

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

592-01083A-16

2016552c1

1 A bill to be entitled
2 An act relating to environmental resources; amending
3 s. 259.032, F.S.; requiring the Department of
4 Environmental Protection to publish, update, and
5 maintain a database of conservation lands; requiring
6 the department to submit a report by a certain date
7 each year to the Governor and the Legislature
8 identifying the percentage of such lands which the
9 public has access to and the efforts the department
10 has undertaken to increase public access; amending s.
11 373.019, F.S.; revising the definition of the term
12 "water resource development" to include technical
13 assistance to self-suppliers under certain
14 circumstances; amending s. 373.036, F.S.; requiring
15 certain information to be included in the consolidated
16 annual report for certain projects related to water
17 quality or water quantity; creating s. 373.037, F.S.;
18 defining terms; providing legislative findings;
19 authorizing certain water management districts to
20 designate and implement pilot projects; providing
21 powers and limitations for the governing boards of
22 such water management districts; requiring a
23 participating water management district to submit a
24 report to the Governor and the Legislature on the
25 effectiveness of its pilot project by a certain date;
26 amending s. 373.042, F.S.; requiring the department or
27 the governing board of a water management district to
28 adopt a minimum flow or minimum water level for an
29 Outstanding Florida Spring using emergency rulemaking

592-01083A-16

2016552c1

30 authority under certain circumstances; requiring
31 collaboration in the development and implementation of
32 recovery or prevention strategies under certain
33 circumstances; revising the rulemaking authority of
34 the department; amending s. 373.0421, F.S.; directing
35 the department or the water management district
36 governing boards to adopt and implement certain
37 recovery or prevention strategies concurrent with the
38 adoption of minimum flows and minimum water levels;
39 providing criteria for such recovery or prevention
40 strategies; requiring certain amendments to regional
41 water supply plans to be concurrent with relevant
42 portions of the recovery or prevention strategy;
43 directing water management districts to notify the
44 department when water use permit applications are
45 denied for a specified reason; providing for the
46 review and update of regional water supply plans in
47 such cases; creating s. 373.0465, F.S.; providing
48 legislative intent; defining the term "Central Florida
49 Water Initiative Area"; requiring the department, the
50 St. Johns River Water Management District, the South
51 Florida Water Management District, the Southwest
52 Florida Water Management District, and the Department
53 of Agriculture and Consumer Services to develop and
54 implement a multidistrict regional water supply plan;
55 providing plan criteria and requirements; providing
56 applicability; requiring the department to adopt
57 rules; amending s. 373.1501, F.S.; specifying
58 authority of the South Florida Water Management

592-01083A-16

2016552c1

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

592-01083A-16

2016552c1

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

592-01083A-16

2016552c1

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

592-01083A-16

2016552c1

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

592-01083A-16

2016552c1

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

201

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

203

592-01083A-16

2016552c1

204 Section 1. Paragraph (f) is added to subsection (9) of
205 section 259.032, Florida Statutes, to read:

206 259.032 Conservation and recreation lands.—

207 (9)

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

213 1. By July 1, 2017, the database must be available to the
214 public online and must include, at a minimum, the location,
215 types of allowable recreational opportunities, points of public
216 access, facilities or other amenities, restrictions, and any
217 other information the department deems appropriate to increase
218 public awareness of recreational opportunities on conservation
219 lands. Such data must be electronically accessible, searchable,
220 and downloadable in a generally acceptable format.

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

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

592-01083A-16

2016552c1

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

239 Section 2. Subsection (24) of section 373.019, Florida
240 Statutes, is amended to read:

241 373.019 Definitions.—When appearing in this chapter or in
242 any rule, regulation, or order adopted pursuant thereto, the
243 term:

244 (24) “Water resource development” means the formulation and
245 implementation of regional water resource management strategies,
246 including the collection and evaluation of surface water and
247 groundwater data; structural and nonstructural programs to
248 protect and manage water resources; the development of regional
249 water resource implementation programs; the construction,
250 operation, and maintenance of major public works facilities to
251 provide for flood control, surface and underground water
252 storage, and groundwater recharge augmentation; and related
253 technical assistance to local governments, ~~and to~~ government-
254 owned and privately owned water utilities, and self-suppliers to
255 the extent assistance to self-suppliers promotes the policies as
256 set forth in s. 373.016.

257 Section 3. Paragraph (b) of subsection (7) of section
258 373.036, Florida Statutes, is amended to read:

259 373.036 Florida water plan; district water management
260 plans.—

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

592-01083A-16

2016552c1

262 (b) The consolidated annual report shall contain the
263 following elements, as appropriate to that water management
264 district:

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

267 2. The department-approved minimum flows and minimum water
268 levels annual priority list and schedule required by s.
269 373.042(3) ~~s. 373.042(2)~~.

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

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

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

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

278 7. The mitigation donation annual report required by s.
279 373.414(1)(b)2.

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

282 a. A list of all specific projects identified to implement
283 a basin management action plan or a recovery or prevention
284 strategy;

285 b. A priority ranking for each listed project for which
286 state funding through the water resources development work
287 program is requested, which must be made available to the public
288 for comment at least 30 days before submission of the
289 consolidated annual report;

290 c. The estimated cost for each listed project;

592-01083A-16

2016552c1

- 291 d. The estimated completion date for each listed project;
292 e. The source and amount of financial assistance to be made
293 available by the department, a water management district, or
294 other entity for each listed project; and
295 f. A quantitative estimate of each listed project's benefit
296 to the watershed, water body, or water segment in which it is
297 located.
- 298 9. A grade for each watershed, water body, or water segment
299 in which a project listed under subparagraph 8. is located
300 representing the level of impairment and violations of adopted
301 minimum flow or minimum water levels. The grading system must
302 reflect the severity of the impairment of the watershed,
303 waterbody, or water segment.

304 Section 4. Section 373.037, Florida Statutes, is created to
305 read:

306 373.037 Pilot program for alternative water supply
307 development in restricted allocation areas.-

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

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

313 (b) "Lower East Coast Regional Water Supply Planning Area"
314 means the areas withdrawing surface and groundwater from Water
315 Conservation Areas 1, 2A, 2B, 3A, and 3B, Grassy Waters
316 Preserve/Water Catchment Area, Pal Mar, J.W. Corbett Wildlife
317 Management Area, Loxahatchee Slough, Loxahatchee River,
318 Riverbend Park, Dupuis Reserve, Jonathan Dickinson State Park,
319 Kitching Creek, Moonshine Creek, Cypress Creek, Hobe Grove

592-01083A-16

2016552c1

320 Ditch, the Holey Land and Rotenberger Wildlife Management Areas,
321 and the freshwater portions of the Everglades National Park, as
322 designated by the South Florida Water Management District.

323 (c) "Restricted allocation area" means an area within a
324 water supply planning region of the Southwest Florida Water
325 Management District, the South Florida Water Management
326 District, or the St. Johns River Water Management District where
327 the governing board of the water management district has
328 determined that existing sources of water are not adequate to
329 supply water for all existing and future reasonable-beneficial
330 uses and to sustain the water resources and related natural
331 systems for the planning period pursuant to ss. 373.036 and
332 373.709 and where the governing board of the water management
333 district has applied allocation restrictions with regard to the
334 use of specific sources of water. For the purposes of this
335 section, the term includes the Central Florida Water Initiative
336 Area, the Lower East Coast Regional Water Supply Planning Area,
337 the Southern Water Use Caution Area, and the Upper East Coast
338 Regional Water Supply Planning Area.

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

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

347 (2) The Legislature finds that:

348 (a) Local governments, regional water supply authorities,

592-01083A-16

2016552c1

349 and government-owned and privately owned water utilities face
350 significant challenges in securing funds for implementing large-
351 scale alternative water supply projects in certain restricted
352 allocation areas due to a variety of factors, such as the
353 magnitude of the water resource challenges, the large number of
354 water users, the difficulty of developing multijurisdictional
355 solutions across district, county, or municipal boundaries, and
356 the expense of developing large-scale alternative water supply
357 projects identified in the regional water supply plans pursuant
358 to s. 373.709.

359 (b) These factors make it necessary to provide other
360 options for the Southwest Florida Water Management District, the
361 South Florida Water Management District, and the St. Johns River
362 Water Management District to be able to take the lead in
363 developing and implementing one alternative water supply project
364 within a restricted allocation area as a pilot alternative water
365 supply development project.

366 (c) Each pilot project must provide water supply and
367 environmental benefits. Consideration should be given to
368 projects that provide reductions in damaging discharges to tide
369 or that are part of a recovery or prevention strategy for
370 minimum flows and minimum water levels.

371 (3) The water management districts specified in paragraph
372 (2)(b) may, at their sole discretion, designate and implement an
373 existing alternative water supply project that is identified in
374 each district's regional water supply plan as its one pilot
375 project or amend their respective regional water supply plans to
376 add a new alternative water supply project as their district
377 pilot project. A pilot project designation made pursuant to this

592-01083A-16

2016552c1

378 section should be made no later than July 1, 2017, and is not
379 subject to the rulemaking requirements of chapter 120 or subject
380 to legal challenge pursuant to ss. 120.569 and 120.57. A water
381 management district may designate an alternative water supply
382 project located within another water management district if the
383 project is located in a restricted allocation area designated by
384 the other water management district and a substantial quantity
385 of water provided by the alternative water supply project will
386 be used within the designating water management district's
387 boundaries.

388 (4) In addition to the other powers granted and duties
389 imposed under this chapter, if a district specified in paragraph
390 (2)(b) elects to implement a pilot project pursuant to this
391 section, its governing board has the following powers and is
392 subject to the following restrictions in implementing the pilot
393 project:

394 (a) The governing board may not develop and implement a
395 pilot project on privately owned land without the voluntary
396 consent of the landowner, which consent may be evidenced by
397 deed, easement, license, contract, or other written legal
398 instrument executed by the landowner after July 1, 2016.

399 (b) The governing board may not engage in local water
400 supply distribution or sell water to the pilot project
401 participants.

402 (c) The governing board may join with one or more other
403 water management districts and counties, municipalities, special
404 districts, publicly owned or privately owned water utilities,
405 multijurisdictional water supply entities, regional water supply
406 authorities, self-suppliers, or other entities for the purpose

592-01083A-16

2016552c1

407 of carrying out its powers, and may contract with any such other
408 entities to finance or otherwise implement acquisitions,
409 construction, and operation and maintenance, if such contracts
410 are consistent with the public interest and based upon
411 independent cost estimates, including comparisons with other
412 alternative water supply projects. The contracts may provide for
413 contributions to be made by each party to the contract for the
414 division and apportionment of resulting costs, including
415 operations and maintenance, benefits, services, and products.
416 The contracts may contain other covenants and agreements
417 necessary and appropriate to accomplish their purposes.

418 (5) A water management district may provide up to 50
419 percent of funding assistance for a pilot project.

420 (6) If a water management district specified in paragraph
421 (2) (b) elects to implement a pilot project, it shall submit a
422 report to the Governor, the President of the Senate, and the
423 Speaker of the House of Representatives by July 1, 2020, on the
424 effectiveness of its pilot project. The report must include all
425 of the following information:

426 (a) A description of the alternative water supply project
427 selected as a pilot project, including the quantity of water the
428 project has produced or is expected to produce and the
429 consumptive users who are expected to use the water produced by
430 the pilot project to meet their existing and future reasonable-
431 beneficial uses.

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

592-01083A-16

2016552c1

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

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

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

444 (f) A recommendation as to whether the traditional role of
445 water management districts regarding the development and
446 implementation of alternative water supply projects, as
447 specified in ss. 373.705 and 373.707, should be revised and, if
448 so, identification of the statutory changes necessary to expand
449 the scope of the pilot program.

450 Section 5. Section 373.042, Florida Statutes, is amended to
451 read:

452 373.042 Minimum flows and minimum water levels.-

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

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

460 (b) Minimum water level. The minimum water level is ~~shall~~
461 ~~be~~ the level of groundwater in an aquifer and the level of
462 surface water at which further withdrawals would be
463 significantly harmful to the water resources or ecology of the
464 area.

592-01083A-16

2016552c1

465

466 The minimum flow and minimum water level shall be calculated by
467 the department and the governing board using the best
468 information available. When appropriate, minimum flows and
469 minimum water levels may be calculated to reflect seasonal
470 variations. The department and the governing board shall ~~also~~
471 consider, and at their discretion may provide for, the
472 protection of nonconsumptive uses in the establishment of
473 minimum flows and minimum water levels.

474

(2) (a) If a minimum flow or minimum water level has not
475 been adopted for an Outstanding Florida Spring, a water
476 management district or the department shall use the emergency
477 rulemaking authority provided in paragraph (c) to adopt a
478 minimum flow or minimum water level no later than July 1, 2017,
479 except for the Northwest Florida Water Management District,
480 which shall use such authority to adopt minimum flows and
481 minimum water levels for Outstanding Florida Springs no later
482 than July 1, 2026.

483

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

491

(c) The Legislature finds as provided in s. 373.801(3) (b)
492 that the adoption of minimum flows and minimum water levels or
493 recovery or prevention strategies for Outstanding Florida

592-01083A-16

2016552c1

494 Springs requires immediate action. The department and the
495 districts are authorized, and all conditions are deemed to be
496 met, to use emergency rulemaking provisions pursuant to s.
497 120.54(4) to adopt minimum flows and minimum water levels
498 pursuant to this subsection and to adopt recovery or prevention
499 strategies concurrently with a minimum flow or minimum water
500 level pursuant to s. 373.805(2). The emergency rules shall
501 remain in effect during the pendency of procedures to adopt
502 rules addressing the subject of the emergency rules.

503 (d) As used in this subsection, the term "Outstanding
504 Florida Spring" has the same meaning as in s. 373.802.

505 (3)~~(2)~~ By November 15, 1997, and annually thereafter, each
506 water management district shall submit to the department for
507 review and approval a priority list and schedule for the
508 establishment of minimum flows and minimum water levels for
509 surface watercourses, aquifers, and surface waters within the
510 district. The priority list and schedule shall identify those
511 listed water bodies for which the district will voluntarily
512 undertake independent scientific peer review; any reservations
513 proposed by the district to be established pursuant to s.
514 373.223(4); and those listed water bodies that have the
515 potential to be affected by withdrawals in an adjacent district
516 for which the department's adoption of a reservation pursuant to
517 s. 373.223(4) or a minimum flow or minimum water level pursuant
518 to subsection (1) may be appropriate. By March 1, 2006, and
519 annually thereafter, each water management district shall
520 include its approved priority list and schedule in the
521 consolidated annual report required by s. 373.036(7). The
522 priority list shall be based upon the importance of the waters

592-01083A-16

2016552c1

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

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

592-01083A-16

2016552c1

552 governing body of any local government within whose jurisdiction
553 the affected waters are located, establish the minimum flow or
554 minimum water level in accordance with the procedures
555 established by this section. The department's reasonable costs
556 in establishing a minimum flow or minimum water level shall,
557 upon request of the secretary, be reimbursed by the district.

558 (5)~~(4)~~ A water management district shall provide the
559 department with technical information and staff support for the
560 development of a reservation, minimum flow or minimum water
561 level, or recovery or prevention strategy to be adopted by the
562 department by rule. A water management district shall apply any
563 reservation, minimum flow or minimum water level, or recovery or
564 prevention strategy adopted by the department by rule without
565 the district's adoption by rule of such reservation, minimum
566 flow or minimum water level, or recovery or prevention strategy.

567 (6)~~(5)~~ (a) Upon written request to the department or
568 governing board by a substantially affected person, or by
569 decision of the department or governing board, before ~~prior to~~
570 the establishment of a minimum flow or minimum water level and
571 before ~~prior to~~ the filing of any petition for administrative
572 hearing related to the minimum flow or minimum water level, all
573 scientific or technical data, methodologies, and models,
574 including all scientific and technical assumptions employed in
575 each model, used to establish a minimum flow or minimum water
576 level shall be subject to independent scientific peer review.
577 Independent scientific peer review means review by a panel of
578 independent, recognized experts in the fields of hydrology,
579 hydrogeology, limnology, biology, and other scientific
580 disciplines, to the extent relevant to the establishment of the

592-01083A-16

2016552c1

581 minimum flow or minimum water level.

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

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

592-01083A-16

2016552c1

610 all scientific and technical assumptions employed in each model
611 upon which a minimum flow or level is based, have undergone peer
612 review pursuant to this subsection, by request or by decision of
613 the department or governing board, no further peer review shall
614 be required with respect to that minimum flow or minimum water
615 level.

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

619 ~~(7)-(6)~~ If a petition for administrative hearing is filed
620 under chapter 120 challenging the establishment of a minimum
621 flow or minimum water level, the report of an independent
622 scientific peer review conducted under subsection (5) ~~(4)~~ is
623 admissible as evidence in the final hearing, and the
624 administrative law judge must render the order within 120 days
625 after the filing of the petition. The time limit for rendering
626 the order shall not be extended except by agreement of all the
627 parties. To the extent that the parties agree to the findings of
628 the peer review, they may stipulate that those findings be
629 incorporated as findings of fact in the final order.

630 (8) The rules adopted pursuant to this section are not
631 subject to s. 120.541(3).

632 Section 6. Section 373.0421, Florida Statutes, is amended
633 to read:

634 373.0421 Establishment and implementation of minimum flows
635 and minimum water levels.—

636 (1) ESTABLISHMENT.—

637 (a) *Considerations.*—When establishing minimum flows and
638 minimum water levels pursuant to s. 373.042, the department or

592-01083A-16

2016552c1

639 governing board shall consider changes and structural
640 alterations to watersheds, surface waters, and aquifers and the
641 effects such changes or alterations have had, and the
642 constraints such changes or alterations have placed, on the
643 hydrology of an affected watershed, surface water, or aquifer,
644 provided that nothing in this paragraph shall allow significant
645 harm as provided by s. 373.042(1) caused by withdrawals.

646 (b) *Exclusions.*—

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

656 2. The department or the governing board is not required to
657 establish minimum flows or minimum water levels pursuant to s.
658 373.042 for surface water bodies less than 25 acres in area,
659 unless the water body or bodies, individually or cumulatively,
660 have significant economic, environmental, or hydrologic value.

661 3. The department or the governing board shall not set
662 minimum flows or minimum water levels pursuant to s. 373.042 for
663 surface water bodies constructed before ~~prior to~~ the requirement
664 for a permit, or pursuant to an exemption, a permit, or a
665 reclamation plan which regulates the size, depth, or function of
666 the surface water body under the provisions of this chapter,
667 chapter 378, or chapter 403, unless the constructed surface

592-01083A-16

2016552c1

668 water body is of significant hydrologic value or is an essential
669 element of the water resources of the area.

670

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

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

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

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

687

688 The recovery or prevention strategy must ~~shall~~ include a phased-
689 in approach ~~phasing~~ or a timetable which will allow for the
690 provision of sufficient water supplies for all existing and
691 projected reasonable-beneficial uses, including development of
692 additional water supplies and implementation of conservation and
693 other efficiency measures concurrent with and, to the maximum
694 extent practical, ~~and~~ to offset, reductions in permitted
695 withdrawals, consistent with ~~the provisions of~~ this chapter. The
696 recovery or prevention strategy may not depend solely on water

592-01083A-16

2016552c1

697 shortage restrictions declared pursuant to s. 373.175 or s.
698 373.246.

699 (3) To ensure that sufficient water is available for all
700 existing and future reasonable-beneficial uses and the natural
701 systems, the applicable regional water supply plan prepared
702 pursuant to s. 373.709 shall be amended to include any water
703 supply development project or water resource development project
704 identified in a recovery or prevention strategy. Such amendment
705 shall be approved concurrently with relevant portions of the
706 recovery or prevention strategy.

707 (4) The water management district shall notify the
708 department if an application for a water use permit is denied
709 based upon the impact that the use will have on an adopted
710 minimum flow or minimum water level. Upon receipt of such
711 notice, the department shall, as soon as practicable and in
712 cooperation with the water management district, conduct a review
713 of the applicable regional water supply plan prepared pursuant
714 to s. 373.709. Such review shall include an assessment by the
715 department of the adequacy of the plan in addressing the
716 legislative intent of s. 373.705(2) (a) which provides that
717 sufficient water be available for all existing and future
718 reasonable-beneficial uses and natural systems and that the
719 adverse effects of competition for water supplies be avoided. If
720 the department determines, based upon this review, that the
721 regional water supply plan does not adequately address the
722 legislative intent of s. 373.705(2) (a), the water management
723 district shall immediately initiate an update of the plan
724 consistent with s. 373.709.

725 (5)~~(3)~~ The provisions of this section are supplemental to

592-01083A-16

2016552c1

726 any other specific requirements or authority provided by law.
727 Minimum flows and minimum water levels shall be reevaluated
728 periodically and revised as needed.

729 Section 7. Section 373.0465, Florida Statutes, is created
730 to read:

731 373.0465 Central Florida Water Initiative.-

732 (1) The Legislature finds that:

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

736 (b) Because the boundaries of the St. Johns River Water
737 Management District, the South Florida Water Management
738 District, and the Southwest Florida Water Management District
739 meet within the Central Florida Coordination Area, the three
740 districts and the Department of Environmental Protection have
741 worked cooperatively to determine that the Floridan Aquifer
742 system is locally approaching the sustainable limits of use and
743 are exploring the need to develop sources of water to meet the
744 long-term water needs of the area.

745 (c) The Central Florida Water Initiative is a collaborative
746 process involving the Department of Environmental Protection,
747 the St. Johns River Water Management District, the South Florida
748 Water Management District, the Southwest Florida Water
749 Management District, the Department of Agriculture and Consumer
750 Services, regional public water supply utilities, and other
751 stakeholders. As set forth in the Central Florida Water
752 Initiative Guiding Document of January 30, 2015, the initiative
753 has developed an initial framework for a unified process to
754 address the current and long-term water supply needs of Central

592-01083A-16

2016552c1

755 Florida without causing harm to the water resources and
756 associated natural systems.

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

761 (2) (a) As used in this section, the term "Central Florida
762 Water Initiative Area" means all of Orange, Osceola, Polk, and
763 Seminole Counties, and southern Lake County, as designated by
764 the Central Florida Water Initiative Guiding Document of January
765 30, 2015.

766 (b) The department, the St. Johns River Water Management
767 District, the South Florida Water Management District, the
768 Southwest Florida Water Management District, and the Department
769 of Agriculture and Consumer Services shall:

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

774 2. Build upon the guiding principles and goals set forth in
775 the Central Florida Water Initiative Guiding Document of January
776 30, 2015, and the work that has already been accomplished by the
777 Central Florida Water Initiative participants;

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

783 4. Provide for a single hydrologic planning model to assess

592-01083A-16

2016552c1

784 the availability of groundwater in the Central Florida Water
785 Initiative Area.

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

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

796 2. Establish a coordinated process for the identification
797 of water resources requiring new or revised conditions. Any new
798 or revised condition must be consistent with s. 373.223;

799 3. Consider existing recovery or prevention strategies;

800 4. Include a list of water supply options sufficient to
801 meet the water needs of all existing and future reasonable-
802 beneficial uses consistent with the conditions established under
803 s. 373.223; and

804 5. Identify, as necessary, which of the water supply
805 sources are preferred water supply sources pursuant to s.
806 373.2234.

807 (d) The department, in consultation with the St. Johns
808 River Water Management District, the South Florida Water
809 Management District, the Southwest Florida Water Management
810 District, and the Department of Agriculture and Consumer
811 Services, shall adopt uniform rules for application within the
812 Central Florida Water Initiative Area that include:

592-01083A-16

2016552c1

- 813 1. A single, uniform definition of the term "harmful to the
814 water resources" consistent with the term's usage in s. 373.219;
815 2. A single method for calculating residential per capita
816 water use;
817 3. A single process for permit reviews;
818 4. A single, consistent process, as appropriate, to set
819 minimum flows and minimum water levels and water reservations;
820 5. A goal for residential per capita water use for each
821 consumptive use permit; and
822 6. An annual conservation goal for each consumptive use
823 permit consistent with the regional water supply plan.

824
825 The uniform rules must include existing recovery strategies
826 within the Central Florida Water Initiative Area adopted before
827 July 1, 2016. The department may grant variances to the uniform
828 rules if there are unique circumstances or hydrogeological
829 factors that make application of the uniform rules unrealistic
830 or impractical.

831 (e) The department shall initiate rulemaking for the
832 uniform rules by December 31, 2016. The department's uniform
833 rules shall be applied by the water management districts only
834 within the Central Florida Water Initiative Area. Upon adoption
835 of the rules, the water management districts shall implement the
836 rules without further rulemaking pursuant to s. 120.54. The
837 rules adopted by the department pursuant to this section are
838 considered the rules of the water management districts.

839 (f) Water management district planning programs developed
840 pursuant to this subsection shall be approved or adopted as
841 required under this chapter. However, such planning programs may

592-01083A-16

2016552c1

842 not serve to modify planning programs in areas of the affected
843 districts that are not within the Central Florida Water
844 Initiative Area, but may include interregional projects located
845 outside the Central Florida Water Initiative Area which are
846 consistent with planning and regulatory programs in the areas in
847 which they are located.

848 Section 8. Subsection (4) of section 373.1501, Florida
849 Statutes, is amended, present subsections (7) and (8) are
850 redesignated as subsections (8) and (9), respectively, and a new
851 subsection (7) is added to that section, to read:

852 373.1501 South Florida Water Management District as local
853 sponsor.—

854 (4) The district is authorized to act as local sponsor of
855 the project for those project features within the district as
856 provided in this subsection and subject to the oversight of the
857 department as further provided in s. 373.026. The district shall
858 exercise the authority of the state to allocate quantities of
859 water within its jurisdiction, including the water supply in
860 relation to the project, and be responsible for allocating water
861 and assigning priorities among the other water uses served by
862 the project pursuant to state law. The district may:

863 (a) Act as local sponsor for all project features
864 previously authorized by Congress.†

865 (b) Continue data gathering, analysis, research, and design
866 of project components, participate in preconstruction
867 engineering and design documents for project components, and
868 further refine the Comprehensive Plan of the restudy as a guide
869 and framework for identifying other project components.†

870 (c) Construct pilot projects that will assist in

592-01083A-16

2016552c1

871 determining the feasibility of technology included in the
872 Comprehensive Plan of the restudy.~~;~~ and

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

874 (7) When developing or implementing water control plans or
875 regulation schedules required for the operation of the project,
876 the district shall provide recommendations to the United States
877 Army Corps of Engineers which are consistent with all district
878 programs and plans.

879 Section 9. Subsection (3) is added to section 373.219,
880 Florida Statutes, to read:

881 373.219 Permits required.—

882 (3) For Outstanding Florida Springs, the department shall
883 adopt uniform rules for issuing permits which prevent
884 groundwater withdrawals that are harmful to the water resources
885 and adopt by rule a uniform definition of the term "harmful to
886 the water resources" to provide water management districts with
887 minimum standards necessary to be consistent with the overall
888 water policy of the state. This subsection does not prohibit a
889 water management district from adopting a definition that is
890 more protective of the water resources consistent with local or
891 regional conditions and objectives.

892 Section 10. Subsection (6) is added to section 373.223,
893 Florida Statutes, to read:

894 373.223 Conditions for a permit.—

895 (6) A new consumptive use permit, or the renewal or
896 modification of a consumptive use permit, that authorizes
897 groundwater withdrawals of 100,000 gallons or more per day from
898 a well with an inside diameter of 8 inches or more shall be
899 monitored for water usage at intervals using methods determined

592-01083A-16

2016552c1

900 by the applicable water management district, and the results of
901 such monitoring shall be reported to the applicable water
902 management district at least annually. The water management
903 districts may adopt rules to implement this subsection.

904 Section 11. Section 373.2234, Florida Statutes, is amended
905 to read:

906 373.2234 Preferred water supply sources.—

907 (1) The governing board of a water management district is
908 authorized to adopt rules that identify preferred water supply
909 sources for consumptive uses for which there is sufficient data
910 to establish that a preferred source will provide a substantial
911 new water supply to meet the existing and projected reasonable-
912 beneficial uses of a water supply planning region identified
913 pursuant to s. 373.709(1), while sustaining existing water
914 resources and natural systems. At a minimum, such rules must
915 contain a description of the preferred water supply source and
916 an assessment of the water the preferred source is projected to
917 produce.

918 (2) (a) If an applicant proposes to use a preferred water
919 supply source, that applicant's proposed water use is subject to
920 s. 373.223(1), except that the proposed use of a preferred water
921 supply source must be considered by a water management district
922 when determining whether a permit applicant's proposed use of
923 water is consistent with the public interest pursuant to s.
924 373.223(1) (c).

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

592-01083A-16

2016552c1

929 Identification of preferred water supply sources for such water
 930 users must be consistent with s. 373.016.

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

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

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

940 2. Provide that permits issued for the use of a
 941 nonpreferred water supply source must be issued for a duration
 942 of less than 20 years or that the use of a nonpreferred water
 943 supply source is not consistent with the public interest; or.

944 3. ~~Additionally, nothing in this section shall be~~
 945 ~~interpreted to~~ Require the use of a preferred water supply
 946 source or to restrict or prohibit the use of a nonpreferred
 947 water supply source.

948 (b) Rules adopted by the governing board of a water
 949 management district to implement this section shall specify that
 950 the use of a preferred water supply source is not required and
 951 that the use of a nonpreferred water supply source is not
 952 restricted or prohibited.

953 Section 12. Present subsection (5) of section 373.227,
 954 Florida Statutes, is redesignated as subsection (7), and a new
 955 subsection (5) and subsection (6) are added to that section, to
 956 read:

957 373.227 Water conservation; legislative findings and

592-01083A-16

2016552c1

958 intent; objectives; comprehensive statewide water conservation
959 program requirements.-

960 (5) To incentivize water conservation, if actual water use
961 is less than permitted water use due to documented
962 implementation of water conservation measures beyond those
963 required in a consumptive use permit, including, but not limited
964 to, those measures identified in best management practices
965 pursuant to s. 570.93, the permitted allocation may not be
966 modified solely due to such water conservation during the term
967 of the permit. To promote water conservation and the
968 implementation of measures that produce significant water
969 savings beyond those required in a consumptive use permit, each
970 water management district shall adopt rules providing water
971 conservation incentives, which may include limited permit
972 extensions.

973 (6) For consumptive use permits for agricultural
974 irrigation, if actual water use is less than permitted water use
975 due to weather events, crop diseases, nursery stock
976 availability, market conditions, or changes in crop type, a
977 district may not, as a result, reduce permitted allocation
978 amounts during the term of the permit.

979 Section 13. Subsection (2) of section 373.233, Florida
980 Statutes, is amended to read:

981 373.233 Competing applications.-

982 (2) ~~(a) If in the event that~~ two or more competing
983 applications qualify equally under ~~the provisions of~~ subsection
984 (1), the governing board or the department shall give preference
985 to a renewal application over an initial application.

986 (b) If two or more competing applications qualify equally

592-01083A-16

2016552c1

987 under subsection (1) and none of the competing applications is a
988 renewal application, the governing board or the department shall
989 give preference to the application for the use where the source
990 is nearest to the area of use or application consistent with s.
991 373.016(4)(a).

992 Section 14. Section 373.4591, Florida Statutes, is amended
993 to read:

994 373.4591 Improvements on private agricultural lands.—

995 (1) The Legislature encourages public-private partnerships
996 to accomplish water storage, groundwater recharge, and water
997 quality improvements on private agricultural lands. Priority
998 consideration shall be given to public-private partnerships
999 that:

1000 (a) Store or treat water on private lands for purposes of
1001 enhancing hydrologic improvement, improving water quality, or
1002 assisting in water supply;

1003 (b) Provide critical groundwater recharge; or

1004 (c) Provide for changes in land use to activities that
1005 minimize nutrient loads and maximize water conservation.

1006 (2)(a) When an agreement is entered into between the
1007 department, a water management district, or the Department of
1008 Agriculture and Consumer Services and a private landowner to
1009 establish ~~such~~ a public-private partnership that may create or
1010 impact wetlands or other surface waters, a baseline condition
1011 determining the extent of wetlands and other surface waters on
1012 the property shall be established and documented in the
1013 agreement before improvements are constructed.

1014 (b) When an agreement is entered into between the
1015 Department of Agriculture and Consumer Services and a private

592-01083A-16

2016552c1

landowner to implement best management practices pursuant to s. 403.067(7)(c), a baseline condition determining the extent of wetlands and other surface water on the property may be established at the option and expense of the private landowner and documented in the agreement before improvements are constructed. The Department of Agriculture and Consumer Services shall submit the landowner's proposed baseline condition documentation to the lead agency for review and approval, and the agency shall use its best efforts to complete the review within 45 days.

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

Section 15. Paragraph (h) of subsection (1) and subsections (2) through (7) of section 373.4595, Florida Statutes, are amended 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,

592-01083A-16

2016552c1

1045 ~~Plan~~ and the St. Lucie River Watershed Protection Program Plans
1046 is needed to improve the quality, quantity, timing, and
1047 distribution of water in the northern Everglades ecosystem and
1048 that this section, in conjunction with s. 403.067, including the
1049 implementation of the plans developed and approved pursuant to
1050 subsections (3) and (4), and any related basin management action
1051 plan developed and implemented pursuant to s. 403.067(7)(a),
1052 provide a reasonable means of achieving the total maximum daily
1053 load requirements and achieving and maintaining compliance with
1054 state water quality standards.

1055 (2) DEFINITIONS.—As used in this section, the term:

1056 (a) "Best management practice" means a practice or
1057 combination of practices determined by the coordinating
1058 agencies, based on research, field-testing, and expert review,
1059 to be the most effective and practicable on-location means,
1060 including economic and technological considerations, for
1061 improving water quality in agricultural and urban discharges.
1062 Best management practices for agricultural discharges shall
1063 reflect a balance between water quality improvements and
1064 agricultural productivity.

1065 (b) "Biosolids" means the solid, semisolid, or liquid
1066 residue generated during the treatment of domestic wastewater in
1067 a domestic wastewater treatment facility, formerly known as
1068 "domestic wastewater residuals" or "residuals," and includes
1069 products and treated material from biosolids treatment
1070 facilities and septage management facilities regulated by the
1071 department. The term does not include the treated effluent or
1072 reclaimed water from a domestic wastewater treatment facility,
1073 solids removed from pump stations and lift stations, screenings

592-01083A-16

2016552c1

1074 and grit removed from the preliminary treatment components of
1075 domestic wastewater treatment facilities, or ash generated
1076 during the incineration of biosolids.

1077 (c)~~(b)~~ "Caloosahatchee River watershed" means the
1078 Caloosahatchee River, its tributaries, its estuary, and the area
1079 within Charlotte, Glades, Hendry, and Lee Counties from which
1080 surface water flow is directed or drains, naturally or by
1081 constructed works, to the river, its tributaries, or its
1082 estuary.

1083 (d)~~(e)~~ "Coordinating agencies" means the Department of
1084 Agriculture and Consumer Services, the Department of
1085 Environmental Protection, and the South Florida Water Management
1086 District.

1087 (e)~~(d)~~ "Corps of Engineers" means the United States Army
1088 Corps of Engineers.

1089 (f)~~(e)~~ "Department" means the Department of Environmental
1090 Protection.

1091 (g)~~(f)~~ "District" means the South Florida Water Management
1092 District.

1093 ~~(g) "District's WOD program" means the program implemented~~
1094 ~~pursuant to rules adopted as authorized by this section and ss.~~
1095 ~~373.016, 373.044, 373.085, 373.086, 373.109, 373.113, 373.118,~~
1096 ~~373.451, and 373.453, entitled "Works of the District Basin."~~

1097 (h) "Lake Okeechobee Watershed Construction Project" means
1098 the construction project developed pursuant to this section
1099 ~~paragraph (3)(b).~~

1100 (i) "Lake Okeechobee Watershed Protection Plan" means the
1101 Lake Okeechobee Watershed Construction Project and the Lake
1102 Okeechobee Watershed Research and Water Quality Monitoring

592-01083A-16

2016552c1

1103 ~~Program plan developed pursuant to this section and ss. 373.451-~~
1104 ~~373.459.~~

1105 (j) "Lake Okeechobee watershed" means Lake Okeechobee, its
1106 tributaries, and the area within which surface water flow is
1107 directed or drains, naturally or by constructed works, to the
1108 lake or its tributaries.

1109 ~~(k) "Lake Okeechobee Watershed Phosphorus Control Program"~~
1110 ~~means the program developed pursuant to paragraph (3)(c).~~

1111 (k)~~(l)~~ "Northern Everglades" means the Lake Okeechobee
1112 watershed, the Caloosahatchee River watershed, and the St. Lucie
1113 River watershed.

1114 (l)~~(m)~~ "Project component" means any structural or
1115 operational change, resulting from the Restudy, to the Central
1116 and Southern Florida Project as it existed and was operated as
1117 of January 1, 1999.

1118 (m)~~(n)~~ "Restudy" means the Comprehensive Review Study of
1119 the Central and Southern Florida Project, for which federal
1120 participation was authorized by the Federal Water Resources
1121 Development Acts of 1992 and 1996 together with related
1122 Congressional resolutions and for which participation by the
1123 South Florida Water Management District is authorized by s.
1124 373.1501. The term includes all actions undertaken pursuant to
1125 the aforementioned authorizations which will result in
1126 recommendations for modifications or additions to the Central
1127 and Southern Florida Project.

1128 (n)~~(o)~~ "River Watershed Protection Plans" means the
1129 Caloosahatchee River Watershed Protection Plan and the St. Lucie
1130 River Watershed Protection Plan developed pursuant to this
1131 section.

592-01083A-16

2016552c1

1132 (o) "Soil amendment" means any substance or mixture of
1133 substances sold or offered for sale for soil enriching or
1134 corrective purposes, intended or claimed to be effective in
1135 promoting or stimulating plant growth, increasing soil or plant
1136 productivity, improving the quality of crops, or producing any
1137 chemical or physical change in the soil, except amendments,
1138 conditioners, additives, and related products that are derived
1139 solely from inorganic sources and that contain no recognized
1140 plant nutrients.

1141 (p) "St. Lucie River watershed" means the St. Lucie River,
1142 its tributaries, its estuary, and the area within Martin,
1143 Okeechobee, and St. Lucie Counties from which surface water flow
1144 is directed or drains, naturally or by constructed works, to the
1145 river, its tributaries, or its estuary.

1146 (q) "Total maximum daily load" means the sum of the
1147 individual wasteload allocations for point sources and the load
1148 allocations for nonpoint sources and natural background adopted
1149 pursuant to s. 403.067. Before ~~Prior to~~ determining individual
1150 wasteload allocations and load allocations, the maximum amount
1151 of a pollutant that a water body or water segment can assimilate
1152 from all sources without exceeding water quality standards must
1153 first be calculated.

1154 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—The Lake
1155 Okeechobee Watershed Protection Program shall consist of the
1156 Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee
1157 Basin Management Action Plan adopted pursuant to s. 403.067, the
1158 Lake Okeechobee Exotic Species Control Program, and the Lake
1159 Okeechobee Internal Phosphorus Management Program. The Lake
1160 Okeechobee Basin Management Action Plan adopted pursuant to s.

592-01083A-16

2016552c1

1161 403.067 shall be the component of the Lake Okeechobee Watershed
1162 Protection ~~A protection~~ Program for Lake Okeechobee that
1163 achieves phosphorus load reductions for Lake Okeechobee ~~shall be~~
1164 ~~immediately implemented as specified in this subsection.~~ The
1165 Lake Okeechobee Watershed Protection Program shall address the
1166 reduction of phosphorus loading to the lake from both internal
1167 and external sources. Phosphorus load reductions shall be
1168 achieved through a phased program of implementation. ~~Initial~~
1169 ~~implementation actions shall be technology based, based upon a~~
1170 ~~consideration of both the availability of appropriate technology~~
1171 ~~and the cost of such technology, and shall include phosphorus~~
1172 ~~reduction measures at both the source and the regional level.~~
1173 ~~The initial phase of phosphorus load reductions shall be based~~
1174 ~~upon the district's Technical Publication 81-2 and the~~
1175 ~~district's WOD program, with subsequent phases of phosphorus~~
1176 ~~load reductions based upon the total maximum daily loads~~
1177 ~~established in accordance with s. 403.067.~~ In the development
1178 and administration of the Lake Okeechobee Watershed Protection
1179 Program, the coordinating agencies shall maximize opportunities
1180 provided by federal cost-sharing programs and opportunities for
1181 partnerships with the private sector.

1182 (a) *Lake Okeechobee Watershed Protection Plan.* ~~In order~~ To
1183 protect and restore surface water resources, the district, in
1184 cooperation with the other coordinating agencies, shall complete
1185 a Lake Okeechobee Watershed Protection Plan in accordance with
1186 this section and ss. 373.451-373.459. Beginning March 1, 2020,
1187 and every 5 years thereafter, the district shall update the Lake
1188 Okeechobee Watershed Protection Plan to ensure that it is
1189 consistent with the Lake Okeechobee Basin Management Action Plan

592-01083A-16

2016552c1

1190 adopted pursuant to s. 403.067. The Lake Okeechobee Watershed
1191 Protection Plan shall identify the geographic extent of the
1192 watershed, be coordinated with the plans developed pursuant to
1193 paragraphs (4) (a) and (c) ~~(b)~~, and include the Lake Okeechobee
1194 Watershed Construction Project and the Lake Okeechobee Watershed
1195 Research and Water Quality Monitoring Program ~~contain an~~
1196 ~~implementation schedule for subsequent phases of phosphorus load~~
1197 ~~reduction consistent with the total maximum daily loads~~
1198 ~~established in accordance with s. 403.067. The plan shall~~
1199 ~~consider and build upon a review and analysis of the following:~~

1200 ~~1. the performance of projects constructed during Phase I~~
1201 ~~and Phase II of the Lake Okeechobee Watershed Construction~~
1202 ~~Project, pursuant to subparagraph 1.; ~~paragraph (b).~~~~

1203 ~~2. relevant information resulting from the Lake Okeechobee~~
1204 ~~Basin Management Action Plan Watershed Phosphorus Control~~
1205 ~~Program, pursuant to paragraph (b); ~~(e).~~~~

1206 ~~3. relevant information resulting from the Lake Okeechobee~~
1207 ~~Watershed Research and Water Quality Monitoring Program,~~
1208 ~~pursuant to subparagraph 2.; ~~paragraph (d).~~~~

1209 ~~4. relevant information resulting from the Lake Okeechobee~~
1210 ~~Exotic Species Control Program, pursuant to paragraph (c); and~~
1211 ~~(e).~~

1212 ~~5. relevant information resulting from the Lake Okeechobee~~
1213 ~~Internal Phosphorus Management Program, pursuant to paragraph~~
1214 ~~(d) ~~(f).~~~~

1215 ~~1. ~~(b)~~ Lake Okeechobee Watershed Construction Project.~~-To
1216 improve the hydrology and water quality of Lake Okeechobee and
1217 downstream receiving waters, including the Caloosahatchee and
1218 St. Lucie Rivers and their estuaries, the district, in

592-01083A-16

2016552c1

1219 cooperation with the other coordinating agencies, shall design
1220 and construct the Lake Okeechobee Watershed Construction
1221 Project. The project shall include:

1222 a.1. Phase I.—Phase I of the Lake Okeechobee Watershed
1223 Construction Project shall consist of a series of project
1224 features consistent with the recommendations of the South
1225 Florida Ecosystem Restoration Working Group's Lake Okeechobee
1226 Action Plan. Priority basins for such projects include S-191, S-
1227 154, and Pools D and E in the Lower Kissimmee River. ~~In order~~ To
1228 obtain phosphorus load reductions to Lake Okeechobee as soon as
1229 possible, the following actions shall be implemented:

1230 (I)a. The district shall serve as a full partner with the
1231 Corps of Engineers in the design and construction of the Grassy
1232 Island Ranch and New Palm Dairy stormwater treatment facilities
1233 as components of the Lake Okeechobee Water Retention/Phosphorus
1234 Removal Critical Project. The Corps of Engineers shall have the
1235 lead in design and construction of these facilities. Should
1236 delays be encountered in the implementation of either of these
1237 facilities, the district shall notify the department and
1238 recommend corrective actions.

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

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

592-01083A-16

2016552c1

1248 Area, a project component of the Comprehensive Everglades
1249 Restoration Plan. The district shall propose to the Corps of
1250 Engineers that the district take the lead in the design and
1251 construction of the Reservoir Assisted Stormwater Treatment Area
1252 and receive credit towards the local share of the total cost of
1253 the Comprehensive Everglades Restoration Plan.

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

592-01083A-16

2016552c1

1277 subparagraph a. ~~subparagraph 1.~~, as well as facilities for other
1278 basins in the Lake Okeechobee watershed. ~~This detailed technical~~
1279 ~~plan will require legislative ratification pursuant to paragraph~~
1280 ~~(i).~~ The technical plan shall:

1281 (I)a. Identify Lake Okeechobee Watershed Construction
1282 Project facilities designed to contribute to achieving all
1283 applicable total maximum daily loads established pursuant to s.
1284 403.067 within the Lake Okeechobee watershed.

1285 (II)b. Identify the size and location of all such Lake
1286 Okeechobee Watershed Construction Project facilities.

1287 (III)e. Provide a construction schedule for all such Lake
1288 Okeechobee Watershed Construction Project facilities, including
1289 the sequencing and specific timeframe for construction of each
1290 Lake Okeechobee Watershed Construction Project facility.

1291 (IV)d. Provide a schedule for the acquisition of lands or
1292 sufficient interests necessary to achieve the construction
1293 schedule.

1294 (V)e. Provide a detailed schedule of costs associated with
1295 the construction schedule.

1296 (VI)f. Identify, to the maximum extent practicable, impacts
1297 on wetlands and state-listed species expected to be associated
1298 with construction of such facilities, including potential
1299 alternatives to minimize and mitigate such impacts, as
1300 appropriate.

1301 (VII)g. Provide for additional measures, including
1302 voluntary water storage and quality improvements on private
1303 land, to increase water storage and reduce excess water levels
1304 in Lake Okeechobee and to reduce excess discharges to the
1305 estuaries.

592-01083A-16

2016552c1

1306 (VIII) ~~The technical plan shall also~~ Develop the
1307 appropriate water quantity storage goal to achieve the desired
1308 Lake Okeechobee range of lake levels and inflow volumes to the
1309 Caloosahatchee and St. Lucie estuaries while meeting the other
1310 water-related needs of the region, including water supply and
1311 flood protection.

1312 (IX) ~~h.~~ Provide for additional source controls needed to
1313 enhance performance of the Lake Okeechobee Watershed
1314 Construction Project facilities. Such additional source controls
1315 shall be incorporated into the Lake Okeechobee Basin Management
1316 Action Plan ~~Watershed Phosphorous Control Program~~ pursuant to
1317 paragraph (b) ~~(e)~~.

1318 c.3. ~~Evaluation.~~ Within 5 years after the adoption of the
1319 Lake Okeechobee Basin Management Action Plan pursuant to s.
1320 403.067 and every 5 ~~By January 1, 2004, and every 3~~ years
1321 thereafter, the department ~~district~~, in cooperation with the
1322 other coordinating agencies, shall conduct an evaluation of the
1323 Lake Okeechobee Watershed Construction Project and identify any
1324 further load reductions necessary to achieve compliance with the
1325 ~~all~~ Lake Okeechobee ~~watershed~~ total maximum daily loads
1326 established pursuant to s. 403.067. ~~Additionally,~~ The district
1327 shall identify modifications to facilities of the Lake
1328 Okeechobee Watershed Construction Project as appropriate to meet
1329 the total maximum daily loads. Modifications to the Lake
1330 Okeechobee Watershed Construction Project resulting from this
1331 evaluation shall be incorporated into the Lake Okeechobee Basin
1332 Management Action Plan and ~~The evaluation shall be included in~~
1333 the applicable annual progress report submitted pursuant to
1334 subsection (6).

592-01083A-16

2016552c1

1335 ~~d.4.~~ Coordination and review.—To ensure the timely
1336 implementation of the Lake Okeechobee Watershed Construction
1337 Project, the design of project facilities shall be coordinated
1338 with the department and other interested parties, including
1339 affected local governments, to the maximum extent practicable.
1340 Lake Okeechobee Watershed Construction Project facilities shall
1341 be reviewed and commented upon by the department before ~~prior to~~
1342 the execution of a construction contract by the district for
1343 that facility.

1344 2. Lake Okeechobee Watershed Research and Water Quality
1345 Monitoring Program.—The coordinating agencies shall implement a
1346 Lake Okeechobee Watershed Research and Water Quality Monitoring
1347 Program. Results from the program shall be used by the
1348 department, in cooperation with the other coordinating agencies,
1349 to make modifications to the Lake Okeechobee Basin Management
1350 Action Plan adopted pursuant to s. 403.067, as appropriate. The
1351 program shall:

1352 a. Evaluate all available existing water quality data
1353 concerning total phosphorus in the Lake Okeechobee watershed,
1354 develop a water quality baseline to represent existing
1355 conditions for total phosphorus, monitor long-term ecological
1356 changes, including water quality for total phosphorus, and
1357 measure compliance with water quality standards for total
1358 phosphorus, including any applicable total maximum daily load
1359 for the Lake Okeechobee watershed as established pursuant to s.
1360 403.067. Beginning March 1, 2020, and every 5 years thereafter,
1361 the department shall reevaluate water quality and quantity data
1362 to ensure that the appropriate projects are being designated and
1363 incorporated into the Lake Okeechobee Basin Management Action

592-01083A-16

2016552c1

1364 Plan adopted pursuant to s. 403.067. The district shall
1365 implement a total phosphorus monitoring program at appropriate
1366 structures owned or operated by the district and within the Lake
1367 Okeechobee watershed.

1368 b. Develop a Lake Okeechobee water quality model that
1369 reasonably represents the phosphorus dynamics of Lake Okeechobee
1370 and incorporates an uncertainty analysis associated with model
1371 predictions.

1372 c. Determine the relative contribution of phosphorus from
1373 all identifiable sources and all primary and secondary land
1374 uses.

1375 d. Conduct an assessment of the sources of phosphorus from
1376 the Upper Kissimmee Chain of Lakes and Lake Istokpoga and their
1377 relative contribution to the water quality of Lake Okeechobee.
1378 The results of this assessment shall be used by the coordinating
1379 agencies as part of the Lake Okeechobee Basin Management Action
1380 Plan adopted pursuant to s. 403.067 to develop interim measures,
1381 best management practices, or regulations, as applicable.

1382 e. Assess current water management practices within the
1383 Lake Okeechobee watershed and develop recommendations for
1384 structural and operational improvements. Such recommendations
1385 shall balance water supply, flood control, estuarine salinity,
1386 maintenance of a healthy lake littoral zone, and water quality
1387 considerations.

1388 f. Evaluate the feasibility of alternative nutrient
1389 reduction technologies, including sediment traps, canal and
1390 ditch maintenance, fish production or other aquaculture,
1391 bioenergy conversion processes, and algal or other biological
1392 treatment technologies and include any alternative nutrient

592-01083A-16

2016552c1

1393 reduction technologies determined to be feasible in the Lake
1394 Okeechobee Basin Management Action Plan adopted pursuant to s.
1395 403.067.

1396 g. Conduct an assessment of the water volumes and timing
1397 from the Lake Okeechobee watershed and their relative
1398 contribution to the water level changes in Lake Okeechobee and
1399 to the timing and volume of water delivered to the estuaries.

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

592-01083A-16

2016552c1

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

592-01083A-16

2016552c1

1451 pursuant to s. 403.067. The interagency agreement must specify
1452 how best management practices for nonagricultural nonpoint
1453 sources are developed and how all best management practices are
1454 implemented and verified consistent with s. 403.067 and this
1455 section and must address measures to be taken by the
1456 coordinating agencies during any best management practice
1457 reevaluation performed pursuant to subparagraphs 5. and 10. The
1458 department shall use best professional judgment in making the
1459 initial determination of best management practice effectiveness.
1460 The coordinating agencies may develop an intergovernmental
1461 agreement with local governments to implement nonagricultural
1462 nonpoint source best management practices within their
1463 respective geographic boundaries. The coordinating agencies
1464 shall facilitate the application of federal programs that offer
1465 opportunities for water quality treatment, including
1466 preservation, restoration, or creation of wetlands on
1467 agricultural lands.

1468 1. Agricultural nonpoint source best management practices,
1469 developed in accordance with s. 403.067 and designed to achieve
1470 the objectives of the Lake Okeechobee Watershed Protection
1471 Program as part of a phased approach of management strategies
1472 within the Lake Okeechobee Basin Management Action Plan, shall
1473 be implemented on an expedited basis. ~~The coordinating agencies~~
1474 ~~shall develop an interagency agreement pursuant to ss. 373.046~~
1475 ~~and 373.406(5) that assures the development of best management~~
1476 ~~practices that complement existing regulatory programs and~~
1477 ~~specifies how those best management practices are implemented~~
1478 ~~and verified. The interagency agreement shall address measures~~
1479 ~~to be taken by the coordinating agencies during any best~~

592-01083A-16

2016552c1

1480 ~~management practice reevaluation performed pursuant to sub-~~
1481 ~~subparagraph d. The department shall use best professional~~
1482 ~~judgment in making the initial determination of best management~~
1483 ~~practice effectiveness.~~

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

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

592-01083A-16

2016552c1

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

1525 4.e. The district or department shall conduct monitoring at
1526 representative sites to verify the effectiveness of agricultural
1527 nonpoint source best management practices.

1528 5.d. Where water quality problems are detected for
1529 agricultural nonpoint sources despite the appropriate
1530 implementation of adopted best management practices, ~~the~~
1531 ~~Department of Agriculture and Consumer Services, in consultation~~
1532 ~~with the other coordinating agencies and affected parties, shall~~
1533 institute a reevaluation of the best management practices shall
1534 be conducted pursuant to s. 403.067(7)(c)4. If the reevaluation
1535 determines that the best management practices or other measures
1536 require modification, the rule shall be revised to require
1537 implementation of the modified practice within a reasonable

592-01083A-16

2016552c1

1538 ~~period as specified in the rule and make appropriate changes to~~
1539 ~~the rule adopting best management practices.~~

1540 6.2. ~~As provided in s. 403.067,~~ nonagricultural nonpoint
1541 source best management practices, developed in accordance with
1542 s. 403.067 and designed to achieve the objectives of the Lake
1543 Okeechobee Watershed Protection Program as part of a phased
1544 approach of management strategies within the Lake Okeechobee
1545 Basin Management Action Plan, shall be implemented on an
1546 expedited basis. ~~The department and the district shall develop~~
1547 ~~an interagency agreement pursuant to ss. 373.046 and 373.406(5)~~
1548 ~~that assures the development of best management practices that~~
1549 ~~complement existing regulatory programs and specifies how those~~
1550 ~~best management practices are implemented and verified. The~~
1551 ~~interagency agreement shall address measures to be taken by the~~
1552 ~~department and the district during any best management practice~~
1553 ~~reevaluation performed pursuant to sub-subparagraph d.~~

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

592-01083A-16

2016552c1

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

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

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

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

592-01083A-16

2016552c1

1596 rule shall be revised to require implementation of the modified
1597 practice within a reasonable time period as specified in the
1598 rule.

1599 11.3. The provisions of Subparagraphs 1. and 2. and 7. do
1600 may not preclude the department or the district from requiring
1601 compliance with water quality standards or with current best
1602 management practices requirements set forth in any applicable
1603 regulatory program authorized by law for the purpose of
1604 protecting water quality. Additionally, Subparagraphs 1. and 2.
1605 and 7. are applicable only to the extent that they do not
1606 conflict with any rules adopted by the department that are
1607 necessary to maintain a federally delegated or approved program.

1608 12. The program of agricultural best management practices
1609 set forth in the Everglades Program of the district meets the
1610 requirements of this paragraph and s. 403.067(7) for the Lake
1611 Okeechobee watershed. An entity in compliance with the best
1612 management practices set forth in the Everglades Program of the
1613 district may elect to use that permit in lieu of the
1614 requirements of this paragraph. The provisions of subparagraph
1615 5. apply to this subparagraph. This subparagraph does not alter
1616 any requirement of s. 373.4592.

1617 13. The Department of Agriculture and Consumer Services, in
1618 cooperation with the department and the district, shall provide
1619 technical and financial assistance for implementation of
1620 agricultural best management practices, subject to the
1621 availability of funds. The department and district shall provide
1622 technical and financial assistance for implementation of
1623 nonagricultural nonpoint source best management practices,
1624 subject to the availability of funds.

592-01083A-16

2016552c1

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

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

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

592-01083A-16

2016552c1

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

1674 17.b. Private and government-owned utilities within Monroe,
1675 Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian
1676 River, Okeechobee, Highlands, Hendry, and Glades Counties that
1677 dispose of wastewater biosolids residual sludge from utility
1678 operations and septic removal by land spreading in the Lake
1679 Okeechobee watershed may use a line item on local sewer rates to
1680 cover wastewater biosolids residual treatment and disposal if
1681 such disposal and treatment is done by approved alternative
1682 treatment methodology at a facility located within the areas

592-01083A-16

2016552c1

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

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

592-01083A-16

2016552c1

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

1727 19.7. The Department of Health shall require all entities
1728 disposing of septage within the Lake Okeechobee watershed to
1729 develop and submit to that agency an agricultural use plan that
1730 limits applications based upon phosphorus loading consistent
1731 with the Lake Okeechobee Basin Management Action Plan adopted
1732 pursuant to s. 403.067. ~~By July 1, 2005, phosphorus~~
1733 ~~concentrations originating from these application sites may not~~
1734 ~~exceed the limits established in the district's WOD program.~~

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

592-01083A-16

2016552c1

1741 thresholds for the requirement to develop a conservation or
1742 nutrient management plan, requirements for plan approval, site
1743 inspection requirements, and recordkeeping requirements.

1744 21. The district shall revise chapter 40E-61, Florida
1745 Administrative Code, to be consistent with this section and s.
1746 403.067; provide for a monitoring program for nonpoint source
1747 dischargers required to monitor water quality by s. 403.067; and
1748 provide for the results of such monitoring to be reported to the
1749 coordinating agencies.

1750 ~~9. The district, the department, or the Department of~~
1751 ~~Agriculture and Consumer Services, as appropriate, shall~~
1752 ~~implement those alternative nutrient reduction technologies~~
1753 ~~determined to be feasible pursuant to subparagraph (d)6.~~

1754 ~~(d) Lake Okeechobee Watershed Research and Water Quality~~
1755 ~~Monitoring Program. The district, in cooperation with the other~~
1756 ~~coordinating agencies, shall establish a Lake Okeechobee~~
1757 ~~Watershed Research and Water Quality Monitoring Program that~~
1758 ~~builds upon the district's existing Lake Okeechobee research~~
1759 ~~program. The program shall:~~

1760 ~~1. Evaluate all available existing water quality data~~
1761 ~~concerning total phosphorus in the Lake Okeechobee watershed,~~
1762 ~~develop a water quality baseline to represent existing~~
1763 ~~conditions for total phosphorus, monitor long-term ecological~~
1764 ~~changes, including water quality for total phosphorus, and~~
1765 ~~measure compliance with water quality standards for total~~
1766 ~~phosphorus, including any applicable total maximum daily load~~
1767 ~~for the Lake Okeechobee watershed as established pursuant to s.~~
1768 ~~403.067. Every 3 years, the district shall reevaluate water~~
1769 ~~quality and quantity data to ensure that the appropriate~~

592-01083A-16

2016552c1

1770 ~~projects are being designated and implemented to meet the water~~
1771 ~~quality and storage goals of the plan. The district shall also~~
1772 ~~implement a total phosphorus monitoring program at appropriate~~
1773 ~~structures owned or operated by the South Florida Water~~
1774 ~~Management District and within the Lake Okeechobee watershed.~~

1775 ~~2. Develop a Lake Okeechobee water quality model that~~
1776 ~~reasonably represents phosphorus dynamics of the lake and~~
1777 ~~incorporates an uncertainty analysis associated with model~~
1778 ~~predictions.~~

1779 ~~3. Determine the relative contribution of phosphorus from~~
1780 ~~all identifiable sources and all primary and secondary land~~
1781 ~~uses.~~

1782 ~~4. Conduct an assessment of the sources of phosphorus from~~
1783 ~~the Upper Kissimmee Chain of Lakes and Lake Istokpoga, and their~~
1784 ~~relative contribution to the water quality of Lake Okeechobee.~~
1785 ~~The results of this assessment shall be used by the coordinating~~
1786 ~~agencies to develop interim measures, best management practices,~~
1787 ~~or regulation, as applicable.~~

1788 ~~5. Assess current water management practices within the~~
1789 ~~Lake Okeechobee watershed and develop recommendations for~~
1790 ~~structural and operational improvements. Such recommendations~~
1791 ~~shall balance water supply, flood control, estuarine salinity,~~
1792 ~~maintenance of a healthy lake littoral zone, and water quality~~
1793 ~~considerations.~~

1794 ~~6. Evaluate the feasibility of alternative nutrient~~
1795 ~~reduction technologies, including sediment traps, canal and~~
1796 ~~ditch maintenance, fish production or other aquaculture,~~
1797 ~~bioenergy conversion processes, and algal or other biological~~
1798 ~~treatment technologies.~~

592-01083A-16

2016552c1

1799 ~~7. Conduct an assessment of the water volumes and timing~~
1800 ~~from the Lake Okeechobee watershed and their relative~~
1801 ~~contribution to the water level changes in Lake Okeechobee and~~
1802 ~~to the timing and volume of water delivered to the estuaries.~~

1803 (c) ~~(e)~~ *Lake Okeechobee Exotic Species Control Program.*—The
1804 coordinating agencies shall identify the exotic species that
1805 threaten the native flora and fauna within the Lake Okeechobee
1806 watershed and develop and implement measures to protect the
1807 native flora and fauna.

1808 (d) ~~(f)~~ *Lake Okeechobee Internal Phosphorus Management*
1809 *Program.*—The district, in cooperation with the other
1810 coordinating agencies and interested parties, shall evaluate the
1811 feasibility of ~~complete a~~ Lake Okeechobee internal phosphorus
1812 load removal projects ~~feasibility study~~. The evaluation
1813 ~~feasibility study~~ shall be based on technical feasibility, as
1814 well as economic considerations, and shall consider ~~address~~ all
1815 reasonable methods of phosphorus removal. If projects ~~methods~~
1816 are found to be feasible, the district shall immediately pursue
1817 the design, funding, and permitting for implementing such
1818 projects ~~methods~~.

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

592-01083A-16

2016552c1

1828 loads. In determining funding priorities, the coordinating
1829 agencies shall also consider the need for regulatory compliance,
1830 the extent to which the program or project is ready to proceed,
1831 and the availability of federal matching funds or other nonstate
1832 funding, including public-private partnerships. Federal and
1833 other nonstate funding shall be maximized to the greatest extent
1834 practicable.

1835 (f) ~~(h)~~ *Priorities and implementation schedules.*—The
1836 coordinating agencies are authorized and directed to establish
1837 priorities and implementation schedules for the achievement of
1838 total maximum daily loads, compliance with the requirements of
1839 s. 403.067, and compliance with applicable water quality
1840 standards within the waters and watersheds subject to this
1841 section.

1842 ~~(i) Legislative ratification. The coordinating agencies~~
1843 ~~shall submit the Phase II technical plan developed pursuant to~~
1844 ~~paragraph (b) to the President of the Senate and the Speaker of~~
1845 ~~the House of Representatives prior to the 2008 legislative~~
1846 ~~session for review. If the Legislature takes no action on the~~
1847 ~~plan during the 2008 legislative session, the plan is deemed~~
1848 ~~approved and may be implemented.~~

1849 (4) CALOOSAHATCHEE RIVER WATERSHED PROTECTION PROGRAM AND
1850 ST. LUCIE RIVER WATERSHED PROTECTION PROGRAM.—A protection
1851 program shall be developed and implemented as specified in this
1852 subsection. ~~In order~~ To protect and restore surface water
1853 resources, the program shall address the reduction of pollutant
1854 loadings, restoration of natural hydrology, and compliance with
1855 applicable state water quality standards. The program shall be
1856 achieved through a phased program of implementation. In

592-01083A-16

2016552c1

1857 addition, pollutant load reductions based upon adopted total
1858 maximum daily loads established in accordance with s. 403.067
1859 shall serve as a program objective. In the development and
1860 administration of the program, the coordinating agencies shall
1861 maximize opportunities provided by federal and local government
1862 cost-sharing programs and opportunities for partnerships with
1863 the private sector and local government. The program plan shall
1864 include a goal for salinity envelopes and freshwater inflow
1865 targets for the estuaries based upon existing research and
1866 documentation. The goal may be revised as new information is
1867 available. This goal shall seek to reduce the frequency and
1868 duration of undesirable salinity ranges while meeting the other
1869 water-related needs of the region, including water supply and
1870 flood protection, while recognizing the extent to which water
1871 inflows are within the control and jurisdiction of the district.

1872 (a) *Caloosahatchee River Watershed Protection Plan.* ~~No~~
1873 ~~later than January 1, 2009,~~ The district, in cooperation with
1874 the other coordinating agencies, Lee County, and affected
1875 counties and municipalities, shall complete a River Watershed
1876 Protection Plan in accordance with this subsection. The
1877 Caloosahatchee River Watershed Protection Plan shall identify
1878 the geographic extent of the watershed, be coordinated as needed
1879 with the plans developed pursuant to paragraph (3) (a) and
1880 paragraph (c) ~~(b)~~ of this subsection, and ~~contain an~~
1881 ~~implementation schedule for pollutant load reductions consistent~~
1882 ~~with any adopted total maximum daily loads and compliance with~~
1883 ~~applicable state water quality standards. The plan shall include~~
1884 the Caloosahatchee River Watershed Construction Project and the
1885 Caloosahatchee River Watershed Research and Water Quality

592-01083A-16

2016552c1

1886 Monitoring Program.÷

1887 1. Caloosahatchee River Watershed Construction Project.—To
1888 improve the hydrology, water quality, and aquatic habitats
1889 within the watershed, the district shall, no later than January
1890 1, 2012, plan, design, and construct the initial phase of the
1891 Watershed Construction Project. In doing so, the district shall:

1892 a. Develop and designate the facilities to be constructed
1893 to achieve stated goals and objectives of the Caloosahatchee
1894 River Watershed Protection Plan.

1895 b. Conduct scientific studies that are necessary to support
1896 the design of the Caloosahatchee River Watershed Construction
1897 Project facilities.

1898 c. Identify the size and location of all such facilities.

1899 d. Provide a construction schedule for all such facilities,
1900 including the sequencing and specific timeframe for construction
1901 of each facility.

1902 e. Provide a schedule for the acquisition of lands or
1903 sufficient interests necessary to achieve the construction
1904 schedule.

1905 f. Provide a schedule of costs and benefits associated with
1906 each construction project and identify funding sources.

1907 g. To ensure timely implementation, coordinate the design,
1908 scheduling, and sequencing of project facilities with the
1909 coordinating agencies, Lee County, other affected counties and
1910 municipalities, and other affected parties.

1911 2. Caloosahatchee River Watershed Research and Water
1912 Quality Monitoring Program.—The district, in cooperation with
1913 the other coordinating agencies and local governments, shall
1914 implement a Caloosahatchee River Watershed Research and Water

592-01083A-16

2016552c1

1915 Quality Monitoring Program that builds upon the district's
1916 existing research program and that is sufficient to carry out,
1917 comply with, or assess the plans, programs, and other
1918 responsibilities created by this subsection. The program shall
1919 also conduct an assessment of the water volumes and timing from
1920 Lake Okeechobee and the Caloosahatchee River watershed and their
1921 relative contributions to the timing and volume of water
1922 delivered to the estuary.

1923 (b)2. Caloosahatchee River Watershed Basin Management
1924 Action Plans ~~Pollutant Control Program.~~—The basin management
1925 action plans adopted pursuant to s. 403.067 for the
1926 Caloosahatchee River watershed shall be the Caloosahatchee River
1927 Watershed Pollutant Control Program. The plans shall be ~~is~~
1928 designed to be a multifaceted approach to reducing pollutant
1929 loads by improving the management of pollutant sources within
1930 the Caloosahatchee River watershed through implementation of
1931 regulations and best management practices, development and
1932 implementation of improved best management practices,
1933 improvement and restoration of the hydrologic function of
1934 natural and managed systems, and utilization of alternative
1935 technologies for pollutant reduction, such as cost-effective
1936 biologically based, hybrid wetland/chemical and other innovative
1937 nutrient control technologies. As provided in s.
1938 403.067(7)(a)6., the Caloosahatchee River Watershed Basin
1939 Management Action Plans must include milestones for
1940 implementation and water quality improvement, and an associated
1941 water quality monitoring component sufficient to evaluate
1942 whether reasonable progress in pollutant load reductions is
1943 being achieved over time. An assessment of progress toward these

592-01083A-16

2016552c1

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

1971 1.a. ~~Nonpoint source best management practices consistent~~
1972 ~~with s. 403.067 paragraph (3)(c), designed to achieve the~~

592-01083A-16

2016552c1

1973 objectives of the Caloosahatchee River Watershed Protection
1974 Program, shall be implemented on an expedited basis. The
1975 coordinating agencies may develop an intergovernmental agreement
1976 with local governments to implement the nonagricultural,
1977 nonpoint-source best management practices within their
1978 respective geographic boundaries.

1979 ~~2.b.~~ This subsection does not preclude the department or
1980 the district from requiring compliance with water quality
1981 standards, adopted total maximum daily loads, or current best
1982 management practices requirements set forth in any applicable
1983 regulatory program authorized by law for the purpose of
1984 protecting water quality. This subsection applies only to the
1985 extent that it does not conflict with any rules adopted by the
1986 department or district which are necessary to maintain a
1987 federally delegated or approved program.

1988 ~~3.e.~~ Projects that make use of private lands, or lands held
1989 in trust for Indian tribes, to reduce pollutant loadings or
1990 concentrations within a basin, or that reduce the volume of
1991 harmful discharges by one or more of the following methods:
1992 restoring the natural hydrology of the basin, restoring wildlife
1993 habitat or impacted wetlands, reducing peak flows after storm
1994 events, or increasing aquifer recharge, are eligible for grants
1995 available under this section from the coordinating agencies.

1996 ~~4.d.~~ The Caloosahatchee River Watershed Basin Management
1997 Action Plans ~~Pollutant Control Program~~ shall require assessment
1998 of current water management practices within the watershed and
1999 shall require development of recommendations for structural,
2000 nonstructural, and operational improvements. Such
2001 recommendations shall consider and balance water supply, flood

592-01083A-16

2016552c1

2002 control, estuarine salinity, aquatic habitat, and water quality
2003 considerations.

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

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

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

592-01083A-16

2016552c1

2031 conservation or nutrient management plan, requirements for plan
2032 approval, site inspection requirements, and recordkeeping
2033 requirements.

2034 8. The district shall initiate rulemaking to provide for a
2035 monitoring program for nonpoint source dischargers required to
2036 monitor water quality pursuant to s. 403.067(7)(b)2.g. or s.
2037 403.067(7)(c)3. The results of such monitoring must be reported
2038 to the coordinating agencies.

2039 ~~3. Caloosahatchee River Watershed Research and Water~~
2040 ~~Quality Monitoring Program. The district, in cooperation with~~
2041 ~~the other coordinating agencies and local governments, shall~~
2042 ~~establish a Caloosahatchee River Watershed Research and Water~~
2043 ~~Quality Monitoring Program that builds upon the district's~~
2044 ~~existing research program and that is sufficient to carry out,~~
2045 ~~comply with, or assess the plans, programs, and other~~
2046 ~~responsibilities created by this subsection. The program shall~~
2047 ~~also conduct an assessment of the water volumes and timing from~~
2048 ~~the Lake Okeechobee and Caloosahatchee River watersheds and~~
2049 ~~their relative contributions to the timing and volume of water~~
2050 ~~delivered to the estuary.~~

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

592-01083A-16

2016552c1

2060 ~~consistent with any adopted total maximum daily loads and~~
2061 ~~compliance with applicable state water quality standards. The~~
2062 ~~plan shall include~~ the St. Lucie River Watershed Construction
2063 Project and St. Lucie River Watershed Research and Water Quality
2064 Monitoring Program.†

2065 1. St. Lucie River Watershed Construction Project.—To
2066 improve the hydrology, water quality, and aquatic habitats
2067 within the watershed, the district shall, no later than January
2068 1, 2012, plan, design, and construct the initial phase of the
2069 Watershed Construction Project. In doing so, the district shall:

2070 a. Develop and designate the facilities to be constructed
2071 to achieve stated goals and objectives of the St. Lucie River
2072 Watershed Protection Plan.

2073 b. Identify the size and location of all such facilities.

2074 c. Provide a construction schedule for all such facilities,
2075 including the sequencing and specific timeframe for construction
2076 of each facility.

2077 d. Provide a schedule for the acquisition of lands or
2078 sufficient interests necessary to achieve the construction
2079 schedule.

2080 e. Provide a schedule of costs and benefits associated with
2081 each construction project and identify funding sources.

2082 f. To ensure timely implementation, coordinate the design,
2083 scheduling, and sequencing of project facilities with the
2084 coordinating agencies, Martin County, St. Lucie County, other
2085 interested parties, and other affected local governments.

2086 2. St. Lucie River Watershed Research and Water Quality
2087 Monitoring Program.—The district, in cooperation with the other
2088 coordinating agencies and local governments, shall establish a

592-01083A-16

2016552c1

2089 St. Lucie River Watershed Research and Water Quality Monitoring
2090 Program that builds upon the district's existing research
2091 program and that is sufficient to carry out, comply with, or
2092 assess the plans, programs, and other responsibilities created
2093 by this subsection. The district shall also conduct an
2094 assessment of the water volumes and timing from Lake Okeechobee
2095 and the St. Lucie River watershed and their relative
2096 contributions to the timing and volume of water delivered to the
2097 estuary.

2098 (d)2. St. Lucie River Watershed Basin Management Action
2099 Plan ~~Pollutant Control Program.~~—The basin management action plan
2100 for the St. Lucie River watershed adopted pursuant to s. 403.067
2101 shall be the St. Lucie River Watershed Pollutant Control Program
2102 and shall be ~~is~~ designed to be a multifaceted approach to
2103 reducing pollutant loads by improving the management of
2104 pollutant sources within the St. Lucie River watershed through
2105 implementation of regulations and best management practices,
2106 development and implementation of improved best management
2107 practices, improvement and restoration of the hydrologic
2108 function of natural and managed systems, and use ~~utilization~~ of
2109 alternative technologies for pollutant reduction, such as cost-
2110 effective biologically based, hybrid wetland/chemical and other
2111 innovative nutrient control technologies. As provided in s.
2112 403.067(7)(a)6., the St. Lucie River Watershed Basin Management
2113 Action Plan must include milestones for implementation and water
2114 quality improvement, and an associated water quality monitoring
2115 component sufficient to evaluate whether reasonable progress in
2116 pollutant load reductions is being achieved over time. An
2117 assessment of progress toward these milestones shall be

592-01083A-16

2016552c1

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

2145 1.a. Nonpoint source best management practices consistent
2146 with s. 403.067 ~~paragraph (3)(c)~~, designed to achieve the

592-01083A-16

2016552c1

2147 objectives of the St. Lucie River Watershed Protection Program,
2148 shall be implemented on an expedited basis. The coordinating
2149 agencies may develop an intergovernmental agreement with local
2150 governments to implement the nonagricultural nonpoint source
2151 best management practices within their respective geographic
2152 boundaries.

2153 ~~2.b.~~ This subsection does not preclude the department or
2154 the district from requiring compliance with water quality
2155 standards, adopted total maximum daily loads, or current best
2156 management practices requirements set forth in any applicable
2157 regulatory program authorized by law for the purpose of
2158 protecting water quality. This subsection applies only to the
2159 extent that it does not conflict with any rules adopted by the
2160 department or district which are necessary to maintain a
2161 federally delegated or approved program.

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

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

592-01083A-16

2016552c1

2176 control, estuarine salinity, aquatic habitat, and water quality
2177 considerations.

2178 ~~5.e. After December 31, 2007,~~ The department may not
2179 authorize the disposal of domestic wastewater biosolids
2180 ~~residuals~~ within the St. Lucie River watershed unless the
2181 applicant can affirmatively demonstrate that the nutrients in
2182 the biosolids ~~residuals~~ will not add to nutrient loadings in the
2183 watershed. This demonstration shall be based on achieving a net
2184 balance between nutrient imports relative to exports on the
2185 permitted application site. Exports shall include only nutrients
2186 removed from the St. Lucie River watershed through products
2187 generated on the permitted application site. This prohibition
2188 does not apply to Class AA biosolids ~~residuals~~ that are marketed
2189 and distributed as fertilizer products in accordance with
2190 department rule.

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

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

592-01083A-16

2016552c1

2205 thresholds for the requirement to develop a conservation or
2206 nutrient management plan, requirements for plan approval, site
2207 inspection requirements, and recordkeeping requirements.

2208 8. The district shall initiate rulemaking to provide for a
2209 monitoring program for nonpoint source dischargers required to
2210 monitor water quality pursuant to s. 403.067(7)(b)2.g. or s.
2211 403.067(7)(c)3. The results of such monitoring must be reported
2212 to the coordinating agencies.

2213 ~~3. St. Lucie River Watershed Research and Water Quality~~
2214 ~~Monitoring Program. The district, in cooperation with the other~~
2215 ~~coordinating agencies and local governments, shall establish a~~
2216 ~~St. Lucie River Watershed Research and Water Quality Monitoring~~
2217 ~~Program that builds upon the district's existing research~~
2218 ~~program and that is sufficient to carry out, comply with, or~~
2219 ~~assess the plans, programs, and other responsibilities created~~
2220 ~~by this subsection. The program shall also conduct an assessment~~
2221 ~~of the water volumes and timing from the Lake Okeechobee and St.~~
2222 ~~Lucie River watersheds and their relative contributions to the~~
2223 ~~timing and volume of water delivered to the estuary.~~

2224 (e)(e) River Watershed Protection Plan implementation.—The
2225 coordinating agencies shall be jointly responsible for
2226 implementing the River Watershed Protection Plans, consistent
2227 with the statutory authority and responsibility of each agency.
2228 Annual funding priorities shall be jointly established, and the
2229 highest priority shall be assigned to programs and projects that
2230 have the greatest potential for achieving the goals and
2231 objectives of the plans. In determining funding priorities, the
2232 coordinating agencies shall also consider the need for
2233 regulatory compliance, the extent to which the program or

592-01083A-16

2016552c1

2234 project is ready to proceed, and the availability of federal or
2235 local government matching funds. Federal and other nonstate
2236 funding shall be maximized to the greatest extent practicable.

2237 (f)~~(d)~~ *Evaluation.*—Beginning By March 1, 2020 ~~2012~~, and
2238 every 5 ~~3~~ years thereafter, concurrent with the updates of the
2239 basin management action plans adopted pursuant to s. 403.067,
2240 the department, district in cooperation with the other
2241 coordinating agencies, shall conduct an evaluation of any
2242 pollutant load reduction goals, as well as any other specific
2243 objectives and goals, as stated in the River Watershed
2244 Protection Programs Plans. ~~Additionally,~~ The district shall
2245 identify modifications to facilities of the River Watershed
2246 Construction Projects, as appropriate, or any other elements of
2247 the River Watershed Protection Programs Plans. The evaluation
2248 shall be included in the annual progress report submitted
2249 pursuant to this section.

2250 (g)~~(e)~~ *Priorities and implementation schedules.*—The
2251 coordinating agencies are authorized and directed to establish
2252 priorities and implementation schedules for the achievement of
2253 total maximum daily loads, the requirements of s. 403.067, and
2254 compliance with applicable water quality standards within the
2255 waters and watersheds subject to this section.

2256 ~~(f) Legislative ratification. The coordinating agencies~~
2257 ~~shall submit the River Watershed Protection Plans developed~~
2258 ~~pursuant to paragraphs (a) and (b) to the President of the~~
2259 ~~Senate and the Speaker of the House of Representatives prior to~~
2260 ~~the 2009 legislative session for review. If the Legislature~~
2261 ~~takes no action on the plan during the 2009 legislative session,~~
2262 ~~the plan is deemed approved and may be implemented.~~

592-01083A-16

2016552c1

2263 (5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY
2264 LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.—The
2265 department is directed to expedite development and adoption of
2266 total maximum daily loads for the Caloosahatchee River and
2267 estuary. The department is further directed to, ~~no later than~~
2268 ~~December 31, 2008,~~ propose for final agency action total maximum
2269 daily loads for nutrients in the tidal portions of the
2270 Caloosahatchee River and estuary. The department shall initiate
2271 development of basin management action plans for Lake
2272 Okeechobee, the Caloosahatchee River watershed and estuary, and
2273 the St. Lucie River watershed and estuary as provided in s.
2274 403.067 ~~s. 403.067(7)(a)~~ as follows:

2275 (a) Basin management action plans shall be developed as
2276 soon as practicable as determined necessary by the department to
2277 achieve the total maximum daily loads established for the Lake
2278 Okeechobee watershed and the estuaries.

2279 (b) The Phase II technical plan development pursuant to
2280 paragraph (3)(a) ~~(3)(b)~~, and the River Watershed Protection
2281 Plans developed pursuant to paragraphs (4)(a) and (c) ~~(b)~~, shall
2282 provide the basis for basin management action plans developed by
2283 the department.

2284 (c) As determined necessary by the department ~~in order~~ to
2285 achieve the total maximum daily loads, additional or modified
2286 projects or programs that complement those in the legislatively
2287 ratified plans may be included during the development of the
2288 basin management action plan.

2289 (d) As provided in s. 403.067, management strategies and
2290 pollution reduction requirements set forth in a basin management
2291 action plan subject to permitting by the department under

592-01083A-16

2016552c1

2292 subsection (7) must be completed pursuant to the schedule set
2293 forth in the basin management action plan, as amended. The
2294 implementation schedule may extend beyond the 5-year permit
2295 term.

2296 (e) As provided in s. 403.067, management strategies and
2297 pollution reduction requirements set forth in a basin management
2298 action plan for a specific pollutant of concern are not subject
2299 to challenge under chapter 120 at the time they are
2300 incorporated, in an identical form, into a department or
2301 district issued permit or a permit modification issued in
2302 accordance with subsection (7).

2303 ~~(d) Development of basin management action plans that~~
2304 ~~implement the provisions of the legislatively ratified plans~~
2305 ~~shall be initiated by the department no later than September 30~~
2306 ~~of the year in which the applicable plan is ratified. Where a~~
2307 ~~total maximum daily load has not been established at the time of~~
2308 ~~plan ratification, development of basin management action plans~~
2309 ~~shall be initiated no later than 90 days following adoption of~~
2310 ~~the applicable total maximum daily load.~~

2311 (6) ANNUAL PROGRESS REPORT.—Each March 1 the district, in
2312 cooperation with the other coordinating agencies, shall report
2313 on implementation of this section as part of the consolidated
2314 annual report required in s. 373.036(7). The annual report shall
2315 include a summary of the conditions of the hydrology, water
2316 quality, and aquatic habitat in the northern Everglades based on
2317 the results of the Research and Water Quality Monitoring
2318 Programs, the status of the Lake Okeechobee Watershed
2319 Construction Project, the status of the Caloosahatchee River
2320 Watershed Construction Project, and the status of the St. Lucie

592-01083A-16

2016552c1

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

2342 (7) LAKE OKEECHOBEE PROTECTION PERMITS.—

2343 (a) The Legislature finds that the Lake Okeechobee
2344 Watershed Protection Program will benefit Lake Okeechobee and
2345 downstream receiving waters and is in ~~consistent with~~ the public
2346 interest. The Lake Okeechobee Watershed Construction Project and
2347 structures discharging into or from Lake Okeechobee shall be
2348 constructed, operated, and maintained in accordance with this
2349 section.

592-01083A-16

2016552c1

2350 (b) Permits obtained pursuant to this section are in lieu
2351 of all other permits under this chapter or chapter 403, except
2352 those issued under s. 403.0885, if applicable. ~~No~~ Additional
2353 permits are not required for the Lake Okeechobee Watershed
2354 Construction Project, or structures discharging into or from
2355 Lake Okeechobee, if such project or structures are permitted
2356 under this section. Construction activities related to
2357 implementation of the Lake Okeechobee Watershed Construction
2358 Project may be initiated before ~~prior to~~ final agency action, or
2359 notice of intended agency action, on any permit from the
2360 department under this section.

2361 (c) 1. ~~Within 90 days of completion of the diversion plans~~
2362 ~~set forth in Department Consent Orders 91-0694, 91-0707, 91-~~
2363 ~~0706, 91-0705, and RT50-205564, Owners or operators of existing~~
2364 ~~structures which discharge into or from Lake Okeechobee that~~
2365 ~~were subject to Department Consent Orders 91-0694, 91-0705, 91-~~
2366 ~~0706, 91-0707, and RT50-205564 and that are subject to the~~
2367 ~~provisions of s. 373.4592(4) (a) do not require a permit under~~
2368 ~~this section and shall be governed by permits issued under~~ apply
2369 ~~for a permit from the department to operate and maintain such~~
2370 ~~structures. By September 1, 2000, owners or operators of all~~
2371 ~~other existing structures which discharge into or from Lake~~
2372 ~~Okeechobee shall apply for a permit from the department to~~
2373 ~~operate and maintain such structures. The department shall issue~~
2374 ~~one or more such permits for a term of 5 years upon the~~
2375 ~~demonstration of reasonable assurance that schedules and~~
2376 ~~strategies to achieve and maintain compliance with water quality~~
2377 ~~standards have been provided for, to the maximum extent~~
2378 ~~practicable, and that operation of the structures otherwise~~

592-01083A-16

2016552c1

2379 ~~complies with provisions of ss. 373.413 and 373.416 and the Lake~~
2380 ~~Okeechobee Basin Management Action Plan adopted pursuant to s.~~
2381 ~~403.067.~~

2382 ~~1. Permits issued under this paragraph shall also contain~~
2383 ~~reasonable conditions to ensure that discharges of waters~~
2384 ~~through structures:~~

2385 ~~a. Are adequately and accurately monitored;~~

2386 ~~b. Will not degrade existing Lake Okeechobee water quality~~
2387 ~~and will result in an overall reduction of phosphorus input into~~
2388 ~~Lake Okeechobee, as set forth in the district's Technical~~
2389 ~~Publication 81-2 and the total maximum daily load established in~~
2390 ~~accordance with s. 403.067, to the maximum extent practicable;~~
2391 ~~and~~

2392 ~~e. Do not pose a serious danger to public health, safety,~~
2393 ~~or welfare.~~

2394 2. For the purposes of this paragraph, owners and operators
2395 of existing structures which are subject to ~~the provisions of s.~~
2396 373.4592(4)(a) and which discharge into or from Lake Okeechobee
2397 shall be deemed in compliance with this paragraph ~~the term~~
2398 ~~"maximum extent practicable"~~ if they are in full compliance with
2399 the conditions of permits under chapter ~~chapters 40E-61 and 40E-~~
2400 63, Florida Administrative Code.

2401 3. By January 1, 2017 ~~2004~~, the district shall submit to
2402 the department a complete application for a permit modification
2403 to the Lake Okeechobee structure permits to incorporate proposed
2404 changes necessary to ensure that discharges through the
2405 structures covered by this permit are consistent with the basin
2406 management action plan adopted pursuant to achieve state water
2407 quality standards, including the total maximum daily load

592-01083A-16

2016552c1

2408 ~~established in accordance with s. 403.067. These changes shall~~
2409 ~~be designed to achieve such compliance with state water quality~~
2410 ~~standards no later than January 1, 2015.~~

2411 (d) The department shall require permits for district
2412 regional projects that are part of the Lake Okeechobee Watershed
2413 Construction Project facilities. However, projects ~~identified in~~
2414 ~~sub-subparagraph (3)(b)1.b.~~ that qualify as exempt pursuant to
2415 s. 373.406 do shall not require need permits under this section.
2416 Such permits shall be issued for a term of 5 years upon the
2417 demonstration of reasonable assurances that:

2418 1. District regional projects that are part of the Lake
2419 Okeechobee Watershed Construction Project shall facility, based
2420 ~~upon the conceptual design documents and any subsequent detailed~~
2421 ~~design documents developed by the district, will~~ achieve the
2422 design objectives for phosphorus required in subparagraph
2423 (3)(a)1. paragraph (3)(b);

2424 2. For water quality standards other than phosphorus, the
2425 quality of water discharged from the facility is of equal or
2426 better quality than the inflows;

2427 3. Discharges from the facility do not pose a serious
2428 danger to public health, safety, or welfare; and

2429 4. Any impacts on wetlands or state-listed species
2430 resulting from implementation of that facility of the Lake
2431 Okeechobee Construction Project are minimized and mitigated, as
2432 appropriate.

2433 (e) At least 60 days before ~~prior to~~ the expiration of any
2434 permit issued under this section, the permittee may apply for a
2435 renewal thereof for a period of 5 years.

2436 (f) Permits issued under this section may include any

592-01083A-16

2016552c1

2437 standard conditions provided by department rule which are
2438 appropriate and consistent with this section.

2439 (g) Permits issued under ~~pursuant to~~ this section may be
2440 modified, as appropriate, upon review and approval by the
2441 department.

2442 Section 16. Paragraph (a) of subsection (1) and subsection
2443 (3) of section 373.467, Florida Statutes, are amended, to read:

2444 373.467 The Harris Chain of Lakes Restoration Council.—
2445 There is created within the St. Johns River Water Management
2446 District, with assistance from the Fish and Wildlife
2447 Conservation Commission and the Lake County Water Authority, the
2448 Harris Chain of Lakes Restoration Council.

2449 (1) (a) The council shall consist of nine voting members,
2450 which shall include~~+~~ a representative of waterfront property
2451 owners, a representative of the sport fishing industry, a person
2452 with experience in an environmental science or regulation
2453 engineer, a person with training in biology or another
2454 scientific discipline, ~~a person with training as an attorney, a~~
2455 ~~physician, a person with training as an engineer, and two~~
2456 ~~residents of the county who are ~~de~~ not required to meet any~~
2457 additional of the other qualifications for membership ~~enumerated~~
2458 ~~in this paragraph~~, each to be appointed by the Lake County
2459 legislative delegation. The Lake County legislative delegation
2460 may waive the qualifications for membership on a case-by-case
2461 basis if good cause is shown. A ~~No~~ person serving on the council
2462 may not be appointed to a council, board, or commission of any
2463 council advisory group agency. The council members shall serve
2464 as advisors to the governing board of the St. Johns River Water
2465 Management District. The council is subject to ~~the provisions of~~

592-01083A-16

2016552c1

2466 chapters 119 and 120.

2467 (3) The council shall meet at the call of its chair, at the
2468 request of six of its members, or at the request of the chair of
2469 the governing board of the St. Johns River Water Management
2470 District. Resignation by a council member, or failure by a
2471 council member to attend three consecutive meetings without an
2472 excuse approved by the chair, results in a vacancy on the
2473 council.

2474 Section 17. Paragraphs (a) and (b) of subsection (6) of
2475 section 373.536, Florida Statutes, are amended to read:

2476 373.536 District budget and hearing thereon.—

2477 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
2478 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

2479 (a) Each district must, by the date specified for each
2480 item, furnish copies of the following documents to the Governor,
2481 the President of the Senate, the Speaker of the House of
2482 Representatives, the chairs of all legislative committees and
2483 subcommittees having substantive or fiscal jurisdiction over the
2484 districts, as determined by the President of the Senate or the
2485 Speaker of the House of Representatives as applicable, the
2486 secretary of the department, and the governing board of each
2487 county in which the district has jurisdiction or derives any
2488 funds for the operations of the district:

2489 1. The adopted budget, to be furnished within 10 days after
2490 its adoption.

2491 2. A financial audit of its accounts and records, to be
2492 furnished within 10 days after its acceptance by the governing
2493 board. The audit must be conducted in accordance with s. 11.45
2494 and the rules adopted thereunder. In addition to the entities

592-01083A-16

2016552c1

2495 named above, the district must provide a copy of the audit to
2496 the Auditor General within 10 days after its acceptance by the
2497 governing board.

2498 3. A 5-year capital improvements plan, to be included in
2499 the consolidated annual report required by s. 373.036(7). The
2500 plan must include expected sources of revenue for planned
2501 improvements and must be prepared in a manner comparable to the
2502 fixed capital outlay format set forth in s. 216.043.

2503 4. A 5-year water resource development work program to be
2504 furnished within 30 days after the adoption of the final budget.
2505 The program must describe the district's implementation strategy
2506 and include an annual funding plan for each of the 5 years
2507 included in the plan for the water resource and, water supply,
2508 development components, including and alternative water supply
2509 development, ~~components~~ of each approved regional water supply
2510 plan developed or revised under s. 373.709. The work program
2511 must address all the elements of the water resource development
2512 component in the district's approved regional water supply
2513 plans, as well as the water supply projects proposed for
2514 district funding and assistance. The annual funding plan shall
2515 identify both anticipated available district funding and
2516 additional funding needs for the second through fifth years of
2517 the funding plan. The work program and must identify projects in
2518 the work program which will provide water; explain how each
2519 water resource and, water supply, ~~and alternative water supply~~
2520 ~~development~~ project will produce additional water available for
2521 consumptive uses; estimate the quantity of water to be produced
2522 by each project; ~~and~~ provide an assessment of the contribution
2523 of the district's regional water supply plans in supporting the

592-01083A-16

2016552c1

2524 implementation of minimum flows and minimum water levels and
2525 water reservations; and ensure ~~providing~~ sufficient water is
2526 available ~~needed~~ to timely meet the water supply needs of
2527 existing and future reasonable-beneficial uses for a 1-in-10-
2528 year drought event and to avoid the adverse effects of
2529 competition for water supplies.

2530 (b) Within 30 days after its submittal, the department
2531 shall review the proposed work program and submit its findings,
2532 questions, and comments to the district. The review must include
2533 a written evaluation of the program's consistency with the
2534 furtherance of the district's approved regional water supply
2535 plans, and the adequacy of proposed expenditures. As part of the
2536 review, the department shall post the proposed work program on
2537 its website and give interested parties the opportunity to
2538 provide written comments on each district's proposed work
2539 program. Within 45 days after receipt of the department's
2540 evaluation, the governing board shall state in writing to the
2541 department which of the changes recommended in the evaluation it
2542 will incorporate into its work program submitted as part of the
2543 March 1 consolidated annual report required by s. 373.036(7) or
2544 specify the reasons for not incorporating the changes. The
2545 department shall include the district's responses in a final
2546 evaluation report and shall submit a copy of the report to the
2547 Governor, the President of the Senate, and the Speaker of the
2548 House of Representatives.

2549 Section 18. Subsection (9) of section 373.703, Florida
2550 Statutes, is amended to read:

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

592-01083A-16

2016552c1

2553 duties, the governing board of a water management district
2554 existing pursuant to this chapter:

2555 (9) May join with one or more other water management
2556 districts, counties, municipalities, special districts, publicly
2557 owned or privately owned water utilities, multijurisdictional
2558 water supply entities, regional water supply authorities,
2559 private landowners, or self-suppliers for the purpose of
2560 carrying out its powers, and may contract with such other
2561 entities to finance acquisitions, construction, operation, and
2562 maintenance, provided that such contracts are consistent with
2563 the public interest. The contract may provide for contributions
2564 to be made by each party to the contract for the division and
2565 apportionment of the expenses of acquisitions, construction,
2566 operation, and maintenance, and for the division and
2567 apportionment of resulting benefits, services, and products. The
2568 contracts may contain other covenants and agreements necessary
2569 and appropriate to accomplish their purposes.

2570 Section 19. Paragraph (b) of subsection (2), subsection
2571 (3), and paragraph (b) of subsection (4) of section 373.705,
2572 Florida Statutes, are amended, and subsection (5) is added to
2573 that section, to read:

2574 373.705 Water resource development; water supply
2575 development.—

2576 (2) It is the intent of the Legislature that:

2577 (b) Water management districts take the lead in identifying
2578 and implementing water resource development projects, and be
2579 responsible for securing necessary funding for regionally
2580 significant water resource development projects, including
2581 regionally significant projects that prevent or limit adverse

592-01083A-16

2016552c1

2582 water resource impacts, avoid competition among water users, or
2583 support the provision of new water supplies in order to meet a
2584 minimum flow or minimum water level or to implement a recovery
2585 or prevention strategy or water reservation.

2586 (3) (a) The water management districts shall fund and
2587 implement water resource development as defined in s. 373.019.
2588 The water management districts are encouraged to implement water
2589 resource development as expeditiously as possible in areas
2590 subject to regional water supply plans.

2591 (b) Each governing board shall include in its annual budget
2592 submittals required under this chapter:

2593 1. The amount of funds for each project in the annual
2594 funding plan developed pursuant to s. 373.536(6) (a)4.; and

2595 2. The total amount needed for the fiscal year to implement
2596 water resource development projects, as prioritized in its
2597 regional water supply plans.

2598 (4)

2599 (b) Water supply development projects that meet the
2600 criteria in paragraph (a) and that meet one or more of the
2601 following additional criteria shall be given first consideration
2602 for state or water management district funding assistance:

2603 1. The project brings about replacement of existing sources
2604 in order to help implement a minimum flow or minimum water
2605 level; ~~or~~

2606 2. The project implements reuse that assists in the
2607 elimination of domestic wastewater ocean outfalls as provided in
2608 s. 403.086(9); or

2609 3. The project reduces or eliminates the adverse effects of
2610 competition between legal users and the natural system.

592-01083A-16

2016552c1

2611 (5) The water management districts shall promote expanded
2612 cost-share criteria for additional conservation practices, such
2613 as soil and moisture sensors and other irrigation improvements,
2614 water-saving equipment, and water-saving household fixtures, and
2615 software technologies that can achieve verifiable water
2616 conservation by providing water use information to utility
2617 customers.

2618 Section 20. Paragraph (f) of subsection (3), paragraph (a)
2619 of subsection (6), and paragraph (e) of subsection (8) of
2620 section 373.707, Florida Statutes, are amended to read:

2621 373.707 Alternative water supply development.—

2622 (3) The primary roles of the water management districts in
2623 water resource development as it relates to supporting
2624 alternative water supply development are:

2625 (f) The provision of technical and financial assistance to
2626 local governments and publicly owned and privately owned water
2627 utilities for alternative water supply projects and to self-
2628 suppliers for alternative water supply projects to the extent
2629 that such assistance to self-suppliers promotes the policies in
2630 paragraph (1)(f).

2631 (6) (a) If state ~~The statewide~~ funds are provided through
2632 specific appropriation or pursuant to the Water Protection and
2633 Sustainability Program, such funds serve to supplement existing
2634 water management district or basin board funding for alternative
2635 water supply development assistance and should not result in a
2636 reduction of such funding. For each project identified in the
2637 annual funding plans prepared pursuant to s. 373.536(6)(a)4.
2638 ~~Therefore,~~ the water management districts shall include in the
2639 annual tentative and adopted budget submittals required under

592-01083A-16

2016552c1

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

2660 (8)

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

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

592-01083A-16

2016552c1

2669 2. Water users for projects determined by a water
2670 management district governing board to be in the public interest
2671 pursuant to paragraph (1) (f), if the projects are not otherwise
2672 financially feasible.

2673

2674 The water management districts or basin boards may, at their
2675 discretion, use ad valorem or federal revenues to assist a
2676 project applicant in meeting the requirements of this paragraph.

2677 Section 21. Subsection (2) and paragraphs (a) and (e) of
2678 subsection (6) of section 373.709, Florida Statutes, are amended
2679 to read:

2680 373.709 Regional water supply planning.—

2681 (2) Each regional water supply plan must be based on at
2682 least a 20-year planning period and must include, but need not
2683 be limited to:

2684 (a) A water supply development component for each water
2685 supply planning region identified by the district which
2686 includes:

2687 1. A quantification of the water supply needs for all
2688 existing and future reasonable-beneficial uses within the
2689 planning horizon. The level-of-certainty planning goal
2690 associated with identifying the water supply needs of existing
2691 and future reasonable-beneficial uses must be based upon meeting
2692 those needs for a 1-in-10-year drought event.

2693 a. Population projections used for determining public water
2694 supply needs must be based upon the best available data. In
2695 determining the best available data, the district shall consider
2696 the University of Florida ~~Florida's~~ Bureau of Economic and
2697 Business Research (BEBR) medium population projections and

592-01083A-16

2016552c1

2698 population projection data and analysis submitted by a local
2699 government pursuant to the public workshop described in
2700 subsection (1) if the data and analysis support the local
2701 government's comprehensive plan. Any adjustment of or deviation
2702 from the BEBR projections must be fully described, and the
2703 original BEBR data must be presented along with the adjusted
2704 data.

2705 b. Agricultural demand projections used for determining the
2706 needs of agricultural self-suppliers must be based upon the best
2707 available data. In determining the best available data for
2708 agricultural self-supplied water needs, the district shall
2709 consider the data indicative of future water supply demands
2710 provided by the Department of Agriculture and Consumer Services
2711 pursuant to s. 570.93 and agricultural demand projection data
2712 and analysis submitted by a local government pursuant to the
2713 public workshop described in subsection (1), if the data and
2714 analysis support the local government's comprehensive plan. Any
2715 adjustment of or deviation from the data provided by the
2716 Department of Agriculture and Consumer Services must be fully
2717 described, and the original data must be presented along with
2718 the adjusted data.

2719 2. A list of water supply development project options,
2720 including traditional and alternative water supply project
2721 options that are technically and financially feasible, from
2722 which local government, government-owned and privately owned
2723 utilities, regional water supply authorities,
2724 multijurisdictional water supply entities, self-suppliers, and
2725 others may choose for water supply development. In addition to
2726 projects listed by the district, such users may propose specific

592-01083A-16

2016552c1

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

2745 3. For each project option identified in subparagraph 2.,
2746 the following must be provided:

2747 a. An estimate of the amount of water to become available
2748 through the project.

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

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

592-01083A-16

2016552c1

2756 d. Identification of the entity that should implement each
2757 project option and the current status of project implementation.

2758 (b) A water resource development component that includes:

2759 1. A listing of those water resource development projects
2760 that support water supply development for all existing and
2761 future reasonable-beneficial uses as described in paragraph
2762 (2) (a) and for the natural systems as identified in the recovery
2763 or prevention strategies for adopted minimum flows and minimum
2764 water levels or water reservations.

2765 2. For each water resource development project listed:

2766 a. An estimate of the amount of water to become available
2767 through the project for all existing and future reasonable-
2768 beneficial uses as described in paragraph (2) (a) and for the
2769 natural systems as identified in the recovery or prevention
2770 strategies for adopted minimum flows and minimum water levels or
2771 water reservations.

2772 b. The timeframe in which the project option should be
2773 implemented and the estimated planning-level costs for capital
2774 investment and for operating and maintaining the project.

2775 c. An analysis of funding needs and sources of possible
2776 funding options.

2777 d. Identification of the entity that should implement each
2778 project option and the current status of project implementation.

2779 (c) The recovery and prevention strategy described in s.
2780 373.0421(2).

2781 (d) A funding strategy for water resource development
2782 projects, which shall be reasonable and sufficient to pay the
2783 cost of constructing or implementing all of the listed projects.

2784 (e) Consideration of how the project options addressed in

592-01083A-16

2016552c1

2785 paragraph (a) serve the public interest or save costs overall by
2786 preventing the loss of natural resources or avoiding greater
2787 future expenditures for water resource development or water
2788 supply development. However, unless adopted by rule, these
2789 considerations do not constitute final agency action.

2790 (f) The technical data and information applicable to each
2791 planning region which are necessary to support the regional
2792 water supply plan.

2793 (g) The minimum flows and minimum water levels established
2794 for water resources within each planning region.

2795 (h) Reservations of water adopted by rule pursuant to s.
2796 373.223(4) within each planning region.

2797 (i) Identification of surface waters or aquifers for which
2798 minimum flows and minimum water levels are scheduled to be
2799 adopted.

2800 (j) An analysis, developed in cooperation with the
2801 department, of areas or instances in which the variance
2802 provisions of s. 378.212(1)(g) or s. 378.404(9) may be used to
2803 create water supply development or water resource development
2804 projects.

2805 (k) An assessment of how the regional water supply plan and
2806 the projects identified in the funding plans prepared pursuant
2807 to sub-subparagraphs (a)3.c. and (b)2.c. support the recovery or
2808 prevention strategies for implementation of adopted minimum
2809 flows and minimum water levels or water reservations, including
2810 minimum flows and minimum water levels for Outstanding Florida
2811 Springs adopted pursuant to s. 373.805; while ensuring that
2812 sufficient water will be available for all existing and future
2813 reasonable-beneficial uses and the natural systems identified

592-01083A-16

2016552c1

2814 herein; and that the adverse effects of competition for water
2815 supplies will be avoided.

2816 (6) Annually and in conjunction with the reporting
2817 requirements of s. 373.536(6)(a)4., the department shall submit
2818 to the Governor and the Legislature a report on the status of
2819 regional water supply planning in each district. The report
2820 shall include:

2821 (a) A compilation of the estimated costs ~~of~~ and an analysis
2822 of the sufficiency of potential sources of funding from all
2823 sources for water resource development and water supply
2824 development projects as identified in the water management
2825 district regional water supply plans.

2826 (e) An overall assessment of the progress being made to
2827 develop water supply in each district, including, but not
2828 limited to, an explanation of how each project in the 5-year
2829 water resource development work program developed pursuant to s.
2830 373.536(6)(a)4., either alternative or traditional, will
2831 produce, contribute to, or account for additional water being
2832 made available for consumptive uses, minimum flows and minimum
2833 water levels, or water reservations; an estimate of the quantity
2834 of water to be produced by each project;~~r~~ and an assessment of
2835 the contribution of the district's regional water supply plan in
2836 providing sufficient water to meet the needs of existing and
2837 future reasonable-beneficial uses for a 1-in-10-year drought
2838 event, as well as the needs of the natural systems.

2839 Section 22. Part VIII of chapter 373, Florida Statutes,
2840 consisting of ss. 373.801-373.813, Florida Statutes, is created
2841 and entitled the "Florida Springs and Aquifer Protection Act."

2842 Section 23. Section 373.801, Florida Statutes, is created

592-01083A-16

2016552c1

2843 to read:

2844 373.801 Legislative findings and intent.-

2845 (1) The Legislature finds that springs are a unique part of
2846 this state's scenic beauty. Springs provide critical habitat for
2847 plants and animals, including many endangered or threatened
2848 species. Springs also provide immeasurable natural,
2849 recreational, economic, and inherent value. Springs are of great
2850 scientific importance in understanding the diverse functions of
2851 aquatic ecosystems. Water quality of springs is an indicator of
2852 local conditions of the Floridan Aquifer, which is a source of
2853 drinking water for many residents of this state. Water flows in
2854 springs may reflect regional aquifer conditions. In addition,
2855 springs provide recreational opportunities for swimming,
2856 canoeing, wildlife watching, fishing, cave diving, and many
2857 other activities in this state. These recreational opportunities
2858 and the accompanying tourism they provide are a benefit to local
2859 economies and the economy of the state as a whole.

2860 (2) The Legislature finds that the water quantity and water
2861 quality in springs may be related. For regulatory purposes, the
2862 department has primary responsibility for water quality; the
2863 water management districts have primary responsibility for water
2864 quantity; and the Department of Agriculture and Consumer
2865 Services has primary responsibility for the development and
2866 implementation of agricultural best management practices. Local
2867 governments have primary responsibility for providing domestic
2868 wastewater collection and treatment services and stormwater
2869 management. The foregoing responsible entities must coordinate
2870 to restore and maintain the water quantity and water quality of
2871 the Outstanding Florida Springs.

592-01083A-16

2016552c1

2872 (3) The Legislature recognizes that:

2873 (a) A spring is only as healthy as its aquifer system. The
2874 groundwater that supplies springs is derived from water that
2875 recharges the aquifer system in the form of seepage from the
2876 land surface and through direct conduits, such as sinkholes.
2877 Springs may be adversely affected by polluted runoff from urban
2878 and agricultural lands; discharges resulting from inadequate
2879 wastewater and stormwater management practices; stormwater
2880 runoff; and reduced water levels of the Floridan Aquifer. As a
2881 result, the hydrologic and environmental conditions of a spring
2882 or spring run are directly influenced by activities and land
2883 uses within a springshed and by water withdrawals from the
2884 Floridan Aquifer.

2885 (b) Springs, whether found in urban or rural settings, or
2886 on public or private lands, may be threatened by actual or
2887 potential flow reductions and declining water quality. Many of
2888 this state's springs are demonstrating signs of significant
2889 ecological imbalance, increased nutrient loading, and declining
2890 flow. Without effective remedial action, further declines in
2891 water quality and water quantity may occur.

2892 (c) Springshed boundaries and areas of high vulnerability
2893 within a springshed need to be identified and delineated using
2894 the best available data.

2895 (d) Springsheds typically cross water management district
2896 boundaries and local government jurisdictional boundaries, so a
2897 coordinated statewide springs protection plan is needed.

2898 (e) The aquifers and springs of this state are complex
2899 systems affected by many variables and influences.

2900 (4) The Legislature recognizes that action is urgently

592-01083A-16

2016552c1

2901 needed and, as additional data is acquired, action must be
2902 modified.

2903 Section 24. Section 373.802, Florida Statutes, is created
2904 to read:

2905 373.802 Definitions.—As used in this part, the term:

2906 (1) "Department" means the Department of Environmental
2907 Protection, which includes the Florida Geological Survey or its
2908 successor agencies.

2909 (2) "Local government" means a county or municipal
2910 government the jurisdictional boundaries of which include an
2911 Outstanding Florida Spring or any part of a springshed or
2912 delineated priority focus area of an Outstanding Florida Spring.

2913 (3) "Onsite sewage treatment and disposal system" means a
2914 system that contains a standard subsurface, filled, or mound
2915 drainfield system; an aerobic treatment unit; a graywater system
2916 tank; a laundry wastewater system tank; a septic tank; a grease
2917 interceptor; a pump tank; a solids or effluent pump; a
2918 waterless, incinerating, or organic waste-composting toilet; or
2919 a sanitary pit privy that is installed or proposed to be
2920 installed beyond the building sewer on land of the owner or on
2921 other land on which the owner has the legal right to install
2922 such system. The term includes any item placed within, or
2923 intended to be used as a part of or in conjunction with, the
2924 system. The term does not include package sewage treatment
2925 facilities and other treatment works regulated under chapter
2926 403.

2927 (4) "Outstanding Florida Spring" includes all historic
2928 first magnitude springs, including their associated spring runs,
2929 as determined by the department using the most recent Florida

592-01083A-16

2016552c1

2930 Geological Survey springs bulletin, and the following additional
2931 springs, including their associated spring runs:

2932 (a) De Leon Springs;

2933 (b) Peacock Springs;

2934 (c) Poe Springs;

2935 (d) Rock Springs;

2936 (e) Wekiwa Springs; and

2937 (f) Gemini Springs.

2938

2939 The term does not include submarine springs or river rises.

2940 (5) "Priority focus area" means the area or areas of a
2941 basin where the Floridan Aquifer is generally most vulnerable to
2942 pollutant inputs where there is a known connectivity between
2943 groundwater pathways and an Outstanding Florida Spring, as
2944 determined by the department in consultation with the
2945 appropriate water management districts, and delineated in a
2946 basin management action plan.

2947 (6) "Springshed" means the areas within the groundwater and
2948 surface water basins which contribute, based upon all relevant
2949 facts, circumstances, and data, to the discharge of a spring as
2950 defined by potentiometric surface maps and surface watershed
2951 boundaries.

2952 (7) "Spring run" means a body of flowing water that
2953 originates from a spring or whose primary source of water is a
2954 spring or springs under average rainfall conditions.

2955 (8) "Spring vent" means a location where groundwater flows
2956 out of a natural, discernible opening in the ground onto the
2957 land surface or into a predominantly fresh surface water body.

2958 Section 25. Section 373.803, Florida Statutes, is created

592-01083A-16

2016552c1

2959 to read:

2960 373.803 Delineation of priority focus areas for Outstanding
2961 Florida Springs.—Using the best data available from the water
2962 management districts and other credible sources, the department,
2963 in coordination with the water management districts, shall
2964 delineate priority focus areas for each Outstanding Florida
2965 Spring or group of springs that contains one or more Outstanding
2966 Florida Springs and is identified as impaired in accordance with
2967 s. 373.807. In delineating priority focus areas, the department
2968 shall consider groundwater travel time to the spring,
2969 hydrogeology, nutrient load, and any other factors that may lead
2970 to degradation of an Outstanding Florida Spring. The delineation
2971 of priority focus areas must be completed by July 1, 2018, shall
2972 use understood and identifiable boundaries such as roads or
2973 political jurisdictions for ease of implementation, and is
2974 effective upon incorporation in a basin management action plan.

2975 Section 26. Section 373.805, Florida Statutes, is created
2976 to read:

2977 373.805 Minimum flows and minimum water levels for
2978 Outstanding Florida Springs.—

2979 (1) At the time a minimum flow or minimum water level is
2980 adopted pursuant to s. 373.042 for an Outstanding Florida
2981 Spring, if the spring is below or is projected within 20 years
2982 to fall below the minimum flow or minimum water level, a water
2983 management district or the department shall concurrently adopt a
2984 recovery or prevention strategy.

2985 (2) When a minimum flow or minimum water level for an
2986 Outstanding Florida Spring is revised pursuant to s.
2987 373.0421(3), if the spring is below or is projected within 20

592-01083A-16

2016552c1

2988 years to fall below the minimum flow or minimum water level, a
2989 water management district or the department shall concurrently
2990 adopt a recovery or prevention strategy or modify an existing
2991 recovery or prevention strategy. A district or the department
2992 may adopt the revised minimum flow or minimum water level before
2993 the adoption of a recovery or prevention strategy if the revised
2994 minimum flow or minimum water level is less constraining on
2995 existing or projected future consumptive uses.

2996 (3) For an Outstanding Florida Spring without an adopted
2997 recovery or prevention strategy, if a district or the department
2998 determines the spring has fallen below, or is projected within
2999 20 years to fall below, the adopted minimum flow or minimum
3000 water level, a water management district or the department shall
3001 expeditiously adopt a recovery or prevention strategy.

3002 (4) The recovery or prevention strategy for each
3003 Outstanding Florida Spring must, at a minimum, include:

3004 (a) A listing of all specific projects identified for
3005 implementation of the plan;

3006 (b) A priority listing of each project;

3007 (c) For each listed project, the estimated cost of and the
3008 estimated date of completion;

3009 (d) The source and amount of financial assistance to be
3010 made available by the water management district for each listed
3011 project, which may not be less than 25 percent of the total
3012 project cost unless a specific funding source or sources are
3013 identified which will provide more than 75 percent of the total
3014 project cost. The Northwest Florida Water Management District
3015 and the Suwannee River Water Management District are not
3016 required to meet the minimum requirement to provide financial

592-01083A-16

2016552c1

3017 assistance pursuant to this paragraph;

3018 (e) An estimate of each listed project's benefit to an
3019 Outstanding Florida Spring; and

3020 (f) An implementation plan designed with a target to
3021 achieve the adopted minimum flow or minimum water level no more
3022 than 20 years after the adoption of a recovery or prevention
3023 strategy.

3024
3025 The water management district or the department shall develop a
3026 schedule establishing 5-year, 10-year, and 15-year targets for
3027 achieving the adopted minimum flows or minimum water levels. The
3028 schedule shall be used to provide guidance for planning and
3029 funding purposes and is exempt from chapter 120.

3030 (5) A local government may apply to the department for a
3031 single extension of up to 5 years for any project in an adopted
3032 recovery or prevention strategy. The department may grant the
3033 extension if the local government provides to the department
3034 sufficient evidence that an extension is in the best interest of
3035 the public. For a local government in a rural area of
3036 opportunity, as defined in s. 288.0656, the department may grant
3037 a single extension of up to 10 years.

3038 Section 27. Section 373.807, Florida Statutes, is created
3039 to read:

3040 373.807 Protection of water quality in Outstanding Florida
3041 Springs.—By July 1, 2016, the department shall initiate
3042 assessment, pursuant to s. 403.067(3), of Outstanding Florida
3043 Springs or spring systems for which an impairment determination
3044 has not been made under the numeric nutrient standards in effect
3045 for spring vents. Assessments must be completed by July 1, 2018.

592-01083A-16

2016552c1

3046 (1) (a) Concurrent with the adoption of a nutrient total
3047 maximum daily load for an Outstanding Florida Spring, the
3048 department, or the department in conjunction with a water
3049 management district, shall initiate development of a basin
3050 management action plan, as specified in s. 403.067. For an
3051 Outstanding Florida Spring with a nutrient total maximum daily
3052 load adopted before July 1, 2016, the department, or the
3053 department in conjunction with a water management district,
3054 shall initiate development of a basin management action plan by
3055 July 1, 2016. During the development of a basin management
3056 action plan, if the department identifies onsite sewage
3057 treatment and disposal systems as contributors of at least 20
3058 percent of nonpoint source nitrogen pollution or if the
3059 department determines remediation is necessary to achieve the
3060 total maximum daily load, the basin management action plan shall
3061 include an onsite sewage treatment and disposal system
3062 remediation plan pursuant to subsection (3) for those systems
3063 identified as requiring remediation.

3064 (b) A basin management action plan for an Outstanding
3065 Florida Spring shall be adopted within 2 years after its
3066 initiation and must include, at a minimum:

3067 1. A list of all specific projects and programs identified
3068 to implement a nutrient total maximum daily load;

3069 2. A list of all specific projects identified in any
3070 incorporated onsite sewage treatment and disposal system
3071 remediation plan, if applicable;

3072 3. A priority rank for each listed project;

3073 4. For each listed project, a planning level cost estimate
3074 and the estimated date of completion;

592-01083A-16

2016552c1

3075 5. The source and amount of financial assistance to be made
3076 available by the department, a water management district, or
3077 other entity for each listed project;

3078 6. An estimate of each listed project's nutrient load
3079 reduction;

3080 7. Identification of each point source or category of
3081 nonpoint sources, including, but not limited to, urban turf
3082 fertilizer, sports turf fertilizer, agricultural fertilizer,
3083 onsite sewage treatment and disposal systems, wastewater
3084 treatment facilities, animal wastes, and stormwater facilities.
3085 An estimated allocation of the pollutant load must be provided
3086 for each point source or category of nonpoint sources; and

3087 8. An implementation plan designed with a target to achieve
3088 the nutrient total maximum daily load no more than 20 years
3089 after the adoption of a basin management action plan.

3090
3091 The department shall develop a schedule establishing 5-year, 10-
3092 year, and 15-year targets for achieving the nutrient total
3093 maximum daily load. The schedule shall be used to provide
3094 guidance for planning and funding purposes and is exempt from
3095 chapter 120.

3096 (c) For a basin management action plan adopted before July
3097 1, 2016, which addresses an Outstanding Florida Spring, the
3098 department or the department in conjunction with a water
3099 management district must revise the plan if necessary to comply
3100 with this section by July 1, 2018.

3101 (d) A local government may apply to the department for a
3102 single extension of up to 5 years for any project in an adopted
3103 basin management action plan. A local government in a rural area

592-01083A-16

2016552c1

3104 of opportunity, as defined in s. 288.0656, may apply for a
3105 single extension of up to 10 years for such a project. The
3106 department may grant the extension if the local government
3107 provides to the department sufficient evidence that an extension
3108 is in the best interest of the public.

3109 (2) By July 1, 2017, each local government, as defined in
3110 s. 373.802(2), that has not adopted an ordinance pursuant to s.
3111 403.9337, shall develop, enact, and implement an ordinance
3112 pursuant to that section. It is the intent of the Legislature
3113 that ordinances required to be adopted under this subsection
3114 reflect the latest scientific information, advancements, and
3115 technological improvements in the industry.

3116 (3) As part of a basin management action plan that includes
3117 an Outstanding Florida Spring, the department, the Department of
3118 Health, relevant local governments, and relevant local public
3119 and private wastewater utilities, shall develop an onsite sewage
3120 treatment and disposal system remediation plan for a spring if
3121 the department determines onsite sewage treatment and disposal
3122 systems within a priority focus area contribute at least 20
3123 percent of nonpoint source nitrogen pollution or if the
3124 department determines remediation is necessary to achieve the
3125 total maximum daily load. The plan shall identify cost-effective
3126 and financially feasible projects necessary to reduce the
3127 nutrient impacts from onsite sewage treatment and disposal
3128 systems and shall be completed and adopted as part of the basin
3129 management action plan no later than the first 5-year milestone
3130 required by subparagraph (1)(b)8. The department is the lead
3131 agency in coordinating the preparation of and the adoption of
3132 the plan. The department shall:

592-01083A-16

2016552c1

3133 (a) Collect and evaluate credible scientific information on
3134 the effect of nutrients, particularly forms of nitrogen, on
3135 springs and springs systems; and

3136 (b) Develop a public education plan to provide area
3137 residents with reliable, understandable information about onsite
3138 sewage treatment and disposal systems and springs.

3139

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

592-01083A-16

2016552c1

3162 opportunity under s. 288.0656.

3163 (4) The department shall provide notice to a local
3164 government of all permit applicants under s. 403.814(12) in a
3165 priority focus area of an Outstanding Florida Spring over which
3166 the local government has full or partial jurisdiction.

3167 Section 28. Section 373.811, Florida Statutes, is created
3168 to read:

3169 373.811 Prohibited activities within a priority focus
3170 area.—The following activities are prohibited within a priority
3171 focus area in effect for an Outstanding Florida Spring:

3172 (1) New domestic wastewater disposal facilities, including
3173 rapid infiltration basins, with permitted capacities of 100,000
3174 gallons per day or more, except for those facilities that meet
3175 an advanced wastewater treatment standard of no more than 3 mg/l
3176 total nitrogen, expressed as N, on an annual permitted basis, or
3177 a more stringent treatment standard if the department determines
3178 the more stringent standard is necessary to attain a total
3179 maximum daily load for the Outstanding Florida Spring.

3180 (2) New onsite sewage treatment and disposal systems on
3181 lots of less than 1 acre, if the addition of the specific
3182 systems conflicts with an onsite treatment and disposal system
3183 remediation plan incorporated into a basin management action
3184 plan in accordance with s. 373.807(3).

3185 (3) New facilities for the disposal of hazardous waste.

3186 (4) The land application of Class A or Class B domestic
3187 wastewater biosolids not in accordance with a department
3188 approved nutrient management plan establishing the rate at which
3189 all biosolids, soil amendments, and sources of nutrients at the
3190 land application site can be applied to the land for crop

592-01083A-16

2016552c1

3191 production while minimizing the amount of pollutants and
3192 nutrients discharged to groundwater or waters of the state.

3193 (5) New agriculture operations that do not implement best
3194 management practices, measures necessary to achieve pollution
3195 reduction levels established by the department, or groundwater
3196 monitoring plans approved by a water management district or the
3197 department.

3198 Section 29. Section 373.813, Florida Statutes, is created
3199 to read:

3200 373.813 Rules.—

3201 (1) The department shall adopt rules to improve water
3202 quantity and water quality to administer this part, as
3203 applicable.

3204 (2) (a) The Department of Agriculture and Consumer Services
3205 is the lead agency coordinating the reduction of agricultural
3206 nonpoint sources of pollution for the protection of Outstanding
3207 Florida Springs. The Department of Agriculture and Consumer
3208 Services and the department, pursuant to s. 403.067(7)(c)4.,
3209 shall study new or revised agricultural best management
3210 practices for improving and protecting Outstanding Florida
3211 Springs and, if necessary, in cooperation with applicable local
3212 governments and stakeholders, initiate rulemaking to require the
3213 implementation of such practices within a reasonable period.

3214 (b) The department, the Department of Agriculture and
3215 Consumer Services, and the University of Florida Institute of
3216 Food and Agricultural Sciences shall cooperate in conducting the
3217 necessary research and demonstration projects to develop
3218 improved or additional nutrient management tools, including the
3219 use of controlled release fertilizer that can be used by

592-01083A-16

2016552c1

3220 agricultural producers as part of an agricultural best
3221 management practices program. The development of such tools must
3222 reflect a balance between water quality improvement and
3223 agricultural productivity and, if applicable, must be
3224 incorporated into the revised agricultural best management
3225 practices adopted by rule by the Department of Agriculture and
3226 Consumer Services.

3227 Section 30. Subsection (29) of section 403.061, Florida
3228 Statutes, is amended to read:

3229 403.061 Department; powers and duties.—The department shall
3230 have the power and the duty to control and prohibit pollution of
3231 air and water in accordance with the law and rules adopted and
3232 promulgated by it and, for this purpose, to:

3233 (29) (a) Adopt by rule special criteria to protect Class II
3234 and Class III shellfish harvesting waters. Such rules may
3235 include special criteria for approving docking facilities that
3236 have 10 or fewer slips if the construction and operation of such
3237 facilities will not result in the closure of shellfish waters.

3238 (b) Adopt by rule a specific surface water classification
3239 to protect surface waters used for treated potable water supply.
3240 These designated surface waters shall have the same water
3241 quality criteria protections as waters designated for fish
3242 consumption, recreation, and the propagation and maintenance of
3243 a healthy, well-balanced population of fish and wildlife, and
3244 shall be free from discharged substances at a concentration
3245 that, alone or in combination with other discharged substances,
3246 would require significant alteration of permitted treatment
3247 processes at the permitted treatment facility or that would
3248 otherwise prevent compliance with applicable state drinking

592-01083A-16

2016552c1

3249 water standards in the treated water. Notwithstanding this
3250 classification or the inclusion of treated water supply as a
3251 designated use of a surface water, a surface water used for
3252 treated potable water supply may be reclassified to the potable
3253 water supply classification.

3254
3255 The department shall implement such programs in conjunction with
3256 its other powers and duties and shall place special emphasis on
3257 reducing and eliminating contamination that presents a threat to
3258 humans, animals or plants, or to the environment.

3259 Section 31. Section 403.0617, Florida Statutes, is created
3260 to read:

3261 403.0617 Innovative nutrient and sediment reduction and
3262 conservation pilot project program.-

3263 (1) Contingent upon a specific appropriation in the General
3264 Appropriation Act, the department may fund innovative nutrient
3265 and sediment reduction and conservation pilot projects selected
3266 pursuant to this section. These pilot projects are intended to
3267 test the effectiveness of innovative or existing nutrient
3268 reduction or water conservation technologies, programs, or
3269 practices designed to minimize nutrient pollution or restore
3270 flows in the water bodies of the state.

3271 (2) By October 1, 2016, the department shall initiate
3272 rulemaking to establish criteria by which the department will
3273 evaluate and rank pilot projects for funding. The criteria must
3274 include a determination by the department that the pilot project
3275 will not be harmful to the ecological resources in the study
3276 area. The criteria must give preference to projects that will
3277 result in the greatest improvement to water quality and water

592-01083A-16

2016552c1

3278 quantity for the dollars to be expended for the project. At a
3279 minimum, the department shall consider all of the following:

3280 (a) The level of nutrient impairment of the waterbody,
3281 watershed, or water segment in which the project is located.

3282 (b) The quantity of nutrients the project is estimated to
3283 remove from a water body, watershed, or water segment with a
3284 nutrient total maximum daily load.

3285 (c) The potential for the project to provide a cost-
3286 effective solution to pollution, including pollution caused by
3287 onsite sewage treatment and disposal systems.

3288 (d) The anticipated impact the project will have on
3289 restoring or increasing flow or water level.

3290 (e) The amount of matching funds for the project which will
3291 be provided by the entities responsible for implementing the
3292 project.

3293 (f) Whether the project is located in a rural area of
3294 opportunity, as defined in s. 288.0656, with preference given to
3295 the local government responsible for implementing the project.

3296 (g) For multiple-year projects, whether the project has
3297 funding sources that are identified and assured through the
3298 expected completion date of the project.

3299 (h) The cost of the project and the length of time it will
3300 take to complete relative to its expected benefits.

3301 (i) Whether the entities responsible for implementing the
3302 project have used their own funds for projects to improve water
3303 quality or conserve water use with preference given to those
3304 entities that have expended such funds.

3305 Section 32. Section 403.0623, Florida Statutes, is amended
3306 to read:

592-01083A-16

2016552c1

3307 403.0623 Environmental data; quality assurance.—

3308 (1) The department must establish, by rule, appropriate
3309 quality assurance requirements for environmental data submitted
3310 to the department and the criteria by which environmental data
3311 may be rejected by the department. The department may adopt and
3312 enforce rules to establish data quality objectives and specify
3313 requirements for training of laboratory and field staff, sample
3314 collection methodology, proficiency testing, and audits of
3315 laboratory and field sampling activities. Such rules may be in
3316 addition to any laboratory certification provisions under ss.
3317 403.0625 and 403.863.

3318 (2) (a) The department, in coordination with the water
3319 management districts, regional water supply authorities, and the
3320 Department of Agriculture and Consumer Services shall establish
3321 standards for the collection and analysis of water quantity,
3322 water quality, and related data to ensure quality, reliability,
3323 and validity of the data and testing results.

3324 (b) To the extent practicable, the department shall
3325 coordinate with federal agencies to ensure that its collection
3326 and analysis of water quality, water quantity, and related data,
3327 which may be used by any state agency, water management
3328 district, or local government, is consistent with this
3329 subsection.

3330 (c) To receive state funds for the acquisition of land or
3331 the financing of a water resource project, state agencies and
3332 water management districts must show that they followed the
3333 department's collection and analysis standards, if available, as
3334 a prerequisite for any such request for funding.

3335 (d) The department and the water management districts may

592-01083A-16

2016552c1

3336 adopt rules to implement this subsection.

3337 Section 33. Subsection (7) of section 403.067, Florida
3338 Statutes, is amended to read:

3339 403.067 Establishment and implementation of total maximum
3340 daily loads.—

3341 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
3342 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

3343 (a) *Basin management action plans.*—

3344 1. In developing and implementing the total maximum daily
3345 load for a water body, the department, or the department in
3346 conjunction with a water management district, may develop a
3347 basin management action plan that addresses some or all of the
3348 watersheds and basins tributary to the water body. Such plan
3349 must integrate the appropriate management strategies available
3350 to the state through existing water quality protection programs
3351 to achieve the total maximum daily loads and may provide for
3352 phased implementation of these management strategies to promote
3353 timely, cost-effective actions as provided for in s. 403.151.
3354 The plan must establish a schedule implementing the management
3355 strategies, establish a basis for evaluating the plan's
3356 effectiveness, and identify feasible funding strategies for
3357 implementing the plan's management strategies. The management
3358 strategies may include regional treatment systems or other
3359 public works, where appropriate, and voluntary trading of water
3360 quality credits to achieve the needed pollutant load reductions.

3361 2. A basin management action plan must equitably allocate,
3362 pursuant to paragraph (6) (b), pollutant reductions to individual
3363 basins, as a whole to all basins, or to each identified point
3364 source or category of nonpoint sources, as appropriate. For

592-01083A-16

2016552c1

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

3375 3. The basin management action planning process is intended
3376 to involve the broadest possible range of interested parties,
3377 with the objective of encouraging the greatest amount of
3378 cooperation and consensus possible. In developing a basin
3379 management action plan, the department shall assure that key
3380 stakeholders, including, but not limited to, applicable local
3381 governments, water management districts, the Department of
3382 Agriculture and Consumer Services, other appropriate state
3383 agencies, local soil and water conservation districts,
3384 environmental groups, regulated interests, and affected
3385 pollution sources, are invited to participate in the process.
3386 The department shall hold at least one public meeting in the
3387 vicinity of the watershed or basin to discuss and receive
3388 comments during the planning process and shall otherwise
3389 encourage public participation to the greatest practicable
3390 extent. Notice of the public meeting must be published in a
3391 newspaper of general circulation in each county in which the
3392 watershed or basin lies not less than 5 days nor more than 15
3393 days before the public meeting. A basin management action plan

592-01083A-16

2016552c1

3394 does not supplant or otherwise alter any assessment made under
3395 subsection (3) or subsection (4) or any calculation or initial
3396 allocation.

3397 4. Each new or revised basin management action plan shall
3398 include:

3399 a. The appropriate management strategies available through
3400 existing water quality protection programs to achieve total
3401 maximum daily loads, which may provide for phased implementation
3402 to promote timely, cost-effective actions as provided for in s.
3403 403.151;

3404 b. A description of best management practices adopted by
3405 rule;

3406 c. A list of projects in priority ranking with a planning-
3407 level cost estimate and estimated date of completion for each
3408 listed project;

3409 d. The source and amount of financial assistance to be made
3410 available by the department, a water management district, or
3411 other entity for each listed project, if applicable; and

3412 e. A planning-level estimate of each listed project's
3413 expected load reduction, if applicable.

3414 ~~5.4.~~ The department shall adopt all or any part of a basin
3415 management action plan and any amendment to such plan by
3416 secretarial order pursuant to chapter 120 to implement the
3417 provisions of this section.

3418 ~~6.5.~~ The basin management action plan must include
3419 milestones for implementation and water quality improvement, and
3420 an associated water quality monitoring component sufficient to
3421 evaluate whether reasonable progress in pollutant load
3422 reductions is being achieved over time. An assessment of

592-01083A-16

2016552c1

3423 progress toward these milestones shall be conducted every 5
3424 years, and revisions to the plan shall be made as appropriate.
3425 Revisions to the basin management action plan shall be made by
3426 the department in cooperation with basin stakeholders. Revisions
3427 to the management strategies required for nonpoint sources must
3428 follow the procedures set forth in subparagraph (c)4. Revised
3429 basin management action plans must be adopted pursuant to
3430 subparagraph 5.4.

3431 ~~7.6.~~ In accordance with procedures adopted by rule under
3432 paragraph (9) (c), basin management action plans, and other
3433 pollution control programs under local, state, or federal
3434 authority as provided in subsection (4), may allow point or
3435 nonpoint sources that will achieve greater pollutant reductions
3436 than required by an adopted total maximum daily load or
3437 wasteload allocation to generate, register, and trade water
3438 quality credits for the excess reductions to enable other
3439 sources to achieve their allocation; however, the generation of
3440 water quality credits does not remove the obligation of a source
3441 or activity to meet applicable technology requirements or
3442 adopted best management practices. Such plans must allow trading
3443 between NPDES permittees, and trading that may or may not
3444 involve NPDES permittees, where the generation or use of the
3445 credits involve an entity or activity not subject to department
3446 water discharge permits whose owner voluntarily elects to obtain
3447 department authorization for the generation and sale of credits.

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

592-01083A-16

2016552c1

3452 activities or discharges has been adopted under this section.

3453 (b) *Total maximum daily load implementation.*—

3454 1. The department shall be the lead agency in coordinating
3455 the implementation of the total maximum daily loads through
3456 existing water quality protection programs. Application of a
3457 total maximum daily load by a water management district must be
3458 consistent with this section and does not require the issuance
3459 of an order or a separate action pursuant to s. 120.536(1) or s.
3460 120.54 for the adoption of the calculation and allocation
3461 previously established by the department. Such programs may
3462 include, but are not limited to:

3463 a. Permitting and other existing regulatory programs,
3464 including water-quality-based effluent limitations;

3465 b. Nonregulatory and incentive-based programs, including
3466 best management practices, cost sharing, waste minimization,
3467 pollution prevention, agreements established pursuant to s.
3468 403.061(21), and public education;

3469 c. Other water quality management and restoration
3470 activities, for example surface water improvement and management
3471 plans approved by water management districts or basin management
3472 action plans developed pursuant to this subsection;

3473 d. Trading of water quality credits or other equitable
3474 economically based agreements;

3475 e. Public works including capital facilities; or

3476 f. Land acquisition.

3477 2. For a basin management action plan adopted pursuant to
3478 paragraph (a), any management strategies and pollutant reduction
3479 requirements associated with a pollutant of concern for which a
3480 total maximum daily load has been developed, including effluent

592-01083A-16

2016552c1

3481 limits set forth for a discharger subject to NPDES permitting,
3482 if any, must be included in a timely manner in subsequent NPDES
3483 permits or permit modifications for that discharger. The
3484 department may not impose limits or conditions implementing an
3485 adopted total maximum daily load in an NPDES permit until the
3486 permit expires, the discharge is modified, or the permit is
3487 reopened pursuant to an adopted basin management action plan.

3488 a. Absent a detailed allocation, total maximum daily loads
3489 must be implemented through NPDES permit conditions that provide
3490 for a compliance schedule. In such instances, a facility's NPDES
3491 permit must allow time for the issuance of an order adopting the
3492 basin management action plan. The time allowed for the issuance
3493 of an order adopting the plan may not exceed 5 years. Upon
3494 issuance of an order adopting the plan, the permit must be
3495 reopened or renewed, as necessary, and permit conditions
3496 consistent with the plan must be established. Notwithstanding
3497 the other provisions of this subparagraph, upon request by an
3498 NPDES permittee, the department as part of a permit issuance,
3499 renewal, or modification may establish individual allocations
3500 before the adoption of a basin management action plan.

3501 b. For holders of NPDES municipal separate storm sewer
3502 system permits and other stormwater sources, implementation of a
3503 total maximum daily load or basin management action plan must be
3504 achieved, to the maximum extent practicable, through the use of
3505 best management practices or other management measures.

3506 c. The basin management action plan does not relieve the
3507 discharger from any requirement to obtain, renew, or modify an
3508 NPDES permit or to abide by other requirements of the permit.

3509 d. Management strategies set forth in a basin management

592-01083A-16

2016552c1

3510 action plan to be implemented by a discharger subject to
3511 permitting by the department must be completed pursuant to the
3512 schedule set forth in the basin management action plan. This
3513 implementation schedule may extend beyond the 5-year term of an
3514 NPDES permit.

3515 e. Management strategies and pollution reduction
3516 requirements set forth in a basin management action plan for a
3517 specific pollutant of concern are not subject to challenge under
3518 chapter 120 at the time they are incorporated, in an identical
3519 form, into a subsequent NPDES permit or permit modification.

3520 f. For nonagricultural pollutant sources not subject to
3521 NPDES permitting but permitted pursuant to other state,
3522 regional, or local water quality programs, the pollutant
3523 reduction actions adopted in a basin management action plan must
3524 be implemented to the maximum extent practicable as part of
3525 those permitting programs.

3526 g. A nonpoint source discharger included in a basin
3527 management action plan must demonstrate compliance with the
3528 pollutant reductions established under subsection (6) by
3529 implementing the appropriate best management practices
3530 established pursuant to paragraph (c) or conducting water
3531 quality monitoring prescribed by the department or a water
3532 management district. A nonpoint source discharger may, in
3533 accordance with department rules, supplement the implementation
3534 of best management practices with water quality credit trades in
3535 order to demonstrate compliance with the pollutant reductions
3536 established under subsection (6).

3537 h. A nonpoint source discharger included in a basin
3538 management action plan may be subject to enforcement action by

592-01083A-16

2016552c1

3539 the department or a water management district based upon a
3540 failure to implement the responsibilities set forth in sub-
3541 subparagraph g.

3542 i. A landowner, discharger, or other responsible person who
3543 is implementing applicable management strategies specified in an
3544 adopted basin management action plan may not be required by
3545 permit, enforcement action, or otherwise to implement additional
3546 management strategies, including water quality credit trading,
3547 to reduce pollutant loads to attain the pollutant reductions
3548 established pursuant to subsection (6) and shall be deemed to be
3549 in compliance with this section. This subparagraph does not
3550 limit the authority of the department to amend a basin
3551 management action plan as specified in subparagraph (a)6. ~~(a)5.~~

3552 (c) *Best management practices.*—

3553 1. The department, in cooperation with the water management
3554 districts and other interested parties, as appropriate, may
3555 develop suitable interim measures, best management practices, or
3556 other measures necessary to achieve the level of pollution
3557 reduction established by the department for nonagricultural
3558 nonpoint pollutant sources in allocations developed pursuant to
3559 subsection (6) and this subsection. These practices and measures
3560 may be adopted by rule by the department and the water
3561 management districts and, where adopted by rule, shall be
3562 implemented by those parties responsible for nonagricultural
3563 nonpoint source pollution.

3564 2. The Department of Agriculture and Consumer Services may
3565 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54
3566 suitable interim measures, best management practices, or other
3567 measures necessary to achieve the level of pollution reduction

592-01083A-16

2016552c1

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

3585 3. Where interim measures, best management practices, or
3586 other measures are adopted by rule, the effectiveness of such
3587 practices in achieving the levels of pollution reduction
3588 established in allocations developed by the department pursuant
3589 to subsection (6) and this subsection or in programs implemented
3590 pursuant to paragraph (12) (b) must be verified at representative
3591 sites by the department. The department shall use best
3592 professional judgment in making the initial verification that
3593 the best management practices are reasonably expected to be
3594 effective and, where applicable, must notify the appropriate
3595 water management district or the Department of Agriculture and
3596 Consumer Services of its initial verification before the

592-01083A-16

2016552c1

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

3624 4. Where water quality problems are demonstrated, despite
3625 the appropriate implementation, operation, and maintenance of

592-01083A-16

2016552c1

3626 best management practices and other measures required by rules
3627 adopted under this paragraph, the department, a water management
3628 district, or the Department of Agriculture and Consumer
3629 Services, in consultation with the department, shall institute a
3630 reevaluation of the best management practice or other measure.
3631 Should the reevaluation determine that the best management
3632 practice or other measure requires modification, the department,
3633 a water management district, or the Department of Agriculture
3634 and Consumer Services, as appropriate, shall revise the rule to
3635 require implementation of the modified practice within a
3636 reasonable time period as specified in the rule.

3637 5. Agricultural records relating to processes or methods of
3638 production, costs of production, profits, or other financial
3639 information held by the Department of Agriculture and Consumer
3640 Services pursuant to subparagraphs 3. and 4. or pursuant to any
3641 rule adopted pursuant to subparagraph 2. are confidential and
3642 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
3643 Constitution. Upon request, records made confidential and exempt
3644 pursuant to this subparagraph shall be released to the
3645 department or any water management district provided that the
3646 confidentiality specified by this subparagraph for such records
3647 is maintained.

3648 6. The provisions of subparagraphs 1. and 2. do not
3649 preclude the department or water management district from
3650 requiring compliance with water quality standards or with
3651 current best management practice requirements set forth in any
3652 applicable regulatory program authorized by law for the purpose
3653 of protecting water quality. Additionally, subparagraphs 1. and
3654 2. are applicable only to the extent that they do not conflict

592-01083A-16

2016552c1

3655 with any rules adopted by the department that are necessary to
3656 maintain a federally delegated or approved program.

3657 (d) Enforcement and verification of basin management action
3658 plans and management strategies.-

3659 1. Basin management action plans are enforceable pursuant
3660 to this section and ss. 403.121, 403.141, and 403.161.

3661 Management strategies, including best management practices and
3662 water quality monitoring, are enforceable under this chapter.

3663 2. No later than January 1, 2017:

3664 a. The department, in consultation with the water
3665 management districts and the Department of Agriculture and
3666 Consumer Services, shall initiate rulemaking to adopt procedures
3667 to verify implementation of water quality monitoring required in
3668 lieu of implementation of best management practices or other
3669 measures pursuant to s. 403.067(7)(b)2.g.;

3670 b. The department, in consultation with the water
3671 management districts and the Department of Agriculture and
3672 Consumer Services, shall initiate rulemaking to adopt procedures
3673 to verify implementation of nonagricultural interim measures,
3674 best management practices, or other measures adopted by rule
3675 pursuant to s. 403.067(7)(c)1.; and

3676 c. The Department of Agriculture and Consumer Services, in
3677 consultation with the water management districts and the
3678 department, shall initiate rulemaking to adopt procedures to
3679 verify implementation of agricultural interim measures, best
3680 management practices, or other measures adopted by rule pursuant
3681 to s. 403.067(7)(c)2.

3682
3683 The rules required under this subparagraph shall include

592-01083A-16

2016552c1

3684 enforcement procedures applicable to the landowner, discharger,
3685 or other responsible person required to implement applicable
3686 management strategies, including best management practices or
3687 water quality monitoring as a result of noncompliance.

3688 Section 34. Section 403.0675, Florida Statutes, is created
3689 to read:

3690 403.0675 Progress reports.—On or before July 1 of each
3691 year, beginning in 2018:

3692 (1) The department, in conjunction with the water
3693 management districts, shall post on its website and submit
3694 electronically an annual progress report to the Governor, the
3695 President of the Senate, and the Speaker of the House of
3696 Representatives on the status of each total maximum daily load,
3697 basin management action plan, minimum flow or minimum water
3698 level, and recovery or prevention strategy adopted pursuant to
3699 s. 403.067 or parts I and VIII of chapter 373. The report must
3700 include the status of each project identified to achieve a total
3701 maximum daily load or an adopted minimum flow or minimum water
3702 level, as applicable. If a report indicates that any of the 5-
3703 year, 10-year, or 15-year milestones, or the 20-year target
3704 date, if applicable, for achieving a total maximum daily load or
3705 a minimum flow or minimum water level will not be met, the
3706 report must include an explanation of the possible causes and
3707 potential solutions. If applicable, the report must include
3708 project descriptions, estimated costs, proposed priority ranking
3709 for project implementation, and funding needed to achieve the
3710 total maximum daily load or the minimum flow or minimum water
3711 level by the target date. Each water management district shall
3712 post the department's report on its website.

592-01083A-16

2016552c1

3713 (2) The Department of Agriculture and Consumer Services
3714 shall post on its website and submit electronically an annual
3715 progress report to the Governor, the President of the Senate,
3716 and the Speaker of the House of Representatives on the status of
3717 the implementation of the agricultural nonpoint source best
3718 management practices, including an implementation assurance
3719 report summarizing survey responses and response rates, site
3720 inspections, and other methods used to verify implementation of
3721 and compliance with best management practices pursuant to basin
3722 management action plans.

3723 Section 35. Subsection (21) is added to section 403.861,
3724 Florida Statutes, to read:

3725 403.861 Department; powers and duties.—The department shall
3726 have the power and the duty to carry out the provisions and
3727 purposes of this act and, for this purpose, to:

3728 (21) (a) Upon issuance of a construction permit to construct
3729 a new public water system drinking water treatment facility to
3730 provide potable water supply using a surface water that, at the
3731 time of the permit application, is not being used as a potable
3732 water supply, and the classification of which does not include
3733 potable water supply as a designated use, the department shall
3734 add treated potable water supply as a designated use of the
3735 surface water segment in accordance with s. 403.061(29) (b).

3736 (b) For existing public water system drinking water
3737 treatment facilities that use a surface water as a treated
3738 potable water supply, which surface water classification does
3739 not include potable water supply as a designated use, the
3740 department shall add treated potable water supply as a
3741 designated use of the surface water segment in accordance with

592-01083A-16

2016552c1

3742 s. 403.061(29)(b).

3743 Section 36. Section 403.928, Florida Statutes, is created
3744 to read:

3745 403.928 Assessment of water resources and conservation
3746 lands.—The Office of Economic and Demographic Research shall
3747 conduct an annual assessment of Florida's water resources and
3748 conservation lands.

3749 (1) WATER RESOURCES.—The assessment must include all of the
3750 following:

3751 (a) Historical and current expenditures and projections of
3752 future expenditures by federal, state, regional, and local
3753 governments and public and private utilities based upon
3754 historical trends and ongoing projects or initiatives associated
3755 with:

3756 1. Water supply and demand; and

3757 2. Water quality protection and restoration.

3758 (b) An analysis and estimates of future expenditures by
3759 federal, state, regional, and local governments and public and
3760 private utilities necessary to comply with federal and state
3761 laws and regulations governing subparagraphs (a)1. and (a)2. The
3762 analysis and estimates must address future expenditures by
3763 federal, state, regional, and local governments and all public
3764 and private utilities necessary to achieve the legislature's
3765 intent that sufficient water be available for all existing and
3766 future reasonable-beneficial uses and the natural systems, and
3767 that adverse effects of competition for water supplies be
3768 avoided. The assessment must include a compilation of projected
3769 water supply and demand data developed by each water management
3770 district pursuant to ss. 373.036 and 373.709, with notations

592-01083A-16

2016552c1

3771 regarding any significant differences between the methods used
3772 by the districts to calculate the data.

3773 (c) Forecasts of federal, state, regional, and local
3774 government revenues dedicated in current law for the purposes
3775 specified in subparagraphs (a)1. and (a)2. or that have been
3776 historically allocated for these purposes, as well as public and
3777 private utility revenues.

3778 (d) An identification of gaps between projected revenues
3779 and projected and estimated expenditures.

3780 (2) CONSERVATION LANDS.—The assessment must include all of
3781 the following:

3782 (a) Historical and current expenditures and projections of
3783 future expenditures by federal, state, regional, and local
3784 governments based upon historical trends and ongoing projects or
3785 initiatives associated with real property interests eligible for
3786 funding under s. 259.105.

3787 (b) An analysis and estimates of future expenditures by
3788 federal, state, regional, and local governments necessary to
3789 purchase lands identified in plans set forth by state agencies
3790 or water management districts.

3791 (c) An analysis of the ad valorem tax impacts, by county,
3792 resulting from public ownership of conservation lands.

3793 (d) Forecasts of federal, state, regional, and local
3794 government revenues dedicated in current law to maintain
3795 conservation lands and the gap between projected expenditures
3796 and revenues.

3797 (e) The total percentage of Florida real property that is
3798 publicly owned for conservation purposes.

3799 (f) A comparison of the cost of acquiring and maintaining

592-01083A-16

2016552c1

3800 conservation lands under fee simple or less than fee simple
3801 ownership.

3802 (3) The assessment shall include analyses on a statewide,
3803 regional, or geographic basis, as appropriate, and shall
3804 identify analytical challenges in assessing information across
3805 the different regions of the state.

3806 (4) The assessment must identify any overlap in the
3807 expenditures for water resources and conservation lands.

3808 (5) The water management districts, the Department of
3809 Environmental Protection, the Department of Agriculture and
3810 Consumer Services, the Fish and Wildlife Conservation
3811 Commission, counties, municipalities, and special districts
3812 shall provide assistance to the Office of Economic and
3813 Demographic Research related to their respective areas of
3814 expertise.

3815 (6) The Office of Economic and Demographic Research must be
3816 given access to any data held by an agency as defined in s.
3817 112.312 if the Office of Economic and Demographic Research
3818 considers the data necessary to complete the assessment,
3819 including any confidential data.

3820 (7) The assessment shall be submitted to the President of
3821 the Senate and the Speaker of the House of Representatives by
3822 January 1, 2017, and by January 1 of each year thereafter.

3823 Section 37. (1) The Department of Environmental Protection
3824 shall evaluate the feasibility and cost of creating and
3825 maintaining a web-based, interactive map that includes, at a
3826 minimum:

3827 (a) All watersheds and each water body within those
3828 watersheds;

592-01083A-16

2016552c1

3829 (b) The county or counties in which the watershed or water
3830 body is located;

3831 (c) The water management district or districts in which the
3832 watershed or water body is located;

3833 (d) Whether, if applicable, a minimum flow or minimum water
3834 level has been adopted for the water body and if such minimum
3835 flow or minimum water level has not been adopted, the
3836 anticipated adoption date;

3837 (e) Whether, if applicable, a recovery or prevention
3838 strategy has been adopted for the watershed or water body and,
3839 if such a plan has not been adopted, the anticipated adoption
3840 date;

3841 (f) The impairment status of each water body;

3842 (g) Whether, if applicable, a total maximum daily load has
3843 been adopted if the water body is listed as impaired and, if
3844 such total maximum daily load has not been adopted, the
3845 anticipated adoption date;

3846 (h) Whether, if applicable, a basin management action plan
3847 has been adopted for the watershed and, if such a plan has not
3848 been adopted, the anticipated adoption date;

3849 (i) Each project listed on the 5-year water resource
3850 development work program developed pursuant to s.
3851 373.536(6)(a)4.;

3852 (j) The agency or agencies and local sponsor, if any,
3853 responsible for overseeing the project;

3854 (k) The total or estimated cost and completion date of each
3855 project and the financial contribution of each entity;

3856 (l) The estimated quantitative benefit to the watershed or
3857 water body; and

592-01083A-16

2016552c1

3858 (m) The water projects completed within the last 5 years
3859 within the watershed or water body.

3860 (2) On or before January 1, 2017, the department must
3861 submit a report containing the findings on the feasibility study
3862 to the President of the Senate and the Speaker of the House of
3863 Representatives.

3864 Section 38. The Legislature finds that a proper and
3865 legitimate state purpose is served when protecting the
3866 environmental resources of this state. Therefore, the
3867 Legislature determines and declares that this act fulfills an
3868 important state interest.

3869 Section 39. This act shall take effect July 1, 2016.