during any best management practice reevaluation performed pursuant to sub-subparagraph d.~~

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

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

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measures or best management practices and be subject to ~~the~~
~~provisions of s. 403.067(7). The department and district shall~~
~~provide technical and financial assistance for implementation of~~
~~nonagricultural nonpoint source best management practices,~~
~~subject to the availability of funds.~~

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

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

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

12. The program of agricultural best management practices

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set forth in the Everglades Program of the district, meets the requirements of this paragraph and s. 403.067(7) for the Lake Okeechobee watershed. An entity in compliance with best management practices set forth in the Everglades Program of the district, may elect to use that permit in lieu of the requirements of this paragraph. The provisions of s. 373.4595(3)(b)5. apply to this subparagraph. This subparagraph does not alter any requirement under s. 373.4592.

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

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

15.5. Projects that make use of private lands, or lands held in trust for Indian tribes, to reduce nutrient loadings or concentrations within a basin by one or more of the following methods: restoring the natural hydrology of the basin, restoring wildlife habitat or impacted wetlands, reducing peak flows after storm events, increasing aquifer recharge, or protecting range and timberland from conversion to development, are eligible for

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

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

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

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

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2060 additional line item environmental protection disposal fee, such
2061 fee may not be considered a rate increase under the rules of the
2062 Public Service Commission and shall be exempt from such rules.
2063 Utilities using ~~the provisions of~~ this section may immediately
2064 include in their sewer invoicing the new environmental
2065 protection disposal fee. Proceeds from this environmental
2066 protection disposal fee shall be used for treatment and disposal
2067 of wastewater biosolids ~~residuals~~, including any treatment
2068 technology that helps reduce the volume of biosolids ~~residuals~~
2069 that require final disposal, but such proceeds may not be used
2070 for transportation or shipment costs for disposal or any costs
2071 relating to the land application of biosolids ~~residuals~~ in the
2072 Lake Okeechobee watershed.

2073 18.e. No less frequently than once every 3 years, the
2074 Florida Public Service Commission or the county commission
2075 through the services of an independent auditor shall perform a
2076 financial audit of all facilities receiving compensation from an
2077 environmental protection disposal fee. The Florida Public
2078 Service Commission or the county commission through the services
2079 of an independent auditor shall also perform an audit of the
2080 methodology used in establishing the environmental protection
2081 disposal fee. The Florida Public Service Commission or the
2082 county commission shall, within 120 days after completion of an
2083 audit, file the audit report with the President of the Senate
2084 and the Speaker of the House of Representatives and shall
2085 provide copies to the county commissions of the counties set
2086 forth in subparagraph 17. ~~sub-subparagraph b.~~ The books and
2087 records of any facilities receiving compensation from an
2088 environmental protection disposal fee shall be open to the

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Florida Public Service Commission and the Auditor General for review upon request.

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

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

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

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

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

~~1. Evaluate all available existing water quality data concerning total phosphorus in the Lake Okeechobee watershed, develop a water quality baseline to represent existing conditions for total phosphorus, monitor long-term ecological changes, including water quality for total phosphorus, and measure compliance with water quality standards for total phosphorus, including any applicable total maximum daily load for the Lake Okeechobee watershed as established pursuant to s. 403.067. Every 3 years, the district shall reevaluate water quality and quantity data to ensure that the appropriate 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~~

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2147 ~~the Upper Kissimmee Chain of Lakes and Lake Istokpoga, and their~~
2148 ~~relative contribution to the water quality of Lake Okeechobee.~~
2149 ~~The results of this assessment shall be used by the coordinating~~
2150 ~~agencies to develop interim measures, best management practices,~~
2151 ~~or regulation, as applicable.~~

2152 ~~5. Assess current water management practices within the~~
2153 ~~Lake Okeechobee watershed and develop recommendations for~~
2154 ~~structural and operational improvements. Such recommendations~~
2155 ~~shall balance water supply, flood control, estuarine salinity,~~
2156 ~~maintenance of a healthy lake littoral zone, and water quality~~
2157 ~~considerations.~~

2158 ~~6. Evaluate the feasibility of alternative nutrient~~
2159 ~~reduction technologies, including sediment traps, canal and~~
2160 ~~ditch maintenance, fish production or other aquaculture,~~
2161 ~~bioenergy conversion processes, and algal or other biological~~
2162 ~~treatment technologies.~~

2163 ~~7. Conduct an assessment of the water volumes and timing~~
2164 ~~from the Lake Okeechobee watershed and their relative~~
2165 ~~contribution to the water level changes in Lake Okeechobee and~~
2166 ~~to the timing and volume of water delivered to the estuaries.~~

2167 ~~(c)(e)~~ *Lake Okeechobee Exotic Species Control Program.*—The
2168 coordinating agencies shall identify the exotic species that
2169 threaten the native flora and fauna within the Lake Okeechobee
2170 watershed and develop and implement measures to protect the
2171 native flora and fauna.

2172 ~~(d)(f)~~ *Lake Okeechobee Internal Phosphorus Management*
2173 *Program.*—The district, in cooperation with the other
2174 coordinating agencies and interested parties, shall evaluate the
2175 feasibility of ~~complete a~~ Lake Okeechobee internal phosphorus

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load removal projects ~~feasibility study~~. The evaluation
~~feasibility study~~ shall be based on technical feasibility, as
well as economic considerations, and shall consider ~~address~~ all
reasonable methods of phosphorus removal. If projects ~~methods~~
are found to be feasible, the district shall immediately pursue
the design, funding, and permitting for implementing such
projects ~~methods~~.

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

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

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section.

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

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

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flood protection, while recognizing the extent to which water inflows are within the control and jurisdiction of the district.

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

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

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

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

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

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

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

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

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

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

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

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designed to be a multifaceted approach to reducing pollutant loads by improving the management of pollutant sources within the Caloosahatchee River watershed through implementation of regulations and best management practices, development and implementation of improved best management practices, improvement and restoration of the hydrologic function of natural and managed systems, and utilization of alternative technologies for pollutant reduction, such as cost-effective biologically based, hybrid wetland/chemical and other innovative nutrient control technologies. The plans must include an implementation schedule pursuant to this subsection for pollutant load reductions. As provided in s. 403.067(7)(a)6., the Caloosahatchee River Watershed Basin Management Action Plan 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 reductions is being achieved over time. The department shall develop a schedule to establish 5-, 10-, and 15-year measurable milestones and a target to achieve the adopted total maximum daily load no more than 20 years after adoption of the plan. The schedule shall be used to provide guidance for planning and funding purposes and is exempt from s. 120.54(1)(a). An assessment of progress toward these milestones shall be conducted every 5 years, and revisions to the plan shall be made, as appropriate, as a result of each 5-year review. The assessment shall be provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Upon the first 5-year review, the schedule of measurable milestones and a target to achieve water quality

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improvement consistent with this section shall be adopted into the plan. Revisions to the basin management action plan shall be made by the department in cooperation with the basin stakeholders. Revisions to best management practices or other measures must follow the procedures set forth in s. 403.067(7)(c)4. Revised basin management action plans must be adopted pursuant to s. 403.067(7)(a)5. If achieving the adopted total maximum daily load within 20 years is not practicable, the schedule must contain an explanation of the constraints that prevent achievement of the total maximum daily load within 20 years, an estimate of the time needed to achieve the total maximum daily load, and additional 5-year measurable milestones, as necessary. The coordinating agencies shall facilitate the use ~~utilization~~ of federal programs that offer opportunities for water quality treatment, including preservation, restoration, or creation of wetlands on agricultural lands.

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

~~2.b.~~ This subsection does not preclude the department or the district from requiring compliance with water quality standards, adopted total maximum daily loads, or current best management practices requirements set forth in any applicable regulatory program authorized by law for the purpose of

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protecting water quality. This subsection applies only to the extent that it does not conflict with any rules adopted by the department or district which are necessary to maintain a federally delegated or approved program.

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

~~4.d.~~ The Caloosahatchee River Watershed Basin Management Action Plans ~~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 control, estuarine salinity, aquatic habitat, and water quality considerations.

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

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permitted application site. This prohibition does not apply to Class AA biosolids ~~residuals~~ that are marketed and distributed as fertilizer products in accordance with department rule.

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

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

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

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

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2408 ~~establish a Caloosahatchee River Watershed Research and Water~~
2409 ~~Quality Monitoring Program that builds upon the district's~~
2410 ~~existing research program and that is sufficient to carry out,~~
2411 ~~comply with, or assess the plans, programs, and other~~
2412 ~~responsibilities created by this subsection. The program shall~~
2413 ~~also conduct an assessment of the water volumes and timing from~~
2414 ~~the Lake Okeechobee and Caloosahatchee River watersheds and~~
2415 ~~their relative contributions to the timing and volume of water~~
2416 ~~delivered to the estuary.~~

2417 ~~(c)(b)~~ St. Lucie River Watershed Protection Plan. ~~No later~~
2418 ~~than January 1, 2009,~~ The district, in cooperation with the
2419 other coordinating agencies, Martin County, and affected
2420 counties and municipalities shall complete a plan in accordance
2421 with this subsection. The St. Lucie River Watershed Protection
2422 Plan shall identify the geographic extent of the watershed, be
2423 coordinated as needed with the plans developed pursuant to
2424 paragraph (3)(a) and paragraph (a) of this subsection, and
2425 ~~contain an implementation schedule for pollutant load reductions~~
2426 ~~consistent with any adopted total maximum daily loads and~~
2427 ~~compliance with applicable state water quality standards. The~~
2428 ~~plan shall include the~~ St. Lucie River Watershed Construction
2429 Project and St. Lucie River Watershed Research and Water Quality
2430 Monitoring Program.÷

2431 1. St. Lucie River Watershed Construction Project.—To
2432 improve the hydrology, water quality, and aquatic habitats
2433 within the watershed, the district shall, no later than January
2434 1, 2012, plan, design, and construct the initial phase of the
2435 Watershed Construction Project. In doing so, the district shall:

2436 a. Develop and designate the facilities to be constructed

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to achieve stated goals and objectives of the St. Lucie River Watershed Protection Plan.

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

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

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

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

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

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

(d)2. St. Lucie River Watershed Basin Management Action Plan ~~Pollutant Control Program.—Basin management action plan for~~

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the St. Lucie River watershed adopted pursuant to s. 403.067
shall be the St. Lucie River Watershed Pollutant Control Program
and shall be ~~is~~ designed to be a multifaceted approach to
reducing pollutant loads by improving the management of
pollutant sources within the St. Lucie River watershed through
implementation of regulations and best management practices,
development and implementation of improved best management
practices, improvement and restoration of the hydrologic
function of natural and managed systems, and use ~~utilization~~ of
alternative technologies for pollutant reduction, such as cost-
effective biologically based, hybrid wetland/chemical and other
innovative nutrient control technologies. The plan must include
an implementation schedule pursuant to this subsection for
pollutant load reductions. As provided in s. 403.067(7)(a)6.,
the St. Lucie Watershed Basin Management Action Plan 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 reductions is being achieved over time. The department
shall develop a schedule to establish 5-, 10-, and 15-year
measurable milestones and a target to achieve the adopted total
maximum daily load no more than 20 years after adoption of the
plan. The schedule shall be used to provide guidance for
planning and funding purposes and is exempt from s.
120.54(1)(a). An assessment of progress toward these milestones
shall be conducted every 5 years, and revisions to the plan
shall be made, as appropriate, as a result of each 5-year
review. The assessment shall be provided to the Governor, the
President of the Senate, and the Speaker of the House of

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Representatives. Upon the first 5-year review, the schedule of measurable milestones and a target to achieve water quality improvement consistent with this section shall be adopted into the plan. Revisions to the basin management action plan shall be made by the department in cooperation with the basin stakeholders. Revisions to best management practices or other measures must follow the procedures set forth in s. 403.067(7)(c)4. Revised basin management action plans must be adopted pursuant to s. 403.067(7)(a)5. If achieving the adopted total maximum daily load within 20 years is not practicable, the schedule must contain an explanation of the constraints that prevent achievement of the total maximum daily load within 20 years, an estimate of the time needed to achieve the total maximum daily load, and additional 5-year measurable milestones, as necessary. The coordinating agencies shall facilitate the use ~~utilization~~ of federal programs that offer opportunities for water quality treatment, including preservation, restoration, or creation of wetlands on agricultural lands.

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

2.b. This subsection does not preclude the department or the district from requiring compliance with water quality standards, adopted total maximum daily loads, or current best

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management practices requirements set forth in any applicable regulatory program authorized by law for the purpose of protecting water quality. This subsection applies only to the extent that it does not conflict with any rules adopted by the department or district which are necessary to maintain a federally delegated or approved program.

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

~~4.d.~~ The St. Lucie River Watershed Basin Management Action Plans ~~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 control, estuarine salinity, aquatic habitat, and water quality considerations.

~~5.e. After December 31, 2007,~~ The department may not authorize the disposal of domestic wastewater biosolids ~~residuals~~ within the St. Lucie River watershed unless the applicant can affirmatively demonstrate that the nutrients in the biosolids ~~residuals~~ will not add to nutrient loadings in the watershed. This demonstration shall be based on achieving a net balance between nutrient imports relative to exports on the

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permitted application site. Exports shall include only nutrients removed from the St. Lucie River watershed through products generated on the permitted application site. This prohibition does not apply to Class AA biosolids ~~residuals~~ that are marketed and distributed as fertilizer products in accordance with department rule.

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

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

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

~~3. St. Lucie River Watershed Research and Water Quality~~

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2582 ~~Monitoring Program. The district, in cooperation with the other~~
2583 ~~coordinating agencies and local governments, shall establish a~~
2584 ~~St. Lucie River Watershed Research and Water Quality Monitoring~~
2585 ~~Program that builds upon the district's existing research~~
2586 ~~program and that is sufficient to carry out, comply with, or~~
2587 ~~assess the plans, programs, and other responsibilities created~~
2588 ~~by this subsection. The program shall also conduct an assessment~~
2589 ~~of the water volumes and timing from the Lake Okeechobee and St.~~
2590 ~~Lucie River watersheds and their relative contributions to the~~
2591 ~~timing and volume of water delivered to the estuary.~~

2592 (e) ~~(e)~~ *River Watershed Protection Plan implementation.*—The
2593 coordinating agencies shall be jointly responsible for
2594 implementing the River Watershed Protection Plans, consistent
2595 with the statutory authority and responsibility of each agency.
2596 Annual funding priorities shall be jointly established, and the
2597 highest priority shall be assigned to programs and projects that
2598 have the greatest potential for achieving the goals and
2599 objectives of the plans. In determining funding priorities, the
2600 coordinating agencies shall also consider the need for
2601 regulatory compliance, the extent to which the program or
2602 project is ready to proceed, and the availability of federal or
2603 local government matching funds. Federal and other nonstate
2604 funding shall be maximized to the greatest extent practicable.

2605 (f) ~~(d)~~ *Evaluation.*—Beginning By March 1, 2020 2012, and
2606 every 5 3 years thereafter, concurrent with the updates of the
2607 basin management action plans adopted pursuant to s. 403.067,
2608 the department, district in cooperation with the other
2609 coordinating agencies, shall conduct an evaluation of any
2610 pollutant load reduction goals, as well as any other specific

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objectives and goals, as stated in the River Watershed Protection Programs Plans. ~~Additionally,~~ The district shall identify modifications to facilities of the River Watershed Construction Projects, as appropriate, or any other elements of the River Watershed Protection Programs Plans. The evaluation shall be included in the annual progress report submitted pursuant to this section.

(g) ~~(e)~~ *Priorities and implementation schedules.*—The coordinating agencies are authorized and directed to establish priorities and implementation schedules for the achievement of total maximum daily loads, the requirements of s. 403.067, and compliance with applicable water quality standards within the 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.~~

(5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.—The department is directed to expedite development and adoption of total maximum daily loads for the Caloosahatchee River and estuary. The department is further directed to, ~~no later than December 31, 2008,~~ propose for final agency action total maximum daily loads for nutrients in the tidal portions of the Caloosahatchee River and estuary. The department shall initiate development of basin management action plans for Lake

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Okeechobee, the Caloosahatchee River watershed and estuary, and the St. Lucie River watershed and estuary as provided in s. 403.067 ~~s. 403.067(7)(a)~~ as follows:

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

(b) The Phase II technical plan development pursuant to 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 subsection (7) must be completed pursuant to the schedule set forth in the basin management action plan, as amended. The implementation schedule may extend beyond the 5-year permit term.

(e) As provided in s. 403.067, management strategies and pollution reduction requirements set forth in a basin management action plan for a specific pollutant of concern are not subject to challenge under chapter 120 at the time they are incorporated, in an identical form, into a department or

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2669 district issued permit or a permit modification issued in
2670 accordance with subsection (7).

2671 ~~(d) Development of basin management action plans that~~
2672 ~~implement the provisions of the legislatively ratified plans~~
2673 ~~shall be initiated by the department no later than September 30~~
2674 ~~of the year in which the applicable plan is ratified. Where a~~
2675 ~~total maximum daily load has not been established at the time of~~
2676 ~~plan ratification, development of basin management action plans~~
2677 ~~shall be initiated no later than 90 days following adoption of~~
2678 ~~the applicable total maximum daily load.~~

2679 (6) ANNUAL PROGRESS REPORT.—Each March 1 the district, in
2680 cooperation with the other coordinating agencies, shall report
2681 on implementation of this section as part of the consolidated
2682 annual report required in s. 373.036(7). The annual report shall
2683 include a summary of the conditions of the hydrology, water
2684 quality, and aquatic habitat in the northern Everglades based on
2685 the results of the Research and Water Quality Monitoring
2686 Programs, the status of the Lake Okeechobee Watershed
2687 Construction Project, the status of the Caloosahatchee River
2688 Watershed Construction Project, and the status of the St. Lucie
2689 River Watershed Construction Project. In addition, the report
2690 shall contain an annual accounting of the expenditure of funds
2691 from the Save Our Everglades Trust Fund. At a minimum, the
2692 annual report shall provide detail by program and plan,
2693 including specific information concerning the amount and use of
2694 funds from federal, state, or local government sources. In
2695 detailing the use of these funds, the district shall indicate
2696 those designated to meet requirements for matching funds. The
2697 district shall prepare the report in cooperation with the other

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2698 coordinating agencies and affected local governments. The
2699 department shall report on the status of the Lake Okeechobee
2700 Basin Management Action Plan, the Caloosahatchee River Watershed
2701 Basin Management Action Plan, and the St. Lucie River Watershed
2702 Basin Management Action Plan. The Department of Agriculture and
2703 Consumer Services shall report on the status of the
2704 implementation of the agricultural nonpoint source best
2705 management practices, including an implementation assurance
2706 report summarizing survey responses and response rates, site
2707 inspections, and other methods used to verify implementation of
2708 and compliance with best management practices in the Lake
2709 Okeechobee, Caloosahatchee and St. Lucie watersheds.

2710 (7) LAKE OKEECHOBEE PROTECTION PERMITS.—

2711 (a) The Legislature finds that the Lake Okeechobee
2712 Watershed Protection Program will benefit Lake Okeechobee and
2713 downstream receiving waters and is in ~~consistent with~~ the public
2714 interest. The Lake Okeechobee Watershed Construction Project and
2715 structures discharging into or from Lake Okeechobee shall be
2716 constructed, operated, and maintained in accordance with this
2717 section.

2718 (b) Permits obtained pursuant to this section are in lieu
2719 of all other permits under this chapter or chapter 403, except
2720 those issued under s. 403.0885, if applicable. ~~No~~ Additional
2721 permits are not required for the Lake Okeechobee Watershed
2722 Construction Project, or structures discharging into or from
2723 Lake Okeechobee, if such project or structures are permitted
2724 under this section. Construction activities related to
2725 implementation of the Lake Okeechobee Watershed Construction
2726 Project may be initiated before ~~prior to~~ final agency action, or

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notice of intended agency action, on any permit from the department under this section.

(c) 1. Within 90 days of completion of the diversion plans set forth in Department Consent Orders 91-0694, 91-0707, 91-0706, 91-0705, and RT50-205564, Owners or operators of existing structures which discharge into or from Lake Okeechobee that were subject to Department Consent Orders 91-0694, 91-0705, 91-0706, 91-0707, and RT50-205564 and that are subject to the provisions of s. 373.4592(4)(a) do not require a permit under this section and shall be governed by permits issued under apply for a permit from the department to operate and maintain such structures. By September 1, 2000, owners or operators of all other existing structures which discharge into or from Lake Okeechobee shall apply for a permit from the department to operate and maintain such structures. The department shall issue one or more such permits for a term of 5 years upon the demonstration of reasonable assurance that schedules and strategies to achieve and maintain compliance with water quality standards have been provided for, to the maximum extent practicable, and that operation of the structures otherwise complies with provisions of ss. 373.413 and 373.416 and the Lake Okeechobee Basin Management Action Plan adopted pursuant to s. 403.067.

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

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

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

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

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

3. By January 1, 2016 ~~2004~~, the district shall submit to the department a complete application for a permit modification to the Lake Okeechobee structure permits to incorporate proposed changes necessary to ensure that discharges through the structures covered by this permit are consistent with the basin management action plan adopted pursuant to ~~achieve state water quality standards, including the total maximum daily load established in accordance with s. 403.067. These changes shall be designed to achieve such compliance with state water quality standards no later than January 1, 2015.~~

(d) The department shall require permits for district regional projects that are part of the Lake Okeechobee Watershed Construction Project facilities. However, projects ~~identified in sub-subparagraph (3)(b)1.b.~~ that qualify as exempt pursuant to 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

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demonstration of reasonable assurances that:

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

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

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

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

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

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

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

Section 21. Paragraph (a) of subsection (1) and subsection (3) of section 373.467, Florida Statutes, are amended, to read:

373.467 The Harris Chain of Lakes Restoration Council.—
There is created within the St. Johns River Water Management

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District, with assistance from the Fish and Wildlife Conservation Commission and the Lake County Water Authority, the Harris Chain of Lakes Restoration Council.

(1)(a) The council shall consist of nine voting members, which shall include a representative of waterfront property owners, a representative of the sport fishing industry, a person with experience in an environmental science or regulation 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 two residents of the county who are ~~do~~ not required to meet any additional of the other qualifications for membership ~~enumerated in this paragraph~~, each to be appointed by the Lake County legislative delegation. The Lake County legislative delegation may waive the qualifications for membership on a case-by-case basis if good cause is shown. ~~A~~ No person serving on the council may not be appointed to a council, board, or commission of any council advisory group agency. The council members shall serve as advisors to the governing board of the St. Johns River Water Management District. The council is subject to ~~the provisions of~~ chapters 119 and 120.

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

Section 22. Paragraphs (a) and (b) of subsection (6) of

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section 373.536, Florida Statutes, are amended to read:

373.536 District budget and hearing thereon.—

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

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

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

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

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

4. A 5-year water resource development work program to be

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furnished within 30 days after the adoption of the final budget. The program must describe the district's implementation strategy and include an annual funding plan for each of the 5 years included in the plan for the water resource and~~7~~ water supply~~7~~ development components, including ~~and~~ alternative water supply development, ~~components~~ of each approved regional water supply plan developed or revised under s. 373.709. The work program must address all the elements of the water resource development component in the district's approved regional water supply plans, as well as the water supply projects proposed for district funding and assistance. The annual funding plan shall identify both anticipated available district funding and additional funding needs for the second through fifth years of the funding plan. Funding requests for projects submitted for consideration for state funding pursuant to s. 403.0616 shall be identified separately. The work program ~~and~~ must identify projects in the work program which will provide water; explain how each water resource and~~7~~ water supply~~7~~, ~~and alternative water supply development~~ project will produce additional water available for consumptive uses; estimate the quantity of water to be produced by each project; ~~and~~ provide an assessment of the contribution of the district's regional water supply plans in supporting the implementation of minimum flows and minimum water levels and water reservations; and ensure ~~providing~~ sufficient water is available ~~needed~~ to timely meet the water supply needs of existing and future reasonable-beneficial uses for a 1-in-10-year drought event and to avoid the adverse effects of competition for water supplies.

(b) Within 30 days after its submittal, the department

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

Section 23. Subsection (9) of section 373.703, Florida Statutes, is amended to read:

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

(9) May join with one or more other water management districts, counties, municipalities, special districts, publicly owned or privately owned water utilities, multijurisdictional water supply entities, regional water supply authorities, private landowners, or self-suppliers for the purpose of

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2930 carrying out its powers, and may contract with such other
2931 entities to finance acquisitions, construction, operation, and
2932 maintenance, provided that such contracts are consistent with
2933 the public interest. The contract may provide for contributions
2934 to be made by each party to the contract for the division and
2935 apportionment of the expenses of acquisitions, construction,
2936 operation, and maintenance, and for the division and
2937 apportionment of resulting benefits, services, and products. The
2938 contracts may contain other covenants and agreements necessary
2939 and appropriate to accomplish their purposes.

2940 Section 24. Paragraph (b) of subsection (2), subsection
2941 (3), and paragraph (b) of subsection (4) of section 373.705,
2942 Florida Statutes, are amended, and subsection (5) is added to
2943 that section, to read:

2944 373.705 Water resource development; water supply
2945 development.—

2946 (2) It is the intent of the Legislature that:

2947 (b) Water management districts take the lead in identifying
2948 and implementing water resource development projects, and be
2949 responsible for securing necessary funding for regionally
2950 significant water resource development projects, including
2951 regionally significant projects that prevent or limit adverse
2952 water resource impacts, avoid competition among water users, or
2953 support the provision of new water supplies in order to meet a
2954 minimum flow or minimum water level or to implement a recovery
2955 or prevention strategy or water reservation.

2956 (3) (a) The water management districts shall fund and
2957 implement water resource development as defined in s. 373.019.
2958 The water management districts are encouraged to implement water

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resource development as expeditiously as possible in areas subject to regional water supply plans.

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

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

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

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

(4)

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

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

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

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

(5) The water management districts shall 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

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conservation by providing water use information to utility customers.

Section 25. Paragraph (f) of subsection (3), paragraph (a) of subsection (6), and paragraph (e) of subsection (8) of section 373.707, Florida Statutes, are amended to read:

373.707 Alternative water supply development.—

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

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

(6) (a) If state ~~The statewide~~ funds are provided through specific appropriation for a priority project of the water resources work program pursuant to s. 403.0616, or pursuant to the Water Protection and Sustainability Program, such funds serve to supplement existing water management district or basin board funding for alternative water supply development assistance and should not result in a reduction of such funding. For each project identified in the annual funding plans prepared pursuant to s. 373.536(6) (a) 4. ~~Therefore,~~ the water management districts shall include in the annual tentative and adopted budget submittals required under this chapter the amount of funds allocated for water resource development that supports alternative water supply development and the funds allocated for alternative water supply projects ~~selected for inclusion in the~~

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~~Water Protection and Sustainability Program~~. It shall be the goal of each water management district and basin boards that the combined funds allocated annually for these purposes be, at a minimum, the equivalent of 100 percent of the state funding provided to the water management district for alternative water supply development. If this goal is not achieved, the water management district shall provide in the budget submittal an explanation of the reasons or constraints that prevent this goal from being met, an explanation of how the goal will be met in future years, and affirmation of match is required during the budget review process as established under s. 373.536(5). The Suwannee River Water Management District and the Northwest Florida Water Management District shall not be required to meet the match requirements of this paragraph; however, they shall try to achieve the match requirement to the greatest extent practicable.

(8)

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

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

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

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

Section 26. Paragraph (a) of subsection (2) and paragraphs (a) and (e) of subsection (6) of section 373.709, Florida Statutes, are amended to read:

373.709 Regional water supply planning.—

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

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

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

a. Population projections used for determining public water supply needs must be based upon the best available data. In determining the best available data, the district shall consider the University of Florida ~~Florida's~~ Bureau of Economic and Business Research (BEBR) medium population projections and population projection data and analysis submitted by a local government pursuant to the public workshop described in subsection (1) if the data and analysis support the local government's comprehensive plan. Any adjustment of or deviation

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3075 from the BEBR projections must be fully described, and the
3076 original BEBR data must be presented along with the adjusted
3077 data.

3078 b. Agricultural demand projections used for determining the
3079 needs of agricultural self-suppliers must be based upon the best
3080 available data. In determining the best available data for
3081 agricultural self-supplied water needs, the district shall
3082 consider the data indicative of future water supply demands
3083 provided by the Department of Agriculture and Consumer Services
3084 pursuant to s. 570.93 and agricultural demand projection data
3085 and analysis submitted by a local government pursuant to the
3086 public workshop described in subsection (1), if the data and
3087 analysis support the local government's comprehensive plan. Any
3088 adjustment of or deviation from the data provided by the
3089 Department of Agriculture and Consumer Services must be fully
3090 described, and the original data must be presented along with
3091 the adjusted data.

3092 2. A list of water supply development project options,
3093 including traditional and alternative water supply project
3094 options that are technically and financially feasible, from
3095 which local government, government-owned and privately owned
3096 utilities, regional water supply authorities,
3097 multijurisdictional water supply entities, self-suppliers, and
3098 others may choose for water supply development. In addition to
3099 projects listed by the district, such users may propose specific
3100 projects for inclusion in the list of alternative water supply
3101 projects. If such users propose a project to be listed as an
3102 alternative water supply project, the district shall determine
3103 whether it meets the goals of the plan, and, if so, it shall be

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3104 included in the list. The total capacity of the projects
3105 included in the plan must exceed the needs identified in
3106 subparagraph 1. and take into account water conservation and
3107 other demand management measures, as well as water resources
3108 constraints, including adopted minimum flows and minimum water
3109 levels and water reservations. Where the district determines it
3110 is appropriate, the plan should specifically identify the need
3111 for multijurisdictional approaches to project options that,
3112 based on planning level analysis, are appropriate to supply the
3113 intended uses and that, based on such analysis, appear to be
3114 permittable and financially and technically feasible. The list
3115 of water supply development options must contain provisions that
3116 recognize that alternative water supply options for agricultural
3117 self-suppliers are limited.

3118 3. For each project option identified in subparagraph 2.,
3119 the following must be provided:

3120 a. An estimate of the amount of water to become available
3121 through the project.

3122 b. The timeframe in which the project option should be
3123 implemented and the estimated planning-level costs for capital
3124 investment and operating and maintaining the project.

3125 c. An analysis of funding needs and sources of possible
3126 funding options. For alternative water supply projects, the
3127 water management districts shall provide funding assistance
3128 pursuant to s. 373.707(8).

3129 d. Identification of the entity that should implement each
3130 project option and the current status of project implementation.

3131 (6) Annually and in conjunction with the reporting
3132 requirements of s. 373.536(6)(a)4., the department shall submit

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to the Governor and the Legislature a report on the status of regional water supply planning in each district. The report shall include:

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

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

Section 27. Part VIII of chapter 373, Florida Statutes, consisting of sections 373.801, 373.802, 373.803, 373.805, 373.807, 373.811, and 373.813, Florida Statutes, is created and entitled the "Florida Springs and Aquifer Protection Act."

Section 28. Section 373.801, Florida Statutes, is created to read:

373.801 Legislative findings and intent.—

(1) The Legislature finds that springs are a unique part of

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3162 this state's scenic beauty. Springs provide critical habitat for
3163 plants and animals, including many endangered or threatened
3164 species. Springs also provide immeasurable natural,
3165 recreational, economic, and inherent value. Springs are of great
3166 scientific importance in understanding the diverse functions of
3167 aquatic ecosystems. Water quality of springs is an indicator of
3168 local conditions of the Floridan Aquifer, which is a source of
3169 drinking water for many residents of this state. Water flows in
3170 springs may reflect regional aquifer conditions. In addition,
3171 springs provide recreational opportunities for swimming,
3172 canoeing, wildlife watching, fishing, cave diving, and many
3173 other activities in this state. These recreational opportunities
3174 and the accompanying tourism they provide are a benefit to local
3175 economies and the economy of the state as a whole.

3176 (2) The Legislature finds that the water quantity and water
3177 quality in springs may be related. For regulatory purposes, the
3178 department has primary responsibility for water quality; the
3179 water management districts have primary responsibility for water
3180 quantity; and the Department of Agriculture and Consumer
3181 Services has primary responsibility for the development and
3182 implementation of agricultural best management practices. Local
3183 governments have primary responsibility for providing domestic
3184 wastewater collection and treatment services and stormwater
3185 management. The foregoing responsible entities must coordinate
3186 to restore and maintain the water quantity and water quality of
3187 the Outstanding Florida Springs.

3188 (3) The Legislature recognizes that:

3189 (a) A spring is only as healthy as its local aquifer
3190 system. The groundwater that supplies springs is derived from

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3191 water that recharges the aquifer system in the form of seepage
3192 from the land surface and through direct conduits, such as
3193 sinkholes. Springs may be adversely affected by polluted runoff
3194 from urban and agricultural lands; discharges resulting from
3195 inadequate wastewater and stormwater management practices;
3196 stormwater runoff; and reduced water levels of the Floridan
3197 Aquifer. As a result, the hydrologic and environmental
3198 conditions of a spring or spring run are directly influenced by
3199 activities and land uses within a springshed and by water
3200 withdrawals from the Floridan Aquifer.

3201 (b) Springs, whether found in urban or rural settings, or
3202 on public or private lands, may be threatened by actual or
3203 potential flow reductions and declining water quality. Many of
3204 this state's springs are demonstrating signs of significant
3205 ecological imbalance, increased nutrient loading, and declining
3206 flow. Without effective remedial action, further declines in
3207 water quality and water quantity may occur.

3208 (c) Springshed boundaries and areas of high vulnerability
3209 within a springshed need to be identified and delineated using
3210 the best available data.

3211 (d) Springsheds typically cross water management district
3212 boundaries and local government jurisdictional boundaries, so a
3213 coordinated statewide springs protection plan is needed.

3214 (e) The aquifers and springs of this state are complex
3215 systems affected by many variables and influences.

3216 (4) The Legislature recognizes that action is urgently
3217 needed and, as additional data is acquired, action must be
3218 modified.

3219 Section 29. Section 373.802, Florida Statutes, is created

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to read:

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

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

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

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

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

(a) De Leon Springs;

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(b) Peacock Springs;

(c) Poe Springs;

(d) Rock Springs;

(e) Wekiwa Springs; and

(f) Gemini Springs.

The term does not include submarine springs or river rises.

(5) "Priority focus area" means 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.

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

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

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

Section 30. Section 373.803, Florida Statutes, is created to read:

373.803 Delineation of priority focus areas for Outstanding Florida Springs.—Using the best data available from the water

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management districts and other credible sources, the department, in coordination with the water management districts, shall delineate priority focus areas for each Outstanding Florida Spring or group of springs that contains one or more Outstanding Florida Springs and is identified as impaired in accordance with s. 373.807. In delineating priority focus areas, the department shall consider groundwater travel time to the spring, hydrogeology, nutrient load, and any other factors that may lead to degradation of an Outstanding Florida Spring. The delineation of priority focus areas must be completed by July 1, 2018, shall use understood and identifiable boundaries such as roads or political jurisdictions for ease of implementation, and is effective upon incorporation in a basin management action plan.

Section 31. Section 373.805, Florida Statutes, is created to read:

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

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

(2) When a minimum flow or minimum water level for an Outstanding Florida Spring is revised pursuant to s. 373.0421(3), if the spring is below or is projected within 20 years to fall below the minimum flow or minimum water level, a water management district or the department shall concurrently adopt a recovery or prevention strategy or modify an existing

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3307 recovery or prevention strategy. A district or the department
3308 may adopt the revised minimum flow or minimum water level before
3309 the adoption of a recovery or prevention strategy if the revised
3310 minimum flow or minimum water level is less constraining on
3311 existing or projected future consumptive uses.

3312 (3) For an Outstanding Florida Spring without an adopted
3313 recovery or prevention strategy, if a district or the department
3314 determines the spring has fallen below, or is projected within
3315 20 years to fall below, the adopted minimum flow or minimum
3316 water level, a water management district or the department shall
3317 expeditiously adopt a recovery or prevention strategy.

3318 (4) The recovery or prevention strategy for each
3319 Outstanding Florida Spring must, at a minimum, include:

3320 (a) A listing of all specific projects identified for
3321 implementation of the plan;

3322 (b) A priority listing of each project;

3323 (c) For each listed project, the estimated cost of and the
3324 estimated date of completion;

3325 (d) The source and amount of financial assistance to be
3326 made available by the water management district for each listed
3327 project, which may not be less than 25 percent of the total
3328 project cost unless a specific funding source or sources are
3329 identified which will provide more than 75 percent of the total
3330 project cost. The Northwest Florida Water Management District
3331 and the Suwannee River Water Management District are not
3332 required to meet the minimum requirement to receive financial
3333 assistance pursuant to this paragraph;

3334 (e) An estimate of each listed project's benefit to an
3335 Outstanding Florida Spring; and

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(f) An implementation plan designed with a target to achieve the adopted minimum flow or minimum water level no more than 20 years after the adoption of a recovery or prevention strategy. The implementation plan must include a schedule of 5-, 10-, and 15-year measureable milestones intended to achieve the adopted minimum flow or minimum water level. The schedule is not a rule but is intended to provide guidance for planning and funding purposes and is exempt from s. 120.54(1)(a).

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

Section 32. Section 373.807, Florida Statutes, is created to read:

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

(1)(a) Concurrent with the adoption of a nutrient total maximum daily load for an Outstanding Florida Spring, the department, or the department in conjunction with a water management district, shall initiate development of a basin management action plan, as specified in s. 403.067. For an

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3365 Outstanding Florida Spring with a nutrient total maximum daily
3366 load adopted before July 1, 2015, the department, or the
3367 department in conjunction with a water management district,
3368 shall initiate development of a basin management action plan by
3369 July 1, 2015. During the development of a basin management
3370 action plan, if the department identifies onsite sewage
3371 treatment and disposal systems as contributors of at least 20
3372 percent of nonpoint source nitrogen pollution or if the
3373 department determines remediation is necessary to achieve the
3374 total maximum daily load, the basin management action plan shall
3375 include an onsite sewage treatment and disposal system
3376 remediation plan pursuant to subsection (3) for those systems
3377 identified as requiring remediation.

3378 (b) A basin management action plan for an Outstanding
3379 Florida Spring shall be adopted within 2 years after its
3380 initiation and must include, at a minimum:

3381 1. A list of all specific projects and programs identified
3382 to implement a nutrient total maximum daily load;

3383 2. A list of all specific projects identified in any
3384 incorporated onsite sewage treatment and disposal system
3385 remediation plan, if applicable;

3386 3. A priority rank for each listed project;

3387 4. For each listed project, a planning level cost estimate
3388 and the estimated date of completion;

3389 5. The source and amount of financial assistance to be made
3390 available by the department, a water management district, or
3391 other entity for each listed project;

3392 6. An estimate of each listed project's nutrient load
3393 reduction;

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3394 7. Identification of each point source or category of
3395 nonpoint sources, including, but not limited to, urban turf
3396 fertilizer, sports turf fertilizer, agricultural fertilizer,
3397 onsite sewage treatment and disposal systems, wastewater
3398 treatment facilities, animal wastes, and stormwater facilities.
3399 An estimated allocation of the pollutant load must be provided
3400 for each point source or category of nonpoint sources; and

3401 8. An implementation plan designed with a target to achieve
3402 the adopted nutrient total maximum daily load no more than 20
3403 years after the adoption of a basin management action plan. The
3404 plan must include a schedule of 5-, 10-, and 15-year measureable
3405 milestones intended to achieve the adopted nutrient total
3406 maximum daily load. The schedule is not a rule but is intended
3407 to provide guidance for planning and funding purposes and is
3408 exempt from s. 120.54(1)(a).

3409 (c) For a basin management action plan adopted before July
3410 1, 2015, which addresses an Outstanding Florida Spring, the
3411 department or the department in conjunction with a water
3412 management district must revise the plan if necessary to comply
3413 with this section by July 1, 2018.

3414 (d) A local government may apply to the department for a
3415 single extension of up to 5 years for any project in an adopted
3416 basin management action plan. A local government in a rural area
3417 of opportunity, as defined in s. 288.0656, may apply for a
3418 single extension of up to 10 years for such a project. The
3419 department may grant the extension if the local government
3420 provides to the department sufficient evidence that an extension
3421 is in the best interest of the public.

3422 (2) By July 1, 2016, each local government, as defined in

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s. 373.802(2), that has not adopted an ordinance pursuant to s. 403.9337, shall develop, enact, and implement an ordinance pursuant to that section. It is the intent of the Legislature that ordinances required to be adopted under this subsection reflect the latest scientific information, advancements, and technological improvements in the industry.

(3) As part of a basin management action plan that includes an Outstanding Florida Spring, the department, in consultation with the Department of Health, relevant local governments, and relevant local public and private wastewater utilities, shall develop an onsite sewage treatment and disposal system remediation plan for a spring if the department determines onsite sewage treatment and disposal systems within a priority focus area contribute at least 20 percent of nonpoint source nitrogen pollution or if the department determines remediation is necessary to achieve the total daily maximum load. This plan shall be completed and adopted as part of the basin management action plan no later than the first 5-year milestone required by subparagraph (1)(b)8. In preparing this plan, the department shall:

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

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

(c) Identify projects necessary to reduce the nutrient impacts from onsite sewage treatment and disposal systems.

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In addition to the requirements in s. 403.067, the plan shall 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 onsite sewage treatment and disposal system or group of systems within a priority focus area that contribute at least 20 percent of nonpoint source nitrogen pollution or if the department determines remediation is necessary to achieve a total maximum daily load. For these systems, the department shall include in the plan a priority ranking for each system or group of systems that requires remediation and shall 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 department may consider expected nutrient reduction benefit per unit cost, size and scope of project, relative local financial contribution to the project, financial impact on property owners and the community. The department may waive matching funding requirements for proposed projects within an area designated as a rural area of opportunity under s. 288.0656.

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

Section 33. Section 373.811, Florida Statutes, is created

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to read:

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

(1) New domestic wastewater disposal facilities, including rapid infiltration basins, with permitted capacities of 100,000 gallons per day or more, except for those facilities that meet an advanced wastewater treatment standard of no more than 3 mg/l total nitrogen, expressed as N, on an annual permitted basis, or a more stringent treatment standard if the department determines the more stringent standard is necessary to attain a total maximum daily load for the Outstanding Florida Spring.

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

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

(4) The land application of Class A or Class B domestic wastewater biosolids not in accordance with a department 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.

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

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department.

Section 34. Section 373.813, Florida Statutes, is created to read:

373.813 Rules.—

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

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

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

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3539 Consumer Services.

3540 Section 35. Subsections (25) and (29) of section 403.061,
3541 Florida Statutes, are amended, and subsection (45) is added to
3542 that section, to read:

3543 403.061 Department; powers and duties.—The department shall
3544 have the power and the duty to control and prohibit pollution of
3545 air and water in accordance with the law and rules adopted and
3546 promulgated by it and, for this purpose, to:

3547 (25) (a) Establish and administer a program for the
3548 restoration and preservation of bodies of water within the
3549 state. The department shall have the power to acquire lands, to
3550 cooperate with other applicable state or local agencies to
3551 enhance existing public access to such bodies of water, and to
3552 adopt all rules necessary to accomplish this purpose.

3553 (b) Create a consolidated water resources work plan, in
3554 consultation with state agencies, water management districts,
3555 regional water supply authorities, and local governments, which
3556 provides a geographic depiction of the total inventory of water
3557 resources projects and regionally significant water supply
3558 projects currently under construction, completed in the previous
3559 5 years, or planned to begin construction in the next 5 years.
3560 The consolidated work plan must include for each project a
3561 description of the project, the total cost of the project, and
3562 identification of the governmental entity financing the project.
3563 This information together with the information provided pursuant
3564 to paragraph (45) (a) is intended to facilitate the ability of
3565 the Florida Water Resources Advisory Council, the Legislature,
3566 and the public to consider the projects contained in the
3567 tentative water resources work program developed pursuant to s.

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403.0616 in relation to all projects undertaken within a 10-year period and the existing condition of water resources in the project area and in the state as a whole. The department may adopt rules to accomplish this purpose.

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

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

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

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

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3597 2. The county or counties in which the watershed or water
3598 body is located;

3599 3. The water management district or districts in which the
3600 watershed or water body is located;

3601 4. Whether, if applicable, a minimum flow or minimum water
3602 level has been adopted for the water body and if such minimum
3603 flow or minimum water level has not been adopted, the
3604 anticipated adoption date;

3605 5. Whether, if applicable, a recovery or prevention
3606 strategy has been adopted for the watershed or water body and,
3607 if such a plan has not been adopted, the anticipated adoption
3608 date;

3609 6. The impairment status of each water body;

3610 7. Whether, if applicable, a total maximum daily load has
3611 been adopted if the water body is listed as impaired and, if
3612 such total maximum daily load has not been adopted, the
3613 anticipated adoption date;

3614 8. Whether, if applicable, a basin management action plan
3615 has been adopted for the watershed and, if such a plan has not
3616 been adopted, the anticipated adoption date;

3617 9. Each project listed on the 5-year water resources work
3618 program developed pursuant to s. 373.036(7);

3619 10. The agency or agencies and local sponsor, if any,
3620 responsible for overseeing the project;

3621 11. The total or estimated cost and completion date of each
3622 project and the financial contribution of each entity;

3623 12. The estimated quantitative benefit to the watershed or
3624 water body; and

3625 13. The water projects completed within the last 5 years

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3626 within the watershed or water body.

3627 (b) The department and each water management district shall
3628 prominently display on their respective websites a hyperlink to
3629 the interactive map required by this subsection.

3630
3631 The department shall implement such programs in conjunction with
3632 its other powers and duties and shall place special emphasis on
3633 reducing and eliminating contamination that presents a threat to
3634 humans, animals or plants, or to the environment.

3635 Section 36. Section 403.0616, Florida Statutes, is created
3636 to read:

3637 403.0616 Florida Water Resources Advisory Council.—

3638 (1) The Florida Water Resources Advisory Council is hereby
3639 created within the department for the purpose of evaluating
3640 water resource projects prioritized and submitted by state
3641 agencies, water management districts, regional water supply
3642 authorities, or local governments. The council shall evaluate
3643 and recommend projects that are eligible for state funding as
3644 priority projects of statewide, regional, or critical local
3645 importance under this chapter or chapter 373. The council must
3646 review and evaluate all water resource projects that are
3647 prioritized and reported by state agencies or water management
3648 districts pursuant to s. 373.036(7)(b)8.b., or by local
3649 governments, or regional water supply authorities, if
3650 applicable, in order to provide the Legislature with
3651 recommendations for projects that improve or restore the water
3652 resources of this state. The council is also responsible for
3653 submitting a prioritization of pilot projects that test the
3654 effectiveness of innovative or existing nutrient reduction or

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water conservation technologies or practices designed to minimize nutrient pollution or restore flows in the water bodies of the state as provided in s. 403.0617.

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

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

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

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

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

(5) The two appointed council members shall receive reimbursement for expenses and per diem for travel to attend council meetings authorized pursuant to s. 112.061 while in the

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performance of their duties.

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

(a) By July 15, 2016, and on or before July 15 of each year thereafter, the council shall release a tentative water resources work program containing its legislative recommendations for water resource projects. The public has 30 days to submit comments regarding the tentative program.

(b) The council shall adopt the tentative work program containing its legislative recommendations and submit it to the Governor, the President of the Senate, and the Speaker of the House of Representatives by August 31, 2016, and on or before August 31 of each year thereafter. An affirmative vote of three members of the council is required to adopt the tentative work program.

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

(8) The council shall recommend rules for adoption by the department to competitively evaluate, select, and rank projects for the tentative water resources work program. The council shall develop specific criteria for the evaluation, selection,

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and ranking of projects, including a preference for projects that will have a significant, measurable impact on improving water quantity or water quality; projects in areas of greatest impairment; projects of state or regional significance; projects recommended by multiple districts or multiple local governments cooperatively; projects with a significant monetary commitment by the local project sponsor or sponsors; projects in rural areas of opportunity as defined in s. 288.0656; projects that may be funded through appropriate loan programs; and projects that have significant private contributions of time or money.

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

Section 37. Section 403.0617, Florida Statutes, is created to read:

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

(1) By October 1, 2015, the department shall propose rules for adoption to competitively evaluate and rank projects for selection and prioritization by the Water Resources Advisory Council, pursuant to s. 403.0616, for submission to the Legislature for funding. These pilot projects are intended 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 in the water bodies of the state. The department must include in the evaluation criteria a determination by the department that the pilot project will not be harmful to the

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ecological resources in the study area.

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

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

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

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

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

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

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

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

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

(i) Whether the entities responsible for implementing the project have used their own funds for projects to improve water

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quality or conserve water use with preference given to those
entities that have expended such funds.

Section 38. Section 403.0623, Florida Statutes, is amended
to read:

403.0623 Environmental data; quality assurance.—

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

(2)(a) The department, in coordination with the water
management districts, regional water supply authorities, and the
Department of Agriculture and Consumer Services shall establish
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.

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

(c) In order to receive state funds for the acquisition of
lands or the financing of a water resource project, state

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agencies and water management districts must show that they followed the department's collection and analysis standards, if available, as a prerequisite for any such request for funding.

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

Section 39. Subsection (7) of section 403.067, Florida Statutes, is amended to read:

403.067 Establishment and implementation of total maximum daily loads.—

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

(a) *Basin management action plans.*—

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

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3829 2. A basin management action plan must equitably allocate,
3830 pursuant to paragraph (6) (b), pollutant reductions to individual
3831 basins, as a whole to all basins, or to each identified point
3832 source or category of nonpoint sources, as appropriate. For
3833 nonpoint sources for which best management practices have been
3834 adopted, the initial requirement specified by the plan must be
3835 those practices developed pursuant to paragraph (c). Where
3836 appropriate, the plan may take into account the benefits of
3837 pollutant load reduction achieved by point or nonpoint sources
3838 that have implemented management strategies to reduce pollutant
3839 loads, including best management practices, before the
3840 development of the basin management action plan. The plan must
3841 also identify the mechanisms that will address potential future
3842 increases in pollutant loading.

3843 3. The basin management action planning process is intended
3844 to involve the broadest possible range of interested parties,
3845 with the objective of encouraging the greatest amount of
3846 cooperation and consensus possible. In developing a basin
3847 management action plan, the department shall assure that key
3848 stakeholders, including, but not limited to, applicable local
3849 governments, water management districts, the Department of
3850 Agriculture and Consumer Services, other appropriate state
3851 agencies, local soil and water conservation districts,
3852 environmental groups, regulated interests, and affected
3853 pollution sources, are invited to participate in the process.
3854 The department shall hold at least one public meeting in the
3855 vicinity of the watershed or basin to discuss and receive
3856 comments during the planning process and shall otherwise
3857 encourage public participation to the greatest practicable

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3858 extent. Notice of the public meeting must be published in a
3859 newspaper of general circulation in each county in which the
3860 watershed or basin lies not less than 5 days nor more than 15
3861 days before the public meeting. A basin management action plan
3862 does not supplant or otherwise alter any assessment made under
3863 subsection (3) or subsection (4) or any calculation or initial
3864 allocation.

3865 4. Each new or revised basin management action plan shall
3866 include:

3867 a. The appropriate management strategies available through
3868 existing water quality protection programs to achieve total
3869 maximum daily loads, which may provide for phased implementation
3870 to promote timely, cost-effective actions as provided for in s.
3871 403.151;

3872 b. A description of best management practices adopted by
3873 rule;

3874 c. A list of projects in priority ranking with a planning-
3875 level cost estimate and estimated date of completion for each
3876 listed project;

3877 d. The source and amount of financial assistance to be made
3878 available by the department, a water management district, or
3879 other entity for each listed project, if applicable; and

3880 e. A planning-level estimate of each listed project's
3881 expected load reduction, if applicable.

3882 ~~5.4.~~ The department shall adopt all or any part of a basin
3883 management action plan and any amendment to such plan by
3884 secretarial order pursuant to chapter 120 to implement the
3885 provisions of this section.

3886 ~~6.5.~~ The basin management action plan must include

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3887 milestones for implementation and water quality improvement, and
3888 an associated water quality monitoring component sufficient to
3889 evaluate whether reasonable progress in pollutant load
3890 reductions is being achieved over time. An assessment of
3891 progress toward these milestones shall be conducted every 5
3892 years, and revisions to the plan shall be made as appropriate.
3893 Revisions to the basin management action plan shall be made by
3894 the department in cooperation with basin stakeholders. Revisions
3895 to the management strategies required for nonpoint sources must
3896 follow the procedures set forth in subparagraph (c)4. Revised
3897 basin management action plans must be adopted pursuant to
3898 subparagraph 5. 4.

3899 ~~7.6.~~ In accordance with procedures adopted by rule under
3900 paragraph (9)(c), basin management action plans, and other
3901 pollution control programs under local, state, or federal
3902 authority as provided in subsection (4), may allow point or
3903 nonpoint sources that will achieve greater pollutant reductions
3904 than required by an adopted total maximum load or wasteload
3905 allocation to generate, register, and trade water quality
3906 credits for the excess reductions to enable other sources to
3907 achieve their allocation; however, the generation of water
3908 quality credits does not remove the obligation of a source or
3909 activity to meet applicable technology requirements or adopted
3910 best management practices. Such plans must allow trading between
3911 NPDES permittees, and trading that may or may not involve NPDES
3912 permittees, where the generation or use of the credits involve
3913 an entity or activity not subject to department water discharge
3914 permits whose owner voluntarily elects to obtain department
3915 authorization for the generation and sale of credits.

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3916 ~~8.7.~~ The provisions of the department's rule relating to
3917 the equitable abatement of pollutants into surface waters do not
3918 apply to water bodies or water body segments for which a basin
3919 management plan that takes into account future new or expanded
3920 activities or discharges has been adopted under this section.

3921 (b) *Total maximum daily load implementation.*—

3922 1. The department shall be the lead agency in coordinating
3923 the implementation of the total maximum daily loads through
3924 existing water quality protection programs. Application of a
3925 total maximum daily load by a water management district must be
3926 consistent with this section and does not require the issuance
3927 of an order or a separate action pursuant to s. 120.536(1) or s.
3928 120.54 for the adoption of the calculation and allocation
3929 previously established by the department. Such programs may
3930 include, but are not limited to:

3931 a. Permitting and other existing regulatory programs,
3932 including water-quality-based effluent limitations;

3933 b. Nonregulatory and incentive-based programs, including
3934 best management practices, cost sharing, waste minimization,
3935 pollution prevention, agreements established pursuant to s.
3936 403.061(21), and public education;

3937 c. Other water quality management and restoration
3938 activities, for example surface water improvement and management
3939 plans approved by water management districts or basin management
3940 action plans developed pursuant to this subsection;

3941 d. Trading of water quality credits or other equitable
3942 economically based agreements;

3943 e. Public works including capital facilities; or

3944 f. Land acquisition.

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3945 2. For a basin management action plan adopted pursuant to
3946 paragraph (a), any management strategies and pollutant reduction
3947 requirements associated with a pollutant of concern for which a
3948 total maximum daily load has been developed, including effluent
3949 limits set forth for a discharger subject to NPDES permitting,
3950 if any, must be included in a timely manner in subsequent NPDES
3951 permits or permit modifications for that discharger. The
3952 department may not impose limits or conditions implementing an
3953 adopted total maximum daily load in an NPDES permit until the
3954 permit expires, the discharge is modified, or the permit is
3955 reopened pursuant to an adopted basin management action plan.

3956 a. Absent a detailed allocation, total maximum daily loads
3957 must be implemented through NPDES permit conditions that provide
3958 for a compliance schedule. In such instances, a facility's NPDES
3959 permit must allow time for the issuance of an order adopting the
3960 basin management action plan. The time allowed for the issuance
3961 of an order adopting the plan may not exceed 5 years. Upon
3962 issuance of an order adopting the plan, the permit must be
3963 reopened or renewed, as necessary, and permit conditions
3964 consistent with the plan must be established. Notwithstanding
3965 the other provisions of this subparagraph, upon request by an
3966 NPDES permittee, the department as part of a permit issuance,
3967 renewal, or modification may establish individual allocations
3968 before the adoption of a basin management action plan.

3969 b. For holders of NPDES municipal separate storm sewer
3970 system permits and other stormwater sources, implementation of a
3971 total maximum daily load or basin management action plan must be
3972 achieved, to the maximum extent practicable, through the use of
3973 best management practices or other management measures.

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

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

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

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

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

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order to demonstrate compliance with the pollutant reductions established under subsection (6).

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

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

(c) *Best management practices.*—

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

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4032 2. The Department of Agriculture and Consumer Services may
4033 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54
4034 suitable interim measures, best management practices, or other
4035 measures necessary to achieve the level of pollution reduction
4036 established by the department for agricultural pollutant sources
4037 in allocations developed pursuant to subsection (6) and this
4038 subsection or for programs implemented pursuant to paragraph
4039 (12) (b) ~~(13) (b)~~. These practices and measures may be implemented
4040 by those parties responsible for agricultural pollutant sources
4041 and the department, the water management districts, and the
4042 Department of Agriculture and Consumer Services shall assist
4043 with implementation. In the process of developing and adopting
4044 rules for interim measures, best management practices, or other
4045 measures, the Department of Agriculture and Consumer Services
4046 shall consult with the department, the Department of Health, the
4047 water management districts, representatives from affected
4048 farming groups, and environmental group representatives. Such
4049 rules must also incorporate provisions for a notice of intent to
4050 implement the practices and a system to assure the
4051 implementation of the practices, including site inspection and
4052 recordkeeping requirements.

4053 3. Where interim measures, best management practices, or
4054 other measures are adopted by rule, the effectiveness of such
4055 practices in achieving the levels of pollution reduction
4056 established in allocations developed by the department pursuant
4057 to subsection (6) and this subsection or in programs implemented
4058 pursuant to paragraph (12) (b) ~~(13) (b)~~ must be verified at
4059 representative sites by the department. The department shall use
4060 best professional judgment in making the initial verification

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that the best management practices are reasonably expected to be effective and, where applicable, must notify the appropriate water management district or the Department of Agriculture and Consumer Services of its initial verification before the adoption of a rule proposed pursuant to this paragraph. Implementation, in accordance with rules adopted under this paragraph, of practices that have been initially verified to be effective, or verified to be effective by monitoring at representative sites, by the department, shall provide a presumption of compliance with state water quality standards and release from the provisions of s. 376.307(5) for those pollutants addressed by the practices, and the department is not authorized to institute proceedings against the owner of the source of pollution to recover costs or damages associated with the contamination of surface water or groundwater caused by those pollutants. Research projects funded by the department, a water management district, or the Department of Agriculture and Consumer Services to develop or demonstrate interim measures or best management practices shall be granted a presumption of compliance with state water quality standards and a release from the provisions of s. 376.307(5). The presumption of compliance and release is limited to the research site and only for those pollutants addressed by the interim measures or best management practices. Eligibility for the presumption of compliance and release is limited to research projects on sites where the owner or operator of the research site and the department, a water management district, or the Department of Agriculture and Consumer Services have entered into a contract or other agreement that, at a minimum, specifies the research objectives,

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the cost-share responsibilities of the parties, and a schedule that details the beginning and ending dates of the project.

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

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

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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 with any rules adopted by the department that are necessary to maintain a federally delegated or approved program.

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

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

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

2. No later than January 1, 2016:

a. The department, in consultation with the water management districts and the Department of Agriculture and Consumer Services, shall initiate rulemaking to adopt procedures to verify implementation of water quality monitoring required in lieu of implementation of best management practices or other measures pursuant to s. 403.067(7)(b)2.g.;

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

c. The Department of Agriculture and Consumer Services, in consultation with the water management districts and the department, shall initiate rulemaking to adopt procedures to verify implementation of agricultural interim measures, best

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management practices, or other measures adopted by rule pursuant to s. 403.067(7)(c)2.

The above rules shall include enforcement procedures applicable to the landowner, discharger, or other responsible person required to implement applicable management strategies, including best management practices, or water quality monitoring as a result of noncompliance.

Section 40. Section 403.0675, Florida Statutes, is created to read:

403.0675 Progress reports.—On or before July 1, beginning July 1, 2017:

(1) The department, in conjunction with the water management districts, shall post on its website and submit electronically an annual progress report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the status of each total maximum daily load, basin management action plan, minimum flow or minimum water level, and recovery or prevention strategy adopted pursuant to s. 403.067 or parts I and VIII of chapter 373. The report must include the status of each project identified to achieve an adopted total maximum daily load or an adopted minimum flow or minimum water level, as applicable. 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 total maximum daily load or a minimum flow or minimum water level will not be met, the report must include an explanation of the possible causes and potential solutions. If applicable, the report must include project descriptions, estimated costs, proposed priority ranking

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4177 for project implementation, and funding needed to achieve the
4178 total maximum daily load or the minimum flow or minimum water
4179 level by the target date. Each water management district shall
4180 post the department's report on its website.

4181 (2) The Department of Agriculture and Consumer Services
4182 shall post on its website and submit electronically an annual
4183 progress report to the Governor, the President of the Senate,
4184 and the Speaker of the House of Representatives on the status of
4185 the implementation of the agricultural nonpoint source best
4186 management practices including an implementation assurance
4187 report summarizing survey responses and response rates, site
4188 inspections and other methods used to verify implementation of
4189 and compliance with best management practices pursuant to basin
4190 management action plans.

4191 Section 41. Subsection (21) is added to section 403.861,
4192 Florida Statutes, to read:

4193 403.861 Department; powers and duties.—The department shall
4194 have the power and the duty to carry out the provisions and
4195 purposes of this act and, for this purpose, to:

4196 (21) (a) Upon issuance of a construction permit to construct
4197 a new public water system drinking water treatment facility to
4198 provide potable water supply using a surface water of the state
4199 that, at the time of the permit application, is not being used
4200 as a potable water supply, and the classification of which does
4201 not include potable water supply as a designated use, the
4202 department shall add treated potable water supply as a
4203 designated use of the surface water segment in accordance with
4204 s. 403.061(29) (b) .

4205 (b) For existing public water system drinking water

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4206 treatment facilities that use a surface water of the state as a
4207 treated potable water supply, which surface water classification
4208 does not include potable water as a designated use, the
4209 department shall add treated potable water supply as a
4210 designated use of the surface water segment in accordance with
4211 s. 403.061(29)(b).

4212 Section 42. This act shall take effect July 1, 2015.