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

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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 or modify recovery or
37 prevention strategies concurrently with the initial
38 adoption or revision of certain minimum flows and
39 minimum water levels; directing the department or the
40 water management district governing boards to
41 expeditiously adopt a recovery or prevention strategy
42 under certain circumstances; providing criteria for
43 such recovery or prevention strategies; requiring
44 certain amendments to regional water supply plans to
45 be concurrent with relevant portions of the recovery
46 or prevention strategy; directing water management
47 districts to notify the department when water use
48 permit applications are denied for a specified reason;
49 providing for the review and update of regional water
50 supply plans in such cases; creating s. 373.0465,
51 F.S.; providing legislative findings; defining the
52 term "Central Florida Water Initiative Area";
53 requiring the department, the St. Johns River Water
54 Management District, the South Florida Water
55 Management District, the Southwest Florida Water
56 Management District, and the Department of Agriculture
57 and Consumer Services to develop and implement a
58 multidistrict regional water supply plan; providing

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59 plan criteria and requirements; providing
60 applicability; requiring the department to adopt
61 rules; amending s. 373.1501, F.S.; specifying
62 authority of the South Florida Water Management
63 District to allocate quantities of, and assign
64 priorities for the use of, water within its
65 jurisdiction; directing the district to provide
66 recommendations to the United States Army Corps of
67 Engineers when developing or implementing certain
68 water control plans or regulation schedules; amending
69 s. 373.219, F.S.; requiring the department to adopt
70 certain uniform rules; amending s. 373.223, F.S.;
71 requiring consumptive use permits authorizing over a
72 certain amount to be monitored on a specified basis;
73 providing an exception; amending s. 373.2234, F.S.;
74 directing water management district governing boards
75 to consider the identification of preferred water
76 supply sources for certain water users; amending s.
77 373.227, F.S.; prohibiting water management districts
78 from modifying permitted allocation amounts under
79 certain circumstances; requiring the water management
80 districts to adopt rules to promote water conservation
81 incentives; amending s. 373.233, F.S.; providing
82 conditions under which the department and water
83 management district governing boards are directed to
84 give preference to certain applications; amending s.
85 373.4591, F.S.; providing priority consideration to
86 certain public-private partnerships for water storage,
87 groundwater recharge, and water quality improvements

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88 on private agricultural lands; amending s. 373.4595,
89 F.S.; revising and providing definitions relating to
90 the Northern Everglades and Estuaries Protection
91 Program; clarifying provisions of the Lake Okeechobee
92 Watershed Protection Program; directing the South
93 Florida Water Management District to revise certain
94 rules and provide for a watershed research and water
95 quality monitoring program; revising provisions for
96 the Caloosahatchee River Watershed Protection Program
97 and the St. Lucie River Watershed Protection Program;
98 revising permitting and annual reporting requirements
99 relating to the Northern Everglades and Estuaries
100 Protection Program; revising requirements for certain
101 basin management action plans; amending s.
102 373.467, F.S.; revising the qualifications for
103 membership on the Harris Chain of Lakes Restoration
104 Council; authorizing the Lake County legislative
105 delegation to waive such membership qualifications for
106 good cause; providing for council vacancies; amending
107 s. 373.536, F.S.; requiring a water management
108 district to include an annual funding plan in the 5-
109 year water resource development work program;
110 directing the department to post the proposed work
111 program on its website; amending s. 373.703, F.S.;
112 authorizing water management districts to join with
113 private landowners for the purpose of carrying out
114 their powers; amending s. 373.705, F.S.; revising
115 legislative intent; requiring water management
116 district governing boards to include certain

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

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146 recovery or prevention strategy; creating s. 373.807,
147 F.S.; requiring the department to initiate assessments
148 of Outstanding Florida Springs by a certain date;
149 requiring the department to develop basin management
150 action plans; authorizing local governments to apply
151 for an extension for projects in an adopted basin
152 management action plan; requiring certain local
153 governments to develop, enact, and implement an urban
154 fertilizer ordinance by a certain date; requiring the
155 Department of Environmental Protection, the Department
156 of Health, and relevant local governments and
157 utilities to develop onsite sewage treatment and
158 disposal system remediation plans under certain
159 circumstances; requiring the Department of
160 Environmental Protection to be the lead agency;
161 creating s. 373.811, F.S.; specifying prohibited
162 activities within a priority focus area of an
163 Outstanding Florida Spring; creating s. 373.813, F.S.;
164 providing rulemaking authority; amending s. 403.061,
165 F.S.; directing the department to adopt by rule a
166 specific surface water classification to protect
167 surface waters used for treated potable water supply;
168 providing criteria for such rule; authorizing the
169 reclassification of surface waters used for treated
170 potable water supply notwithstanding such rule;
171 creating s. 403.0617, F.S.; authorizing the department
172 to fund nutrient and sediment reduction and
173 conservation pilot projects under certain
174 circumstances; requiring the department to initiate

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175 rulemaking by a certain date; amending s. 403.0623,
176 F.S.; requiring the department to establish certain
177 standards; requiring state agencies and water
178 management districts to show that they followed the
179 department's standards in order to receive certain
180 funding; amending s. 403.067, F.S.; providing
181 requirements for new or revised basin management
182 action plans; requiring the department to adopt rules
183 relating to the enforcement and verification of best
184 management action plans and management strategies;
185 creating s. 403.0675, F.S.; requiring the department
186 and the Department of Agriculture and Consumer
187 Services to post annual progress reports on their
188 websites and to submit such reports to the Governor
189 and the Legislature; requiring each water management
190 district to post the Department of Environmental
191 Protection's report on its website; amending s.
192 403.861, F.S.; directing the department to add treated
193 potable water supply as a designated use of a surface
194 water segment under certain circumstances; creating s.
195 403.928, F.S.; requiring the Office of Economic and
196 Demographic Research to conduct an annual assessment
197 of Florida's water resources and conservation lands;
198 requiring the assessment to be submitted to the
199 Legislature by a certain date; requiring the
200 department to evaluate the feasibility and costs of
201 creating and maintaining a web-based interactive map;
202 requiring the department to submit a report of its
203 findings by a certain date; providing a declaration of

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204 important state interest; providing an effective date.

205
206 Be It Enacted by the Legislature of the State of Florida:

207
208 Section 1. Paragraph (f) is added to subsection (9) of
209 section 259.032, Florida Statutes, to read:

210 259.032 Conservation and recreation lands.—

211 (9)

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

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

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

230 3. The database and application must include information
231 for all state conservation lands to which the public has a right
232 of access for recreational purposes. Beginning January 1, 2018,

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233 to the greatest extent practicable, the database shall include
234 similar information for lands owned by federal and local
235 governmental entities that allow access for recreational
236 purposes.

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

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

245 373.019 Definitions.—When appearing in this chapter or in
246 any rule, regulation, or order adopted pursuant thereto, the
247 term:

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

261 Section 3. Paragraph (b) of subsection (7) of section

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262 373.036, Florida Statutes, is amended to read:

263 373.036 Florida water plan; district water management
264 plans.—

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

266 (b) The consolidated annual report shall contain the
267 following elements, as appropriate to that water management
268 district:

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

271 2. The department-approved minimum flows and minimum water
272 levels annual priority list and schedule required by s.
273 373.042(3) s. ~~373.042(2)~~.

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

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

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

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

282 7. The mitigation donation annual report required by s.
283 373.414(1)(b)2.

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

286 a. A list of all specific projects identified to implement
287 a basin management action plan or a recovery or prevention
288 strategy;

289 b. A priority ranking for each listed project for which
290 state funding through the water resources development work

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291 program is requested, which must be made available to the public
292 for comment at least 30 days before submission of the
293 consolidated annual report;

294 c. The estimated cost for each listed project;

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

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

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

302 9. A grade for each watershed, water body, or water segment
303 in which a project listed under subparagraph 8. is located
304 representing the level of impairment and violations of adopted
305 minimum flow or minimum water levels. The grading system must
306 reflect the severity of the impairment of the watershed,
307 waterbody, or water segment.

308 Section 4. Section 373.037, Florida Statutes, is created to
309 read:

310 373.037 Pilot program for alternative water supply
311 development in restricted allocation areas.-

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

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

317 (b) "Lower East Coast Regional Water Supply Planning Area"
318 means the areas withdrawing surface and groundwater from Water
319 Conservation Areas 1, 2A, 2B, 3A, and 3B, Grassy Waters

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320 Preserve/Water Catchment Area, Pal Mar, J.W. Corbett Wildlife
321 Management Area, Loxahatchee Slough, Loxahatchee River,
322 Riverbend Park, Dupuis Reserve, Jonathan Dickinson State Park,
323 Kitching Creek, Moonshine Creek, Cypress Creek, Hobe Grove
324 Ditch, the Holey Land and Rotenberger Wildlife Management Areas,
325 and the freshwater portions of the Everglades National Park, as
326 designated by the South Florida Water Management District.

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

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

347 (e) "Upper East Coast Regional Water Supply Planning Area"
348 means the areas withdrawing surface and groundwater from the

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349 Central and Southern Florida canals or the Floridan Aquifer, as
350 designated by the South Florida Water Management District.

351 (2) The Legislature finds that:

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

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

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

375 (3) The water management districts specified in paragraph
376 (2) (b) may, at their sole discretion, designate and implement an
377 existing alternative water supply project that is identified in

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378 each district's regional water supply plan as its one pilot
379 project or amend their respective regional water supply plans to
380 add a new alternative water supply project as their district
381 pilot project. A pilot project designation made pursuant to this
382 section should be made no later than July 1, 2017, and is not
383 subject to the rulemaking requirements of chapter 120 or subject
384 to legal challenge pursuant to ss. 120.569 and 120.57. A water
385 management district may designate an alternative water supply
386 project located within another water management district if the
387 project is located in a restricted allocation area designated by
388 the other water management district and a substantial quantity
389 of water provided by the alternative water supply project will
390 be used within the boundaries of the water management district
391 that designated the alternative water supply project.

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

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

403 (b) The governing board may not engage in local water
404 supply distribution or sell water to the pilot project
405 participants.

406 (c) The governing board may join with one or more other

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407 water management districts and counties, municipalities, special
408 districts, publicly owned or privately owned water utilities,
409 multijurisdictional water supply entities, regional water supply
410 authorities, self-suppliers, or other entities for the purpose
411 of carrying out its powers, and may contract with any such other
412 entities to finance or otherwise implement acquisitions,
413 construction, and operation and maintenance, if such contracts
414 are consistent with the public interest and based upon
415 independent cost estimates, including comparisons with other
416 alternative water supply projects. The contracts may provide for
417 contributions to be made by each party to the contract for the
418 division and apportionment of resulting costs, including
419 operations and maintenance, benefits, services, and products.
420 The contracts may contain other covenants and agreements
421 necessary and appropriate to accomplish their purposes.

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

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

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

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

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

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

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

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

454 Section 5. Section 373.042, Florida Statutes, is amended to
455 read:

456 373.042 Minimum flows and minimum water levels.-

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

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

464 (b) Minimum water level. The minimum water level is ~~shall~~

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465 ~~be~~ the level of groundwater in an aquifer and the level of
466 surface water at which further withdrawals would be
467 significantly harmful to the water resources or ecology of the
468 area.

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

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

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

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494 water level.

495 (c) The Legislature finds as provided in s. 373.801(3)(b)
496 that the adoption of minimum flows and minimum water levels or
497 recovery or prevention strategies for Outstanding Florida
498 Springs requires immediate action. The department and the
499 districts are authorized, and all conditions are deemed to be
500 met, to use emergency rulemaking provisions pursuant to s.
501 120.54(4) to adopt minimum flows and minimum water levels
502 pursuant to this subsection and to adopt recovery or prevention
503 strategies concurrently with a minimum flow or minimum water
504 level pursuant to s. 373.805(2). The emergency rules shall
505 remain in effect during the pendency of procedures to adopt
506 rules addressing the subject of the emergency rules.

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

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

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523 annually thereafter, each water management district shall
524 include its approved priority list and schedule in the
525 consolidated annual report required by s. 373.036(7). The
526 priority list shall be based upon the importance of the waters
527 to the state or region and the existence of or potential for
528 significant harm to the water resources or ecology of the state
529 or region, and shall include those waters which are experiencing
530 or may reasonably be expected to experience adverse impacts.
531 Each water management district's priority list and schedule
532 shall include all first magnitude springs, and all second
533 magnitude springs within state or federally owned lands
534 purchased for conservation purposes. The specific schedule for
535 establishment of spring minimum flows and minimum water levels
536 shall be commensurate with the existing or potential threat to
537 spring flow from consumptive uses. Springs within the Suwannee
538 River Water Management District, or second magnitude springs in
539 other areas of the state, need not be included on the priority
540 list if the water management district submits a report to the
541 Department of Environmental Protection demonstrating that
542 adverse impacts are not now occurring nor are reasonably
543 expected to occur from consumptive uses during the next 20
544 years. The priority list and schedule is not subject to any
545 proceeding pursuant to chapter 120. Except as provided in
546 subsection (4) ~~(3)~~, the development of a priority list and
547 compliance with the schedule for the establishment of minimum
548 flows and minimum water levels pursuant to this subsection
549 satisfies the requirements of subsection (1).

550 (4) ~~(3)~~ Minimum flows or minimum water levels for priority
551 waters in the counties of Hillsborough, Pasco, and Pinellas

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552 shall be established by October 1, 1997. Where a minimum flow or
553 minimum water level for the priority waters within those
554 counties has not been established by the applicable deadline,
555 the secretary of the department shall, if requested by the
556 governing body of any local government within whose jurisdiction
557 the affected waters are located, establish the minimum flow or
558 minimum water level in accordance with the procedures
559 established by this section. The department's reasonable costs
560 in establishing a minimum flow or minimum water level shall,
561 upon request of the secretary, be reimbursed by the district.

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

571 ~~(6)-(5)~~(a) Upon written request to the department or
572 governing board by a substantially affected person, or by
573 decision of the department or governing board, before ~~prior to~~
574 the establishment of a minimum flow or minimum water level and
575 before ~~prior to~~ the filing of any petition for administrative
576 hearing related to the minimum flow or minimum water level, all
577 scientific or technical data, methodologies, and models,
578 including all scientific and technical assumptions employed in
579 each model, used to establish a minimum flow or minimum water
580 level shall be subject to independent scientific peer review.

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581 Independent scientific peer review means review by a panel of
582 independent, recognized experts in the fields of hydrology,
583 hydrogeology, limnology, biology, and other scientific
584 disciplines, to the extent relevant to the establishment of the
585 minimum flow or minimum water level.

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

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610 department or the governing board shall give significant weight
611 to the final report of the peer review panel when establishing
612 the minimum flow or minimum water level.

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

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

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

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

636 Section 6. Section 373.0421, Florida Statutes, is amended
637 to read:

638 373.0421 Establishment and implementation of minimum flows

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639 and minimum water levels.—

640 (1) ESTABLISHMENT.—

641 (a) *Considerations.*—When establishing minimum flows and
642 minimum water levels pursuant to s. 373.042, the department or
643 governing board shall consider changes and structural
644 alterations to watersheds, surface waters, and aquifers and the
645 effects such changes or alterations have had, and the
646 constraints such changes or alterations have placed, on the
647 hydrology of an affected watershed, surface water, or aquifer,
648 provided that nothing in this paragraph shall allow significant
649 harm as provided by s. 373.042(1) caused by withdrawals.

650 (b) *Exclusions.*—

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

660 2. The department or the governing board is not required to
661 establish minimum flows or minimum water levels pursuant to s.
662 373.042 for surface water bodies less than 25 acres in area,
663 unless the water body or bodies, individually or cumulatively,
664 have significant economic, environmental, or hydrologic value.

665 3. The department or the governing board shall not set
666 minimum flows or minimum water levels pursuant to s. 373.042 for
667 surface water bodies constructed before ~~prior to~~ the requirement

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668 for a permit, or pursuant to an exemption, a permit, or a
669 reclamation plan which regulates the size, depth, or function of
670 the surface water body under the provisions of this chapter,
671 chapter 378, or chapter 403, unless the constructed surface
672 water body is of significant hydrologic value or is an essential
673 element of the water resources of the area.

674
675 The exclusions of this paragraph shall not apply to the
676 Everglades Protection Area, as defined in s. 373.4592(2)(i).

677 (2) If, at the time a minimum flow or minimum water level
678 is initially established for a water body pursuant to s. 373.042
679 or is revised, the existing flow or water level in the a water
680 body is below, or is projected to fall within 20 years below,
681 the applicable minimum flow or minimum water level ~~established~~
682 ~~pursuant to s. 373.042,~~ the department or governing board, as
683 part of the regional water supply plan described in s. 373.709,
684 shall concurrently adopt or modify and ~~expeditiously~~ implement a
685 recovery or prevention strategy. If a minimum flow or minimum
686 water level has been established for a water body pursuant to s.
687 373.042, and the existing flow or water level in the water body
688 falls below, or is projected to fall within 20 years below, the
689 applicable minimum flow or minimum water level, the department
690 or governing board shall expeditiously adopt a recovery or
691 prevention strategy. A recovery or prevention strategy shall
692 include, ~~which includes~~ the development of additional water
693 supplies and other actions, consistent with the authority
694 granted by this chapter, to:

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

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

699
700 The recovery or prevention strategy must ~~shall~~ include a phased-
701 in approach ~~phasing~~ or a timetable which will allow for the
702 provision of sufficient water supplies for all existing and
703 projected reasonable-beneficial uses, including development of
704 additional water supplies and implementation of conservation and
705 other efficiency measures concurrent with and, to the maximum
706 extent practical, ~~and~~ to offset, reductions in permitted
707 withdrawals, consistent with ~~the provisions of~~ this chapter. The
708 recovery or prevention strategy may not depend solely on water
709 shortage restrictions declared pursuant to s. 373.175 or s.
710 373.246.

711 (3) To ensure that sufficient water is available for all
712 existing and future reasonable-beneficial uses and the natural
713 systems, the applicable regional water supply plan prepared
714 pursuant to s. 373.709 shall be amended to include any water
715 supply development project or water resource development project
716 identified in a recovery or prevention strategy. Such amendment
717 shall be approved concurrently with relevant portions of the
718 recovery or prevention strategy.

719 (4) The water management district shall notify the
720 department if an application for a water use permit is denied
721 based upon the impact that the use will have on an adopted
722 minimum flow or minimum water level. Upon receipt of such
723 notice, the department shall, as soon as practicable and in
724 cooperation with the water management district, conduct a review
725 of the applicable regional water supply plan prepared pursuant

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726 to s. 373.709. Such review shall include an assessment by the
727 department of the adequacy of the plan in addressing the
728 legislative intent of s. 373.705(2) (a) which provides that
729 sufficient water be available for all existing and future
730 reasonable-beneficial uses and natural systems and that the
731 adverse effects of competition for water supplies be avoided. If
732 the department determines, based upon this review, that the
733 regional water supply plan does not adequately address the
734 legislative intent of s. 373.705(2) (a), the water management
735 district shall immediately initiate an update of the plan
736 consistent with s. 373.709.

737 (5) ~~(3)~~ The provisions of this section are supplemental to
738 any other specific requirements or authority provided by law.
739 Minimum flows and minimum water levels shall be reevaluated
740 periodically and revised as needed.

741 Section 7. Section 373.0465, Florida Statutes, is created
742 to read:

743 373.0465 Central Florida Water Initiative.-

744 (1) The Legislature finds that:

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

748 (b) Because the boundaries of the St. Johns River Water
749 Management District, the South Florida Water Management
750 District, and the Southwest Florida Water Management District
751 meet within the Central Florida Coordination Area, the three
752 districts and the Department of Environmental Protection have
753 worked cooperatively to determine that the Floridan Aquifer
754 system is locally approaching the sustainable limits of use and

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755 are exploring the need to develop sources of water to meet the
756 long-term water needs of the area.

757 (c) The Central Florida Water Initiative is a collaborative
758 process involving the Department of Environmental Protection,
759 the St. Johns River Water Management District, the South Florida
760 Water Management District, the Southwest Florida Water
761 Management District, the Department of Agriculture and Consumer
762 Services, regional public water supply utilities, and other
763 stakeholders. As set forth in the Central Florida Water
764 Initiative Guiding Document of January 30, 2015, the initiative
765 has developed an initial framework for a unified process to
766 address the current and long-term water supply needs of Central
767 Florida without causing harm to the water resources and
768 associated natural systems.

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

773 (2) (a) As used in this section, the term "Central Florida
774 Water Initiative Area" means all of Orange, Osceola, Polk, and
775 Seminole Counties, and southern Lake County, as designated by
776 the Central Florida Water Initiative Guiding Document of January
777 30, 2015.

778 (b) The department, the St. Johns River Water Management
779 District, the South Florida Water Management District, the
780 Southwest Florida Water Management District, and the Department
781 of Agriculture and Consumer Services shall:

782 1. Provide for a continuation of the collaborative process
783 in the Central Florida Water Initiative Area among the state

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784 agencies, affected water management districts, regional public
785 water supply utilities, and other stakeholders;

786 2. Build upon the guiding principles and goals set forth in
787 the Central Florida Water Initiative Guiding Document of January
788 30, 2015, and the work that has already been accomplished by the
789 Central Florida Water Initiative participants;

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

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

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

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

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

811 3. Consider existing recovery or prevention strategies;

812 4. Include a list of water supply options sufficient to

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813 meet the water needs of all existing and future reasonable-
814 beneficial uses consistent with the conditions established under
815 s. 373.223; and

816 5. Identify, as necessary, which of the water supply
817 sources are preferred water supply sources pursuant to s.
818 373.2234.

819 (d) The department, in consultation with the St. Johns
820 River Water Management District, the South Florida Water
821 Management District, the Southwest Florida Water Management
822 District, and the Department of Agriculture and Consumer
823 Services, shall adopt uniform rules for application within the
824 Central Florida Water Initiative Area that include:

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

827 2. A single method for calculating residential per capita
828 water use;

829 3. A single process for permit reviews;

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

832 5. A goal for residential per capita water use for each
833 consumptive use permit; and

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

836
837 The uniform rules must include existing recovery strategies
838 within the Central Florida Water Initiative Area adopted before
839 July 1, 2016. The department may grant variances to the uniform
840 rules if there are unique circumstances or hydrogeological
841 factors that make application of the uniform rules unrealistic

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842 or impractical.

843 (e) The department shall initiate rulemaking for the
844 uniform rules by December 31, 2016. The department's uniform
845 rules shall be applied by the water management districts only
846 within the Central Florida Water Initiative Area. Upon adoption
847 of the rules, the water management districts shall implement the
848 rules without further rulemaking pursuant to s. 120.54. The
849 rules adopted by the department pursuant to this section are
850 considered the rules of the water management districts.

851 (f) Water management district planning programs developed
852 pursuant to this subsection shall be approved or adopted as
853 required under this chapter. However, such planning programs may
854 not serve to modify planning programs in areas of the affected
855 districts that are not within the Central Florida Water
856 Initiative Area, but may include interregional projects located
857 outside the Central Florida Water Initiative Area which are
858 consistent with planning and regulatory programs in the areas in
859 which they are located.

860 Section 8. Subsection (4) of section 373.1501, Florida
861 Statutes, is amended, present subsections (7) and (8) of that
862 section are redesignated as subsections (8) and (9),
863 respectively, and a new subsection (7) is added to that section,
864 to read:

865 373.1501 South Florida Water Management District as local
866 sponsor.—

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

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871 exercise the authority of the state to allocate quantities of
872 water within its jurisdiction, including the water supply in
873 relation to the project, and be responsible for allocating water
874 and assigning priorities among the other water uses served by
875 the project pursuant to state law. The district may:

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

878 (b) Continue data gathering, analysis, research, and design
879 of project components, participate in preconstruction
880 engineering and design documents for project components, and
881 further refine the Comprehensive Plan of the restudy as a guide
882 and framework for identifying other project components.~~†~~

883 (c) Construct pilot projects that will assist in
884 determining the feasibility of technology included in the
885 Comprehensive Plan of the restudy.~~†~~ ~~and~~

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

887 (7) When developing or implementing water control plans or
888 regulation schedules required for the operation of the project,
889 the district shall provide recommendations to the United States
890 Army Corps of Engineers which are consistent with all district
891 programs and plans.

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

894 373.219 Permits required.—

895 (3) For Outstanding Florida Springs, the department shall
896 adopt uniform rules for issuing permits which prevent
897 groundwater withdrawals that are harmful to the water resources
898 and adopt by rule a uniform definition of the term "harmful to
899 the water resources" to provide water management districts with

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900 minimum standards necessary to be consistent with the overall
901 water policy of the state. This subsection does not prohibit a
902 water management district from adopting a definition that is
903 more protective of the water resources consistent with local or
904 regional conditions and objectives.

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

907 373.223 Conditions for a permit.—

908 (6) A new consumptive use permit, or the renewal or
909 modification of a consumptive use permit, that authorizes
910 groundwater withdrawals of 100,000 gallons or more per day from
911 a well with an inside diameter of 8 inches or more shall be
912 monitored for water usage at intervals using methods determined
913 by the applicable water management district, and the results of
914 such monitoring shall be reported to the applicable water
915 management district at least annually. The water management
916 districts may adopt rules to implement this subsection. In lieu
917 of the requirements of this subsection, a water management
918 district may enforce rules that govern water usage monitoring in
919 effect on July 1, 2016, or may adopt rules that are more
920 stringent than this subsection.

921 Section 11. Section 373.2234, Florida Statutes, is amended
922 to read:

923 373.2234 Preferred water supply sources.—

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

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929 beneficial uses of a water supply planning region identified
930 pursuant to s. 373.709(1), while sustaining existing water
931 resources and natural systems. At a minimum, such rules must
932 contain a description of the preferred water supply source and
933 an assessment of the water the preferred source is projected to
934 produce.

935 (2) (a) If an applicant proposes to use a preferred water
936 supply source, that applicant's proposed water use is subject to
937 s. 373.223(1), except that the proposed use of a preferred water
938 supply source must be considered by a water management district
939 when determining whether a permit applicant's proposed use of
940 water is consistent with the public interest pursuant to s.
941 373.223(1) (c).

942 (b) The governing board of a water management district
943 shall consider the identification of preferred water supply
944 sources for water users for whom access to or development of new
945 water supplies is not technically or financially feasible.
946 Identification of preferred water supply sources for such water
947 users must be consistent with s. 373.016.

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

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

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

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

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

961 3. Additionally, ~~nothing in this section shall be~~
962 ~~interpreted to~~ Require the use of a preferred water supply
963 source or to restrict or prohibit the use of a nonpreferred
964 water supply source.

965 (b) Rules adopted by the governing board of a water
966 management district to implement this section shall specify that
967 the use of a preferred water supply source is not required and
968 that the use of a nonpreferred water supply source is not
969 restricted or prohibited.

970 Section 12. Present subsection (5) of section 373.227,
971 Florida Statutes, is redesignated as subsection (7), and a new
972 subsection (5) and subsection (6) are added to that section, to
973 read:

974 373.227 Water conservation; legislative findings and
975 intent; objectives; comprehensive statewide water conservation
976 program requirements.-

977 (5) To incentivize water conservation, if actual water use
978 is less than permitted water use due to documented
979 implementation of water conservation measures beyond those
980 required in a consumptive use permit, including, but not limited
981 to, those measures identified in best management practices
982 pursuant to s. 570.93, the permitted allocation may not be
983 modified solely due to such water conservation during the term
984 of the permit. To promote water conservation and the
985 implementation of measures that produce significant water
986 savings beyond those required in a consumptive use permit, each

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987 water management district shall adopt rules providing water
988 conservation incentives, which may include limited permit
989 extensions.

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

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

998 373.233 Competing applications.—

999 (2) (a) ~~If In the event that~~ two or more competing
1000 applications qualify equally under ~~the provisions of~~ subsection
1001 (1), the governing board or the department shall give preference
1002 to a renewal application over an initial application.

1003 (b) If two or more competing applications qualify equally
1004 under subsection (1) and none of the competing applications is a
1005 renewal application, the governing board or the department shall
1006 give preference to the application for the use where the source
1007 is nearest to the area of use or application consistent with s.
1008 373.016(4) (a).

1009 Section 14. Section 373.4591, Florida Statutes, is amended
1010 to read:

1011 373.4591 Improvements on private agricultural lands.—

1012 (1) The Legislature encourages public-private partnerships
1013 to accomplish water storage, groundwater recharge, and water
1014 quality improvements on private agricultural lands. Priority
1015 consideration shall be given to public-private partnerships

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1016 that:

1017 (a) Store or treat water on private lands for purposes of
1018 enhancing hydrologic improvement, improving water quality, or
1019 assisting in water supply;

1020 (b) Provide critical groundwater recharge; or

1021 (c) Provide for changes in land use to activities that
1022 minimize nutrient loads and maximize water conservation.

1023 (2) (a) When an agreement is entered into between the
1024 department, a water management district, or the Department of
1025 Agriculture and Consumer Services and a private landowner to
1026 establish such a public-private partnership that may create or
1027 impact wetlands or other surface waters, a baseline condition
1028 determining the extent of wetlands and other surface waters on
1029 the property shall be established and documented in the
1030 agreement before improvements are constructed.

1031 (b) When an agreement is entered into between the
1032 Department of Agriculture and Consumer Services and a private
1033 landowner to implement best management practices pursuant to s.
1034 403.067(7)(c), a baseline condition determining the extent of
1035 wetlands and other surface water on the property may be
1036 established at the option and expense of the private landowner
1037 and documented in the agreement before improvements are
1038 constructed. The Department of Agriculture and Consumer Services
1039 shall submit the landowner's proposed baseline condition
1040 documentation to the lead agency for review and approval, and
1041 the agency shall use its best efforts to complete the review
1042 within 45 days.

1043 (3) The Department of Agriculture and Consumer Services,
1044 the department, and the water management districts shall provide

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1045 a process for reviewing these requests in the timeframe
1046 specified. The determination of a baseline condition shall be
1047 conducted using the methods set forth in the rules adopted
1048 pursuant to s. 373.421. The baseline condition documented in an
1049 agreement shall be considered the extent of wetlands and other
1050 surface waters on the property for the purpose of regulation
1051 under this chapter for the duration of the agreement and after
1052 its expiration.

1053 Section 15. Paragraph (h) of subsection (1) and subsections
1054 (2) through (7) of section 373.4595, Florida Statutes, are
1055 amended to read:

1056 373.4595 Northern Everglades and Estuaries Protection
1057 Program.—

1058 (1) FINDINGS AND INTENT.—

1059 (h) The Legislature finds that the expeditious
1060 implementation of the Lake Okeechobee Watershed Protection
1061 Program, the Caloosahatchee River Watershed Protection Program,
1062 Plan and the St. Lucie River Watershed Protection Program Plans
1063 is needed to improve the quality, quantity, timing, and
1064 distribution of water in the northern Everglades ecosystem and
1065 that this section, in conjunction with s. 403.067, including the
1066 implementation of the plans developed and approved pursuant to
1067 subsections (3) and (4), and any related basin management action
1068 plan developed and implemented pursuant to s. 403.067(7)(a),
1069 provide a reasonable means of achieving the total maximum daily
1070 load requirements and achieving and maintaining compliance with
1071 state water quality standards.

1072 (2) DEFINITIONS.—As used in this section, the term:

1073 (a) "Best management practice" means a practice or

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1074 combination of practices determined by the coordinating
1075 agencies, based on research, field-testing, and expert review,
1076 to be the most effective and practicable on-location means,
1077 including economic and technological considerations, for
1078 improving water quality in agricultural and urban discharges.
1079 Best management practices for agricultural discharges shall
1080 reflect a balance between water quality improvements and
1081 agricultural productivity.

1082 (b) "Biosolids" means the solid, semisolid, or liquid
1083 residue generated during the treatment of domestic wastewater in
1084 a domestic wastewater treatment facility, formerly known as
1085 "domestic wastewater residuals" or "residuals," and includes
1086 products and treated material from biosolids treatment
1087 facilities and septage management facilities regulated by the
1088 department. The term does not include the treated effluent or
1089 reclaimed water from a domestic wastewater treatment facility,
1090 solids removed from pump stations and lift stations, screenings
1091 and grit removed from the preliminary treatment components of
1092 domestic wastewater treatment facilities, or ash generated
1093 during the incineration of biosolids.

1094 (c) ~~(b)~~ "Caloosahatchee River watershed" means the
1095 Caloosahatchee River, its tributaries, its estuary, and the area
1096 within Charlotte, Glades, Hendry, and Lee Counties from which
1097 surface water flow is directed or drains, naturally or by
1098 constructed works, to the river, its tributaries, or its
1099 estuary.

1100 (d) ~~(e)~~ "Coordinating agencies" means the Department of
1101 Agriculture and Consumer Services, the Department of
1102 Environmental Protection, and the South Florida Water Management

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1103 District.

1104 (e)~~(d)~~ "Corps of Engineers" means the United States Army
1105 Corps of Engineers.

1106 (f)~~(e)~~ "Department" means the Department of Environmental
1107 Protection.

1108 (g)~~(f)~~ "District" means the South Florida Water Management
1109 District.

1110 ~~(g) "District's WOD program" means the program implemented~~
1111 ~~pursuant to rules adopted as authorized by this section and ss.~~
1112 ~~373.016, 373.044, 373.085, 373.086, 373.109, 373.113, 373.118,~~
1113 ~~373.451, and 373.453, entitled "Works of the District Basin."~~

1114 (h) "Lake Okeechobee Watershed Construction Project" means
1115 the construction project developed pursuant to this section
1116 ~~paragraph (3)(b).~~

1117 (i) "Lake Okeechobee Watershed Protection Plan" means the
1118 Lake Okeechobee Watershed Construction Project and the Lake
1119 Okeechobee Watershed Research and Water Quality Monitoring
1120 Program ~~plan developed pursuant to this section and ss. 373.451-~~
1121 ~~373.459.~~

1122 (j) "Lake Okeechobee watershed" means Lake Okeechobee, its
1123 tributaries, and the area within which surface water flow is
1124 directed or drains, naturally or by constructed works, to the
1125 lake or its tributaries.

1126 ~~(k) "Lake Okeechobee Watershed Phosphorus Control Program"~~
1127 ~~means the program developed pursuant to paragraph (3)(c).~~

1128 (k)~~(l)~~ "Northern Everglades" means the Lake Okeechobee
1129 watershed, the Caloosahatchee River watershed, and the St. Lucie
1130 River watershed.

1131 (l)~~(m)~~ "Project component" means any structural or

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1132 operational change, resulting from the Restudy, to the Central
1133 and Southern Florida Project as it existed and was operated as
1134 of January 1, 1999.

1135 (m)~~(n)~~ "Restudy" means the Comprehensive Review Study of
1136 the Central and Southern Florida Project, for which federal
1137 participation was authorized by the Federal Water Resources
1138 Development Acts of 1992 and 1996 together with related
1139 Congressional resolutions and for which participation by the
1140 South Florida Water Management District is authorized by s.
1141 373.1501. The term includes all actions undertaken pursuant to
1142 the aforementioned authorizations which will result in
1143 recommendations for modifications or additions to the Central
1144 and Southern Florida Project.

1145 (n)~~(o)~~ "River Watershed Protection Plans" means the
1146 Caloosahatchee River Watershed Protection Plan and the St. Lucie
1147 River Watershed Protection Plan developed pursuant to this
1148 section.

1149 (o) "Soil amendment" means any substance or mixture of
1150 substances sold or offered for sale for soil enriching or
1151 corrective purposes, intended or claimed to be effective in
1152 promoting or stimulating plant growth, increasing soil or plant
1153 productivity, improving the quality of crops, or producing any
1154 chemical or physical change in the soil, except amendments,
1155 conditioners, additives, and related products that are derived
1156 solely from inorganic sources and that contain no recognized
1157 plant nutrients.

1158 (p) "St. Lucie River watershed" means the St. Lucie River,
1159 its tributaries, its estuary, and the area within Martin,
1160 Okeechobee, and St. Lucie Counties from which surface water flow

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1161 is directed or drains, naturally or by constructed works, to the
1162 river, its tributaries, or its estuary.

1163 (q) "Total maximum daily load" means the sum of the
1164 individual wasteload allocations for point sources and the load
1165 allocations for nonpoint sources and natural background adopted
1166 pursuant to s. 403.067. ~~Before~~ Prior to determining individual
1167 wasteload allocations and load allocations, the maximum amount
1168 of a pollutant that a water body or water segment can assimilate
1169 from all sources without exceeding water quality standards must
1170 first be calculated.

1171 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—The Lake
1172 Okeechobee Watershed Protection Program shall consist of the
1173 Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee
1174 Basin Management Action Plan adopted pursuant to s. 403.067, the
1175 Lake Okeechobee Exotic Species Control Program, and the Lake
1176 Okeechobee Internal Phosphorus Management Program. The Lake
1177 Okeechobee Basin Management Action Plan adopted pursuant to s.
1178 403.067 shall be the component of the Lake Okeechobee Watershed
1179 Protection ~~A protection Program for Lake Okeechobee that~~
1180 achieves phosphorus load reductions for Lake Okeechobee ~~shall be~~
1181 ~~immediately implemented as specified in this subsection.~~ The
1182 Lake Okeechobee Watershed Protection Program shall address the
1183 reduction of phosphorus loading to the lake from both internal
1184 and external sources. Phosphorus load reductions shall be
1185 achieved through a phased program of implementation. ~~Initial~~
1186 ~~implementation actions shall be technology based, based upon a~~
1187 ~~consideration of both the availability of appropriate technology~~
1188 ~~and the cost of such technology, and shall include phosphorus~~
1189 ~~reduction measures at both the source and the regional level.~~

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1190 ~~The initial phase of phosphorus load reductions shall be based~~
1191 ~~upon the district's Technical Publication 81-2 and the~~
1192 ~~district's WOD program, with subsequent phases of phosphorus~~
1193 ~~load reductions based upon the total maximum daily loads~~
1194 ~~established in accordance with s. 403.067.~~ In the development
1195 and administration of the Lake Okeechobee Watershed Protection
1196 Program, the coordinating agencies shall maximize opportunities
1197 provided by federal cost-sharing programs and opportunities for
1198 partnerships with the private sector.

1199 (a) *Lake Okeechobee Watershed Protection Plan.* ~~In order~~ To
1200 protect and restore surface water resources, the district, in
1201 cooperation with the other coordinating agencies, shall complete
1202 a Lake Okeechobee Watershed Protection Plan in accordance with
1203 this section and ss. 373.451-373.459. Beginning March 1, 2020,
1204 and every 5 years thereafter, the district shall update the Lake
1205 Okeechobee Watershed Protection Plan to ensure that it is
1206 consistent with the Lake Okeechobee Basin Management Action Plan
1207 adopted pursuant to s. 403.067. The Lake Okeechobee Watershed
1208 Protection Plan shall identify the geographic extent of the
1209 watershed, be coordinated with the plans developed pursuant to
1210 paragraphs (4) (a) and (c) ~~(b)~~, and include the Lake Okeechobee
1211 Watershed Construction Project and the Lake Okeechobee Watershed
1212 Research and Water Quality Monitoring Program ~~contain an~~
1213 ~~implementation schedule for subsequent phases of phosphorus load~~
1214 ~~reduction consistent with the total maximum daily loads~~
1215 ~~established in accordance with s. 403.067.~~ The plan shall
1216 consider and build upon a review and analysis of ~~the following:~~

1217 1. ~~the performance of projects constructed during Phase I~~
1218 ~~and Phase II of the Lake Okeechobee Watershed Construction~~

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1219 Project, pursuant to subparagraph 1.; ~~paragraph (b).~~
1220 ~~2.~~ relevant information resulting from the Lake Okeechobee
1221 Basin Management Action Plan Watershed Phosphorus Control
1222 Program, pursuant to paragraph (b); ~~(e).~~
1223 ~~3.~~ relevant information resulting from the Lake Okeechobee
1224 Watershed Research and Water Quality Monitoring Program,
1225 pursuant to subparagraph 2.; ~~paragraph (d).~~
1226 ~~4.~~ relevant information resulting from the Lake Okeechobee
1227 Exotic Species Control Program, pursuant to paragraph (c); and
1228 ~~(e).~~
1229 ~~5.~~ relevant information resulting from the Lake Okeechobee
1230 Internal Phosphorus Management Program, pursuant to paragraph
1231 (d) ~~(f).~~
1232 1. ~~(b)~~ Lake Okeechobee Watershed Construction Project.—To
1233 improve the hydrology and water quality of Lake Okeechobee and
1234 downstream receiving waters, including the Caloosahatchee and
1235 St. Lucie Rivers and their estuaries, the district, in
1236 cooperation with the other coordinating agencies, shall design
1237 and construct the Lake Okeechobee Watershed Construction
1238 Project. The project shall include:
1239 a.1. ~~Phase I.~~—Phase I of the Lake Okeechobee Watershed
1240 Construction Project shall consist of a series of project
1241 features consistent with the recommendations of the South
1242 Florida Ecosystem Restoration Working Group's Lake Okeechobee
1243 Action Plan. Priority basins for such projects include S-191, S-
1244 154, and Pools D and E in the Lower Kissimmee River. ~~In order~~ To
1245 obtain phosphorus load reductions to Lake Okeechobee as soon as
1246 possible, the following actions shall be implemented:
1247 (I) ~~a.~~ The district shall serve as a full partner with the

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1248 Corps of Engineers in the design and construction of the Grassy
1249 Island Ranch and New Palm Dairy stormwater treatment facilities
1250 as components of the Lake Okeechobee Water Retention/Phosphorus
1251 Removal Critical Project. The Corps of Engineers shall have the
1252 lead in design and construction of these facilities. Should
1253 delays be encountered in the implementation of either of these
1254 facilities, the district shall notify the department and
1255 recommend corrective actions.

1256 (II)~~b.~~ The district shall obtain permits and complete
1257 construction of two of the isolated wetland restoration projects
1258 that are part of the Lake Okeechobee Water Retention/Phosphorus
1259 Removal Critical Project. The additional isolated wetland
1260 projects included in this critical project shall further reduce
1261 phosphorus loading to Lake Okeechobee.

1262 (III)~~e.~~ The district shall work with the Corps of Engineers
1263 to expedite initiation of the design process for the Taylor
1264 Creek/Nubbins Slough Reservoir Assisted Stormwater Treatment
1265 Area, a project component of the Comprehensive Everglades
1266 Restoration Plan. The district shall propose to the Corps of
1267 Engineers that the district take the lead in the design and
1268 construction of the Reservoir Assisted Stormwater Treatment Area
1269 and receive credit towards the local share of the total cost of
1270 the Comprehensive Everglades Restoration Plan.

1271 b.2. Phase II technical plan and construction. ~~By February~~
1272 ~~1, 2008,~~ The district, in cooperation with the other
1273 coordinating agencies, shall develop a detailed technical plan
1274 for Phase II of the Lake Okeechobee Watershed Construction
1275 Project which provides the basis for the Lake Okeechobee Basin
1276 Management Action Plan adopted by the department pursuant to s.

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1277 403.067. The detailed technical plan shall include measures for
1278 the improvement of the quality, quantity, timing, and
1279 distribution of water in the northern Everglades ecosystem,
1280 including the Lake Okeechobee watershed and the estuaries, and
1281 for facilitating the achievement of water quality standards. Use
1282 of cost-effective biologically based, hybrid wetland/chemical
1283 and other innovative nutrient control technologies shall be
1284 incorporated in the plan where appropriate. The detailed
1285 technical plan shall also include a Process Development and
1286 Engineering component to finalize the detail and design of Phase
1287 II projects and identify additional measures needed to increase
1288 the certainty that the overall objectives for improving water
1289 quality and quantity can be met. Based on information and
1290 recommendations from the Process Development and Engineering
1291 component, the Phase II detailed technical plan shall be
1292 periodically updated. Phase II shall include construction of
1293 additional facilities in the priority basins identified in sub-
1294 subparagraph a. ~~subparagraph 1.~~, as well as facilities for other
1295 basins in the Lake Okeechobee watershed. ~~This detailed technical~~
1296 ~~plan will require legislative ratification pursuant to paragraph~~
1297 ~~(i).~~ The technical plan shall:

1298 (I)a. Identify Lake Okeechobee Watershed Construction
1299 Project facilities designed to contribute to achieving all
1300 applicable total maximum daily loads established pursuant to s.
1301 403.067 within the Lake Okeechobee watershed.

1302 (II)b. Identify the size and location of all such Lake
1303 Okeechobee Watershed Construction Project facilities.

1304 (III)e. Provide a construction schedule for all such Lake
1305 Okeechobee Watershed Construction Project facilities, including

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1306 the sequencing and specific timeframe for construction of each
1307 Lake Okeechobee Watershed Construction Project facility.

1308 (IV)~~d.~~ Provide a schedule for the acquisition of lands or
1309 sufficient interests necessary to achieve the construction
1310 schedule.

1311 (V)~~e.~~ Provide a detailed schedule of costs associated with
1312 the construction schedule.

1313 (VI)~~f.~~ Identify, to the maximum extent practicable, impacts
1314 on wetlands and state-listed species expected to be associated
1315 with construction of such facilities, including potential
1316 alternatives to minimize and mitigate such impacts, as
1317 appropriate.

1318 (VII)~~g.~~ Provide for additional measures, including
1319 voluntary water storage and quality improvements on private
1320 land, to increase water storage and reduce excess water levels
1321 in Lake Okeechobee and to reduce excess discharges to the
1322 estuaries.

1323 (VIII) ~~The technical plan shall also~~ Develop the
1324 appropriate water quantity storage goal to achieve the desired
1325 Lake Okeechobee range of lake levels and inflow volumes to the
1326 Caloosahatchee and St. Lucie estuaries while meeting the other
1327 water-related needs of the region, including water supply and
1328 flood protection.

1329 (IX)~~h.~~ Provide for additional source controls needed to
1330 enhance performance of the Lake Okeechobee Watershed
1331 Construction Project facilities. Such additional source controls
1332 shall be incorporated into the Lake Okeechobee Basin Management
1333 Action Plan ~~Watershed Phosphorous Control Program~~ pursuant to
1334 paragraph (b) ~~(e)~~.

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1335 c.3. Evaluation.—Within 5 years after the adoption of the
1336 Lake Okeechobee Basin Management Action Plan pursuant to s.
1337 403.067 and every 5 ~~By January 1, 2004, and every 3~~ years
1338 thereafter, the department ~~district~~, in cooperation with the
1339 other coordinating agencies, shall conduct an evaluation of the
1340 Lake Okeechobee Watershed Construction Project and identify any
1341 further load reductions necessary to achieve compliance with the
1342 ~~all~~ Lake Okeechobee ~~watershed~~ total maximum daily loads
1343 established pursuant to s. 403.067. ~~Additionally,~~ The district
1344 shall identify modifications to facilities of the Lake
1345 Okeechobee Watershed Construction Project as appropriate to meet
1346 the total maximum daily loads. Modifications to the Lake
1347 Okeechobee Watershed Construction Project resulting from this
1348 evaluation shall be incorporated into the Lake Okeechobee Basin
1349 Management Action Plan and ~~The evaluation shall be included in~~
1350 the applicable annual progress report submitted pursuant to
1351 subsection (6).

1352 d.4. Coordination and review.—To ensure the timely
1353 implementation of the Lake Okeechobee Watershed Construction
1354 Project, the design of project facilities shall be coordinated
1355 with the department and other interested parties, including
1356 affected local governments, to the maximum extent practicable.
1357 Lake Okeechobee Watershed Construction Project facilities shall
1358 be reviewed and commented upon by the department before ~~prior to~~
1359 the execution of a construction contract by the district for
1360 that facility.

1361 2. Lake Okeechobee Watershed Research and Water Quality
1362 Monitoring Program.—The coordinating agencies shall implement a
1363 Lake Okeechobee Watershed Research and Water Quality Monitoring

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1364 Program. Results from the program shall be used by the
1365 department, in cooperation with the other coordinating agencies,
1366 to make modifications to the Lake Okeechobee Basin Management
1367 Action Plan adopted pursuant to s. 403.067, as appropriate. The
1368 program shall:

1369 a. Evaluate all available existing water quality data
1370 concerning total phosphorus in the Lake Okeechobee watershed,
1371 develop a water quality baseline to represent existing
1372 conditions for total phosphorus, monitor long-term ecological
1373 changes, including water quality for total phosphorus, and
1374 measure compliance with water quality standards for total
1375 phosphorus, including any applicable total maximum daily load
1376 for the Lake Okeechobee watershed as established pursuant to s.
1377 403.067. Beginning March 1, 2020, and every 5 years thereafter,
1378 the department shall reevaluate water quality and quantity data
1379 to ensure that the appropriate projects are being designated and
1380 incorporated into the Lake Okeechobee Basin Management Action
1381 Plan adopted pursuant to s. 403.067. The district shall
1382 implement a total phosphorus monitoring program at appropriate
1383 structures owned or operated by the district and within the Lake
1384 Okeechobee watershed.

1385 b. Develop a Lake Okeechobee water quality model that
1386 reasonably represents the phosphorus dynamics of Lake Okeechobee
1387 and incorporates an uncertainty analysis associated with model
1388 predictions.

1389 c. Determine the relative contribution of phosphorus from
1390 all identifiable sources and all primary and secondary land
1391 uses.

1392 d. Conduct an assessment of the sources of phosphorus from

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1393 the Upper Kissimmee Chain of Lakes and Lake Istokpoga and their
1394 relative contribution to the water quality of Lake Okeechobee.
1395 The results of this assessment shall be used by the coordinating
1396 agencies as part of the Lake Okeechobee Basin Management Action
1397 Plan adopted pursuant to s. 403.067 to develop interim measures,
1398 best management practices, or regulations, as applicable.

1399 e. Assess current water management practices within the
1400 Lake Okeechobee watershed and develop recommendations for
1401 structural and operational improvements. Such recommendations
1402 shall balance water supply, flood control, estuarine salinity,
1403 maintenance of a healthy lake littoral zone, and water quality
1404 considerations.

1405 f. Evaluate the feasibility of alternative nutrient
1406 reduction technologies, including sediment traps, canal and
1407 ditch maintenance, fish production or other aquaculture,
1408 bioenergy conversion processes, and algal or other biological
1409 treatment technologies and include any alternative nutrient
1410 reduction technologies determined to be feasible in the Lake
1411 Okeechobee Basin Management Action Plan adopted pursuant to s.
1412 403.067.

1413 g. Conduct an assessment of the water volumes and timing
1414 from the Lake Okeechobee watershed and their relative
1415 contribution to the water level changes in Lake Okeechobee and
1416 to the timing and volume of water delivered to the estuaries.

1417 (b) ~~(e)~~ Lake Okeechobee Basin Management Action Plan
1418 Watershed Phosphorus Control Program.—The Lake Okeechobee Basin
1419 Management Action Plan adopted pursuant to s. 403.067 shall be
1420 the watershed phosphorus control component for Lake Okeechobee.
1421 The Lake Okeechobee Basin Management Action Plan shall be

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1422 ~~Program is designed to be~~ a multifaceted approach designed to
1423 achieve the total maximum daily load ~~reducing phosphorus loads~~
1424 by improving the management of phosphorus sources within the
1425 Lake Okeechobee watershed through implementation of regulations
1426 and best management practices, continued development and
1427 continued implementation of improved best management practices,
1428 improvement and restoration of the hydrologic function of
1429 natural and managed systems, and use ~~utilization~~ of alternative
1430 technologies for nutrient reduction. As provided in s.
1431 403.067(7)(a)6., the Lake Okeechobee Basin Management Action
1432 Plan must include milestones for implementation and water
1433 quality improvement, and an associated water quality monitoring
1434 component sufficient to evaluate whether reasonable progress in
1435 pollutant load reductions is being achieved over time. An
1436 assessment of progress toward these milestones shall be
1437 conducted every 5 years and shall be provided to the Governor,
1438 the President of the Senate, and the Speaker of the House of
1439 Representatives. Revisions to the plan shall be made, as
1440 appropriate, as a result of each 5-year review. Revisions to the
1441 basin management action plan shall be made by the department in
1442 cooperation with the basin stakeholders. Revisions to best
1443 management practices or other measures must follow the
1444 procedures set forth in s. 403.067(7)(c)4. Revised basin
1445 management action plans must be adopted pursuant to s.
1446 403.067(7)(a)5. The department shall develop an implementation
1447 schedule establishing 5-year, 10-year, and 15-year measurable
1448 milestones and targets to achieve the total maximum daily load
1449 no more than 20 years after adoption of the plan. The initial
1450 implementation schedule shall be used to provide guidance for

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1451 planning and funding purposes and is exempt from chapter 120.
1452 Upon the first 5-year review, the implementation schedule shall
1453 be adopted as part of the plan. If achieving the total maximum
1454 daily load within 20 years is not practicable, the
1455 implementation schedule must contain an explanation of the
1456 constraints that prevent achievement of the total maximum daily
1457 load within 20 years, an estimate of the time needed to achieve
1458 the total maximum daily load, and additional 5-year measurable
1459 milestones, as necessary. The coordinating agencies shall
1460 develop an interagency agreement pursuant to ss. 373.046 and
1461 373.406(5) which is consistent with the department taking the
1462 lead on water quality protection measures through the Lake
1463 Okeechobee Basin Management Action Plan adopted pursuant to s.
1464 403.067; the district taking the lead on hydrologic improvements
1465 pursuant to paragraph (a); and the Department of Agriculture and
1466 Consumer Services taking the lead on agricultural interim
1467 measures, best management practices, and other measures adopted
1468 pursuant to s. 403.067. The interagency agreement must specify
1469 how best management practices for nonagricultural nonpoint
1470 sources are developed and how all best management practices are
1471 implemented and verified consistent with s. 403.067 and this
1472 section and must address measures to be taken by the
1473 coordinating agencies during any best management practice
1474 reevaluation performed pursuant to subparagraphs 5. and 10. The
1475 department shall use best professional judgment in making the
1476 initial determination of best management practice effectiveness.
1477 The coordinating agencies may develop an intergovernmental
1478 agreement with local governments to implement nonagricultural
1479 nonpoint source best management practices within their

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1480 respective geographic boundaries. The coordinating agencies
1481 shall facilitate the application of federal programs that offer
1482 opportunities for water quality treatment, including
1483 preservation, restoration, or creation of wetlands on
1484 agricultural lands.

1485 1. Agricultural nonpoint source best management practices,
1486 developed in accordance with s. 403.067 and designed to achieve
1487 the objectives of the Lake Okeechobee Watershed Protection
1488 Program as part of a phased approach of management strategies
1489 within the Lake Okeechobee Basin Management Action Plan, shall
1490 be implemented on an expedited basis. ~~The coordinating agencies~~
1491 ~~shall develop an interagency agreement pursuant to ss. 373.046~~
1492 ~~and 373.406(5) that assures the development of best management~~
1493 ~~practices that complement existing regulatory programs and~~
1494 ~~specifies how those best management practices are implemented~~
1495 ~~and verified. The interagency agreement shall address measures~~
1496 ~~to be taken by the coordinating agencies during any best~~
1497 ~~management practice reevaluation performed pursuant to sub-~~
1498 ~~subparagraph d. The department shall use best professional~~
1499 ~~judgment in making the initial determination of best management~~
1500 ~~practice effectiveness.~~

1501 2.a. As provided in s. 403.067(7)(e), the Department of
1502 Agriculture and Consumer Services, in consultation with the
1503 department, the district, and affected parties, shall initiate
1504 rule development for interim measures, best management
1505 practices, conservation plans, nutrient management plans, or
1506 other measures necessary for Lake Okeechobee watershed total
1507 maximum daily load reduction. The rule shall include thresholds
1508 for requiring conservation and nutrient management plans and

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1509 criteria for the contents of such plans. Development of
1510 agricultural nonpoint source best management practices shall
1511 initially focus on those priority basins listed in sub-
1512 subparagraph (a)1.a. ~~subparagraph (b)1.~~ The Department of
1513 Agriculture and Consumer Services, in consultation with the
1514 department, the district, and affected parties, shall conduct an
1515 ongoing program for improvement of existing and development of
1516 new agricultural nonpoint source interim measures and ~~or~~ best
1517 management practices. The Department of Agriculture and Consumer
1518 Services shall adopt ~~for the purpose of adoption of~~ such
1519 practices by rule. The Department of Agriculture and Consumer
1520 Services shall work with the University of Florida ~~Florida's~~
1521 Institute of Food and Agriculture Sciences to review and, where
1522 appropriate, develop revised nutrient application rates for all
1523 agricultural soil amendments in the watershed.

1524 3.b. As provided in s. 403.067, where agricultural nonpoint
1525 source best management practices or interim measures have been
1526 adopted by rule of the Department of Agriculture and Consumer
1527 Services, the owner or operator of an agricultural nonpoint
1528 source addressed by such rule shall either implement interim
1529 measures or best management practices or demonstrate compliance
1530 with state water quality standards addressed by the Lake
1531 Okeechobee Basin Management Action Plan adopted pursuant to s.
1532 403.067 ~~the district's WOD program~~ by conducting monitoring
1533 prescribed by the department or the district. Owners or
1534 operators of agricultural nonpoint sources who implement interim
1535 measures or best management practices adopted by rule of the
1536 Department of Agriculture and Consumer Services shall be subject
1537 to ~~the provisions of s. 403.067(7).~~ ~~The Department of~~

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1538 ~~Agriculture and Consumer Services, in cooperation with the~~
1539 ~~department and the district, shall provide technical and~~
1540 ~~financial assistance for implementation of agricultural best~~
1541 ~~management practices, subject to the availability of funds.~~

1542 ~~4.e.~~ The district or department shall conduct monitoring at
1543 representative sites to verify the effectiveness of agricultural
1544 nonpoint source best management practices.

1545 ~~5.d.~~ Where water quality problems are detected for
1546 agricultural nonpoint sources despite the appropriate
1547 implementation of adopted best management practices, ~~the~~
1548 ~~Department of Agriculture and Consumer Services, in consultation~~
1549 ~~with the other coordinating agencies and affected parties, shall~~
1550 ~~institute~~ a reevaluation of the best management practices shall
1551 be conducted pursuant to s. 403.067(7)(c)4. If the reevaluation
1552 determines that the best management practices or other measures
1553 require modification, the rule shall be revised to require
1554 implementation of the modified practice within a reasonable
1555 period as specified in the rule and make appropriate changes to
1556 ~~the rule adopting best management practices.~~

1557 ~~6.2.~~ As provided in s. 403.067, nonagricultural nonpoint
1558 source best management practices, developed in accordance with
1559 s. 403.067 and designed to achieve the objectives of the Lake
1560 Okeechobee Watershed Protection Program as part of a phased
1561 approach of management strategies within the Lake Okeechobee
1562 Basin Management Action Plan, shall be implemented on an
1563 expedited basis. The department and the district shall develop
1564 an interagency agreement pursuant to ss. 373.046 and 373.406(5)
1565 that assures the development of best management practices that
1566 complement existing regulatory programs and specifies how those

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1567 ~~best management practices are implemented and verified. The~~
1568 ~~interagency agreement shall address measures to be taken by the~~
1569 ~~department and the district during any best management practice~~
1570 ~~reevaluation performed pursuant to sub-subparagraph d.~~

1571 7.a. The department and the district are directed to work
1572 with the University of Florida ~~Florida's~~ Institute of Food and
1573 Agricultural Sciences to develop appropriate nutrient
1574 application rates for all nonagricultural soil amendments in the
1575 watershed. As provided in s. 403.067 ~~s. 403.067(7)(e)~~, the
1576 department, in consultation with the district and affected
1577 parties, shall develop nonagricultural nonpoint source interim
1578 measures, best management practices, or other measures necessary
1579 for Lake Okeechobee watershed total maximum daily load
1580 reduction. Development of nonagricultural nonpoint source best
1581 management practices shall initially focus on those priority
1582 basins listed in sub-subparagraph (a)1.a. ~~subparagraph (b)1.~~ The
1583 department, the district, and affected parties shall conduct an
1584 ongoing program for improvement of existing and development of
1585 new interim measures and ~~or~~ best management practices. The
1586 department or the district shall adopt such practices by rule
1587 ~~The district shall adopt technology-based standards under the~~
1588 ~~district's WOD program for nonagricultural nonpoint sources of~~
1589 ~~phosphorus. Nothing in this sub-subparagraph shall affect the~~
1590 ~~authority of the department or the district to adopt basin-~~
1591 ~~specific criteria under this part to prevent harm to the water~~
1592 ~~resources of the district.~~

1593 8.b. Where nonagricultural nonpoint source best management
1594 practices or interim measures have been developed by the
1595 department and adopted by the district, the owner or operator of

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1596 a nonagricultural nonpoint source shall implement interim
1597 measures or best management practices and be subject to ~~the~~
1598 ~~provisions of s. 403.067(7). The department and district shall~~
1599 ~~provide technical and financial assistance for implementation of~~
1600 ~~nonagricultural nonpoint source best management practices,~~
1601 ~~subject to the availability of funds.~~

1602 9.e. As provided in s. 403.067, the district or the
1603 department shall conduct monitoring at representative sites to
1604 verify the effectiveness of nonagricultural nonpoint source best
1605 management practices.

1606 10.d. Where water quality problems are detected for
1607 nonagricultural nonpoint sources despite the appropriate
1608 implementation of adopted best management practices, ~~the~~
1609 ~~department and the district shall institute a reevaluation of~~
1610 ~~the best management practices shall be conducted pursuant to s.~~
1611 403.067(7)(c)4. If the reevaluation determines that the best
1612 management practices or other measures require modification, the
1613 rule shall be revised to require implementation of the modified
1614 practice within a reasonable time period as specified in the
1615 rule.

1616 11.3. ~~The provisions of Subparagraphs 1. and 2. and 7. do~~
1617 ~~may~~ not preclude the department or the district from requiring
1618 compliance with water quality standards or with current best
1619 management practices requirements set forth in any applicable
1620 regulatory program authorized by law for the purpose of
1621 protecting water quality. ~~Additionally, Subparagraphs 1. and 2.~~
1622 and 7. are applicable only to the extent that they do not
1623 conflict with any rules adopted by the department that are
1624 necessary to maintain a federally delegated or approved program.

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1625 12. The program of agricultural best management practices
1626 set forth in the Everglades Program of the district meets the
1627 requirements of this paragraph and s. 403.067(7) for the Lake
1628 Okeechobee watershed. An entity in compliance with the best
1629 management practices set forth in the Everglades Program of the
1630 district may elect to use that permit in lieu of the
1631 requirements of this paragraph. The provisions of subparagraph
1632 5. apply to this subparagraph. This subparagraph does not alter
1633 any requirement of s. 373.4592.

1634 13. The Department of Agriculture and Consumer Services, in
1635 cooperation with the department and the district, shall provide
1636 technical and financial assistance for implementation of
1637 agricultural best management practices, subject to the
1638 availability of funds. The department and district shall provide
1639 technical and financial assistance for implementation of
1640 nonagricultural nonpoint source best management practices,
1641 subject to the availability of funds.

1642 14.4. Projects that reduce the phosphorus load originating
1643 from domestic wastewater systems within the Lake Okeechobee
1644 watershed shall be given funding priority in the department's
1645 revolving loan program under s. 403.1835. The department shall
1646 coordinate and provide assistance to those local governments
1647 seeking financial assistance for such priority projects.

1648 15.5. Projects that make use of private lands, or lands
1649 held in trust for Indian tribes, to reduce nutrient loadings or
1650 concentrations within a basin by one or more of the following
1651 methods: restoring the natural hydrology of the basin, restoring
1652 wildlife habitat or impacted wetlands, reducing peak flows after
1653 storm events, increasing aquifer recharge, or protecting range

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1654 and timberland from conversion to development, are eligible for
1655 grants available under this section from the coordinating
1656 agencies. For projects of otherwise equal priority, special
1657 funding priority will be given to those projects that make best
1658 use of the methods outlined above that involve public-private
1659 partnerships or that obtain federal match money. Preference
1660 ranking above the special funding priority will be given to
1661 projects located in a rural area of opportunity designated by
1662 the Governor. Grant applications may be submitted by any person
1663 or tribal entity, and eligible projects may include, but are not
1664 limited to, the purchase of conservation and flowage easements,
1665 hydrologic restoration of wetlands, creating treatment wetlands,
1666 development of a management plan for natural resources, and
1667 financial support to implement a management plan.

1668 ~~16.6.a.~~ The department shall require all entities disposing
1669 of domestic wastewater biosolids ~~residuals~~ within the Lake
1670 Okeechobee watershed and the remaining areas of Okeechobee,
1671 Glades, and Hendry Counties to develop and submit to the
1672 department an agricultural use plan that limits applications
1673 based upon phosphorus loading consistent with the Lake
1674 Okeechobee Basin Management Action Plan adopted pursuant to s.
1675 403.067. ~~By July 1, 2005, phosphorus concentrations originating~~
1676 ~~from these application sites may not exceed the limits~~
1677 ~~established in the district's WOD program. After December 31,~~
1678 ~~2007,~~ The department may not authorize the disposal of domestic
1679 wastewater biosolids ~~residuals~~ within the Lake Okeechobee
1680 watershed unless the applicant can affirmatively demonstrate
1681 that the phosphorus in the biosolids ~~residuals~~ will not add to
1682 phosphorus loadings in Lake Okeechobee or its tributaries. This

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1683 demonstration shall be based on achieving a net balance between
1684 phosphorus imports relative to exports on the permitted
1685 application site. Exports shall include only phosphorus removed
1686 from the Lake Okeechobee watershed through products generated on
1687 the permitted application site. This prohibition does not apply
1688 to Class AA biosolids ~~residuals~~ that are marketed and
1689 distributed as fertilizer products in accordance with department
1690 rule.

1691 17.b. Private and government-owned utilities within Monroe,
1692 Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian
1693 River, Okeechobee, Highlands, Hendry, and Glades Counties that
1694 dispose of wastewater biosolids ~~residual~~ sludge from utility
1695 operations and septic removal by land spreading in the Lake
1696 Okeechobee watershed may use a line item on local sewer rates to
1697 cover wastewater biosolids ~~residual~~ treatment and disposal if
1698 such disposal and treatment is done by approved alternative
1699 treatment methodology at a facility located within the areas
1700 designated by the Governor as rural areas of opportunity
1701 pursuant to s. 288.0656. This additional line item is an
1702 environmental protection disposal fee above the present sewer
1703 rate and may not be considered a part of the present sewer rate
1704 to customers, notwithstanding provisions to the contrary in
1705 chapter 367. The fee shall be established by the county
1706 commission or its designated assignee in the county in which the
1707 alternative method treatment facility is located. The fee shall
1708 be calculated to be no higher than that necessary to recover the
1709 facility's prudent cost of providing the service. Upon request
1710 by an affected county commission, the Florida Public Service
1711 Commission will provide assistance in establishing the fee.

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1712 Further, for utilities and utility authorities that use the
1713 additional line item environmental protection disposal fee, such
1714 fee may not be considered a rate increase under the rules of the
1715 Public Service Commission and shall be exempt from such rules.
1716 Utilities using ~~the provisions of~~ this section may immediately
1717 include in their sewer invoicing the new environmental
1718 protection disposal fee. Proceeds from this environmental
1719 protection disposal fee shall be used for treatment and disposal
1720 of wastewater biosolids residuals, including any treatment
1721 technology that helps reduce the volume of biosolids residuals
1722 that require final disposal, but such proceeds may not be used
1723 for transportation or shipment costs for disposal or any costs
1724 relating to the land application of biosolids residuals in the
1725 Lake Okeechobee watershed.

1726 ~~18.e.~~ No less frequently than once every 3 years, the
1727 Florida Public Service Commission or the county commission
1728 through the services of an independent auditor shall perform a
1729 financial audit of all facilities receiving compensation from an
1730 environmental protection disposal fee. The Florida Public
1731 Service Commission or the county commission through the services
1732 of an independent auditor shall also perform an audit of the
1733 methodology used in establishing the environmental protection
1734 disposal fee. The Florida Public Service Commission or the
1735 county commission shall, within 120 days after completion of an
1736 audit, file the audit report with the President of the Senate
1737 and the Speaker of the House of Representatives and shall
1738 provide copies to the county commissions of the counties set
1739 forth in subparagraph 17. ~~sub-subparagraph b.~~ The books and
1740 records of any facilities receiving compensation from an

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1741 environmental protection disposal fee shall be open to the
1742 Florida Public Service Commission and the Auditor General for
1743 review upon request.

1744 ~~19.7.~~ The Department of Health shall require all entities
1745 disposing of septage within the Lake Okeechobee watershed to
1746 develop and submit to that agency an agricultural use plan that
1747 limits applications based upon phosphorus loading consistent
1748 with the Lake Okeechobee Basin Management Action Plan adopted
1749 pursuant to s. 403.067. ~~By July 1, 2005, phosphorus~~
1750 ~~concentrations originating from these application sites may not~~
1751 ~~exceed the limits established in the district's WOD program.~~

1752 20.8. The Department of Agriculture and Consumer Services
1753 shall initiate rulemaking requiring entities within the Lake
1754 Okeechobee watershed which land-apply animal manure to develop
1755 resource management system level conservation plans, according
1756 to United States Department of Agriculture criteria, which limit
1757 such application. Such rules must ~~may~~ include criteria and
1758 thresholds for the requirement to develop a conservation or
1759 nutrient management plan, requirements for plan approval, site
1760 inspection requirements, and recordkeeping requirements.

1761 21. The district shall revise chapter 40E-61, Florida
1762 Administrative Code, to be consistent with this section and s.
1763 403.067; provide for a monitoring program for nonpoint source
1764 dischargers required to monitor water quality by s. 403.067; and
1765 provide for the results of such monitoring to be reported to the
1766 coordinating agencies.

1767 ~~9.~~ ~~The district, the department, or the Department of~~
1768 ~~Agriculture and Consumer Services, as appropriate, shall~~
1769 ~~implement those alternative nutrient reduction technologies~~

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1770 ~~determined to be feasible pursuant to subparagraph (d)6.~~

1771 ~~(d) Lake Okeechobee Watershed Research and Water Quality~~
1772 ~~Monitoring Program. The district, in cooperation with the other~~
1773 ~~coordinating agencies, shall establish a Lake Okeechobee~~
1774 ~~Watershed Research and Water Quality Monitoring Program that~~
1775 ~~builds upon the district's existing Lake Okeechobee research~~
1776 ~~program. The program shall:~~

1777 ~~1. Evaluate all available existing water quality data~~
1778 ~~concerning total phosphorus in the Lake Okeechobee watershed,~~
1779 ~~develop a water quality baseline to represent existing~~
1780 ~~conditions for total phosphorus, monitor long term ecological~~
1781 ~~changes, including water quality for total phosphorus, and~~
1782 ~~measure compliance with water quality standards for total~~
1783 ~~phosphorus, including any applicable total maximum daily load~~
1784 ~~for the Lake Okeechobee watershed as established pursuant to s.~~
1785 ~~403.067. Every 3 years, the district shall reevaluate water~~
1786 ~~quality and quantity data to ensure that the appropriate~~
1787 ~~projects are being designated and implemented to meet the water~~
1788 ~~quality and storage goals of the plan. The district shall also~~
1789 ~~implement a total phosphorus monitoring program at appropriate~~
1790 ~~structures owned or operated by the South Florida Water~~
1791 ~~Management District and within the Lake Okeechobee watershed.~~

1792 ~~2. Develop a Lake Okeechobee water quality model that~~
1793 ~~reasonably represents phosphorus dynamics of the lake and~~
1794 ~~incorporates an uncertainty analysis associated with model~~
1795 ~~predictions.~~

1796 ~~3. Determine the relative contribution of phosphorus from~~
1797 ~~all identifiable sources and all primary and secondary land~~
1798 ~~uses.~~

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1799 ~~4. Conduct an assessment of the sources of phosphorus from~~
1800 ~~the Upper Kissimmee Chain of Lakes and Lake Istokpoga, and their~~
1801 ~~relative contribution to the water quality of Lake Okeechobee.~~
1802 ~~The results of this assessment shall be used by the coordinating~~
1803 ~~agencies to develop interim measures, best management practices,~~
1804 ~~or regulation, as applicable.~~

1805 ~~5. Assess current water management practices within the~~
1806 ~~Lake Okeechobee watershed and develop recommendations for~~
1807 ~~structural and operational improvements. Such recommendations~~
1808 ~~shall balance water supply, flood control, estuarine salinity,~~
1809 ~~maintenance of a healthy lake littoral zone, and water quality~~
1810 ~~considerations.~~

1811 ~~6. Evaluate the feasibility of alternative nutrient~~
1812 ~~reduction technologies, including sediment traps, canal and~~
1813 ~~ditch maintenance, fish production or other aquaculture,~~
1814 ~~bioenergy conversion processes, and algal or other biological~~
1815 ~~treatment technologies.~~

1816 ~~7. Conduct an assessment of the water volumes and timing~~
1817 ~~from the Lake Okeechobee watershed and their relative~~
1818 ~~contribution to the water level changes in Lake Okeechobee and~~
1819 ~~to the timing and volume of water delivered to the estuaries.~~

1820 (c)(e) *Lake Okeechobee Exotic Species Control Program.*—The
1821 coordinating agencies shall identify the exotic species that
1822 threaten the native flora and fauna within the Lake Okeechobee
1823 watershed and develop and implement measures to protect the
1824 native flora and fauna.

1825 (d)(f) *Lake Okeechobee Internal Phosphorus Management*
1826 *Program.*—The district, in cooperation with the other
1827 coordinating agencies and interested parties, shall evaluate the

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1828 feasibility of ~~complete a~~ Lake Okeechobee internal phosphorus
1829 load removal projects ~~feasibility study~~. The evaluation
1830 ~~feasibility study~~ shall be based on technical feasibility, as
1831 well as economic considerations, and shall consider ~~address~~ all
1832 reasonable methods of phosphorus removal. If projects ~~methods~~
1833 are found to be feasible, the district shall immediately pursue
1834 the design, funding, and permitting for implementing such
1835 projects ~~methods~~.

1836 (e) ~~(g)~~ *Lake Okeechobee Watershed Protection Program Plan*
1837 *implementation.*—The coordinating agencies shall be jointly
1838 responsible for implementing the Lake Okeechobee Watershed
1839 Protection Program Plan, consistent with the statutory authority
1840 and responsibility of each agency. Annual funding priorities
1841 shall be jointly established, and the highest priority shall be
1842 assigned to programs and projects that address sources that have
1843 the highest relative contribution to loading and the greatest
1844 potential for reductions needed to meet the total maximum daily
1845 loads. In determining funding priorities, the coordinating
1846 agencies shall also consider the need for regulatory compliance,
1847 the extent to which the program or project is ready to proceed,
1848 and the availability of federal matching funds or other nonstate
1849 funding, including public-private partnerships. Federal and
1850 other nonstate funding shall be maximized to the greatest extent
1851 practicable.

1852 (f) ~~(h)~~ *Priorities and implementation schedules.*—The
1853 coordinating agencies are authorized and directed to establish
1854 priorities and implementation schedules for the achievement of
1855 total maximum daily loads, compliance with the requirements of
1856 s. 403.067, and compliance with applicable water quality

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1857 standards within the waters and watersheds subject to this
1858 section.

1859 ~~(i) Legislative ratification. The coordinating agencies~~
1860 ~~shall submit the Phase II technical plan developed pursuant to~~
1861 ~~paragraph (b) to the President of the Senate and the Speaker of~~
1862 ~~the House of Representatives prior to the 2008 legislative~~
1863 ~~session for review. If the Legislature takes no action on the~~
1864 ~~plan during the 2008 legislative session, the plan is deemed~~
1865 ~~approved and may be implemented.~~

1866 (4) CALOOSAHATCHEE RIVER WATERSHED PROTECTION PROGRAM AND
1867 ST. LUCIE RIVER WATERSHED PROTECTION PROGRAM.—A protection
1868 program shall be developed and implemented as specified in this
1869 subsection. ~~In order~~ To protect and restore surface water
1870 resources, the program shall address the reduction of pollutant
1871 loadings, restoration of natural hydrology, and compliance with
1872 applicable state water quality standards. The program shall be
1873 achieved through a phased program of implementation. In
1874 addition, pollutant load reductions based upon adopted total
1875 maximum daily loads established in accordance with s. 403.067
1876 shall serve as a program objective. In the development and
1877 administration of the program, the coordinating agencies shall
1878 maximize opportunities provided by federal and local government
1879 cost-sharing programs and opportunities for partnerships with
1880 the private sector and local government. The program plan shall
1881 include a goal for salinity envelopes and freshwater inflow
1882 targets for the estuaries based upon existing research and
1883 documentation. The goal may be revised as new information is
1884 available. This goal shall seek to reduce the frequency and
1885 duration of undesirable salinity ranges while meeting the other

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1886 water-related needs of the region, including water supply and
1887 flood protection, while recognizing the extent to which water
1888 inflows are within the control and jurisdiction of the district.

1889 (a) *Caloosahatchee River Watershed Protection Plan.*—~~No~~
1890 ~~later than January 1, 2009,~~ The district, in cooperation with
1891 the other coordinating agencies, Lee County, and affected
1892 counties and municipalities, shall complete a River Watershed
1893 Protection Plan in accordance with this subsection. The
1894 Caloosahatchee River Watershed Protection Plan shall identify
1895 the geographic extent of the watershed, be coordinated as needed
1896 with the plans developed pursuant to paragraph (3) (a) and
1897 paragraph (c) ~~(b)~~ of this subsection, and ~~contain an~~
1898 ~~implementation schedule for pollutant load reductions consistent~~
1899 ~~with any adopted total maximum daily loads and compliance with~~
1900 ~~applicable state water quality standards. The plan shall include~~
1901 the Caloosahatchee River Watershed Construction Project and the
1902 Caloosahatchee River Watershed Research and Water Quality
1903 Monitoring Program.÷

1904 1. Caloosahatchee River Watershed Construction Project.—To
1905 improve the hydrology, water quality, and aquatic habitats
1906 within the watershed, the district shall, no later than January
1907 1, 2012, plan, design, and construct the initial phase of the
1908 Watershed Construction Project. In doing so, the district shall:

1909 a. Develop and designate the facilities to be constructed
1910 to achieve stated goals and objectives of the Caloosahatchee
1911 River Watershed Protection Plan.

1912 b. Conduct scientific studies that are necessary to support
1913 the design of the Caloosahatchee River Watershed Construction
1914 Project facilities.

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1915 c. Identify the size and location of all such facilities.

1916 d. Provide a construction schedule for all such facilities,
1917 including the sequencing and specific timeframe for construction
1918 of each facility.

1919 e. Provide a schedule for the acquisition of lands or
1920 sufficient interests necessary to achieve the construction
1921 schedule.

1922 f. Provide a schedule of costs and benefits associated with
1923 each construction project and identify funding sources.

1924 g. To ensure timely implementation, coordinate the design,
1925 scheduling, and sequencing of project facilities with the
1926 coordinating agencies, Lee County, other affected counties and
1927 municipalities, and other affected parties.

1928 2. Caloosahatchee River Watershed Research and Water
1929 Quality Monitoring Program.—The district, in cooperation with
1930 the other coordinating agencies and local governments, shall
1931 implement a Caloosahatchee River Watershed Research and Water
1932 Quality Monitoring Program that builds upon the district's
1933 existing research program and that is sufficient to carry out,
1934 comply with, or assess the plans, programs, and other
1935 responsibilities created by this subsection. The program shall
1936 also conduct an assessment of the water volumes and timing from
1937 Lake Okeechobee and the Caloosahatchee River watershed and their
1938 relative contributions to the timing and volume of water
1939 delivered to the estuary.

1940 (b)2. Caloosahatchee River Watershed Basin Management
1941 Action Plans Pollutant Control Program.—The basin management
1942 action plans adopted pursuant to s. 403.067 for the
1943 Caloosahatchee River watershed shall be the Caloosahatchee River

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1944 Watershed Pollutant Control Program. The plans shall be ~~is~~
1945 designed to be a multifaceted approach to reducing pollutant
1946 loads by improving the management of pollutant sources within
1947 the Caloosahatchee River watershed through implementation of
1948 regulations and best management practices, development and
1949 implementation of improved best management practices,
1950 improvement and restoration of the hydrologic function of
1951 natural and managed systems, and utilization of alternative
1952 technologies for pollutant reduction, such as cost-effective
1953 biologically based, hybrid wetland/chemical and other innovative
1954 nutrient control technologies. As provided in s.
1955 403.067(7)(a)6., the Caloosahatchee River Watershed Basin
1956 Management Action Plans must include milestones for
1957 implementation and water quality improvement, and an associated
1958 water quality monitoring component sufficient to evaluate
1959 whether reasonable progress in pollutant load reductions is
1960 being achieved over time. An assessment of progress toward these
1961 milestones shall be conducted every 5 years and shall be
1962 provided to the Governor, the President of the Senate, and the
1963 Speaker of the House of Representatives. Revisions to the plans
1964 shall be made, as appropriate, as a result of each 5-year
1965 review. Revisions to the basin management action plans shall be
1966 made by the department in cooperation with the basin
1967 stakeholders. Revisions to best management practices or other
1968 measures must follow the procedures set forth in s.
1969 403.067(7)(c)4. Revised basin management action plans must be
1970 adopted pursuant to s. 403.067(7)(a)5. The department shall
1971 develop an implementation schedule establishing 5-year, 10-year,
1972 and 15-year measurable milestones and targets to achieve the

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1973 total maximum daily load no more than 20 years after adoption of
1974 the plan. The initial implementation schedule shall be used to
1975 provide guidance for planning and funding purposes and is exempt
1976 from chapter 120. Upon the first 5-year review, the
1977 implementation schedule shall be adopted as part of the plans.
1978 If achieving the total maximum daily load within 20 years is not
1979 practicable, the implementation schedule must contain an
1980 explanation of the constraints that prevent achievement of the
1981 total maximum daily load within 20 years, an estimate of the
1982 time needed to achieve the total maximum daily load, and
1983 additional 5-year measurable milestones, as necessary. The
1984 coordinating agencies shall facilitate the use ~~utilization~~ of
1985 federal programs that offer opportunities for water quality
1986 treatment, including preservation, restoration, or creation of
1987 wetlands on agricultural lands.

1988 1.a. Nonpoint source best management practices consistent
1989 with s. 403.067 ~~paragraph (3)(c)~~, designed to achieve the
1990 objectives of the Caloosahatchee River Watershed Protection
1991 Program, shall be implemented on an expedited basis. The
1992 coordinating agencies may develop an intergovernmental agreement
1993 with local governments to implement the nonagricultural,
1994 nonpoint-source best management practices within their
1995 respective geographic boundaries.

1996 2.b. This subsection does not preclude the department or
1997 the district from requiring compliance with water quality
1998 standards, adopted total maximum daily loads, or current best
1999 management practices requirements set forth in any applicable
2000 regulatory program authorized by law for the purpose of
2001 protecting water quality. This subsection applies only to the

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2002 extent that it does not conflict with any rules adopted by the
2003 department or district which are necessary to maintain a
2004 federally delegated or approved program.

2005 ~~3.e.~~ Projects that make use of private lands, or lands held
2006 in trust for Indian tribes, to reduce pollutant loadings or
2007 concentrations within a basin, or that reduce the volume of
2008 harmful discharges by one or more of the following methods:
2009 restoring the natural hydrology of the basin, restoring wildlife
2010 habitat or impacted wetlands, reducing peak flows after storm
2011 events, or increasing aquifer recharge, are eligible for grants
2012 available under this section from the coordinating agencies.

2013 ~~4.d.~~ The Caloosahatchee River Watershed Basin Management
2014 Action Plans ~~Pollutant Control Program~~ shall require assessment
2015 of current water management practices within the watershed and
2016 shall require development of recommendations for structural,
2017 nonstructural, and operational improvements. Such
2018 recommendations shall consider and balance water supply, flood
2019 control, estuarine salinity, aquatic habitat, and water quality
2020 considerations.

2021 ~~5.e.~~ ~~After December 31, 2007,~~ The department may not
2022 authorize the disposal of domestic wastewater biosolids
2023 ~~residuals~~ within the Caloosahatchee River watershed unless the
2024 applicant can affirmatively demonstrate that the nutrients in
2025 the biosolids ~~residuals~~ will not add to nutrient loadings in the
2026 watershed. This demonstration shall be based on achieving a net
2027 balance between nutrient imports relative to exports on the
2028 permitted application site. Exports shall include only nutrients
2029 removed from the watershed through products generated on the
2030 permitted application site. This prohibition does not apply to

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2031 Class AA biosolids ~~residuals~~ that are marketed and distributed
2032 as fertilizer products in accordance with department rule.

2033 ~~6.f.~~ The Department of Health shall require all entities
2034 disposing of septage within the Caloosahatchee River watershed
2035 to develop and submit to that agency an agricultural use plan
2036 that limits applications based upon nutrient loading consistent
2037 with any basin management action plan adopted pursuant to s.
2038 403.067. ~~By July 1, 2008, nutrient concentrations originating~~
2039 ~~from these application sites may not exceed the limits~~
2040 ~~established in the district's WOD program.~~

2041 ~~7.g.~~ The Department of Agriculture and Consumer Services
2042 shall require ~~initiate rulemaking requiring~~ entities within the
2043 Caloosahatchee River watershed which land-apply animal manure to
2044 develop a resource management system level conservation plan,
2045 according to United States Department of Agriculture criteria,
2046 which limit such application. Such rules shall ~~may~~ include
2047 criteria and thresholds for the requirement to develop a
2048 conservation or nutrient management plan, requirements for plan
2049 approval, site inspection requirements, and recordkeeping
2050 requirements.

2051 8. The district shall initiate rulemaking to provide for a
2052 monitoring program for nonpoint source dischargers required to
2053 monitor water quality pursuant to s. 403.067(7) (b)2.g. or s.
2054 403.067(7) (c)3. The results of such monitoring must be reported
2055 to the coordinating agencies.

2056 ~~3. Caloosahatchee River Watershed Research and Water~~
2057 ~~Quality Monitoring Program. The district, in cooperation with~~
2058 ~~the other coordinating agencies and local governments, shall~~
2059 ~~establish a Caloosahatchee River Watershed Research and Water~~

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2060 ~~Quality Monitoring Program that builds upon the district's~~
2061 ~~existing research program and that is sufficient to carry out,~~
2062 ~~comply with, or assess the plans, programs, and other~~
2063 ~~responsibilities created by this subsection. The program shall~~
2064 ~~also conduct an assessment of the water volumes and timing from~~
2065 ~~the Lake Okeechobee and Caloosahatchee River watersheds and~~
2066 ~~their relative contributions to the timing and volume of water~~
2067 ~~delivered to the estuary.~~

2068 ~~(c)(b) St. Lucie River Watershed Protection Plan. No later~~
2069 ~~than January 1, 2009, The district, in cooperation with the~~
2070 ~~other coordinating agencies, Martin County, and affected~~
2071 ~~counties and municipalities shall complete a plan in accordance~~
2072 ~~with this subsection. The St. Lucie River Watershed Protection~~
2073 ~~Plan shall identify the geographic extent of the watershed, be~~
2074 ~~coordinated as needed with the plans developed pursuant to~~
2075 ~~paragraph (3) (a) and paragraph (a) of this subsection, and~~
2076 ~~contain an implementation schedule for pollutant load reductions~~
2077 ~~consistent with any adopted total maximum daily loads and~~
2078 ~~compliance with applicable state water quality standards. The~~
2079 ~~plan shall include the St. Lucie River Watershed Construction~~
2080 ~~Project and St. Lucie River Watershed Research and Water Quality~~
2081 ~~Monitoring Program.~~

2082 1. St. Lucie River Watershed Construction Project.—To
2083 improve the hydrology, water quality, and aquatic habitats
2084 within the watershed, the district shall, no later than January
2085 1, 2012, plan, design, and construct the initial phase of the
2086 Watershed Construction Project. In doing so, the district shall:

2087 a. Develop and designate the facilities to be constructed
2088 to achieve stated goals and objectives of the St. Lucie River

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2089 Watershed Protection Plan.

2090 b. Identify the size and location of all such facilities.

2091 c. Provide a construction schedule for all such facilities,
2092 including the sequencing and specific timeframe for construction
2093 of each facility.

2094 d. Provide a schedule for the acquisition of lands or
2095 sufficient interests necessary to achieve the construction
2096 schedule.

2097 e. Provide a schedule of costs and benefits associated with
2098 each construction project and identify funding sources.

2099 f. To ensure timely implementation, coordinate the design,
2100 scheduling, and sequencing of project facilities with the
2101 coordinating agencies, Martin County, St. Lucie County, other
2102 interested parties, and other affected local governments.

2103 2. St. Lucie River Watershed Research and Water Quality
2104 Monitoring Program.—The district, in cooperation with the other
2105 coordinating agencies and local governments, shall establish a
2106 St. Lucie River Watershed Research and Water Quality Monitoring
2107 Program that builds upon the district's existing research
2108 program and that is sufficient to carry out, comply with, or
2109 assess the plans, programs, and other responsibilities created
2110 by this subsection. The district shall also conduct an
2111 assessment of the water volumes and timing from Lake Okeechobee
2112 and the St. Lucie River watershed and their relative
2113 contributions to the timing and volume of water delivered to the
2114 estuary.

2115 (d)~~2~~. St. Lucie River Watershed Basin Management Action
2116 Plan ~~Pollutant Control~~ Program.—The basin management action plan
2117 for the St. Lucie River watershed adopted pursuant to s. 403.067

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2118 shall be the St. Lucie River Watershed Pollutant Control Program
2119 and shall be ~~is~~ designed to be a multifaceted approach to
2120 reducing pollutant loads by improving the management of
2121 pollutant sources within the St. Lucie River watershed through
2122 implementation of regulations and best management practices,
2123 development and implementation of improved best management
2124 practices, improvement and restoration of the hydrologic
2125 function of natural and managed systems, and use ~~utilization~~ of
2126 alternative technologies for pollutant reduction, such as cost-
2127 effective biologically based, hybrid wetland/chemical and other
2128 innovative nutrient control technologies. As provided in s.
2129 403.067(7)(a)6., the St. Lucie River Watershed Basin Management
2130 Action Plan must include milestones for implementation and water
2131 quality improvement, and an associated water quality monitoring
2132 component sufficient to evaluate whether reasonable progress in
2133 pollutant load reductions is being achieved over time. An
2134 assessment of progress toward these milestones shall be
2135 conducted every 5 years and shall be provided to the Governor,
2136 the President of the Senate, and the Speaker of the House of
2137 Representatives. Revisions to the plan shall be made, as
2138 appropriate, as a result of each 5-year review. Revisions to the
2139 basin management action plan shall be made by the department in
2140 cooperation with the basin stakeholders. Revisions to best
2141 management practices or other measures must follow the
2142 procedures set forth in s. 403.067(7)(c)4. Revised basin
2143 management action plans must be adopted pursuant to s.
2144 403.067(7)(a)5. The department shall develop an implementation
2145 schedule establishing 5-year, 10-year, and 15-year measurable
2146 milestones and targets to achieve the total maximum daily load

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2147 no more than 20 years after adoption of the plan. The initial
2148 implementation schedule shall be used to provide guidance for
2149 planning and funding purposes and is exempt from chapter 120.
2150 Upon the first 5-year review, the implementation schedule shall
2151 be adopted as part of the plan. If achieving the total maximum
2152 daily load within 20 years is not practicable, the
2153 implementation schedule must contain an explanation of the
2154 constraints that prevent achievement of the total maximum daily
2155 load within 20 years, an estimate of the time needed to achieve
2156 the total maximum daily load, and additional 5-year measurable
2157 milestones, as necessary. The coordinating agencies shall
2158 facilitate the use ~~utilization~~ of federal programs that offer
2159 opportunities for water quality treatment, including
2160 preservation, restoration, or creation of wetlands on
2161 agricultural lands.

2162 1.a. Nonpoint source best management practices consistent
2163 with s. 403.067 ~~paragraph (3)(c)~~, designed to achieve the
2164 objectives of the St. Lucie River Watershed Protection Program,
2165 shall be implemented on an expedited basis. The coordinating
2166 agencies may develop an intergovernmental agreement with local
2167 governments to implement the nonagricultural nonpoint source
2168 best management practices within their respective geographic
2169 boundaries.

2170 2.b. This subsection does not preclude the department or
2171 the district from requiring compliance with water quality
2172 standards, adopted total maximum daily loads, or current best
2173 management practices requirements set forth in any applicable
2174 regulatory program authorized by law for the purpose of
2175 protecting water quality. This subsection applies only to the

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2176 extent that it does not conflict with any rules adopted by the
2177 department or district which are necessary to maintain a
2178 federally delegated or approved program.

2179 ~~3.e.~~ Projects that make use of private lands, or lands held
2180 in trust for Indian tribes, to reduce pollutant loadings or
2181 concentrations within a basin, or that reduce the volume of
2182 harmful discharges by one or more of the following methods:
2183 restoring the natural hydrology of the basin, restoring wildlife
2184 habitat or impacted wetlands, reducing peak flows after storm
2185 events, or increasing aquifer recharge, are eligible for grants
2186 available under this section from the coordinating agencies.

2187 ~~4.d.~~ The St. Lucie River Watershed Basin Management Action
2188 Plan ~~Pollutant Control Program~~ shall require assessment of
2189 current water management practices within the watershed and
2190 shall require development of recommendations for structural,
2191 nonstructural, and operational improvements. Such
2192 recommendations shall consider and balance water supply, flood
2193 control, estuarine salinity, aquatic habitat, and water quality
2194 considerations.

2195 ~~5.e.~~ ~~After December 31, 2007,~~ The department may not
2196 authorize the disposal of domestic wastewater biosolids
2197 ~~residuals~~ within the St. Lucie River watershed unless the
2198 applicant can affirmatively demonstrate that the nutrients in
2199 the biosolids ~~residuals~~ will not add to nutrient loadings in the
2200 watershed. This demonstration shall be based on achieving a net
2201 balance between nutrient imports relative to exports on the
2202 permitted application site. Exports shall include only nutrients
2203 removed from the St. Lucie River watershed through products
2204 generated on the permitted application site. This prohibition

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2205 does not apply to Class AA biosolids ~~residuals~~ that are marketed
2206 and distributed as fertilizer products in accordance with
2207 department rule.

2208 ~~6.f.~~ The Department of Health shall require all entities
2209 disposing of septage within the St. Lucie River watershed to
2210 develop and submit to that agency an agricultural use plan that
2211 limits applications based upon nutrient loading consistent with
2212 any basin management action plan adopted pursuant to s. 403.067.
2213 ~~By July 1, 2008, nutrient concentrations originating from these~~
2214 ~~application sites may not exceed the limits established in the~~
2215 ~~district's WOD program.~~

2216 ~~7.g.~~ The Department of Agriculture and Consumer Services
2217 shall initiate rulemaking requiring entities within the St.
2218 Lucie River watershed which land-apply animal manure to develop
2219 a resource management system level conservation plan, according
2220 to United States Department of Agriculture criteria, which limit
2221 such application. Such rules shall ~~may~~ include criteria and
2222 thresholds for the requirement to develop a conservation or
2223 nutrient management plan, requirements for plan approval, site
2224 inspection requirements, and recordkeeping requirements.

2225 8. The district shall initiate rulemaking to provide for a
2226 monitoring program for nonpoint source dischargers required to
2227 monitor water quality pursuant to s. 403.067(7) (b)2.g. or s.
2228 403.067(7) (c)3. The results of such monitoring must be reported
2229 to the coordinating agencies.

2230 ~~3. St. Lucie River Watershed Research and Water Quality~~
2231 ~~Monitoring Program. The district, in cooperation with the other~~
2232 ~~coordinating agencies and local governments, shall establish a~~
2233 ~~St. Lucie River Watershed Research and Water Quality Monitoring~~

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2234 ~~Program that builds upon the district's existing research~~
2235 ~~program and that is sufficient to carry out, comply with, or~~
2236 ~~assess the plans, programs, and other responsibilities created~~
2237 ~~by this subsection. The program shall also conduct an assessment~~
2238 ~~of the water volumes and timing from the Lake Okeechobee and St.~~
2239 ~~Lucie River watersheds and their relative contributions to the~~
2240 ~~timing and volume of water delivered to the estuary.~~

2241 (e)~~(e)~~ *River Watershed Protection Plan implementation.*—The
2242 coordinating agencies shall be jointly responsible for
2243 implementing the River Watershed Protection Plans, consistent
2244 with the statutory authority and responsibility of each agency.
2245 Annual funding priorities shall be jointly established, and the
2246 highest priority shall be assigned to programs and projects that
2247 have the greatest potential for achieving the goals and
2248 objectives of the plans. In determining funding priorities, the
2249 coordinating agencies shall also consider the need for
2250 regulatory compliance, the extent to which the program or
2251 project is ready to proceed, and the availability of federal or
2252 local government matching funds. Federal and other nonstate
2253 funding shall be maximized to the greatest extent practicable.

2254 (f)~~(d)~~ *Evaluation.*—Beginning By March 1, 2020 ~~2012~~, and
2255 every 5 ~~3~~ years thereafter, concurrent with the updates of the
2256 basin management action plans adopted pursuant to s. 403.067,
2257 the department, district in cooperation with the other
2258 coordinating agencies, shall conduct an evaluation of any
2259 pollutant load reduction goals, as well as any other specific
2260 objectives and goals, as stated in the River Watershed
2261 Protection Programs Plans. ~~Additionally~~, The district shall
2262 identify modifications to facilities of the River Watershed

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2263 Construction Projects, as appropriate, or any other elements of
2264 the River Watershed Protection Programs ~~Plans~~. The evaluation
2265 shall be included in the annual progress report submitted
2266 pursuant to this section.

2267 (g) ~~(e)~~ *Priorities and implementation schedules.*—The
2268 coordinating agencies are authorized and directed to establish
2269 priorities and implementation schedules for the achievement of
2270 total maximum daily loads, the requirements of s. 403.067, and
2271 compliance with applicable water quality standards within the
2272 waters and watersheds subject to this section.

2273 ~~(f) Legislative ratification. The coordinating agencies~~
2274 ~~shall submit the River Watershed Protection Plans developed~~
2275 ~~pursuant to paragraphs (a) and (b) to the President of the~~
2276 ~~Senate and the Speaker of the House of Representatives prior to~~
2277 ~~the 2009 legislative session for review. If the Legislature~~
2278 ~~takes no action on the plan during the 2009 legislative session,~~
2279 ~~the plan is deemed approved and may be implemented.~~

2280 (5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY
2281 LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.—The
2282 department is directed to expedite development and adoption of
2283 total maximum daily loads for the Caloosahatchee River and
2284 estuary. The department is further directed to, ~~no later than~~
2285 ~~December 31, 2008,~~ propose for final agency action total maximum
2286 daily loads for nutrients in the tidal portions of the
2287 Caloosahatchee River and estuary. The department shall initiate
2288 development of basin management action plans for Lake
2289 Okeechobee, the Caloosahatchee River watershed and estuary, and
2290 the St. Lucie River watershed and estuary as provided in s.
2291 403.067 ~~s. 403.067(7)(a)~~ as follows:

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2292 (a) Basin management action plans shall be developed as
2293 soon as practicable as determined necessary by the department to
2294 achieve the total maximum daily loads established for the Lake
2295 Okeechobee watershed and the estuaries.

2296 (b) The Phase II technical plan development pursuant to
2297 paragraph (3) (a) ~~(3) (b)~~, and the River Watershed Protection
2298 Plans developed pursuant to paragraphs (4) (a) and (c) (b), shall
2299 provide the basis for basin management action plans developed by
2300 the department.

2301 (c) As determined necessary by the department ~~in order~~ to
2302 achieve the total maximum daily loads, additional or modified
2303 projects or programs that complement those in the legislatively
2304 ratified plans may be included during the development of the
2305 basin management action plan.

2306 (d) As provided in s. 403.067, management strategies and
2307 pollution reduction requirements set forth in a basin management
2308 action plan subject to permitting by the department under
2309 subsection (7) must be completed pursuant to the schedule set
2310 forth in the basin management action plan, as amended. The
2311 implementation schedule may extend beyond the 5-year permit
2312 term.

2313 (e) As provided in s. 403.067, management strategies and
2314 pollution reduction requirements set forth in a basin management
2315 action plan for a specific pollutant of concern are not subject
2316 to challenge under chapter 120 at the time they are
2317 incorporated, in an identical form, into a department or
2318 district issued permit or a permit modification issued in
2319 accordance with subsection (7).

2320 ~~(d) Development of basin management action plans that~~

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2321 ~~implement the provisions of the legislatively ratified plans~~
2322 ~~shall be initiated by the department no later than September 30~~
2323 ~~of the year in which the applicable plan is ratified. Where a~~
2324 ~~total maximum daily load has not been established at the time of~~
2325 ~~plan ratification, development of basin management action plans~~
2326 ~~shall be initiated no later than 90 days following adoption of~~
2327 ~~the applicable total maximum daily load.~~

2328 (6) ANNUAL PROGRESS REPORT.—Each March 1 the district, in
2329 cooperation with the other coordinating agencies, shall report
2330 on implementation of this section as part of the consolidated
2331 annual report required in s. 373.036(7). The annual report shall
2332 include a summary of the conditions of the hydrology, water
2333 quality, and aquatic habitat in the northern Everglades based on
2334 the results of the Research and Water Quality Monitoring
2335 Programs, the status of the Lake Okeechobee Watershed
2336 Construction Project, the status of the Caloosahatchee River
2337 Watershed Construction Project, and the status of the St. Lucie
2338 River Watershed Construction Project. In addition, the report
2339 shall contain an annual accounting of the expenditure of funds
2340 from the Save Our Everglades Trust Fund. At a minimum, the
2341 annual report shall provide detail by program and plan,
2342 including specific information concerning the amount and use of
2343 funds from federal, state, or local government sources. In
2344 detailing the use of these funds, the district shall indicate
2345 those designated to meet requirements for matching funds. The
2346 district shall prepare the report in cooperation with the other
2347 coordinating agencies and affected local governments. The
2348 department shall report on the status of the Lake Okeechobee
2349 Basin Management Action Plan, the Caloosahatchee River Watershed

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2350 Basin Management Action Plan, and the St. Lucie River Watershed
2351 Basin Management Action Plan. The Department of Agriculture and
2352 Consumer Services shall report on the status of the
2353 implementation of the agricultural nonpoint source best
2354 management practices, including an implementation assurance
2355 report summarizing survey responses and response rates, site
2356 inspections, and other methods used to verify implementation of
2357 and compliance with best management practices in the Lake
2358 Okeechobee, Caloosahatchee River and St. Lucie River watersheds.

2359 (7) LAKE OKEECHOBEE PROTECTION PERMITS.—

2360 (a) The Legislature finds that the Lake Okeechobee
2361 Watershed Protection Program will benefit Lake Okeechobee and
2362 downstream receiving waters and is in ~~consistent with~~ the public
2363 interest. The Lake Okeechobee Watershed Construction Project and
2364 structures discharging into or from Lake Okeechobee shall be
2365 constructed, operated, and maintained in accordance with this
2366 section.

2367 (b) Permits obtained pursuant to this section are in lieu
2368 of all other permits under this chapter or chapter 403, except
2369 those issued under s. 403.0885, if applicable. ~~No~~ Additional
2370 permits are not required for the Lake Okeechobee Watershed
2371 Construction Project, or structures discharging into or from
2372 Lake Okeechobee, if such project or structures are permitted
2373 under this section. Construction activities related to
2374 implementation of the Lake Okeechobee Watershed Construction
2375 Project may be initiated before ~~prior to~~ final agency action, or
2376 notice of intended agency action, on any permit from the
2377 department under this section.

2378 (c) 1. ~~Within 90 days of completion of the diversion plans~~

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2379 ~~set forth in Department Consent Orders 91-0694, 91-0707, 91-~~
2380 ~~0706, 91-0705, and RT50-205564, Owners or operators of existing~~
2381 ~~structures which discharge into or from Lake Okeechobee that~~
2382 ~~were subject to Department Consent Orders 91-0694, 91-0705, 91-~~
2383 ~~0706, 91-0707, and RT50-205564 and that are subject to the~~
2384 ~~provisions of s. 373.4592(4) (a) do not require a permit under~~
2385 ~~this section and shall be governed by permits issued under apply~~
2386 ~~for a permit from the department to operate and maintain such~~
2387 ~~structures. By September 1, 2000, owners or operators of all~~
2388 ~~other existing structures which discharge into or from Lake~~
2389 ~~Okeechobee shall apply for a permit from the department to~~
2390 ~~operate and maintain such structures. The department shall issue~~
2391 ~~one or more such permits for a term of 5 years upon the~~
2392 ~~demonstration of reasonable assurance that schedules and~~
2393 ~~strategies to achieve and maintain compliance with water quality~~
2394 ~~standards have been provided for, to the maximum extent~~
2395 ~~practicable, and that operation of the structures otherwise~~
2396 ~~complies with provisions of ss. 373.413 and 373.416 and the Lake~~
2397 ~~Okeechobee Basin Management Action Plan adopted pursuant to s.~~
2398 ~~403.067.~~

2399 ~~1. Permits issued under this paragraph shall also contain~~
2400 ~~reasonable conditions to ensure that discharges of waters~~
2401 ~~through structures:~~

2402 ~~a. Are adequately and accurately monitored;~~

2403 ~~b. Will not degrade existing Lake Okeechobee water quality~~
2404 ~~and will result in an overall reduction of phosphorus input into~~
2405 ~~Lake Okeechobee, as set forth in the district's Technical~~
2406 ~~Publication 81-2 and the total maximum daily load established in~~
2407 ~~accordance with s. 403.067, to the maximum extent practicable;~~

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2408 and

2409 e. ~~Do not pose a serious danger to public health, safety,~~
2410 ~~or welfare.~~

2411 2. For the purposes of this paragraph, owners and operators
2412 of existing structures which are subject to ~~the provisions of s.~~
2413 373.4592(4) (a) and which discharge into or from Lake Okeechobee
2414 shall be deemed in compliance with this paragraph ~~the term~~
2415 ~~"maximum extent practicable"~~ if they are in full compliance with
2416 the conditions of permits under chapter ~~chapters 40E-61 and 40E-~~
2417 63, Florida Administrative Code.

2418 3. By January 1, 2017 ~~2004~~, the district shall submit to
2419 the department a complete application for a permit modification
2420 to the Lake Okeechobee structure permits to incorporate proposed
2421 changes necessary to ensure that discharges through the
2422 structures covered by this permit are consistent with the basin
2423 management action plan adopted pursuant to achieve state water
2424 quality standards, including the total maximum daily load
2425 established in accordance with s. 403.067. These changes shall
2426 be designed to achieve such compliance with state water quality
2427 standards no later than January 1, 2015.

2428 (d) The department shall require permits for district
2429 regional projects that are part of the Lake Okeechobee Watershed
2430 Construction Project facilities. However, projects ~~identified in~~
2431 ~~sub-subparagraph (3)(b)1.b.~~ that qualify as exempt pursuant to
2432 s. 373.406 do shall not require need permits under this section.
2433 Such permits shall be issued for a term of 5 years upon the
2434 demonstration of reasonable assurances that:

2435 1. District regional projects that are part of the Lake
2436 Okeechobee Watershed Construction Project shall facility, based

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2437 ~~upon the conceptual design documents and any subsequent detailed~~
2438 ~~design documents developed by the district, will~~ achieve the
2439 design objectives for phosphorus required in subparagraph
2440 (3) (a) 1. ~~paragraph (3) (b);~~

2441 2. For water quality standards other than phosphorus, the
2442 quality of water discharged from the facility is of equal or
2443 better quality than the inflows;

2444 3. Discharges from the facility do not pose a serious
2445 danger to public health, safety, or welfare; and

2446 4. Any impacts on wetlands or state-listed species
2447 resulting from implementation of that facility of the Lake
2448 Okeechobee Construction Project are minimized and mitigated, as
2449 appropriate.

2450 (e) At least 60 days before ~~prior to~~ the expiration of any
2451 permit issued under this section, the permittee may apply for a
2452 renewal thereof for a period of 5 years.

2453 (f) Permits issued under this section may include any
2454 standard conditions provided by department rule which are
2455 appropriate and consistent with this section.

2456 (g) Permits issued under ~~pursuant to~~ this section may be
2457 modified, as appropriate, upon review and approval by the
2458 department.

2459 Section 16. Paragraph (a) of subsection (1) and subsection
2460 (3) of section 373.467, Florida Statutes, are amended, to read:

2461 373.467 The Harris Chain of Lakes Restoration Council.—
2462 There is created within the St. Johns River Water Management
2463 District, with assistance from the Fish and Wildlife
2464 Conservation Commission and the Lake County Water Authority, the
2465 Harris Chain of Lakes Restoration Council.

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2466 (1) (a) The council shall consist of nine voting members,
2467 which shall include~~+~~ a representative of waterfront property
2468 owners, a representative of the sport fishing industry, a person
2469 with experience in an environmental science or regulation
2470 ~~engineer~~, a person with training in biology or another
2471 scientific discipline, ~~a person with training as an attorney, a~~
2472 ~~physician, a person with training as an engineer,~~ and two
2473 residents of the county who are ~~do~~ not required to meet any
2474 additional ~~of the other~~ qualifications for membership ~~enumerated~~
2475 ~~in this paragraph~~, each to be appointed by the Lake County
2476 legislative delegation. The Lake County legislative delegation
2477 may waive the qualifications for membership on a case-by-case
2478 basis if good cause is shown. ~~A~~ ~~No~~ person serving on the council
2479 may not be appointed to a council, board, or commission of any
2480 council advisory group agency. The council members shall serve
2481 as advisors to the governing board of the St. Johns River Water
2482 Management District. The council is subject to ~~the provisions of~~
2483 chapters 119 and 120.

2484 (3) The council shall meet at the call of its chair, at the
2485 request of six of its members, or at the request of the chair of
2486 the governing board of the St. Johns River Water Management
2487 District. Resignation by a council member, or failure by a
2488 council member to attend three consecutive meetings without an
2489 excuse approved by the chair, results in a vacancy on the
2490 council.

2491 Section 17. Paragraphs (a) and (b) of subsection (6) of
2492 section 373.536, Florida Statutes, are amended to read:

2493 373.536 District budget and hearing thereon.—

2494 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;

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2495 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

2496 (a) Each district must, by the date specified for each
2497 item, furnish copies of the following documents to the Governor,
2498 the President of the Senate, the Speaker of the House of
2499 Representatives, the chairs of all legislative committees and
2500 subcommittees having substantive or fiscal jurisdiction over the
2501 districts, as determined by the President of the Senate or the
2502 Speaker of the House of Representatives as applicable, the
2503 secretary of the department, and the governing board of each
2504 county in which the district has jurisdiction or derives any
2505 funds for the operations of the district:

2506 1. The adopted budget, to be furnished within 10 days after
2507 its adoption.

2508 2. A financial audit of its accounts and records, to be
2509 furnished within 10 days after its acceptance by the governing
2510 board. The audit must be conducted in accordance with s. 11.45
2511 and the rules adopted thereunder. In addition to the entities
2512 named above, the district must provide a copy of the audit to
2513 the Auditor General within 10 days after its acceptance by the
2514 governing board.

2515 3. A 5-year capital improvements plan, to be included in
2516 the consolidated annual report required by s. 373.036(7). The
2517 plan must include expected sources of revenue for planned
2518 improvements and must be prepared in a manner comparable to the
2519 fixed capital outlay format set forth in s. 216.043.

2520 4. A 5-year water resource development work program to be
2521 furnished within 30 days after the adoption of the final budget.
2522 The program must describe the district's implementation strategy
2523 and include an annual funding plan for each of the 5 years

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2524 included in the plan for the water resource and, water supply,
2525 development components, including ~~and~~ alternative water supply
2526 development, components of each approved regional water supply
2527 plan developed or revised under s. 373.709. The work program
2528 must address all the elements of the water resource development
2529 component in the district's approved regional water supply
2530 plans, as well as the water supply projects proposed for
2531 district funding and assistance. The annual funding plan shall
2532 identify both anticipated available district funding and
2533 additional funding needs for the second through fifth years of
2534 the funding plan. The work program ~~and~~ must identify projects in
2535 the work program which will provide water; explain how each
2536 water resource and, water supply, ~~and alternative water supply~~
2537 ~~development~~ project will produce additional water available for
2538 consumptive uses; estimate the quantity of water to be produced
2539 by each project; ~~and~~ provide an assessment of the contribution
2540 of the district's regional water supply plans in supporting the
2541 implementation of minimum flows and minimum water levels and
2542 water reservations; and ensure ~~providing~~ sufficient water is
2543 available ~~needed~~ to timely meet the water supply needs of
2544 existing and future reasonable-beneficial uses for a 1-in-10-
2545 year drought event and to avoid the adverse effects of
2546 competition for water supplies.

2547 (b) Within 30 days after its submittal, the department
2548 shall review the proposed work program and submit its findings,
2549 questions, and comments to the district. The review must include
2550 a written evaluation of the program's consistency with the
2551 furtherance of the district's approved regional water supply
2552 plans, and the adequacy of proposed expenditures. As part of the

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2553 review, the department shall post the proposed work program on
2554 its website and give interested parties the opportunity to
2555 provide written comments on each district's proposed work
2556 program. Within 45 days after receipt of the department's
2557 evaluation, the governing board shall state in writing to the
2558 department which of the changes recommended in the evaluation it
2559 will incorporate into its work program submitted as part of the
2560 March 1 consolidated annual report required by s. 373.036(7) or
2561 specify the reasons for not incorporating the changes. The
2562 department shall include the district's responses in a final
2563 evaluation report and shall submit a copy of the report to the
2564 Governor, the President of the Senate, and the Speaker of the
2565 House of Representatives.

2566 Section 18. Subsection (9) of section 373.703, Florida
2567 Statutes, is amended to read:

2568 373.703 Water production; general powers and duties.—In the
2569 performance of, and in conjunction with, its other powers and
2570 duties, the governing board of a water management district
2571 existing pursuant to this chapter:

2572 (9) May join with one or more other water management
2573 districts, counties, municipalities, special districts, publicly
2574 owned or privately owned water utilities, multijurisdictional
2575 water supply entities, regional water supply authorities,
2576 private landowners, or self-suppliers for the purpose of
2577 carrying out its powers, and may contract with such other
2578 entities to finance acquisitions, construction, operation, and
2579 maintenance, provided that such contracts are consistent with
2580 the public interest. The contract may provide for contributions
2581 to be made by each party to the contract for the division and

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2582 appportionment of the expenses of acquisitions, construction,
2583 operation, and maintenance, and for the division and
2584 appportionment of resulting benefits, services, and products. The
2585 contracts may contain other covenants and agreements necessary
2586 and appropriate to accomplish their purposes.

2587 Section 19. Paragraph (b) of subsection (2), subsection
2588 (3), and paragraph (b) of subsection (4) of section 373.705,
2589 Florida Statutes, are amended, and subsection (5) is added to
2590 that section, to read:

2591 373.705 Water resource development; water supply
2592 development.—

2593 (2) It is the intent of the Legislature that:

2594 (b) Water management districts take the lead in identifying
2595 and implementing water resource development projects, and be
2596 responsible for securing necessary funding for regionally
2597 significant water resource development projects, including
2598 regionally significant projects that prevent or limit adverse
2599 water resource impacts, avoid competition among water users, or
2600 support the provision of new water supplies in order to meet a
2601 minimum flow or minimum water level or to implement a recovery
2602 or prevention strategy or water reservation.

2603 (3) (a) The water management districts shall fund and
2604 implement water resource development as defined in s. 373.019.
2605 The water management districts are encouraged to implement water
2606 resource development as expeditiously as possible in areas
2607 subject to regional water supply plans.

2608 (b) Each governing board shall include in its annual budget
2609 submittals required under this chapter:

2610 1. The amount of funds for each project in the annual

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2611 funding plan developed pursuant to s. 373.536(6)(a)4.; and

2612 2. The total amount needed for the fiscal year to implement
2613 water resource development projects, as prioritized in its
2614 regional water supply plans.

2615 (4)

2616 (b) Water supply development projects that meet the
2617 criteria in paragraph (a) and that meet one or more of the
2618 following additional criteria shall be given first consideration
2619 for state or water management district funding assistance:

2620 1. The project brings about replacement of existing sources
2621 in order to help implement a minimum flow or minimum water
2622 level; ~~or~~

2623 2. The project implements reuse that assists in the
2624 elimination of domestic wastewater ocean outfalls as provided in
2625 s. 403.086(9); or

2626 3. The project reduces or eliminates the adverse effects of
2627 competition between legal users and the natural system.

2628 (5) The water management districts shall promote expanded
2629 cost-share criteria for additional conservation practices, such
2630 as soil and moisture sensors and other irrigation improvements,
2631 water-saving equipment, and water-saving household fixtures, and
2632 software technologies that can achieve verifiable water
2633 conservation by providing water use information to utility
2634 customers.

2635 Section 20. Paragraph (f) of subsection (3), paragraph (a)
2636 of subsection (6), and paragraph (e) of subsection (8) of
2637 section 373.707, Florida Statutes, are amended to read:

2638 373.707 Alternative water supply development.—

2639 (3) The primary roles of the water management districts in

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2640 water resource development as it relates to supporting
2641 alternative water supply development are:

2642 (f) The provision of technical and financial assistance to
2643 local governments and publicly owned and privately owned water
2644 utilities for alternative water supply projects and to self-
2645 suppliers for alternative water supply projects to the extent
2646 that such assistance to self-suppliers promotes the policies in
2647 paragraph (1) (f).

2648 (6) (a) If state ~~The statewide~~ funds are provided through
2649 specific appropriation or pursuant to the Water Protection and
2650 Sustainability Program, such funds serve to supplement existing
2651 water management district or basin board funding for alternative
2652 water supply development assistance and should not result in a
2653 reduction of such funding. For each project identified in the
2654 annual funding plans prepared pursuant to s. 373.536(6) (a)4.

2655 ~~Therefore,~~ the water management districts shall include in the
2656 annual tentative and adopted budget submittals required under
2657 this chapter the amount of funds allocated for water resource
2658 development that supports alternative water supply development
2659 and the funds allocated for alternative water supply projects
2660 ~~selected for inclusion in the Water Protection and~~
2661 ~~Sustainability Program.~~ It shall be the goal of each water
2662 management district and basin boards that the combined funds
2663 allocated annually for these purposes be, at a minimum, the
2664 equivalent of 100 percent of the state funding provided to the
2665 water management district for alternative water supply
2666 development. If this goal is not achieved, the water management
2667 district shall provide in the budget submittal an explanation of
2668 the reasons or constraints that prevent this goal from being

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2669 met, an explanation of how the goal will be met in future years,
2670 and affirmation of match is required during the budget review
2671 process as established under s. 373.536(5). The Suwannee River
2672 Water Management District and the Northwest Florida Water
2673 Management District shall not be required to meet the match
2674 requirements of this paragraph; however, they shall try to
2675 achieve the match requirement to the greatest extent
2676 practicable.

2677 (8)

2678 (e) Applicants for projects that may receive funding
2679 assistance pursuant to the Water Protection and Sustainability
2680 Program shall, at a minimum, be required to pay 60 percent of
2681 the project's construction costs. The water management districts
2682 may, at their discretion, totally or partially waive this
2683 requirement for projects sponsored by:

2684 1. Financially disadvantaged small local governments as
2685 defined in former s. 403.885(5); or

2686 2. Water users for projects determined by a water
2687 management district governing board to be in the public interest
2688 pursuant to paragraph (1)(f), if the projects are not otherwise
2689 financially feasible.

2690
2691 The water management districts or basin boards may, at their
2692 discretion, use ad valorem or federal revenues to assist a
2693 project applicant in meeting the requirements of this paragraph.

2694 Section 21. Subsection (2) and paragraphs (a) and (e) of
2695 subsection (6) of section 373.709, Florida Statutes, are amended
2696 to read:

2697 373.709 Regional water supply planning.—

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2698 (2) Each regional water supply plan must be based on at
2699 least a 20-year planning period and must include, but need not
2700 be limited to:

2701 (a) A water supply development component for each water
2702 supply planning region identified by the district which
2703 includes:

2704 1. A quantification of the water supply needs for all
2705 existing and future reasonable-beneficial uses within the
2706 planning horizon. The level-of-certainty planning goal
2707 associated with identifying the water supply needs of existing
2708 and future reasonable-beneficial uses must be based upon meeting
2709 those needs for a 1-in-10-year drought event.

2710 a. Population projections used for determining public water
2711 supply needs must be based upon the best available data. In
2712 determining the best available data, the district shall consider
2713 the University of Florida ~~Florida's~~ Bureau of Economic and
2714 Business Research (BEER) medium population projections and
2715 population projection data and analysis submitted by a local
2716 government pursuant to the public workshop described in
2717 subsection (1) if the data and analysis support the local
2718 government's comprehensive plan. Any adjustment of or deviation
2719 from the BEER projections must be fully described, and the
2720 original BEER data must be presented along with the adjusted
2721 data.

2722 b. Agricultural demand projections used for determining the
2723 needs of agricultural self-suppliers must be based upon the best
2724 available data. In determining the best available data for
2725 agricultural self-supplied water needs, the district shall
2726 consider the data indicative of future water supply demands

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2727 provided by the Department of Agriculture and Consumer Services
2728 pursuant to s. 570.93 and agricultural demand projection data
2729 and analysis submitted by a local government pursuant to the
2730 public workshop described in subsection (1), if the data and
2731 analysis support the local government's comprehensive plan. Any
2732 adjustment of or deviation from the data provided by the
2733 Department of Agriculture and Consumer Services must be fully
2734 described, and the original data must be presented along with
2735 the adjusted data.

2736 2. A list of water supply development project options,
2737 including traditional and alternative water supply project
2738 options that are technically and financially feasible, from
2739 which local government, government-owned and privately owned
2740 utilities, regional water supply authorities,
2741 multijurisdictional water supply entities, self-suppliers, and
2742 others may choose for water supply development. In addition to
2743 projects listed by the district, such users may propose specific
2744 projects for inclusion in the list of alternative water supply
2745 projects. If such users propose a project to be listed as an
2746 alternative water supply project, the district shall determine
2747 whether it meets the goals of the plan, and, if so, it shall be
2748 included in the list. The total capacity of the projects
2749 included in the plan must exceed the needs identified in
2750 subparagraph 1. and take into account water conservation and
2751 other demand management measures, as well as water resources
2752 constraints, including adopted minimum flows and minimum water
2753 levels and water reservations. Where the district determines it
2754 is appropriate, the plan should specifically identify the need
2755 for multijurisdictional approaches to project options that,

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2756 based on planning level analysis, are appropriate to supply the
2757 intended uses and that, based on such analysis, appear to be
2758 permittable and financially and technically feasible. The list
2759 of water supply development options must contain provisions that
2760 recognize that alternative water supply options for agricultural
2761 self-suppliers are limited.

2762 3. For each project option identified in subparagraph 2.,
2763 the following must be provided:

2764 a. An estimate of the amount of water to become available
2765 through the project.

2766 b. The timeframe in which the project option should be
2767 implemented and the estimated planning-level costs for capital
2768 investment and operating and maintaining the project.

2769 c. An analysis of funding needs and sources of possible
2770 funding options. For alternative water supply projects, the
2771 water management districts shall provide funding assistance
2772 pursuant to s. 373.707(8).

2773 d. Identification of the entity that should implement each
2774 project option and the current status of project implementation.

2775 (b) A water resource development component that includes:

2776 1. A listing of those water resource development projects
2777 that support water supply development for all existing and
2778 future reasonable-beneficial uses as described in paragraph
2779 (2) (a) and for the natural systems as identified in the recovery
2780 or prevention strategies for adopted minimum flows and minimum
2781 water levels or water reservations.

2782 2. For each water resource development project listed:

2783 a. An estimate of the amount of water to become available
2784 through the project for all existing and future reasonable-

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2785 beneficial uses as described in paragraph (2) (a) and for the
2786 natural systems as identified in the recovery or prevention
2787 strategies for adopted minimum flows and minimum water levels or
2788 water reservations.

2789 b. The timeframe in which the project option should be
2790 implemented and the estimated planning-level costs for capital
2791 investment and for operating and maintaining the project.

2792 c. An analysis of funding needs and sources of possible
2793 funding options.

2794 d. Identification of the entity that should implement each
2795 project option and the current status of project implementation.

2796 (c) The recovery and prevention strategy described in s.
2797 373.0421(2).

2798 (d) A funding strategy for water resource development
2799 projects, which shall be reasonable and sufficient to pay the
2800 cost of constructing or implementing all of the listed projects.

2801 (e) Consideration of how the project options addressed in
2802 paragraph (a) serve the public interest or save costs overall by
2803 preventing the loss of natural resources or avoiding greater
2804 future expenditures for water resource development or water
2805 supply development. However, unless adopted by rule, these
2806 considerations do not constitute final agency action.

2807 (f) The technical data and information applicable to each
2808 planning region which are necessary to support the regional
2809 water supply plan.

2810 (g) The minimum flows and minimum water levels established
2811 for water resources within each planning region.

2812 (h) Reservations of water adopted by rule pursuant to s.
2813 373.223(4) within each planning region.

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2814 (i) Identification of surface waters or aquifers for which
2815 minimum flows and minimum water levels are scheduled to be
2816 adopted.

2817 (j) An analysis, developed in cooperation with the
2818 department, of areas or instances in which the variance
2819 provisions of s. 378.212(1)(g) or s. 378.404(9) may be used to
2820 create water supply development or water resource development
2821 projects.

2822 (k) An assessment of how the regional water supply plan and
2823 the projects identified in the funding plans prepared pursuant
2824 to sub-subparagraphs (a)3.c. and (b)2.c. support the recovery or
2825 prevention strategies for implementation of adopted minimum
2826 flows and minimum water levels or water reservations, including
2827 minimum flows and minimum water levels for Outstanding Florida
2828 Springs adopted pursuant to s. 373.805; while ensuring that
2829 sufficient water will be available for all existing and future
2830 reasonable-beneficial uses and the natural systems identified
2831 herein; and that the adverse effects of competition for water
2832 supplies will be avoided.

2833 (6) Annually and in conjunction with the reporting
2834 requirements of s. 373.536(6)(a)4., the department shall submit
2835 to the Governor and the Legislature a report on the status of
2836 regional water supply planning in each district. The report
2837 shall include:

2838 (a) A compilation of the estimated costs ~~of~~ and an analysis
2839 of the sufficiency of potential sources of funding from all
2840 sources for water resource development and water supply
2841 development projects as identified in the water management
2842 district regional water supply plans.

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2843 (e) An overall assessment of the progress being made to
2844 develop water supply in each district, including, but not
2845 limited to, an explanation of how each project in the 5-year
2846 water resource development work program developed pursuant to s.
2847 373.536(6)(a)4., either alternative or traditional, will
2848 produce, contribute to, or account for additional water being
2849 made available for consumptive uses, minimum flows and minimum
2850 water levels, or water reservations; an estimate of the quantity
2851 of water to be produced by each project;~~;~~ and an assessment of
2852 the contribution of the district's regional water supply plan in
2853 providing sufficient water to meet the needs of existing and
2854 future reasonable-beneficial uses for a 1-in-10-year drought
2855 event, as well as the needs of the natural systems.

2856 Section 22. Part VIII of chapter 373, Florida Statutes,
2857 consisting of ss. 373.801-373.813, Florida Statutes, is created
2858 and entitled the "Florida Springs and Aquifer Protection Act."

2859 Section 23. Section 373.801, Florida Statutes, is created
2860 to read:

2861 373.801 Legislative findings and intent.—

2862 (1) The Legislature finds that springs are a unique part of
2863 this state's scenic beauty. Springs provide critical habitat for
2864 plants and animals, including many endangered or threatened
2865 species. Springs also provide immeasurable natural,
2866 recreational, economic, and inherent value. Springs are of great
2867 scientific importance in understanding the diverse functions of
2868 aquatic ecosystems. Water quality of springs is an indicator of
2869 local conditions of the Floridan Aquifer, which is a source of
2870 drinking water for many residents of this state. Water flows in
2871 springs may reflect regional aquifer conditions. In addition,

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2872 springs provide recreational opportunities for swimming,
2873 canoeing, wildlife watching, fishing, cave diving, and many
2874 other activities in this state. These recreational opportunities
2875 and the accompanying tourism they provide are a benefit to local
2876 economies and the economy of the state as a whole.

2877 (2) The Legislature finds that the water quantity and water
2878 quality in springs may be related. For regulatory purposes, the
2879 department has primary responsibility for water quality; the
2880 water management districts have primary responsibility for water
2881 quantity; and the Department of Agriculture and Consumer
2882 Services has primary responsibility for the development and
2883 implementation of agricultural best management practices. Local
2884 governments have primary responsibility for providing domestic
2885 wastewater collection and treatment services and stormwater
2886 management. The foregoing responsible entities must coordinate
2887 to restore and maintain the water quantity and water quality of
2888 the Outstanding Florida Springs.

2889 (3) The Legislature recognizes that:

2890 (a) A spring is only as healthy as its aquifer system. The
2891 groundwater that supplies springs is derived from water that
2892 recharges the aquifer system in the form of seepage from the
2893 land surface and through direct conduits, such as sinkholes.
2894 Springs may be adversely affected by polluted runoff from urban
2895 and agricultural lands; discharges resulting from inadequate
2896 wastewater and stormwater management practices; stormwater
2897 runoff; and reduced water levels of the Floridan Aquifer. As a
2898 result, the hydrologic and environmental conditions of a spring
2899 or spring run are directly influenced by activities and land
2900 uses within a springshed and by water withdrawals from the

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2901 Floridan Aquifer.

2902 (b) Springs, whether found in urban or rural settings, or
2903 on public or private lands, may be threatened by actual or
2904 potential flow reductions and declining water quality. Many of
2905 this state's springs are demonstrating signs of significant
2906 ecological imbalance, increased nutrient loading, and declining
2907 flow. Without effective remedial action, further declines in
2908 water quality and water quantity may occur.

2909 (c) Springshed boundaries and areas of high vulnerability
2910 within a springshed need to be identified and delineated using
2911 the best available data.

2912 (d) Springsheds typically cross water management district
2913 boundaries and local government jurisdictional boundaries, so a
2914 coordinated statewide springs protection plan is needed.

2915 (e) The aquifers and springs of this state are complex
2916 systems affected by many variables and influences.

2917 (4) The Legislature recognizes that action is urgently
2918 needed and, as additional data is acquired, action must be
2919 modified.

2920 Section 24. Section 373.802, Florida Statutes, is created
2921 to read:

2922 373.802 Definitions.—As used in this part, the term:

2923 (1) "Department" means the Department of Environmental
2924 Protection, which includes the Florida Geological Survey or its
2925 successor agencies.

2926 (2) "Local government" means a county or municipal
2927 government the jurisdictional boundaries of which include an
2928 Outstanding Florida Spring or any part of a springshed or
2929 delineated priority focus area of an Outstanding Florida Spring.

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2930 (3) "Onsite sewage treatment and disposal system" means a
2931 system that contains a standard subsurface, filled, or mound
2932 drainfield system; an aerobic treatment unit; a graywater system
2933 tank; a laundry wastewater system tank; a septic tank; a grease
2934 interceptor; a pump tank; a solids or effluent pump; a
2935 waterless, incinerating, or organic waste-composting toilet; or
2936 a sanitary pit privy that is installed or proposed to be
2937 installed beyond the building sewer on land of the owner or on
2938 other land on which the owner has the legal right to install
2939 such system. The term includes any item placed within, or
2940 intended to be used as a part of or in conjunction with, the
2941 system. The term does not include package sewage treatment
2942 facilities and other treatment works regulated under chapter
2943 403.

2944 (4) "Outstanding Florida Spring" includes all historic
2945 first magnitude springs, including their associated spring runs,
2946 as determined by the department using the most recent Florida
2947 Geological Survey springs bulletin, and the following additional
2948 springs, including their associated spring runs:

- 2949 (a) De Leon Springs;
2950 (b) Peacock Springs;
2951 (c) Poe Springs;
2952 (d) Rock Springs;
2953 (e) Wekiwa Springs; and
2954 (f) Gemini Springs.

2955
2956 The term does not include submarine springs or river rises.

2957 (5) "Priority focus area" means the area or areas of a
2958 basin where the Floridan Aquifer is generally most vulnerable to

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2959 pollutant inputs where there is a known connectivity between
2960 groundwater pathways and an Outstanding Florida Spring, as
2961 determined by the department in consultation with the
2962 appropriate water management districts, and delineated in a
2963 basin management action plan.

2964 (6) "Springshed" means the areas within the groundwater and
2965 surface water basins which contribute, based upon all relevant
2966 facts, circumstances, and data, to the discharge of a spring as
2967 defined by potentiometric surface maps and surface watershed
2968 boundaries.

2969 (7) "Spring run" means a body of flowing water that
2970 originates from a spring or whose primary source of water is a
2971 spring or springs under average rainfall conditions.

2972 (8) "Spring vent" means a location where groundwater flows
2973 out of a natural, discernible opening in the ground onto the
2974 land surface or into a predominantly fresh surface water body.

2975 Section 25. Section 373.803, Florida Statutes, is created
2976 to read:

2977 373.803 Delineation of priority focus areas for Outstanding
2978 Florida Springs.—Using the best data available from the water
2979 management districts and other credible sources, the department,
2980 in coordination with the water management districts, shall
2981 delineate priority focus areas for each Outstanding Florida
2982 Spring or group of springs that contains one or more Outstanding
2983 Florida Springs and is identified as impaired in accordance with
2984 s. 373.807. In delineating priority focus areas, the department
2985 shall consider groundwater travel time to the spring,
2986 hydrogeology, nutrient load, and any other factors that may lead
2987 to degradation of an Outstanding Florida Spring. The delineation

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2988 of priority focus areas must be completed by July 1, 2018, shall
2989 use understood and identifiable boundaries such as roads or
2990 political jurisdictions for ease of implementation, and is
2991 effective upon incorporation in a basin management action plan.

2992 Section 26. Section 373.805, Florida Statutes, is created
2993 to read:

2994 373.805 Minimum flows and minimum water levels for
2995 Outstanding Florida Springs.—

2996 (1) At the time a minimum flow or minimum water level is
2997 adopted pursuant to s. 373.042 for an Outstanding Florida
2998 Spring, if the spring is below or is projected within 20 years
2999 to fall below the minimum flow or minimum water level, a water
3000 management district or the department shall concurrently adopt a
3001 recovery or prevention strategy.

3002 (2) When a minimum flow or minimum water level for an
3003 Outstanding Florida Spring is revised pursuant to s.
3004 373.0421(3), if the spring is below or is projected within 20
3005 years to fall below the minimum flow or minimum water level, a
3006 water management district or the department shall concurrently
3007 adopt a recovery or prevention strategy or modify an existing
3008 recovery or prevention strategy. A district or the department
3009 may adopt the revised minimum flow or minimum water level before
3010 the adoption of a recovery or prevention strategy if the revised
3011 minimum flow or minimum water level is less constraining on
3012 existing or projected future consumptive uses.

3013 (3) For an Outstanding Florida Spring without an adopted
3014 recovery or prevention strategy, if a district or the department
3015 determines the spring has fallen below, or is projected within
3016 20 years to fall below, the adopted minimum flow or minimum

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3017 water level, a water management district or the department shall
3018 expeditiously adopt a recovery or prevention strategy.

3019 (4) The recovery or prevention strategy for each
3020 Outstanding Florida Spring must, at a minimum, include:

3021 (a) A listing of all specific projects identified for
3022 implementation of the plan;

3023 (b) A priority listing of each project;

3024 (c) For each listed project, the estimated cost of and the
3025 estimated date of completion;

3026 (d) The source and amount of financial assistance to be
3027 made available by the water management district for each listed
3028 project, which may not be less than 25 percent of the total
3029 project cost unless a specific funding source or sources are
3030 identified which will provide more than 75 percent of the total
3031 project cost. The Northwest Florida Water Management District
3032 and the Suwannee River Water Management District are not
3033 required to meet the minimum requirement to provide financial
3034 assistance pursuant to this paragraph;

3035 (e) An estimate of each listed project's benefit to an
3036 Outstanding Florida Spring; and

3037 (f) An implementation plan designed with a target to
3038 achieve the adopted minimum flow or minimum water level no more
3039 than 20 years after the adoption of a recovery or prevention
3040 strategy.

3041
3042 The water management district or the department shall develop a
3043 schedule establishing 5-year, 10-year, and 15-year targets for
3044 achieving the adopted minimum flows or minimum water levels. The
3045 schedule shall be used to provide guidance for planning and

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3046 funding purposes and is exempt from chapter 120.

3047 (5) A local government may apply to the department for a
3048 single extension of up to 5 years for any project in an adopted
3049 recovery or prevention strategy. The department may grant the
3050 extension if the local government provides to the department
3051 sufficient evidence that an extension is in the best interest of
3052 the public. For a local government in a rural area of
3053 opportunity, as defined in s. 288.0656, the department may grant
3054 a single extension of up to 10 years.

3055 Section 27. Section 373.807, Florida Statutes, is created
3056 to read:

3057 373.807 Protection of water quality in Outstanding Florida
3058 Springs.—By July 1, 2016, the department shall initiate
3059 assessment, pursuant to s. 403.067(3), of Outstanding Florida
3060 Springs or spring systems for which an impairment determination
3061 has not been made under the numeric nutrient standards in effect
3062 for spring vents. Assessments must be completed by July 1, 2018.

3063 (1) (a) Concurrent with the adoption of a nutrient total
3064 maximum daily load for an Outstanding Florida Spring, the
3065 department, or the department in conjunction with a water
3066 management district, shall initiate development of a basin
3067 management action plan, as specified in s. 403.067. For an
3068 Outstanding Florida Spring with a nutrient total maximum daily
3069 load adopted before July 1, 2016, the department, or the
3070 department in conjunction with a water management district,
3071 shall initiate development of a basin management action plan by
3072 July 1, 2016. During the development of a basin management
3073 action plan, if the department identifies onsite sewage
3074 treatment and disposal systems as contributors of at least 20

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3075 percent of nonpoint source nitrogen pollution or if the
3076 department determines remediation is necessary to achieve the
3077 total maximum daily load, the basin management action plan shall
3078 include an onsite sewage treatment and disposal system
3079 remediation plan pursuant to subsection (3) for those systems
3080 identified as requiring remediation.

3081 (b) A basin management action plan for an Outstanding
3082 Florida Spring shall be adopted within 2 years after its
3083 initiation and must include, at a minimum:

3084 1. A list of all specific projects and programs identified
3085 to implement a nutrient total maximum daily load;

3086 2. A list of all specific projects identified in any
3087 incorporated onsite sewage treatment and disposal system
3088 remediation plan, if applicable;

3089 3. A priority rank for each listed project;

3090 4. For each listed project, a planning level cost estimate
3091 and the estimated date of completion;

3092 5. The source and amount of financial assistance to be made
3093 available by the department, a water management district, or
3094 other entity for each listed project;

3095 6. An estimate of each listed project's nutrient load
3096 reduction;

3097 7. Identification of each point source or category of
3098 nonpoint sources, including, but not limited to, urban turf
3099 fertilizer, sports turf fertilizer, agricultural fertilizer,
3100 onsite sewage treatment and disposal systems, wastewater
3101 treatment facilities, animal wastes, and stormwater facilities.

3102 An estimated allocation of the pollutant load must be provided
3103 for each point source or category of nonpoint sources; and

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3104 8. An implementation plan designed with a target to achieve
3105 the nutrient total maximum daily load no more than 20 years
3106 after the adoption of a basin management action plan.

3107
3108 The department shall develop a schedule establishing 5-year, 10-
3109 year, and 15-year targets for achieving the nutrient total
3110 maximum daily load. The schedule shall be used to provide
3111 guidance for planning and funding purposes and is exempt from
3112 chapter 120.

3113 (c) For a basin management action plan adopted before July
3114 1, 2016, which addresses an Outstanding Florida Spring, the
3115 department or the department in conjunction with a water
3116 management district must revise the plan if necessary to comply
3117 with this section by July 1, 2018.

3118 (d) A local government may apply to the department for a
3119 single extension of up to 5 years for any project in an adopted
3120 basin management action plan. A local government in a rural area
3121 of opportunity, as defined in s. 288.0656, may apply for a
3122 single extension of up to 10 years for such a project. The
3123 department may grant the extension if the local government
3124 provides to the department sufficient evidence that an extension
3125 is in the best interest of the public.

3126 (2) By July 1, 2017, each local government, as defined in
3127 s. 373.802(2), that has not adopted an ordinance pursuant to s.
3128 403.9337, shall develop, enact, and implement an ordinance
3129 pursuant to that section. It is the intent of the Legislature
3130 that ordinances required to be adopted under this subsection
3131 reflect the latest scientific information, advancements, and
3132 technological improvements in the industry.

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3133 (3) As part of a basin management action plan that includes
3134 an Outstanding Florida Spring, the department, the Department of
3135 Health, relevant local governments, and relevant local public
3136 and private wastewater utilities, shall develop an onsite sewage
3137 treatment and disposal system remediation plan for a spring if
3138 the department determines onsite sewage treatment and disposal
3139 systems within a priority focus area contribute at least 20
3140 percent of nonpoint source nitrogen pollution or if the
3141 department determines remediation is necessary to achieve the
3142 total maximum daily load. The plan shall identify cost-effective
3143 and financially feasible projects necessary to reduce the
3144 nutrient impacts from onsite sewage treatment and disposal
3145 systems and shall be completed and adopted as part of the basin
3146 management action plan no later than the first 5-year milestone
3147 required by subparagraph (1)(b)8. The department is the lead
3148 agency in coordinating the preparation of and the adoption of
3149 the plan. The department shall:

3150 (a) Collect and evaluate credible scientific information on
3151 the effect of nutrients, particularly forms of nitrogen, on
3152 springs and springs systems; and

3153 (b) Develop a public education plan to provide area
3154 residents with reliable, understandable information about onsite
3155 sewage treatment and disposal systems and springs.

3156
3157 In addition to the requirements in s. 403.067, the plan shall
3158 include options for repair, upgrade, replacement, drainfield
3159 modification, addition of effective nitrogen reducing features,
3160 connection to a central sewerage system, or other action for an
3161 onsite sewage treatment and disposal system or group of systems

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3162 within a priority focus area that contribute at least 20 percent
3163 of nonpoint source nitrogen pollution or if the department
3164 determines remediation is necessary to achieve a total maximum
3165 daily load. For these systems, the department shall include in
3166 the plan a priority ranking for each system or group of systems
3167 that requires remediation and shall award funds to implement the
3168 remediation projects contingent on an appropriation in the
3169 General Appropriations Act, which may include all or part of the
3170 costs necessary for repair, upgrade, replacement, drainfield
3171 modification, addition of effective nitrogen reducing features,
3172 initial connection to a central sewerage system, or other
3173 action. In awarding funds, the department may consider expected
3174 nutrient reduction benefit per unit cost, size and scope of
3175 project, relative local financial contribution to the project,
3176 and the financial impact on property owners and the community.
3177 The department may waive matching funding requirements for
3178 proposed projects within an area designated as a rural area of
3179 opportunity under s. 288.0656.

3180 (4) The department shall provide notice to a local
3181 government of all permit applicants under s. 403.814(12) in a
3182 priority focus area of an Outstanding Florida Spring over which
3183 the local government has full or partial jurisdiction.

3184 Section 28. Section 373.811, Florida Statutes, is created
3185 to read:

3186 373.811 Prohibited activities within a priority focus
3187 area.—The following activities are prohibited within a priority
3188 focus area in effect for an Outstanding Florida Spring:

3189 (1) New domestic wastewater disposal facilities, including
3190 rapid infiltration basins, with permitted capacities of 100,000

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3191 gallons per day or more, except for those facilities that meet
3192 an advanced wastewater treatment standard of no more than 3 mg/l
3193 total nitrogen, expressed as N, on an annual permitted basis, or
3194 a more stringent treatment standard if the department determines
3195 the more stringent standard is necessary to attain a total
3196 maximum daily load for the Outstanding Florida Spring.

3197 (2) New onsite sewage treatment and disposal systems on
3198 lots of less than 1 acre, if the addition of the specific
3199 systems conflicts with an onsite treatment and disposal system
3200 remediation plan incorporated into a basin management action
3201 plan in accordance with s. 373.807(3).

3202 (3) New facilities for the disposal of hazardous waste.

3203 (4) The land application of Class A or Class B domestic
3204 wastewater biosolids not in accordance with a department
3205 approved nutrient management plan establishing the rate at which
3206 all biosolids, soil amendments, and sources of nutrients at the
3207 land application site can be applied to the land for crop
3208 production while minimizing the amount of pollutants and
3209 nutrients discharged to groundwater or waters of the state.

3210 (5) New agriculture operations that do not implement best
3211 management practices, measures necessary to achieve pollution
3212 reduction levels established by the department, or groundwater
3213 monitoring plans approved by a water management district or the
3214 department.

3215 Section 29. Section 373.813, Florida Statutes, is created
3216 to read:

3217 373.813 Rules.—

3218 (1) The department shall adopt rules to improve water
3219 quantity and water quality to administer this part, as

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3220 applicable.

3221 (2) (a) The Department of Agriculture and Consumer Services
3222 is the lead agency coordinating the reduction of agricultural
3223 nonpoint sources of pollution for the protection of Outstanding
3224 Florida Springs. The Department of Agriculture and Consumer
3225 Services and the department, pursuant to s. 403.067(7)(c)4.,
3226 shall study new or revised agricultural best management
3227 practices for improving and protecting Outstanding Florida
3228 Springs and, if necessary, in cooperation with applicable local
3229 governments and stakeholders, initiate rulemaking to require the
3230 implementation of such practices within a reasonable period.

3231 (b) The department, the Department of Agriculture and
3232 Consumer Services, and the University of Florida Institute of
3233 Food and Agricultural Sciences shall cooperate in conducting the
3234 necessary research and demonstration projects to develop
3235 improved or additional nutrient management tools, including the
3236 use of controlled release fertilizer that can be used by
3237 agricultural producers as part of an agricultural best
3238 management practices program. The development of such tools must
3239 reflect a balance between water quality improvement and
3240 agricultural productivity and, if applicable, must be
3241 incorporated into the revised agricultural best management
3242 practices adopted by rule by the Department of Agriculture and
3243 Consumer Services.

3244 Section 30. Subsection (29) of section 403.061, Florida
3245 Statutes, is amended to read:

3246 403.061 Department; powers and duties.—The department shall
3247 have the power and the duty to control and prohibit pollution of
3248 air and water in accordance with the law and rules adopted and

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3249 promulgated by it and, for this purpose, to:

3250 (29) (a) Adopt by rule special criteria to protect Class II
3251 and Class III shellfish harvesting waters. Such rules may
3252 include special criteria for approving docking facilities that
3253 have 10 or fewer slips if the construction and operation of such
3254 facilities will not result in the closure of shellfish waters.

3255 (b) Adopt by rule a specific surface water classification
3256 to protect surface waters used for treated potable water supply.
3257 These designated surface waters shall have the same water
3258 quality criteria protections as waters designated for fish
3259 consumption, recreation, and the propagation and maintenance of
3260 a healthy, well-balanced population of fish and wildlife, and
3261 shall be free from discharged substances at a concentration
3262 that, alone or in combination with other discharged substances,
3263 would require significant alteration of permitted treatment
3264 processes at the permitted treatment facility or that would
3265 otherwise prevent compliance with applicable state drinking
3266 water standards in the treated water. Notwithstanding this
3267 classification or the inclusion of treated water supply as a
3268 designated use of a surface water, a surface water used for
3269 treated potable water supply may be reclassified to the potable
3270 water supply classification.

3271
3272 The department shall implement such programs in conjunction with
3273 its other powers and duties and shall place special emphasis on
3274 reducing and eliminating contamination that presents a threat to
3275 humans, animals or plants, or to the environment.

3276 Section 31. Section 403.0617, Florida Statutes, is created
3277 to read:

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3278 403.0617 Innovative nutrient and sediment reduction and
3279 conservation pilot project program.—

3280 (1) Contingent upon a specific appropriation in the General
3281 Appropriation Act, the department may fund innovative nutrient
3282 and sediment reduction and conservation pilot projects selected
3283 pursuant to this section. These pilot projects are intended to
3284 test the effectiveness of innovative or existing nutrient
3285 reduction or water conservation technologies, programs, or
3286 practices designed to minimize nutrient pollution or restore
3287 flows in the water bodies of the state.

3288 (2) By October 1, 2016, the department shall initiate
3289 rulemaking to establish criteria by which the department will
3290 evaluate and rank pilot projects for funding. The criteria must
3291 include a determination by the department that the pilot project
3292 will not be harmful to the ecological resources in the study
3293 area. The criteria must give preference to projects that will
3294 result in the greatest improvement to water quality and water
3295 quantity for the dollars to be expended for the project. At a
3296 minimum, the department shall consider all of the following:

3297 (a) The level of nutrient impairment of the waterbody,
3298 watershed, or water segment in which the project is located.

3299 (b) The quantity of nutrients the project is estimated to
3300 remove from a water body, watershed, or water segment with a
3301 nutrient total maximum daily load.

3302 (c) The potential for the project to provide a cost-
3303 effective solution to pollution, including pollution caused by
3304 onsite sewage treatment and disposal systems.

3305 (d) The anticipated impact the project will have on
3306 restoring or increasing flow or water level.

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3307 (e) The amount of matching funds for the project which will
3308 be provided by the entities responsible for implementing the
3309 project.

3310 (f) Whether the project is located in a rural area of
3311 opportunity, as defined in s. 288.0656, with preference given to
3312 the local government responsible for implementing the project.

3313 (g) For multiple-year projects, whether the project has
3314 funding sources that are identified and assured through the
3315 expected completion date of the project.

3316 (h) The cost of the project and the length of time it will
3317 take to complete relative to its expected benefits.

3318 (i) Whether the entities responsible for implementing the
3319 project have used their own funds for projects to improve water
3320 quality or conserve water use with preference given to those
3321 entities that have expended such funds.

3322 Section 32. Section 403.0623, Florida Statutes, is amended
3323 to read:

3324 403.0623 Environmental data; quality assurance.—

3325 (1) The department must establish, by rule, appropriate
3326 quality assurance requirements for environmental data submitted
3327 to the department and the criteria by which environmental data
3328 may be rejected by the department. The department may adopt and
3329 enforce rules to establish data quality objectives and specify
3330 requirements for training of laboratory and field staff, sample
3331 collection methodology, proficiency testing, and audits of
3332 laboratory and field sampling activities. Such rules may be in
3333 addition to any laboratory certification provisions under ss.
3334 403.0625 and 403.863.

3335 (2) (a) The department, in coordination with the water

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3336 management districts, regional water supply authorities, and the
3337 Department of Agriculture and Consumer Services shall establish
3338 standards for the collection and analysis of water quantity,
3339 water quality, and related data to ensure quality, reliability,
3340 and validity of the data and testing results.

3341 (b) To the extent practicable, the department shall
3342 coordinate with federal agencies to ensure that its collection
3343 and analysis of water quality, water quantity, and related data,
3344 which may be used by any state agency, water management
3345 district, or local government, is consistent with this
3346 subsection.

3347 (c) To receive state funds for the acquisition of land or
3348 the financing of a water resource project, state agencies and
3349 water management districts must show that they followed the
3350 department's collection and analysis standards, if available, as
3351 a prerequisite for any such request for funding.

3352 (d) The department and the water management districts may
3353 adopt rules to implement this subsection.

3354 Section 33. Subsection (7) of section 403.067, Florida
3355 Statutes, is amended to read:

3356 403.067 Establishment and implementation of total maximum
3357 daily loads.—

3358 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
3359 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

3360 (a) *Basin management action plans.*—

3361 1. In developing and implementing the total maximum daily
3362 load for a water body, the department, or the department in
3363 conjunction with a water management district, may develop a
3364 basin management action plan that addresses some or all of the

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3365 watersheds and basins tributary to the water body. Such plan
3366 must integrate the appropriate management strategies available
3367 to the state through existing water quality protection programs
3368 to achieve the total maximum daily loads and may provide for
3369 phased implementation of these management strategies to promote
3370 timely, cost-effective actions as provided for in s. 403.151.
3371 The plan must establish a schedule implementing the management
3372 strategies, establish a basis for evaluating the plan's
3373 effectiveness, and identify feasible funding strategies for
3374 implementing the plan's management strategies. The management
3375 strategies may include regional treatment systems or other
3376 public works, where appropriate, and voluntary trading of water
3377 quality credits to achieve the needed pollutant load reductions.

3378 2. A basin management action plan must equitably allocate,
3379 pursuant to paragraph (6) (b), pollutant reductions to individual
3380 basins, as a whole to all basins, or to each identified point
3381 source or category of nonpoint sources, as appropriate. For
3382 nonpoint sources for which best management practices have been
3383 adopted, the initial requirement specified by the plan must be
3384 those practices developed pursuant to paragraph (c). Where
3385 appropriate, the plan may take into account the benefits of
3386 pollutant load reduction achieved by point or nonpoint sources
3387 that have implemented management strategies to reduce pollutant
3388 loads, including best management practices, before the
3389 development of the basin management action plan. The plan must
3390 also identify the mechanisms that will address potential future
3391 increases in pollutant loading.

3392 3. The basin management action planning process is intended
3393 to involve the broadest possible range of interested parties,

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3394 with the objective of encouraging the greatest amount of
3395 cooperation and consensus possible. In developing a basin
3396 management action plan, the department shall assure that key
3397 stakeholders, including, but not limited to, applicable local
3398 governments, water management districts, the Department of
3399 Agriculture and Consumer Services, other appropriate state
3400 agencies, local soil and water conservation districts,
3401 environmental groups, regulated interests, and affected
3402 pollution sources, are invited to participate in the process.
3403 The department shall hold at least one public meeting in the
3404 vicinity of the watershed or basin to discuss and receive
3405 comments during the planning process and shall otherwise
3406 encourage public participation to the greatest practicable
3407 extent. Notice of the public meeting must be published in a
3408 newspaper of general circulation in each county in which the
3409 watershed or basin lies not less than 5 days nor more than 15
3410 days before the public meeting. A basin management action plan
3411 does not supplant or otherwise alter any assessment made under
3412 subsection (3) or subsection (4) or any calculation or initial
3413 allocation.

3414 4. Each new or revised basin management action plan shall
3415 include:

3416 a. The appropriate management strategies available through
3417 existing water quality protection programs to achieve total
3418 maximum daily loads, which may provide for phased implementation
3419 to promote timely, cost-effective actions as provided for in s.
3420 403.151;

3421 b. A description of best management practices adopted by
3422 rule;

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3423 c. A list of projects in priority ranking with a planning-
3424 level cost estimate and estimated date of completion for each
3425 listed project;

3426 d. The source and amount of financial assistance to be made
3427 available by the department, a water management district, or
3428 other entity for each listed project, if applicable; and

3429 e. A planning-level estimate of each listed project's
3430 expected load reduction, if applicable.

3431 ~~5.4.~~ The department shall adopt all or any part of a basin
3432 management action plan and any amendment to such plan by
3433 secretarial order pursuant to chapter 120 to implement the
3434 provisions of this section.

3435 ~~6.5.~~ The basin management action plan must include
3436 milestones for implementation and water quality improvement, and
3437 an associated water quality monitoring component sufficient to
3438 evaluate whether reasonable progress in pollutant load
3439 reductions is being achieved over time. An assessment of
3440 progress toward these milestones shall be conducted every 5
3441 years, and revisions to the plan shall be made as appropriate.
3442 Revisions to the basin management action plan shall be made by
3443 the department in cooperation with basin stakeholders. Revisions
3444 to the management strategies required for nonpoint sources must
3445 follow the procedures set forth in subparagraph (c)4. Revised
3446 basin management action plans must be adopted pursuant to
3447 subparagraph 5 4.

3448 ~~7.6.~~ In accordance with procedures adopted by rule under
3449 paragraph (9)(c), basin management action plans, and other
3450 pollution control programs under local, state, or federal
3451 authority as provided in subsection (4), may allow point or

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3452 nonpoint sources that will achieve greater pollutant reductions
3453 than required by an adopted total maximum daily load or
3454 wasteload allocation to generate, register, and trade water
3455 quality credits for the excess reductions to enable other
3456 sources to achieve their allocation; however, the generation of
3457 water quality credits does not remove the obligation of a source
3458 or activity to meet applicable technology requirements or
3459 adopted best management practices. Such plans must allow trading
3460 between NPDES permittees, and trading that may or may not
3461 involve NPDES permittees, where the generation or use of the
3462 credits involve an entity or activity not subject to department
3463 water discharge permits whose owner voluntarily elects to obtain
3464 department authorization for the generation and sale of credits.

3465 ~~8.7.~~ The provisions of the department's rule relating to
3466 the equitable abatement of pollutants into surface waters do not
3467 apply to water bodies or water body segments for which a basin
3468 management plan that takes into account future new or expanded
3469 activities or discharges has been adopted under this section.

3470 (b) *Total maximum daily load implementation.*—

3471 1. The department shall be the lead agency in coordinating
3472 the implementation of the total maximum daily loads through
3473 existing water quality protection programs. Application of a
3474 total maximum daily load by a water management district must be
3475 consistent with this section and does not require the issuance
3476 of an order or a separate action pursuant to s. 120.536(1) or s.
3477 120.54 for the adoption of the calculation and allocation
3478 previously established by the department. Such programs may
3479 include, but are not limited to:

3480 a. Permitting and other existing regulatory programs,

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3481 including water-quality-based effluent limitations;
3482 b. Nonregulatory and incentive-based programs, including
3483 best management practices, cost sharing, waste minimization,
3484 pollution prevention, agreements established pursuant to s.
3485 403.061(21), and public education;
3486 c. Other water quality management and restoration
3487 activities, for example surface water improvement and management
3488 plans approved by water management districts or basin management
3489 action plans developed pursuant to this subsection;
3490 d. Trading of water quality credits or other equitable
3491 economically based agreements;
3492 e. Public works including capital facilities; or
3493 f. Land acquisition.
3494 2. For a basin management action plan adopted pursuant to
3495 paragraph (a), any management strategies and pollutant reduction
3496 requirements associated with a pollutant of concern for which a
3497 total maximum daily load has been developed, including effluent
3498 limits set forth for a discharger subject to NPDES permitting,
3499 if any, must be included in a timely manner in subsequent NPDES
3500 permits or permit modifications for that discharger. The
3501 department may not impose limits or conditions implementing an
3502 adopted total maximum daily load in an NPDES permit until the
3503 permit expires, the discharge is modified, or the permit is
3504 reopened pursuant to an adopted basin management action plan.
3505 a. Absent a detailed allocation, total maximum daily loads
3506 must be implemented through NPDES permit conditions that provide
3507 for a compliance schedule. In such instances, a facility's NPDES
3508 permit must allow time for the issuance of an order adopting the
3509 basin management action plan. The time allowed for the issuance

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3510 of an order adopting the plan may not exceed 5 years. Upon
3511 issuance of an order adopting the plan, the permit must be
3512 reopened or renewed, as necessary, and permit conditions
3513 consistent with the plan must be established. Notwithstanding
3514 the other provisions of this subparagraph, upon request by an
3515 NPDES permittee, the department as part of a permit issuance,
3516 renewal, or modification may establish individual allocations
3517 before the adoption of a basin management action plan.

3518 b. For holders of NPDES municipal separate storm sewer
3519 system permits and other stormwater sources, implementation of a
3520 total maximum daily load or basin management action plan must be
3521 achieved, to the maximum extent practicable, through the use of
3522 best management practices or other management measures.

3523 c. The basin management action plan does not relieve the
3524 discharger from any requirement to obtain, renew, or modify an
3525 NPDES permit or to abide by other requirements of the permit.

3526 d. Management strategies set forth in a basin management
3527 action plan to be implemented by a discharger subject to
3528 permitting by the department must be completed pursuant to the
3529 schedule set forth in the basin management action plan. This
3530 implementation schedule may extend beyond the 5-year term of an
3531 NPDES permit.

3532 e. Management strategies and pollution reduction
3533 requirements set forth in a basin management action plan for a
3534 specific pollutant of concern are not subject to challenge under
3535 chapter 120 at the time they are incorporated, in an identical
3536 form, into a subsequent NPDES permit or permit modification.

3537 f. For nonagricultural pollutant sources not subject to
3538 NPDES permitting but permitted pursuant to other state,

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3539 regional, or local water quality programs, the pollutant
3540 reduction actions adopted in a basin management action plan must
3541 be implemented to the maximum extent practicable as part of
3542 those permitting programs.

3543 g. A nonpoint source discharger included in a basin
3544 management action plan must demonstrate compliance with the
3545 pollutant reductions established under subsection (6) by
3546 implementing the appropriate best management practices
3547 established pursuant to paragraph (c) or conducting water
3548 quality monitoring prescribed by the department or a water
3549 management district. A nonpoint source discharger may, in
3550 accordance with department rules, supplement the implementation
3551 of best management practices with water quality credit trades in
3552 order to demonstrate compliance with the pollutant reductions
3553 established under subsection (6).

3554 h. A nonpoint source discharger included in a basin
3555 management action plan may be subject to enforcement action by
3556 the department or a water management district based upon a
3557 failure to implement the responsibilities set forth in sub-
3558 subparagraph g.

3559 i. A landowner, discharger, or other responsible person who
3560 is implementing applicable management strategies specified in an
3561 adopted basin management action plan may not be required by
3562 permit, enforcement action, or otherwise to implement additional
3563 management strategies, including water quality credit trading,
3564 to reduce pollutant loads to attain the pollutant reductions
3565 established pursuant to subsection (6) and shall be deemed to be
3566 in compliance with this section. This subparagraph does not
3567 limit the authority of the department to amend a basin

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3568 management action plan as specified in subparagraph (a)6. ~~(a)5.~~

3569 (c) *Best management practices.*—

3570 1. The department, in cooperation with the water management
3571 districts and other interested parties, as appropriate, may
3572 develop suitable interim measures, best management practices, or
3573 other measures necessary to achieve the level of pollution
3574 reduction established by the department for nonagricultural
3575 nonpoint pollutant sources in allocations developed pursuant to
3576 subsection (6) and this subsection. These practices and measures
3577 may be adopted by rule by the department and the water
3578 management districts and, where adopted by rule, shall be
3579 implemented by those parties responsible for nonagricultural
3580 nonpoint source pollution.

3581 2. The Department of Agriculture and Consumer Services may
3582 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54
3583 suitable interim measures, best management practices, or other
3584 measures necessary to achieve the level of pollution reduction
3585 established by the department for agricultural pollutant sources
3586 in allocations developed pursuant to subsection (6) and this
3587 subsection or for programs implemented pursuant to paragraph
3588 (12)(b). These practices and measures may be implemented by
3589 those parties responsible for agricultural pollutant sources and
3590 the department, the water management districts, and the
3591 Department of Agriculture and Consumer Services shall assist
3592 with implementation. In the process of developing and adopting
3593 rules for interim measures, best management practices, or other
3594 measures, the Department of Agriculture and Consumer Services
3595 shall consult with the department, the Department of Health, the
3596 water management districts, representatives from affected

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3597 farming groups, and environmental group representatives. Such
3598 rules must also incorporate provisions for a notice of intent to
3599 implement the practices and a system to assure the
3600 implementation of the practices, including site inspection and
3601 recordkeeping requirements.

3602 3. Where interim measures, best management practices, or
3603 other measures are adopted by rule, the effectiveness of such
3604 practices in achieving the levels of pollution reduction
3605 established in allocations developed by the department pursuant
3606 to subsection (6) and this subsection or in programs implemented
3607 pursuant to paragraph (12) (b) must be verified at representative
3608 sites by the department. The department shall use best
3609 professional judgment in making the initial verification that
3610 the best management practices are reasonably expected to be
3611 effective and, where applicable, must notify the appropriate
3612 water management district or the Department of Agriculture and
3613 Consumer Services of its initial verification before the
3614 adoption of a rule proposed pursuant to this paragraph.

3615 Implementation, in accordance with rules adopted under this
3616 paragraph, of practices that have been initially verified to be
3617 effective, or verified to be effective by monitoring at
3618 representative sites, by the department, shall provide a
3619 presumption of compliance with state water quality standards and
3620 release from the provisions of s. 376.307(5) for those
3621 pollutants addressed by the practices, and the department is not
3622 authorized to institute proceedings against the owner of the
3623 source of pollution to recover costs or damages associated with
3624 the contamination of surface water or groundwater caused by
3625 those pollutants. Research projects funded by the department, a

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3626 water management district, or the Department of Agriculture and
3627 Consumer Services to develop or demonstrate interim measures or
3628 best management practices shall be granted a presumption of
3629 compliance with state water quality standards and a release from
3630 the provisions of s. 376.307(5). The presumption of compliance
3631 and release is limited to the research site and only for those
3632 pollutants addressed by the interim measures or best management
3633 practices. Eligibility for the presumption of compliance and
3634 release is limited to research projects on sites where the owner
3635 or operator of the research site and the department, a water
3636 management district, or the Department of Agriculture and
3637 Consumer Services have entered into a contract or other
3638 agreement that, at a minimum, specifies the research objectives,
3639 the cost-share responsibilities of the parties, and a schedule
3640 that details the beginning and ending dates of the project.

3641 4. Where water quality problems are demonstrated, despite
3642 the appropriate implementation, operation, and maintenance of
3643 best management practices and other measures required by rules
3644 adopted under this paragraph, the department, a water management
3645 district, or the Department of Agriculture and Consumer
3646 Services, in consultation with the department, shall institute a
3647 reevaluation of the best management practice or other measure.
3648 Should the reevaluation determine that the best management
3649 practice or other measure requires modification, the department,
3650 a water management district, or the Department of Agriculture
3651 and Consumer Services, as appropriate, shall revise the rule to
3652 require implementation of the modified practice within a
3653 reasonable time period as specified in the rule.

3654 5. Agricultural records relating to processes or methods of

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3655 production, costs of production, profits, or other financial
3656 information held by the Department of Agriculture and Consumer
3657 Services pursuant to subparagraphs 3. and 4. or pursuant to any
3658 rule adopted pursuant to subparagraph 2. are confidential and
3659 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
3660 Constitution. Upon request, records made confidential and exempt
3661 pursuant to this subparagraph shall be released to the
3662 department or any water management district provided that the
3663 confidentiality specified by this subparagraph for such records
3664 is maintained.

3665 6. The provisions of subparagraphs 1. and 2. do not
3666 preclude the department or water management district from
3667 requiring compliance with water quality standards or with
3668 current best management practice requirements set forth in any
3669 applicable regulatory program authorized by law for the purpose
3670 of protecting water quality. Additionally, subparagraphs 1. and
3671 2. are applicable only to the extent that they do not conflict
3672 with any rules adopted by the department that are necessary to
3673 maintain a federally delegated or approved program.

3674 (d) Enforcement and verification of basin management action
3675 plans and management strategies.-

3676 1. Basin management action plans are enforceable pursuant
3677 to this section and ss. 403.121, 403.141, and 403.161.

3678 Management strategies, including best management practices and
3679 water quality monitoring, are enforceable under this chapter.

3680 2. No later than January 1, 2017:

3681 a. The department, in consultation with the water
3682 management districts and the Department of Agriculture and
3683 Consumer Services, shall initiate rulemaking to adopt procedures

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3684 to verify implementation of water quality monitoring required in
3685 lieu of implementation of best management practices or other
3686 measures pursuant to s. 403.067(7)(b)2.g.;

3687 b. The department, in consultation with the water
3688 management districts and the Department of Agriculture and
3689 Consumer Services, shall initiate rulemaking to adopt procedures
3690 to verify implementation of nonagricultural interim measures,
3691 best management practices, or other measures adopted by rule
3692 pursuant to s. 403.067(7)(c)1.; and

3693 c. The Department of Agriculture and Consumer Services, in
3694 consultation with the water management districts and the
3695 department, shall initiate rulemaking to adopt procedures to
3696 verify implementation of agricultural interim measures, best
3697 management practices, or other measures adopted by rule pursuant
3698 to s. 403.067(7)(c)2.

3699
3700 The rules required under this subparagraph shall include
3701 enforcement procedures applicable to the landowner, discharger,
3702 or other responsible person required to implement applicable
3703 management strategies, including best management practices or
3704 water quality monitoring as a result of noncompliance.

3705 Section 34. Section 403.0675, Florida Statutes, is created
3706 to read:

3707 403.0675 Progress reports.—On or before July 1 of each
3708 year, beginning in 2018:

3709 (1) The department, in conjunction with the water
3710 management districts, shall post on its website and submit
3711 electronically an annual progress report to the Governor, the
3712 President of the Senate, and the Speaker of the House of

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3713 Representatives on the status of each total maximum daily load,
3714 basin management action plan, minimum flow or minimum water
3715 level, and recovery or prevention strategy adopted pursuant to
3716 s. 403.067 or parts I and VIII of chapter 373. The report must
3717 include the status of each project identified to achieve a total
3718 maximum daily load or an adopted minimum flow or minimum water
3719 level, as applicable. If a report indicates that any of the 5-
3720 year, 10-year, or 15-year milestones, or the 20-year target
3721 date, if applicable, for achieving a total maximum daily load or
3722 a minimum flow or minimum water level will not be met, the
3723 report must include an explanation of the possible causes and
3724 potential solutions. If applicable, the report must include
3725 project descriptions, estimated costs, proposed priority ranking
3726 for project implementation, and funding needed to achieve the
3727 total maximum daily load or the minimum flow or minimum water
3728 level by the target date. Each water management district shall
3729 post the department's report on its website.

3730 (2) The Department of Agriculture and Consumer Services
3731 shall post on its website and submit electronically an annual
3732 progress report to the Governor, the President of the Senate,
3733 and the Speaker of the House of Representatives on the status of
3734 the implementation of the agricultural nonpoint source best
3735 management practices, including an implementation assurance
3736 report summarizing survey responses and response rates, site
3737 inspections, and other methods used to verify implementation of
3738 and compliance with best management practices pursuant to basin
3739 management action plans.

3740 Section 35. Subsection (21) is added to section 403.861,
3741 Florida Statutes, to read:

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3742 403.861 Department; powers and duties.—The department shall
3743 have the power and the duty to carry out the provisions and
3744 purposes of this act and, for this purpose, to:

3745 (21) (a) Upon issuance of a construction permit to construct
3746 a new public water system drinking water treatment facility to
3747 provide potable water supply using a surface water that, at the
3748 time of the permit application, is not being used as a potable
3749 water supply, and the classification of which does not include
3750 potable water supply as a designated use, the department shall
3751 add treated potable water supply as a designated use of the
3752 surface water segment in accordance with s. 403.061(29) (b).

3753 (b) For existing public water system drinking water
3754 treatment facilities that use a surface water as a treated
3755 potable water supply, which surface water classification does
3756 not include potable water supply as a designated use, the
3757 department shall add treated potable water supply as a
3758 designated use of the surface water segment in accordance with
3759 s. 403.061(29) (b).

3760 Section 36. Section 403.928, Florida Statutes, is created
3761 to read:

3762 403.928 Assessment of water resources and conservation
3763 lands.—The Office of Economic and Demographic Research shall
3764 conduct an annual assessment of Florida's water resources and
3765 conservation lands.

3766 (1) WATER RESOURCES.—The assessment must include all of the
3767 following:

3768 (a) Historical and current expenditures and projections of
3769 future expenditures by federal, state, regional, and local
3770 governments and public and private utilities based upon

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3771 historical trends and ongoing projects or initiatives associated
3772 with:

3773 1. Water supply and demand; and

3774 2. Water quality protection and restoration.

3775 (b) An analysis and estimates of future expenditures by
3776 federal, state, regional, and local governments and public and
3777 private utilities necessary to comply with federal and state
3778 laws and regulations governing subparagraphs (a)1. and (a)2. The
3779 analysis and estimates must address future expenditures by
3780 federal, state, regional, and local governments and all public
3781 and private utilities necessary to achieve the legislature's
3782 intent that sufficient water be available for all existing and
3783 future reasonable-beneficial uses and the natural systems, and
3784 that adverse effects of competition for water supplies be
3785 avoided. The assessment must include a compilation of projected
3786 water supply and demand data developed by each water management
3787 district pursuant to ss. 373.036 and 373.709, with notations
3788 regarding any significant differences between the methods used
3789 by the districts to calculate the data.

3790 (c) Forecasts of federal, state, regional, and local
3791 government revenues dedicated in current law for the purposes
3792 specified in subparagraphs (a)1. and (a)2. or that have been
3793 historically allocated for these purposes, as well as public and
3794 private utility revenues.

3795 (d) An identification of gaps between projected revenues
3796 and projected and estimated expenditures.

3797 (2) CONSERVATION LANDS.—The assessment must include all of
3798 the following:

3799 (a) Historical and current expenditures and projections of

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3800 future expenditures by federal, state, regional, and local
3801 governments based upon historical trends and ongoing projects or
3802 initiatives associated with real property interests eligible for
3803 funding under s. 259.105.

3804 (b) An analysis and estimates of future expenditures by
3805 federal, state, regional, and local governments necessary to
3806 purchase lands identified in plans set forth by state agencies
3807 or water management districts.

3808 (c) An analysis of the ad valorem tax impacts, by county,
3809 resulting from public ownership of conservation lands.

3810 (d) Forecasts of federal, state, regional, and local
3811 government revenues dedicated in current law to maintain
3812 conservation lands and the gap between projected expenditures
3813 and revenues.

3814 (e) The total percentage of Florida real property that is
3815 publicly owned for conservation purposes.

3816 (f) A comparison of the cost of acquiring and maintaining
3817 conservation lands under fee simple or less than fee simple
3818 ownership.

3819 (3) The assessment shall include analyses on a statewide,
3820 regional, or geographic basis, as appropriate, and shall
3821 identify analytical challenges in assessing information across
3822 the different regions of the state.

3823 (4) The assessment must identify any overlap in the
3824 expenditures for water resources and conservation lands.

3825 (5) The water management districts, the Department of
3826 Environmental Protection, the Department of Agriculture and
3827 Consumer Services, the Fish and Wildlife Conservation
3828 Commission, counties, municipalities, and special districts

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3829 shall provide assistance to the Office of Economic and
3830 Demographic Research related to their respective areas of
3831 expertise.

3832 (6) The Office of Economic and Demographic Research must be
3833 given access to any data held by an agency as defined in s.
3834 112.312 if the Office of Economic and Demographic Research
3835 considers the data necessary to complete the assessment,
3836 including any confidential data.

3837 (7) The assessment shall be submitted to the President of
3838 the Senate and the Speaker of the House of Representatives by
3839 January 1, 2017, and by January 1 of each year thereafter.

3840 Section 37. (1) The Department of Environmental Protection
3841 shall evaluate the feasibility and cost of creating and
3842 maintaining a web-based, interactive map that includes, at a
3843 minimum:

3844 (a) All watersheds and each water body within those
3845 watersheds;

3846 (b) The county or counties in which the watershed or water
3847 body is located;

3848 (c) The water management district or districts in which the
3849 watershed or water body is located;

3850 (d) Whether, if applicable, a minimum flow or minimum water
3851 level has been adopted for the water body and if such minimum
3852 flow or minimum water level has not been adopted, the
3853 anticipated adoption date;

3854 (e) Whether, if applicable, a recovery or prevention
3855 strategy has been adopted for the watershed or water body and,
3856 if such a plan has not been adopted, the anticipated adoption
3857 date;

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- 3858 (f) The impairment status of each water body;
3859 (g) Whether, if applicable, a total maximum daily load has
3860 been adopted if the water body is listed as impaired and, if
3861 such total maximum daily load has not been adopted, the
3862 anticipated adoption date;
3863 (h) Whether, if applicable, a basin management action plan
3864 has been adopted for the watershed and, if such a plan has not
3865 been adopted, the anticipated adoption date;
3866 (i) Each project listed on the 5-year water resource
3867 development work program developed pursuant to s.
3868 373.536(6)(a)4.;
3869 (j) The agency or agencies and local sponsor, if any,
3870 responsible for overseeing the project;
3871 (k) The total or estimated cost and completion date of each
3872 project and the financial contribution of each entity;
3873 (l) The estimated quantitative benefit to the watershed or
3874 water body; and
3875 (m) The water projects completed within the last 5 years
3876 within the watershed or water body.
3877 (2) On or before January 1, 2017, the department must
3878 submit a report containing the findings on the feasibility study
3879 to the President of the Senate and the Speaker of the House of
3880 Representatives.
3881 Section 38. The Legislature finds that a proper and
3882 legitimate state purpose is served when protecting the
3883 environmental resources of this state. Therefore, the
3884 Legislature determines and declares that this act fulfills an
3885 important state interest.
3886 Section 39. This act shall take effect July 1, 2016.