

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

27 | the governing board of a water management district to
28 | adopt a minimum flow or minimum water level for an
29 | Outstanding Florida Spring using emergency rulemaking
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 intent; defining the term
52 | "Central Florida Water Initiative Area"; requiring the

53 department, the St. Johns River Water Management
54 District, the South Florida Water Management District,
55 the Southwest Florida Water Management District, and
56 the Department of Agriculture and Consumer Services to
57 develop and implement a multidistrict regional water
58 supply plan; providing plan criteria and requirements;
59 providing applicability; requiring the department to
60 adopt rules; amending s. 373.1501, F.S.; specifying
61 authority of the South Florida Water Management
62 District to allocate quantities of, and assign
63 priorities for the use of, water within its
64 jurisdiction; directing the district to provide
65 recommendations to the United States Army Corps of
66 Engineers when developing or implementing certain
67 water control plans or regulation schedules; amending
68 s. 373.219, F.S.; requiring the department to adopt
69 certain uniform rules; amending s. 373.223, F.S.;
70 requiring consumptive use permits authorizing over a
71 certain amount to be monitored on a specified basis;
72 providing an exception; amending s. 373.2234, F.S.;
73 directing water management district governing boards
74 to consider the identification of preferred water
75 supply sources for certain water users; amending s.
76 373.227, F.S.; prohibiting water management districts
77 from modifying permitted allocation amounts under
78 certain circumstances; requiring the water management

79 | districts to adopt rules to promote water conservation
80 | incentives; amending s. 373.233, F.S.; providing
81 | conditions under which the department and water
82 | management district governing boards are directed to
83 | give preference to certain applications; amending s.
84 | 373.4591, F.S.; providing priority consideration to
85 | certain public-private partnerships for water storage,
86 | groundwater recharge, and water quality improvements
87 | on private agricultural lands; amending s. 373.4595,
88 | F.S.; revising and providing definitions relating to
89 | the Northern Everglades and Estuaries Protection
90 | Program; clarifying provisions of the Lake Okeechobee
91 | Watershed Protection Program; directing the South
92 | Florida Water Management District to revise certain
93 | rules and provide for a watershed research and water
94 | quality monitoring program; revising provisions for
95 | the Caloosahatchee River Watershed Protection Program
96 | and the St. Lucie River Watershed Protection Program;
97 | revising permitting and annual reporting requirements
98 | relating to the Northern Everglades and Estuaries
99 | Protection Program; revising requirements for certain
100 | basin management action plans; amending s. 373.467,
101 | F.S.; revising the qualifications for membership on
102 | the Harris Chain of Lakes Restoration Council;
103 | authorizing the Lake County legislative delegation to
104 | waive such membership qualifications for good cause;

105 providing for council vacancies; amending s. 373.536,
106 F.S.; requiring a water management district to include
107 an annual funding plan in the 5-year water resource
108 development work program; directing the department to
109 post the proposed work program on its website;
110 amending s. 373.703, F.S.; authorizing water
111 management districts to join with private landowners
112 for the purpose of carrying out their powers; amending
113 s. 373.705, F.S.; revising legislative intent;
114 requiring water management district governing boards
115 to include certain information in their annual budget
116 submittals; requiring water management districts to
117 promote expanded cost-share criteria for additional
118 conservation practices and software technologies;
119 amending s. 373.707, F.S.; authorizing water
120 management districts to provide technical and
121 financial assistance to certain self-suppliers and to
122 waive certain construction costs of alternative water
123 supply development projects sponsored by certain water
124 users; amending s. 373.709, F.S.; requiring regional
125 water supply plans to include traditional and
126 alternative water supply project options that are
127 technically and financially feasible; directing the
128 department to include certain funding analyses and
129 project explanations in regional water supply planning
130 reports; creating part VIII of ch. 373, F.S., entitled

131 the "Florida Springs and Aquifer Protection Act";
132 creating s. 373.801, F.S.; providing legislative
133 findings and intent; creating s. 373.802, F.S.;
134 defining terms; creating s. 373.803, F.S.; requiring
135 the department to delineate a priority focus area for
136 each Outstanding Florida Spring by a certain date;
137 creating s. 373.805, F.S.; requiring a water
138 management district or the department to adopt or
139 revise various recovery or prevention strategies under
140 certain circumstances; providing minimum requirements
141 for recovery or prevention strategies for Outstanding
142 Florida Springs; authorizing local governments to
143 apply for an extension for projects in an adopted
144 recovery or prevention strategy; creating s. 373.807,
145 F.S.; requiring the department to initiate assessments
146 of Outstanding Florida Springs by a certain date;
147 requiring the department to develop basin management
148 action plans; authorizing local governments to apply
149 for an extension for projects in an adopted basin
150 management action plan; requiring certain local
151 governments to develop, enact, and implement an urban
152 fertilizer ordinance by a certain date; requiring the
153 Department of Environmental Protection, the Department
154 of Health, and relevant local governments and
155 utilities to develop onsite sewage treatment and
156 disposal system remediation plans under certain

157 | circumstances; requiring the Department of
158 | Environmental Protection to be the lead agency;
159 | creating s. 373.811, F.S.; specifying prohibited
160 | activities within a priority focus area of an
161 | Outstanding Florida Spring; creating s. 373.813, F.S.;
162 | providing rulemaking authority; amending s. 403.061,
163 | F.S.; directing the department to adopt by rule a
164 | specific surface water classification to protect
165 | surface waters used for treated potable water supply;
166 | providing criteria for such rule; authorizing the
167 | reclassification of surface waters used for treated
168 | potable water supply notwithstanding such rule;
169 | creating s. 403.0617, F.S.; authorizing the department
170 | to fund nutrient and sediment reduction and
171 | conservation pilot projects under certain
172 | circumstances; requiring the department to initiate
173 | rulemaking by a certain date; amending s. 403.0623,
174 | F.S.; requiring the department to establish certain
175 | standards; requiring state agencies and water
176 | management districts to show that they followed the
177 | department's standards in order to receive certain
178 | funding; amending s. 403.067, F.S.; providing
179 | requirements for new or revised basin management
180 | action plans; requiring the department to adopt rules
181 | relating to the enforcement and verification of best
182 | management action plans and management strategies;

183 creating s. 403.0675, F.S.; requiring the department
 184 and the Department of Agriculture and Consumer
 185 Services to post annual progress reports on their
 186 websites and to submit such reports to the Governor
 187 and the Legislature; requiring each water management
 188 district to post the Department of Environmental
 189 Protection's report on its website; amending s.
 190 403.861, F.S.; directing the department to add treated
 191 potable water supply as a designated use of a surface
 192 water segment under certain circumstances; creating s.
 193 403.928, F.S.; requiring the Office of Economic and
 194 Demographic Research to conduct an annual assessment
 195 of Florida's water resources and conservation lands;
 196 requiring the assessment to be submitted to the
 197 Legislature by a certain date; requiring the
 198 department to evaluate the feasibility and costs of
 199 creating and maintaining a web-based interactive map;
 200 requiring the department to submit a report of its
 201 findings by a certain date; providing a declaration of
 202 important state interest; providing an effective date.

203

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

205

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

208 259.032 Conservation and recreation lands.—

209 (9)

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

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

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

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

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

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

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

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

259 Section 3. Paragraph (b) of subsection (7) of section
260 373.036, Florida Statutes, is amended to read:

261 373.036 Florida water plan; district water management
 262 plans.—

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

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

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

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

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

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

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

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

280 7. The mitigation donation annual report required by s.
 281 373.414(1)(b)2.

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

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

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

292 c. The estimated cost for each listed project;

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

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

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

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

306 Section 4. Section 373.037, Florida Statutes, is created
 307 to read:

308 373.037 Pilot program for alternative water supply
 309 development in restricted allocation areas.—

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

311 (a) "Central Florida Water Initiative Area" means all of
 312 Orange, Osceola, Polk, and Seminole Counties, and southern Lake

313 County, as designated by the Central Florida Water Initiative
314 Guiding Document of January 30, 2015.

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

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

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

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

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

349 (2) The Legislature finds that:

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

361 (b) These factors make it necessary to provide other
362 options for the Southwest Florida Water Management District, the
363 South Florida Water Management District, and the St. Johns River
364 Water Management District to be able to take the lead in

365 developing and implementing one alternative water supply project
366 within a restricted allocation area as a pilot alternative water
367 supply development project.

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

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

390 (4) In addition to the other powers granted and duties

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

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

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

404 (c) The governing board may join with one or more other
405 water management districts and counties, municipalities, special
406 districts, publicly owned or privately owned water utilities,
407 multijurisdictional water supply entities, regional water supply
408 authorities, self-suppliers, or other entities for the purpose
409 of carrying out its powers, and may contract with any such other
410 entities to finance or otherwise implement acquisitions,
411 construction, and operation and maintenance, if such contracts
412 are consistent with the public interest and based upon
413 independent cost estimates, including comparisons with other
414 alternative water supply projects. The contracts may provide for
415 contributions to be made by each party to the contract for the
416 division and apportionment of resulting costs, including

417 operations and maintenance, benefits, services, and products.
418 The contracts may contain other covenants and agreements
419 necessary and appropriate to accomplish their purposes.

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

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

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

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

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

442 (d) The source of funds to be used by the water management

443 district in developing and implementing the pilot project.

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

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

452 Section 5. Section 373.042, Florida Statutes, is amended
 453 to read:

454 373.042 Minimum flows and minimum water levels.-

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

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

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

467
 468 The minimum flow and minimum water level shall be calculated by

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

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

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

493 (c) The Legislature finds as provided in s. 373.801(3) (b)
494 that the adoption of minimum flows and minimum water levels or

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

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

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

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

547 satisfies the requirements of subsection (1).

548 (4)~~(3)~~ Minimum flows or minimum water levels for priority
549 waters in the counties of Hillsborough, Pasco, and Pinellas
550 shall be established by October 1, 1997. Where a minimum flow or
551 minimum water level for the priority waters within those
552 counties has not been established by the applicable deadline,
553 the secretary of the department shall, if requested by the
554 governing body of any local government within whose jurisdiction
555 the affected waters are located, establish the minimum flow or
556 minimum water level in accordance with the procedures
557 established by this section. The department's reasonable costs
558 in establishing a minimum flow or minimum water level shall,
559 upon request of the secretary, be reimbursed by the district.

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

569 (6)~~(5)~~(a) Upon written request to the department or
570 governing board by a substantially affected person, or by
571 decision of the department or governing board, before ~~prior to~~
572 the establishment of a minimum flow or minimum water level and

573 before ~~prior to~~ the filing of any petition for administrative
574 hearing related to the minimum flow or minimum water level, all
575 scientific or technical data, methodologies, and models,
576 including all scientific and technical assumptions employed in
577 each model, used to establish a minimum flow or minimum water
578 level shall be subject to independent scientific peer review.
579 Independent scientific peer review means review by a panel of
580 independent, recognized experts in the fields of hydrology,
581 hydrogeology, limnology, biology, and other scientific
582 disciplines, to the extent relevant to the establishment of the
583 minimum flow or minimum water level.

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

599 submit a final report to the governing board within 120 days
600 after its selection unless the deadline is waived by agreement
601 of all parties. Initiation of peer review pursuant to this
602 paragraph shall toll any applicable deadline under chapter 120
603 or other law or district rule regarding permitting, rulemaking,
604 or administrative hearings, until 60 days following submittal of
605 the final report. Any such deadlines shall also be tolled for 60
606 days following withdrawal of the request or following agreement
607 of the parties that peer review will no longer be pursued. The
608 department or the governing board shall give significant weight
609 to the final report of the peer review panel when establishing
610 the minimum flow or minimum water level.

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

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

621 ~~(7)-(6)~~ If a petition for administrative hearing is filed
622 under chapter 120 challenging the establishment of a minimum
623 flow or minimum water level, the report of an independent
624 scientific peer review conducted under subsection (5) ~~(4)~~ is

625 | admissible as evidence in the final hearing, and the
 626 | administrative law judge must render the order within 120 days
 627 | after the filing of the petition. The time limit for rendering
 628 | the order shall not be extended except by agreement of all the
 629 | parties. To the extent that the parties agree to the findings of
 630 | the peer review, they may stipulate that those findings be
 631 | incorporated as findings of fact in the final order.

632 | (8) The rules adopted pursuant to this section are not
 633 | subject to s. 120.541(3).

634 | Section 6. Section 373.0421, Florida Statutes, is amended
 635 | to read:

636 | 373.0421 Establishment and implementation of minimum flows
 637 | and minimum water levels.—

638 | (1) ESTABLISHMENT.—

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

648 | (b) Exclusions.—

649 | 1. The Legislature recognizes that certain water bodies no
 650 | longer serve their historical hydrologic functions. The

651 Legislature also recognizes that recovery of these water bodies
652 to historical hydrologic conditions may not be economically or
653 technically feasible, and that such recovery effort could cause
654 adverse environmental or hydrologic impacts. Accordingly, the
655 department or governing board may determine that setting a
656 minimum flow or minimum water level for such a water body based
657 on its historical condition is not appropriate.

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

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

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

675 (2) If, at the time a minimum flow or minimum water level
676 is initially established for a water body pursuant to s. 373.042

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

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

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

697
698 The recovery or prevention strategy must ~~shall~~ include a phased-
699 in approach ~~phasing~~ or a timetable which will allow for the
700 provision of sufficient water supplies for all existing and
701 projected reasonable-beneficial uses, including development of
702 additional water supplies and implementation of conservation and

703 other efficiency measures concurrent with and, to the maximum
704 extent practical, ~~and~~ to offset, reductions in permitted
705 withdrawals, consistent with ~~the provisions of~~ this chapter. The
706 recovery or prevention strategy may not depend solely on water
707 shortage restrictions declared pursuant to s. 373.175 or s.
708 373.246.

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

717 (4) The water management district shall notify the
718 department if an application for a water use permit is denied
719 based upon the impact that the use will have on an adopted
720 minimum flow or minimum water level. Upon receipt of such
721 notice, the department shall, as soon as practicable and in
722 cooperation with the water management district, conduct a review
723 of the applicable regional water supply plan prepared pursuant
724 to s. 373.709. Such review shall include an assessment by the
725 department of the adequacy of the plan in addressing the
726 legislative intent of s. 373.705(2) (a) which provides that
727 sufficient water be available for all existing and future
728 reasonable-beneficial uses and natural systems and that the

729 adverse effects of competition for water supplies be avoided. If
730 the department determines, based upon this review, that the
731 regional water supply plan does not adequately address the
732 legislative intent of s. 373.705(2)(a), the water management
733 district shall immediately initiate an update of the plan
734 consistent with s. 373.709.

735 (5)-~~(3)~~ The provisions of this section are supplemental to
736 any other specific requirements or authority provided by law.
737 Minimum flows and minimum water levels shall be reevaluated
738 periodically and revised as needed.

739 Section 7. Section 373.0465, Florida Statutes, is created
740 to read:

741 373.0465 Central Florida Water Initiative.-

742 (1) The Legislature finds that:

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

746 (b) Because the boundaries of the St. Johns River Water
747 Management District, the South Florida Water Management
748 District, and the Southwest Florida Water Management District
749 meet within the Central Florida Coordination Area, the three
750 districts and the Department of Environmental Protection have
751 worked cooperatively to determine that the Floridan Aquifer
752 system is locally approaching the sustainable limits of use and
753 are exploring the need to develop sources of water to meet the
754 long-term water needs of the area.

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

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

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

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

780 1. Provide for a continuation of the collaborative process

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

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

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

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

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

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

- 807 2. Establish a coordinated process for the identification
 808 of water resources requiring new or revised conditions. Any new
 809 or revised condition must be consistent with s. 373.223;
- 810 3. Consider existing recovery or prevention strategies;
- 811 4. Include a list of water supply options sufficient to
 812 meet the water needs of all existing and future reasonable-
 813 beneficial uses consistent with the conditions established under
 814 s. 373.223; and
- 815 5. Identify, as necessary, which of the water supply
 816 sources are preferred water supply sources pursuant to s.
 817 373.2234.
- 818 (d) The department, in consultation with the St. Johns
 819 River Water Management District, the South Florida Water
 820 Management District, the Southwest Florida Water Management
 821 District, and the Department of Agriculture and Consumer
 822 Services, shall adopt uniform rules for application within the
 823 Central Florida Water Initiative Area that include:
- 824 1. A single, uniform definition of the term "harmful to
 825 the water resources" consistent with the term's usage in s.
 826 373.219;
- 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
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) are
 862 redesignated as subsections (8) and (9), respectively, and a new
 863 subsection (7) is added to that section, to read:

864 373.1501 South Florida Water Management District as local
 865 sponsor.—

866 (4) The district is authorized to act as local sponsor of
 867 the project for those project features within the district as
 868 provided in this subsection and subject to the oversight of the
 869 department as further provided in s. 373.026. The district shall
 870 exercise the authority of the state to allocate quantities of
 871 water within its jurisdiction, including the water supply in
 872 relation to the project, and be responsible for allocating water
 873 and assigning priorities among the other water uses served by
 874 the project pursuant to state law. The district may:

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

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

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

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

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

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

893 373.219 Permits required.—

894 (3) For Outstanding Florida Springs, the department shall
895 adopt uniform rules for issuing permits which prevent
896 groundwater withdrawals that are harmful to the water resources
897 and adopt by rule a uniform definition of the term "harmful to
898 the water resources" to provide water management districts with
899 minimum standards necessary to be consistent with the overall
900 water policy of the state. This subsection does not prohibit a
901 water management district from adopting a definition that is
902 more protective of the water resources consistent with local or
903 regional conditions and objectives.

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

906 373.223 Conditions for a permit.—

907 (6) A new consumptive use permit, or the renewal or
908 modification of a consumptive use permit, that authorizes
909 groundwater withdrawals of 100,000 gallons or more per day from
910 a well with an inside diameter of 8 inches or more shall be

911 monitored for water usage at intervals using methods determined
 912 by the applicable water management district, and the results of
 913 such monitoring shall be reported to the applicable water
 914 management district at least annually. The water management
 915 districts may adopt rules to implement this subsection. In lieu
 916 of the requirements of this subsection, a water management
 917 district may enforce rules that govern water usage monitoring in
 918 effect on July 1, 2016, or may adopt rules that are more
 919 stringent than this subsection.

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

922 373.2234 Preferred water supply sources.—

923 (1) The governing board of a water management district is
 924 authorized to adopt rules that identify preferred water supply
 925 sources for consumptive uses for which there is sufficient data
 926 to establish that a preferred source will provide a substantial
 927 new water supply to meet the existing and projected reasonable-
 928 beneficial uses of a water supply planning region identified
 929 pursuant to s. 373.709(1), while sustaining existing water
 930 resources and natural systems. At a minimum, such rules must
 931 contain a description of the preferred water supply source and
 932 an assessment of the water the preferred source is projected to
 933 produce.

934 (2)(a) If an applicant proposes to use a preferred water
 935 supply source, that applicant's proposed water use is subject to
 936 s. 373.223(1), except that the proposed use of a preferred water

937 supply source must be considered by a water management district
938 when determining whether a permit applicant's proposed use of
939 water is consistent with the public interest pursuant to s.
940 373.223(1)(c).

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

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

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

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

956 2. Provide that permits issued for the use of a
957 nonpreferred water supply source must be issued for a duration
958 of less than 20 years or that the use of a nonpreferred water
959 supply source is not consistent with the public interest; or.

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

963 water supply source.

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

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

973 373.227 Water conservation; legislative findings and
974 intent; objectives; comprehensive statewide water conservation
975 program requirements.—

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

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

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

997 373.233 Competing applications.—

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

1002 (b) If two or more competing applications qualify equally
 1003 under subsection (1) and none of the competing applications is a
 1004 renewal application, the governing board or the department shall
 1005 give preference to the application for the use where the source
 1006 is nearest to the area of use or application consistent with s.
 1007 373.016(4) (a).

1008 Section 14. Section 373.4591, Florida Statutes, is amended
 1009 to read:

1010 373.4591 Improvements on private agricultural lands.—

1011 (1) The Legislature encourages public-private partnerships
 1012 to accomplish water storage, groundwater recharge, and water
 1013 quality improvements on private agricultural lands. Priority
 1014 consideration shall be given to public-private partnerships

1015 that:

1016 (a) Store or treat water on private lands for purposes of
 1017 enhancing hydrologic improvement, improving water quality, or
 1018 assisting in water supply;

1019 (b) Provide critical groundwater recharge; or

1020 (c) Provide for changes in land use to activities that
 1021 minimize nutrient loads and maximize water conservation.

1022 (2) (a) When an agreement is entered into between the
 1023 department, a water management district, or the Department of
 1024 Agriculture and Consumer Services and a private landowner to
 1025 establish such a public-private partnership that may create or
 1026 impact wetlands or other surface waters, a baseline condition
 1027 determining the extent of wetlands and other surface waters on
 1028 the property shall be established and documented in the
 1029 agreement before improvements are constructed.

1030 (b) When an agreement is entered into between the
 1031 Department of Agriculture and Consumer Services and a private
 1032 landowner to implement best management practices pursuant to s.
 1033 403.067(7)(c), a baseline condition determining the extent of
 1034 wetlands and other surface water on the property may be
 1035 established at the option and expense of the private landowner
 1036 and documented in the agreement before improvements are
 1037 constructed. The Department of Agriculture and Consumer Services
 1038 shall submit the landowner's proposed baseline condition
 1039 documentation to the lead agency for review and approval, and
 1040 the agency shall use its best efforts to complete the review

1041 within 45 days.

1042 (3) The Department of Agriculture and Consumer Services,
 1043 the department, and the water management districts shall provide
 1044 a process for reviewing these requests in the timeframe
 1045 specified. The determination of a baseline condition shall be
 1046 conducted using the methods set forth in the rules adopted
 1047 pursuant to s. 373.421. The baseline condition documented in an
 1048 agreement shall be considered the extent of wetlands and other
 1049 surface waters on the property for the purpose of regulation
 1050 under this chapter for the duration of the agreement and after
 1051 its expiration.

1052 Section 15. Paragraph (h) of subsection (1) and
 1053 subsections (2) through (7) of section 373.4595, Florida
 1054 Statutes, are amended to read:

1055 373.4595 Northern Everglades and Estuaries Protection
 1056 Program.—

1057 (1) FINDINGS AND INTENT.—

1058 (h) The Legislature finds that the expeditious
 1059 implementation of the Lake Okeechobee Watershed Protection
 1060 Program, the Caloosahatchee River Watershed Protection Program,
 1061 Plan and the St. Lucie River Watershed Protection Program Plans
 1062 is needed to improve the quality, quantity, timing, and
 1063 distribution of water in the northern Everglades ecosystem and
 1064 that this section, in conjunction with s. 403.067, including the
 1065 implementation of the plans developed and approved pursuant to
 1066 subsections (3) and (4), and any related basin management action

1067 plan developed and implemented pursuant to s. 403.067(7)(a),
1068 provide a reasonable means of achieving the total maximum daily
1069 load requirements and achieving and maintaining compliance with
1070 state water quality standards.

1071 (2) DEFINITIONS.—As used in this section, the term:

1072 (a) "Best management practice" means a practice or
1073 combination of practices determined by the coordinating
1074 agencies, based on research, field-testing, and expert review,
1075 to be the most effective and practicable on-location means,
1076 including economic and technological considerations, for
1077 improving water quality in agricultural and urban discharges.
1078 Best management practices for agricultural discharges shall
1079 reflect a balance between water quality improvements and
1080 agricultural productivity.

1081 (b) "Biosolids" means the solid, semisolid, or liquid
1082 residue generated during the treatment of domestic wastewater in
1083 a domestic wastewater treatment facility, formerly known as
1084 "domestic wastewater residuals" or "residuals," and includes
1085 products and treated material from biosolids treatment
1086 facilities and septage management facilities regulated by the
1087 department. The term does not include the treated effluent or
1088 reclaimed water from a domestic wastewater treatment facility,
1089 solids removed from pump stations and lift stations, screenings
1090 and grit removed from the preliminary treatment components of
1091 domestic wastewater treatment facilities, or ash generated
1092 during the incineration of biosolids.

1093 (c)~~(b)~~ "Caloosahatchee River watershed" means the
 1094 Caloosahatchee River, its tributaries, its estuary, and the area
 1095 within Charlotte, Glades, Hendry, and Lee Counties from which
 1096 surface water flow is directed or drains, naturally or by
 1097 constructed works, to the river, its tributaries, or its
 1098 estuary.

1099 (d)~~(e)~~ "Coordinating agencies" means the Department of
 1100 Agriculture and Consumer Services, the Department of
 1101 Environmental Protection, and the South Florida Water Management
 1102 District.

1103 (e)~~(d)~~ "Corps of Engineers" means the United States Army
 1104 Corps of Engineers.

1105 (f)~~(e)~~ "Department" means the Department of Environmental
 1106 Protection.

1107 (g)~~(f)~~ "District" means the South Florida Water Management
 1108 District.

1109 ~~(g) "District's WOD program" means the program implemented~~
 1110 ~~pursuant to rules adopted as authorized by this section and ss.~~
 1111 ~~373.016, 373.044, 373.085, 373.086, 373.109, 373.113, 373.118,~~
 1112 ~~373.451, and 373.453, entitled "Works of the District Basin."~~

1113 (h) "Lake Okeechobee Watershed Construction Project" means
 1114 the construction project developed pursuant to this section
 1115 ~~paragraph (3)(b)~~.

1116 (i) "Lake Okeechobee Watershed Protection Plan" means the
 1117 Lake Okeechobee Watershed Construction Project and the Lake
 1118 Okeechobee Watershed Research and Water Quality Monitoring

1119 ~~Program plan developed pursuant to this section and ss. 373.451-~~
1120 ~~373.459.~~

1121 (j) "Lake Okeechobee watershed" means Lake Okeechobee, its
1122 tributaries, and the area within which surface water flow is
1123 directed or drains, naturally or by constructed works, to the
1124 lake or its tributaries.

1125 ~~(k) "Lake Okeechobee Watershed Phosphorus Control Program"~~
1126 ~~means the program developed pursuant to paragraph (3)(c).~~

1127 (k)(l) "Northern Everglades" means the Lake Okeechobee
1128 watershed, the Caloosahatchee River watershed, and the St. Lucie
1129 River watershed.

1130 (l)(m) "Project component" means any structural or
1131 operational change, resulting from the Restudy, to the Central
1132 and Southern Florida Project as it existed and was operated as
1133 of January 1, 1999.

1134 (m)(n) "Restudy" means the Comprehensive Review Study of
1135 the Central and Southern Florida Project, for which federal
1136 participation was authorized by the Federal Water Resources
1137 Development Acts of 1992 and 1996 together with related
1138 Congressional resolutions and for which participation by the
1139 South Florida Water Management District is authorized by s.
1140 373.1501. The term includes all actions undertaken pursuant to
1141 the aforementioned authorizations which will result in
1142 recommendations for modifications or additions to the Central
1143 and Southern Florida Project.

1144 (n)(o) "River Watershed Protection Plans" means the

1145 Caloosahatchee River Watershed Protection Plan and the St. Lucie
 1146 River Watershed Protection Plan developed pursuant to this
 1147 section.

1148 (o) "Soil amendment" means any substance or mixture of
 1149 substances sold or offered for sale for soil enriching or
 1150 corrective purposes, intended or claimed to be effective in
 1151 promoting or stimulating plant growth, increasing soil or plant
 1152 productivity, improving the quality of crops, or producing any
 1153 chemical or physical change in the soil, except amendments,
 1154 conditioners, additives, and related products that are derived
 1155 solely from inorganic sources and that contain no recognized
 1156 plant nutrients.

1157 (p) "St. Lucie River watershed" means the St. Lucie River,
 1158 its tributaries, its estuary, and the area within Martin,
 1159 Okeechobee, and St. Lucie Counties from which surface water flow
 1160 is directed or drains, naturally or by constructed works, to the
 1161 river, its tributaries, or its estuary.

1162 (q) "Total maximum daily load" means the sum of the
 1163 individual wasteload allocations for point sources and the load
 1164 allocations for nonpoint sources and natural background adopted
 1165 pursuant to s. 403.067. ~~Before~~ ~~Prior to~~ determining individual
 1166 wasteload allocations and load allocations, the maximum amount
 1167 of a pollutant that a water body or water segment can assimilate
 1168 from all sources without exceeding water quality standards must
 1169 first be calculated.

1170 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—The Lake

1171 Okeechobee Watershed Protection Program shall consist of the
1172 Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee
1173 Basin Management Action Plan adopted pursuant to s. 403.067, the
1174 Lake Okeechobee Exotic Species Control Program, and the Lake
1175 Okeechobee Internal Phosphorus Management Program. The Lake
1176 Okeechobee Basin Management Action Plan adopted pursuant to s.
1177 403.067 shall be the component of the Lake Okeechobee Watershed
1178 Protection ~~A protection Program for Lake Okeechobee that~~
1179 ~~achieves phosphorus load reductions for Lake Okeechobee shall be~~
1180 ~~immediately implemented as specified in this subsection.~~ The
1181 Lake Okeechobee Watershed Protection Program shall address the
1182 reduction of phosphorus loading to the lake from both internal
1183 and external sources. Phosphorus load reductions shall be
1184 achieved through a phased program of implementation. ~~Initial~~
1185 ~~implementation actions shall be technology-based, based upon a~~
1186 ~~consideration of both the availability of appropriate technology~~
1187 ~~and the cost of such technology, and shall include phosphorus~~
1188 ~~reduction measures at both the source and the regional level.~~
1189 ~~The initial phase of phosphorus load reductions shall be based~~
1190 ~~upon the district's Technical Publication 81-2 and the~~
1191 ~~district's WOD program, with subsequent phases of phosphorus~~
1192 ~~load reductions based upon the total maximum daily loads~~
1193 ~~established in accordance with s. 403.067.~~ In the development
1194 and administration of the Lake Okeechobee Watershed Protection
1195 Program, the coordinating agencies shall maximize opportunities
1196 provided by federal cost-sharing programs and opportunities for

1197 partnerships with the private sector.

1198 (a) Lake Okeechobee Watershed Protection Plan.~~In order~~ To
 1199 protect and restore surface water resources, the district, in
 1200 cooperation with the other coordinating agencies, shall complete
 1201 a Lake Okeechobee Watershed Protection Plan in accordance with
 1202 this section and ss. 373.451-373.459. Beginning March 1, 2020,
 1203 and every 5 years thereafter, the district shall update the Lake
 1204 Okeechobee Watershed Protection Plan to ensure that it is
 1205 consistent with the Lake Okeechobee Basin Management Action Plan
 1206 adopted pursuant to s. 403.067. The Lake Okeechobee Watershed
 1207 Protection Plan shall identify the geographic extent of the
 1208 watershed, be coordinated with the plans developed pursuant to
 1209 paragraphs (4) (a) and (c) ~~(b)~~, and include the Lake Okeechobee
 1210 Watershed Construction Project and the Lake Okeechobee Watershed
 1211 Research and Water Quality Monitoring Program ~~contain an~~
 1212 ~~implementation schedule for subsequent phases of phosphorus load~~
 1213 ~~reduction consistent with the total maximum daily loads~~
 1214 ~~established in accordance with s. 403.067.~~ The plan shall
 1215 consider and build upon a review and analysis of ~~the following:~~

1216 1. the performance of projects constructed during Phase I
 1217 and Phase II of the Lake Okeechobee Watershed Construction
 1218 Project, pursuant to subparagraph 1.; ~~paragraph (b).~~

1219 2. relevant information resulting from the Lake Okeechobee
 1220 Basin Management Action Plan Watershed Phosphorus Control
 1221 Program, pursuant to paragraph (b); ~~(c).~~

1222 3. relevant information resulting from the Lake Okeechobee

1223 Watershed Research and Water Quality Monitoring Program,
 1224 pursuant to subparagraph 2.; ~~paragraph (d).~~
 1225 ~~4.~~ relevant information resulting from the Lake Okeechobee
 1226 Exotic Species Control Program, pursuant to paragraph (c); and
 1227 ~~(e).~~
 1228 ~~5.~~ relevant information resulting from the Lake Okeechobee
 1229 Internal Phosphorus Management Program, pursuant to paragraph
 1230 (d) ~~(f).~~
 1231 1. ~~(b)~~ Lake Okeechobee Watershed Construction Project.—To
 1232 improve the hydrology and water quality of Lake Okeechobee and
 1233 downstream receiving waters, including the Caloosahatchee and
 1234 St. Lucie Rivers and their estuaries, the district, in
 1235 cooperation with the other coordinating agencies, shall design
 1236 and construct the Lake Okeechobee Watershed Construction
 1237 Project. The project shall include:
 1238 a.1. Phase I.—Phase I of the Lake Okeechobee Watershed
 1239 Construction Project shall consist of a series of project
 1240 features consistent with the recommendations of the South
 1241 Florida Ecosystem Restoration Working Group's Lake Okeechobee
 1242 Action Plan. Priority basins for such projects include S-191, S-
 1243 154, and Pools D and E in the Lower Kissimmee River. ~~In order~~ To
 1244 obtain phosphorus load reductions to Lake Okeechobee as soon as
 1245 possible, the following actions shall be implemented:
 1246 (I)a. The district shall serve as a full partner with the
 1247 Corps of Engineers in the design and construction of the Grassy
 1248 Island Ranch and New Palm Dairy stormwater treatment facilities

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

1255 (II)~~b.~~ The district shall obtain permits and complete
 1256 construction of two of the isolated wetland restoration projects
 1257 that are part of the Lake Okeechobee Water Retention/Phosphorus
 1258 Removal Critical Project. The additional isolated wetland
 1259 projects included in this critical project shall further reduce
 1260 phosphorus loading to Lake Okeechobee.

1261 (III)~~e.~~ The district shall work with the Corps of
 1262 Engineers to expedite initiation of the design process for the
 1263 Taylor Creek/Nubbins Slough Reservoir Assisted Stormwater
 1264 Treatment Area, a project component of the Comprehensive
 1265 Everglades Restoration Plan. The district shall propose to the
 1266 Corps of Engineers that the district take the lead in the design
 1267 and construction of the Reservoir Assisted Stormwater Treatment
 1268 Area and receive credit towards the local share of the total
 1269 cost of the Comprehensive Everglades Restoration Plan.

1270 b.2. Phase II technical plan and construction. ~~By February~~
 1271 ~~1, 2008,~~ The district, in cooperation with the other
 1272 coordinating agencies, shall develop a detailed technical plan
 1273 for Phase II of the Lake Okeechobee Watershed Construction
 1274 Project which provides the basis for the Lake Okeechobee Basin

1275 Management Action Plan adopted by the department pursuant to s.
1276 403.067. The detailed technical plan shall include measures for
1277 the improvement of the quality, quantity, timing, and
1278 distribution of water in the northern Everglades ecosystem,
1279 including the Lake Okeechobee watershed and the estuaries, and
1280 for facilitating the achievement of water quality standards. Use
1281 of cost-effective biologically based, hybrid wetland/chemical
1282 and other innovative nutrient control technologies shall be
1283 incorporated in the plan where appropriate. The detailed
1284 technical plan shall also include a Process Development and
1285 Engineering component to finalize the detail and design of Phase
1286 II projects and identify additional measures needed to increase
1287 the certainty that the overall objectives for improving water
1288 quality and quantity can be met. Based on information and
1289 recommendations from the Process Development and Engineering
1290 component, the Phase II detailed technical plan shall be
1291 periodically updated. Phase II shall include construction of
1292 additional facilities in the priority basins identified in sub-
1293 subparagraph a. ~~subparagraph 1.~~, as well as facilities for other
1294 basins in the Lake Okeechobee watershed. ~~This detailed technical~~
1295 ~~plan will require legislative ratification pursuant to paragraph~~
1296 ~~(i).~~ The technical plan shall:
1297 (I)a. Identify Lake Okeechobee Watershed Construction
1298 Project facilities designed to contribute to achieving all
1299 applicable total maximum daily loads established pursuant to s.
1300 403.067 within the Lake Okeechobee watershed.

1301 (II)~~b.~~ Identify the size and location of all such Lake
 1302 Okeechobee Watershed Construction Project facilities.

1303 (III)~~e.~~ Provide a construction schedule for all such Lake
 1304 Okeechobee Watershed Construction Project facilities, including
 1305 the sequencing and specific timeframe for construction of each
 1306 Lake Okeechobee Watershed Construction Project facility.

1307 (IV)~~d.~~ Provide a schedule for the acquisition of lands or
 1308 sufficient interests necessary to achieve the construction
 1309 schedule.

1310 (V)~~e.~~ Provide a detailed schedule of costs associated with
 1311 the construction schedule.

1312 (VI)~~f.~~ Identify, to the maximum extent practicable,
 1313 impacts on wetlands and state-listed species expected to be
 1314 associated with construction of such facilities, including
 1315 potential alternatives to minimize and mitigate such impacts, as
 1316 appropriate.

1317 (VII)~~g.~~ Provide for additional measures, including
 1318 voluntary water storage and quality improvements on private
 1319 land, to increase water storage and reduce excess water levels
 1320 in Lake Okeechobee and to reduce excess discharges to the
 1321 estuaries.

1322 (VIII) ~~The technical plan shall also~~ Develop the
 1323 appropriate water quantity storage goal to achieve the desired
 1324 Lake Okeechobee range of lake levels and inflow volumes to the
 1325 Caloosahatchee and St. Lucie estuaries while meeting the other
 1326 water-related needs of the region, including water supply and

1327 flood protection.

1328 (IX)h. Provide for additional source controls needed to
1329 enhance performance of the Lake Okeechobee Watershed
1330 Construction Project facilities. Such additional source controls
1331 shall be incorporated into the Lake Okeechobee Basin Management
1332 Action Plan ~~Watershed Phosphorous Control Program~~ pursuant to
1333 paragraph (b) ~~(e)~~.

1334 c.3. Evaluation.—Within 5 years after the adoption of the
1335 Lake Okeechobee Basin Management Action Plan pursuant to s.
1336 403.067 and every 5 ~~By January 1, 2004, and every 3~~ years
1337 thereafter, the department ~~district~~, in cooperation with the
1338 other coordinating agencies, shall conduct an evaluation of the
1339 Lake Okeechobee Watershed Construction Project and identify any
1340 further load reductions necessary to achieve compliance with the
1341 ~~all~~ Lake Okeechobee ~~watershed~~ total maximum daily loads
1342 established pursuant to s. 403.067. ~~Additionally,~~ The district
1343 shall identify modifications to facilities of the Lake
1344 Okeechobee Watershed Construction Project as appropriate to meet
1345 the total maximum daily loads. Modifications to the Lake
1346 Okeechobee Watershed Construction Project resulting from this
1347 evaluation shall be incorporated into the Lake Okeechobee Basin
1348 Management Action Plan and ~~The evaluation shall be included in~~
1349 the applicable annual progress report submitted pursuant to
1350 subsection (6).

1351 d.4. Coordination and review.—To ensure the timely
1352 implementation of the Lake Okeechobee Watershed Construction

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

1360 2. Lake Okeechobee Watershed Research and Water Quality
1361 Monitoring Program.—The coordinating agencies shall implement a
1362 Lake Okeechobee Watershed Research and Water Quality Monitoring
1363 Program. Results from the program shall be used by the
1364 department, in cooperation with the other coordinating agencies,
1365 to make modifications to the Lake Okeechobee Basin Management
1366 Action Plan adopted pursuant to s. 403.067, as appropriate. The
1367 program shall:

1368 a. Evaluate all available existing water quality data
1369 concerning total phosphorus in the Lake Okeechobee watershed,
1370 develop a water quality baseline to represent existing
1371 conditions for total phosphorus, monitor long-term ecological
1372 changes, including water quality for total phosphorus, and
1373 measure compliance with water quality standards for total
1374 phosphorus, including any applicable total maximum daily load
1375 for the Lake Okeechobee watershed as established pursuant to s.
1376 403.067. Beginning March 1, 2020, and every 5 years thereafter,
1377 the department shall reevaluate water quality and quantity data
1378 to ensure that the appropriate projects are being designated and

1379 incorporated into the Lake Okeechobee Basin Management Action
1380 Plan adopted pursuant to s. 403.067. The district shall
1381 implement a total phosphorus monitoring program at appropriate
1382 structures owned or operated by the district and within the Lake
1383 Okeechobee watershed.

1384 b. Develop a Lake Okeechobee water quality model that
1385 reasonably represents the phosphorus dynamics of Lake Okeechobee
1386 and incorporates an uncertainty analysis associated with model
1387 predictions.

1388 c. Determine the relative contribution of phosphorus from
1389 all identifiable sources and all primary and secondary land
1390 uses.

1391 d. Conduct an assessment of the sources of phosphorus from
1392 the Upper Kissimmee Chain of Lakes and Lake Istokpoga and their
1393 relative contribution to the water quality of Lake Okeechobee.
1394 The results of this assessment shall be used by the coordinating
1395 agencies as part of the Lake Okeechobee Basin Management Action
1396 Plan adopted pursuant to s. 403.067 to develop interim measures,
1397 best management practices, or regulations, as applicable.

1398 e. Assess current water management practices within the
1399 Lake Okeechobee watershed and develop recommendations for
1400 structural and operational improvements. Such recommendations
1401 shall balance water supply, flood control, estuarine salinity,
1402 maintenance of a healthy lake littoral zone, and water quality
1403 considerations.

1404 f. Evaluate the feasibility of alternative nutrient

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

1412 g. Conduct an assessment of the water volumes and timing
1413 from the Lake Okeechobee watershed and their relative
1414 contribution to the water level changes in Lake Okeechobee and
1415 to the timing and volume of water delivered to the estuaries.

1416 (b)(e) Lake Okeechobee Basin Management Action Plan
1417 Watershed Phosphorus Control Program.—The Lake Okeechobee Basin
1418 Management Action Plan adopted pursuant to s. 403.067 shall be
1419 the watershed phosphorus control component for Lake Okeechobee.
1420 The Lake Okeechobee Basin Management Action Plan shall be
1421 Program is designed to be a multifaceted approach designed to
1422 achieve the total maximum daily load ~~reducing phosphorus loads~~
1423 by improving the management of phosphorus sources within the
1424 Lake Okeechobee watershed through implementation of regulations
1425 and best management practices, continued development and
1426 continued implementation of improved best management practices,
1427 improvement and restoration of the hydrologic function of
1428 natural and managed systems, and use ~~utilization~~ of alternative
1429 technologies for nutrient reduction. As provided in s.
1430 403.067(7)(a)6., the Lake Okeechobee Basin Management Action

1431 Plan must include milestones for implementation and water
1432 quality improvement, and an associated water quality monitoring
1433 component sufficient to evaluate whether reasonable progress in
1434 pollutant load reductions is being achieved over time. An
1435 assessment of progress toward these milestones shall be
1436 conducted every 5 years and shall be provided to the Governor,
1437 the President of the Senate, and the Speaker of the House of
1438 Representatives. Revisions to the plan shall be made, as
1439 appropriate, as a result of each 5-year review. Revisions to the
1440 basin management action plan shall be made by the department in
1441 cooperation with the basin stakeholders. Revisions to best
1442 management practices or other measures must follow the
1443 procedures set forth in s. 403.067(7)(c)4. Revised basin
1444 management action plans must be adopted pursuant to s.
1445 403.067(7)(a)5. The department shall develop an implementation
1446 schedule establishing 5-year, 10-year, and 15-year measurable
1447 milestones and targets to achieve the total maximum daily load
1448 no more than 20 years after adoption of the plan. The initial
1449 implementation schedule shall be used to provide guidance for
1450 planning and funding purposes and is exempt from chapter 120.
1451 Upon the first 5-year review, the implementation schedule shall
1452 be adopted as part of the plan. If achieving the total maximum
1453 daily load within 20 years is not practicable, the
1454 implementation schedule must contain an explanation of the
1455 constraints that prevent achievement of the total maximum daily
1456 load within 20 years, an estimate of the time needed to achieve

1457 the total maximum daily load, and additional 5-year measurable
1458 milestones, as necessary. The coordinating agencies shall
1459 develop an interagency agreement pursuant to ss. 373.046 and
1460 373.406(5) which is consistent with the department taking the
1461 lead on water quality protection measures through the Lake
1462 Okeechobee Basin Management Action Plan adopted pursuant to s.
1463 403.067; the district taking the lead on hydrologic improvements
1464 pursuant to paragraph (a); and the Department of Agriculture and
1465 Consumer Services taking the lead on agricultural interim
1466 measures, best management practices, and other measures adopted
1467 pursuant to s. 403.067. The interagency agreement must specify
1468 how best management practices for nonagricultural nonpoint
1469 sources are developed and how all best management practices are
1470 implemented and verified consistent with s. 403.067 and this
1471 section and must address measures to be taken by the
1472 coordinating agencies during any best management practice
1473 reevaluation performed pursuant to subparagraphs 5. and 10. The
1474 department shall use best professional judgment in making the
1475 initial determination of best management practice effectiveness.
1476 The coordinating agencies may develop an intergovernmental
1477 agreement with local governments to implement nonagricultural
1478 nonpoint source best management practices within their
1479 respective geographic boundaries. The coordinating agencies
1480 shall facilitate the application of federal programs that offer
1481 opportunities for water quality treatment, including
1482 preservation, restoration, or creation of wetlands on

1483 agricultural lands.

1484 1. Agricultural nonpoint source best management practices,
1485 developed in accordance with s. 403.067 and designed to achieve
1486 the objectives of the Lake Okeechobee Watershed Protection
1487 Program as part of a phased approach of management strategies
1488 within the Lake Okeechobee Basin Management Action Plan, shall
1489 be implemented on an expedited basis. ~~The coordinating agencies~~
1490 ~~shall develop an interagency agreement pursuant to ss. 373.046~~
1491 ~~and 373.406(5) that assures the development of best management~~
1492 ~~practices that complement existing regulatory programs and~~
1493 ~~specifies how those best management practices are implemented~~
1494 ~~and verified. The interagency agreement shall address measures~~
1495 ~~to be taken by the coordinating agencies during any best~~
1496 ~~management practice reevaluation performed pursuant to sub-~~
1497 ~~paragraph d. The department shall use best professional~~
1498 ~~judgment in making the initial determination of best management~~
1499 ~~practice effectiveness.~~

1500 2.a. As provided in s. 403.067(7)(e), the Department of
1501 Agriculture and Consumer Services, in consultation with the
1502 department, the district, and affected parties, shall initiate
1503 rule development for interim measures, best management
1504 practices, conservation plans, nutrient management plans, or
1505 other measures necessary for Lake Okeechobee watershed total
1506 maximum daily load reduction. The rule shall include thresholds
1507 for requiring conservation and nutrient management plans and
1508 criteria for the contents of such plans. Development of

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

1523 ~~3.b.~~ As provided in s. 403.067, where agricultural
1524 nonpoint source best management practices or interim measures
1525 have been adopted by rule of the Department of Agriculture and
1526 Consumer Services, the owner or operator of an agricultural
1527 nonpoint source addressed by such rule shall either implement
1528 interim measures or best management practices or demonstrate
1529 compliance with state water quality standards addressed by the
1530 Lake Okeechobee Basin Management Action Plan adopted pursuant to
1531 s. 403.067 ~~the district's WOD program~~ by conducting monitoring
1532 prescribed by the department or the district. Owners or
1533 operators of agricultural nonpoint sources who implement interim
1534 measures or best management practices adopted by rule of the

1535 Department of Agriculture and Consumer Services shall be subject
1536 to ~~the provisions of s. 403.067(7). The Department of~~
1537 ~~Agriculture and Consumer Services, in cooperation with the~~
1538 ~~department and the district, shall provide technical and~~
1539 ~~financial assistance for implementation of agricultural best~~
1540 ~~management practices, subject to the availability of funds.~~

1541 4.e. The district or department shall conduct monitoring
1542 at representative sites to verify the effectiveness of
1543 agricultural nonpoint source best management practices.

1544 5.d. Where water quality problems are detected for
1545 agricultural nonpoint sources despite the appropriate
1546 implementation of adopted best management practices, ~~the~~
1547 ~~Department of Agriculture and Consumer Services, in consultation~~
1548 ~~with the other coordinating agencies and affected parties, shall~~
1549 institute a reevaluation of the best management practices shall
1550 be conducted pursuant to s. 403.067(7)(c)4. If the reevaluation
1551 determines that the best management practices or other measures
1552 require modification, the rule shall be revised to require
1553 implementation of the modified practice within a reasonable
1554 period as specified in the rule and make appropriate changes to
1555 the rule adopting best management practices.

1556 6.2. As provided in s. 403.067, nonagricultural nonpoint
1557 source best management practices, developed in accordance with
1558 s. 403.067 and designed to achieve the objectives of the Lake
1559 Okeechobee Watershed Protection Program as part of a phased
1560 approach of management strategies within the Lake Okeechobee

1561 Basin Management Action Plan, shall be implemented on an
1562 expedited basis. ~~The department and the district shall develop~~
1563 ~~an interagency agreement pursuant to ss. 373.046 and 373.406(5)~~
1564 ~~that assures the development of best management practices that~~
1565 ~~complement existing regulatory programs and specifies how those~~
1566 ~~best management practices are implemented and verified. The~~
1567 ~~interagency agreement shall address measures to be taken by the~~
1568 ~~department and the district during any best management practice~~
1569 ~~reevaluation performed pursuant to sub-subparagraph d.~~

1570 7.a. The department and the district are directed to work
1571 with the University of Florida ~~Florida's~~ Institute of Food and
1572 Agricultural Sciences to develop appropriate nutrient
1573 application rates for all nonagricultural soil amendments in the
1574 watershed. As provided in s. 403.067 ~~s. 403.067(7)(e)~~, the
1575 department, in consultation with the district and affected
1576 parties, shall develop nonagricultural nonpoint source interim
1577 measures, best management practices, or other measures necessary
1578 for Lake Okeechobee watershed total maximum daily load
1579 reduction. Development of nonagricultural nonpoint source best
1580 management practices shall initially focus on those priority
1581 basins listed in sub-subparagraph (a)1.a. ~~subparagraph (b)1.~~ The
1582 department, the district, and affected parties shall conduct an
1583 ongoing program for improvement of existing and development of
1584 new interim measures and ~~or~~ best management practices. The
1585 department or the district shall adopt such practices by rule
1586 ~~The district shall adopt technology-based standards under the~~

1587 ~~district's WOD program for nonagricultural nonpoint sources of~~
1588 ~~phosphorus. Nothing in this sub-subparagraph shall affect the~~
1589 ~~authority of the department or the district to adopt basin-~~
1590 ~~specific criteria under this part to prevent harm to the water~~
1591 ~~resources of the district.~~

1592 8.b. Where nonagricultural nonpoint source best management
1593 practices or interim measures have been developed by the
1594 department and adopted by the district, the owner or operator of
1595 a nonagricultural nonpoint source shall implement interim
1596 measures or best management practices and be subject to ~~the~~
1597 ~~provisions of s. 403.067(7). The department and district shall~~
1598 ~~provide technical and financial assistance for implementation of~~
1599 ~~nonagricultural nonpoint source best management practices,~~
1600 ~~subject to the availability of funds.~~

1601 9.e. As provided in s. 403.067, the district or the
1602 department shall conduct monitoring at representative sites to
1603 verify the effectiveness of nonagricultural nonpoint source best
1604 management practices.

1605 10.d. Where water quality problems are detected for
1606 nonagricultural nonpoint sources despite the appropriate
1607 implementation of adopted best management practices, ~~the~~
1608 ~~department and the district shall institute a reevaluation of~~
1609 ~~the best management practices~~ shall be conducted pursuant to s.
1610 403.067(7)(c)4. If the reevaluation determines that the best
1611 management practices or other measures require modification, the
1612 rule shall be revised to require implementation of the modified

1613 practice within a reasonable time period as specified in the
1614 rule.

1615 11.3. The provisions of Subparagraphs 1. and 2. and 7. do
1616 may not preclude the department or the district from requiring
1617 compliance with water quality standards or with current best
1618 management practices requirements set forth in any applicable
1619 regulatory program authorized by law for the purpose of
1620 protecting water quality. Additionally, Subparagraphs 1. and 2.
1621 and 7. are applicable only to the extent that they do not
1622 conflict with any rules adopted by the department that are
1623 necessary to maintain a federally delegated or approved program.

1624 12. The program of agricultural best management practices
1625 set forth in the Everglades Program of the district meets the
1626 requirements of this paragraph and s. 403.067(7) for the Lake
1627 Okeechobee watershed. An entity in compliance with the best
1628 management practices set forth in the Everglades Program of the
1629 district may elect to use that permit in lieu of the
1630 requirements of this paragraph. The provisions of subparagraph
1631 5. apply to this subparagraph. This subparagraph does not alter
1632 any requirement of s. 373.4592.

1633 13. The Department of Agriculture and Consumer Services,
1634 in cooperation with the department and the district, shall
1635 provide technical and financial assistance for implementation of
1636 agricultural best management practices, subject to the
1637 availability of funds. The department and district shall provide
1638 technical and financial assistance for implementation of

1639 nonagricultural nonpoint source best management practices,
1640 subject to the availability of funds.

1641 14.4. Projects that reduce the phosphorus load originating
1642 from domestic wastewater systems within the Lake Okeechobee
1643 watershed shall be given funding priority in the department's
1644 revolving loan program under s. 403.1835. The department shall
1645 coordinate and provide assistance to those local governments
1646 seeking financial assistance for such priority projects.

1647 15.5. Projects that make use of private lands, or lands
1648 held in trust for Indian tribes, to reduce nutrient loadings or
1649 concentrations within a basin by one or more of the following
1650 methods: restoring the natural hydrology of the basin, restoring
1651 wildlife habitat or impacted wetlands, reducing peak flows after
1652 storm events, increasing aquifer recharge, or protecting range
1653 and timberland from conversion to development, are eligible for
1654 grants available under this section from the coordinating
1655 agencies. For projects of otherwise equal priority, special
1656 funding priority will be given to those projects that make best
1657 use of the methods outlined above that involve public-private
1658 partnerships or that obtain federal match money. Preference
1659 ranking above the special funding priority will be given to
1660 projects located in a rural area of opportunity designated by
1661 the Governor. Grant applications may be submitted by any person
1662 or tribal entity, and eligible projects may include, but are not
1663 limited to, the purchase of conservation and flowage easements,
1664 hydrologic restoration of wetlands, creating treatment wetlands,

1665 development of a management plan for natural resources, and
1666 financial support to implement a management plan.

1667 16.6.a. The department shall require all entities
1668 disposing of domestic wastewater biosolids ~~residuals~~ within the
1669 Lake Okeechobee watershed and the remaining areas of Okeechobee,
1670 Glades, and Hendry Counties to develop and submit to the
1671 department an agricultural use plan that limits applications
1672 based upon phosphorus loading consistent with the Lake
1673 Okeechobee Basin Management Action Plan adopted pursuant to s.
1674 403.067. ~~By July 1, 2005, phosphorus concentrations originating~~
1675 ~~from these application sites may not exceed the limits~~
1676 ~~established in the district's WOD program. After December 31,~~
1677 ~~2007,~~ The department may not authorize the disposal of domestic
1678 wastewater biosolids ~~residuals~~ within the Lake Okeechobee
1679 watershed unless the applicant can affirmatively demonstrate
1680 that the phosphorus in the biosolids ~~residuals~~ will not add to
1681 phosphorus loadings in Lake Okeechobee or its tributaries. This
1682 demonstration shall be based on achieving a net balance between
1683 phosphorus imports relative to exports on the permitted
1684 application site. Exports shall include only phosphorus removed
1685 from the Lake Okeechobee watershed through products generated on
1686 the permitted application site. This prohibition does not apply
1687 to Class AA biosolids ~~residuals~~ that are marketed and
1688 distributed as fertilizer products in accordance with department
1689 rule.

1690 17.b. Private and government-owned utilities within

1691 Monroe, Miami-Dade, Broward, Palm Beach, Martin, St. Lucie,
 1692 Indian River, Okeechobee, Highlands, Hendry, and Glades Counties
 1693 that dispose of wastewater biosolids ~~residual~~ sludge from
 1694 utility operations and septic removal by land spreading in the
 1695 Lake Okeechobee watershed may use a line item on local sewer
 1696 rates to cover wastewater biosolids ~~residual~~ treatment and
 1697 disposal if such disposal and treatment is done by approved
 1698 alternative treatment methodology at a facility located within
 1699 the areas designated by the Governor as rural areas of
 1700 opportunity pursuant to s. 288.0656. This additional line item
 1701 is an environmental protection disposal fee above the present
 1702 sewer rate and may not be considered a part of the present sewer
 1703 rate to customers, notwithstanding provisions to the contrary in
 1704 chapter 367. The fee shall be established by the county
 1705 commission or its designated assignee in the county in which the
 1706 alternative method treatment facility is located. The fee shall
 1707 be calculated to be no higher than that necessary to recover the
 1708 facility's prudent cost of providing the service. Upon request
 1709 by an affected county commission, the Florida Public Service
 1710 Commission will provide assistance in establishing the fee.
 1711 Further, for utilities and utility authorities that use the
 1712 additional line item environmental protection disposal fee, such
 1713 fee may not be considered a rate increase under the rules of the
 1714 Public Service Commission and shall be exempt from such rules.
 1715 Utilities using ~~the provisions of~~ this section may immediately
 1716 include in their sewer invoicing the new environmental

1717 protection disposal fee. Proceeds from this environmental
 1718 protection disposal fee shall be used for treatment and disposal
 1719 of wastewater biosolids ~~residuals~~, including any treatment
 1720 technology that helps reduce the volume of biosolids ~~residuals~~
 1721 that require final disposal, but such proceeds may not be used
 1722 for transportation or shipment costs for disposal or any costs
 1723 relating to the land application of biosolids ~~residuals~~ in the
 1724 Lake Okeechobee watershed.

1725 18.e. No less frequently than once every 3 years, the
 1726 Florida Public Service Commission or the county commission
 1727 through the services of an independent auditor shall perform a
 1728 financial audit of all facilities receiving compensation from an
 1729 environmental protection disposal fee. The Florida Public
 1730 Service Commission or the county commission through the services
 1731 of an independent auditor shall also perform an audit of the
 1732 methodology used in establishing the environmental protection
 1733 disposal fee. The Florida Public Service Commission or the
 1734 county commission shall, within 120 days after completion of an
 1735 audit, file the audit report with the President of the Senate
 1736 and the Speaker of the House of Representatives and shall
 1737 provide copies to the county commissions of the counties set
 1738 forth in subparagraph 17. ~~sub-subparagraph b.~~ The books and
 1739 records of any facilities receiving compensation from an
 1740 environmental protection disposal fee shall be open to the
 1741 Florida Public Service Commission and the Auditor General for
 1742 review upon request.

1743 ~~19.7.~~ The Department of Health shall require all entities
1744 disposing of septage within the Lake Okeechobee watershed to
1745 develop and submit to that agency an agricultural use plan that
1746 limits applications based upon phosphorus loading consistent
1747 with the Lake Okeechobee Basin Management Action Plan adopted
1748 pursuant to s. 403.067. ~~By July 1, 2005, phosphorus~~
1749 ~~concentrations originating from these application sites may not~~
1750 ~~exceed the limits established in the district's WOD program.~~

1751 ~~20.8.~~ The Department of Agriculture and Consumer Services
1752 shall initiate rulemaking requiring entities within the Lake
1753 Okeechobee watershed which land-apply animal manure to develop
1754 resource management system level conservation plans, according
1755 to United States Department of Agriculture criteria, which limit
1756 such application. Such rules must ~~may~~ include criteria and
1757 thresholds for the requirement to develop a conservation or
1758 nutrient management plan, requirements for plan approval, site
1759 inspection requirements, and recordkeeping requirements.

1760 21. The district shall revise chapter 40E-61, Florida
1761 Administrative Code, to be consistent with this section and s.
1762 403.067; provide for a monitoring program for nonpoint source
1763 dischargers required to monitor water quality by s. 403.067; and
1764 provide for the results of such monitoring to be reported to the
1765 coordinating agencies.

1766 ~~9.~~ ~~The district, the department, or the Department of~~
1767 ~~Agriculture and Consumer Services, as appropriate, shall~~
1768 ~~implement those alternative nutrient reduction technologies~~

1769 ~~determined to be feasible pursuant to subparagraph (d)6.~~
1770 ~~(d) Lake Okeechobee Watershed Research and Water Quality~~
1771 ~~Monitoring Program. The district, in cooperation with the other~~
1772 ~~coordinating agencies, shall establish a Lake Okeechobee~~
1773 ~~Watershed Research and Water Quality Monitoring Program that~~
1774 ~~builds upon the district's existing Lake Okeechobee research~~
1775 ~~program. The program shall:~~
1776 ~~1. Evaluate all available existing water quality data~~
1777 ~~concerning total phosphorus in the Lake Okeechobee watershed,~~
1778 ~~develop a water quality baseline to represent existing~~
1779 ~~conditions for total phosphorus, monitor long-term ecological~~
1780 ~~changes, including water quality for total phosphorus, and~~
1781 ~~measure compliance with water quality standards for total~~
1782 ~~phosphorus, including any applicable total maximum daily load~~
1783 ~~for the Lake Okeechobee watershed as established pursuant to s.~~
1784 ~~403.067. Every 3 years, the district shall reevaluate water~~
1785 ~~quality and quantity data to ensure that the appropriate~~
1786 ~~projects are being designated and implemented to meet the water~~
1787 ~~quality and storage goals of the plan. The district shall also~~
1788 ~~implement a total phosphorus monitoring program at appropriate~~
1789 ~~structures owned or operated by the South Florida Water~~
1790 ~~Management District and within the Lake Okeechobee watershed.~~
1791 ~~2. Develop a Lake Okeechobee water quality model that~~
1792 ~~reasonably represents phosphorus dynamics of the lake and~~
1793 ~~incorporates an uncertainty analysis associated with model~~
1794 ~~predictions.~~

1795 ~~3. Determine the relative contribution of phosphorus from~~
1796 ~~all identifiable sources and all primary and secondary land~~
1797 ~~uses.~~

1798 ~~4. Conduct an assessment of the sources of phosphorus from~~
1799 ~~the Upper Kissimmee Chain of Lakes and Lake Istokpoga, and their~~
1800 ~~relative contribution to the water quality of Lake Okeechobee.~~
1801 ~~The results of this assessment shall be used by the coordinating~~
1802 ~~agencies to develop interim measures, best management practices,~~
1803 ~~or regulation, as applicable.~~

1804 ~~5. Assess current water management practices within the~~
1805 ~~Lake Okeechobee watershed and develop recommendations for~~
1806 ~~structural and operational improvements. Such recommendations~~
1807 ~~shall balance water supply, flood control, estuarine salinity,~~
1808 ~~maintenance of a healthy lake littoral zone, and water quality~~
1809 ~~considerations.~~

1810 ~~6. Evaluate the feasibility of alternative nutrient~~
1811 ~~reduction technologies, including sediment traps, canal and~~
1812 ~~ditch maintenance, fish production or other aquaculture,~~
1813 ~~bioenergy conversion processes, and algal or other biological~~
1814 ~~treatment technologies.~~

1815 ~~7. Conduct an assessment of the water volumes and timing~~
1816 ~~from the Lake Okeechobee watershed and their relative~~
1817 ~~contribution to the water level changes in Lake Okeechobee and~~
1818 ~~to the timing and volume of water delivered to the estuaries.~~

1819 (c) ~~(e)~~ Lake Okeechobee Exotic Species Control Program.—The
1820 coordinating agencies shall identify the exotic species that

1821 threaten the native flora and fauna within the Lake Okeechobee
 1822 watershed and develop and implement measures to protect the
 1823 native flora and fauna.

1824 (d)~~(f)~~ Lake Okeechobee Internal Phosphorus Management
 1825 Program.—The district, in cooperation with the other
 1826 coordinating agencies and interested parties, shall evaluate the
 1827 feasibility of ~~complete a~~ Lake Okeechobee internal phosphorus
 1828 load removal projects ~~feasibility study~~. The evaluation
 1829 ~~feasibility study~~ shall be based on technical feasibility, as
 1830 well as economic considerations, and shall consider ~~address~~ all
 1831 reasonable methods of phosphorus removal. If projects ~~methods~~
 1832 are found to be feasible, the district shall immediately pursue
 1833 the design, funding, and permitting for implementing such
 1834 projects ~~methods~~.

1835 (e)~~(g)~~ Lake Okeechobee Watershed Protection Program Plan
 1836 implementation.—The coordinating agencies shall be jointly
 1837 responsible for implementing the Lake Okeechobee Watershed
 1838 Protection Program Plan, consistent with the statutory authority
 1839 and responsibility of each agency. Annual funding priorities
 1840 shall be jointly established, and the highest priority shall be
 1841 assigned to programs and projects that address sources that have
 1842 the highest relative contribution to loading and the greatest
 1843 potential for reductions needed to meet the total maximum daily
 1844 loads. In determining funding priorities, the coordinating
 1845 agencies shall also consider the need for regulatory compliance,
 1846 the extent to which the program or project is ready to proceed,

1847 and the availability of federal matching funds or other nonstate
1848 funding, including public-private partnerships. Federal and
1849 other nonstate funding shall be maximized to the greatest extent
1850 practicable.

1851 (f) ~~(h)~~ Priorities and implementation schedules.—The
1852 coordinating agencies are authorized and directed to establish
1853 priorities and implementation schedules for the achievement of
1854 total maximum daily loads, compliance with the requirements of
1855 s. 403.067, and compliance with applicable water quality
1856 standards within the waters and watersheds subject to this
1857 section.

1858 ~~(i) Legislative ratification. The coordinating agencies~~
1859 ~~shall submit the Phase II technical plan developed pursuant to~~
1860 ~~paragraph (b) to the President of the Senate and the Speaker of~~
1861 ~~the House of Representatives prior to the 2008 legislative~~
1862 ~~session for review. If the Legislature takes no action on the~~
1863 ~~plan during the 2008 legislative session, the plan is deemed~~
1864 ~~approved and may be implemented.~~

1865 (4) CALOOSAHATCHEE RIVER WATERSHED PROTECTION PROGRAM AND
1866 ST. LUCIE RIVER WATERSHED PROTECTION PROGRAM.—A protection
1867 program shall be developed and implemented as specified in this
1868 subsection. ~~In order~~ To protect and restore surface water
1869 resources, the program shall address the reduction of pollutant
1870 loadings, restoration of natural hydrology, and compliance with
1871 applicable state water quality standards. The program shall be
1872 achieved through a phased program of implementation. In

1873 addition, pollutant load reductions based upon adopted total
1874 maximum daily loads established in accordance with s. 403.067
1875 shall serve as a program objective. In the development and
1876 administration of the program, the coordinating agencies shall
1877 maximize opportunities provided by federal and local government
1878 cost-sharing programs and opportunities for partnerships with
1879 the private sector and local government. The program plan shall
1880 include a goal for salinity envelopes and freshwater inflow
1881 targets for the estuaries based upon existing research and
1882 documentation. The goal may be revised as new information is
1883 available. This goal shall seek to reduce the frequency and
1884 duration of undesirable salinity ranges while meeting the other
1885 water-related needs of the region, including water supply and
1886 flood protection, while recognizing the extent to which water
1887 inflows are within the control and jurisdiction of the district.

1888 (a) Caloosahatchee River Watershed Protection Plan. ~~No~~
1889 ~~later than January 1, 2009,~~ The district, in cooperation with
1890 the other coordinating agencies, Lee County, and affected
1891 counties and municipalities, shall complete a River Watershed
1892 Protection Plan in accordance with this subsection. The
1893 Caloosahatchee River Watershed Protection Plan shall identify
1894 the geographic extent of the watershed, be coordinated as needed
1895 with the plans developed pursuant to paragraph (3) (a) and
1896 paragraph (c) ~~(b)~~ of this subsection, and ~~contain an~~
1897 ~~implementation schedule for pollutant load reductions consistent~~
1898 ~~with any adopted total maximum daily loads and compliance with~~

1899 ~~applicable state water quality standards. The plan shall include~~
 1900 the Caloosahatchee River Watershed Construction Project and the
 1901 Caloosahatchee River Watershed Research and Water Quality
 1902 Monitoring Program.÷

1903 1. Caloosahatchee River Watershed Construction Project.—To
 1904 improve the hydrology, water quality, and aquatic habitats
 1905 within the watershed, the district shall, no later than January
 1906 1, 2012, plan, design, and construct the initial phase of the
 1907 Watershed Construction Project. In doing so, the district shall:

1908 a. Develop and designate the facilities to be constructed
 1909 to achieve stated goals and objectives of the Caloosahatchee
 1910 River Watershed Protection Plan.

1911 b. Conduct scientific studies that are necessary to
 1912 support the design of the Caloosahatchee River Watershed
 1913 Construction Project facilities.

1914 c. Identify the size and location of all such facilities.

1915 d. Provide a construction schedule for all such
 1916 facilities, including the sequencing and specific timeframe for
 1917 construction of each facility.

1918 e. Provide a schedule for the acquisition of lands or
 1919 sufficient interests necessary to achieve the construction
 1920 schedule.

1921 f. Provide a schedule of costs and benefits associated
 1922 with each construction project and identify funding sources.

1923 g. To ensure timely implementation, coordinate the design,
 1924 scheduling, and sequencing of project facilities with the

1925 coordinating agencies, Lee County, other affected counties and
 1926 municipalities, and other affected parties.

1927 2. Caloosahatchee River Watershed Research and Water
 1928 Quality Monitoring Program.—The district, in cooperation with
 1929 the other coordinating agencies and local governments, shall
 1930 implement a Caloosahatchee River Watershed Research and Water
 1931 Quality Monitoring Program that builds upon the district's
 1932 existing research program and that is sufficient to carry out,
 1933 comply with, or assess the plans, programs, and other
 1934 responsibilities created by this subsection. The program shall
 1935 also conduct an assessment of the water volumes and timing from
 1936 Lake Okeechobee and the Caloosahatchee River watershed and their
 1937 relative contributions to the timing and volume of water
 1938 delivered to the estuary.

1939 (b)2. Caloosahatchee River Watershed Basin Management
 1940 Action Plans Pollutant Control Program.—The basin management
 1941 action plans adopted pursuant to s. 403.067 for the
 1942 Caloosahatchee River watershed shall be the Caloosahatchee River
 1943 Watershed Pollutant Control Program. The plans shall be ~~is~~
 1944 designed to be a multifaceted approach to reducing pollutant
 1945 loads by improving the management of pollutant sources within
 1946 the Caloosahatchee River watershed through implementation of
 1947 regulations and best management practices, development and
 1948 implementation of improved best management practices,
 1949 improvement and restoration of the hydrologic function of
 1950 natural and managed systems, and utilization of alternative

1951 technologies for pollutant reduction, such as cost-effective
1952 biologically based, hybrid wetland/chemical and other innovative
1953 nutrient control technologies. As provided in s.
1954 403.067(7)(a)6., the Caloosahatchee River Watershed Basin
1955 Management Action Plans must include milestones for
1956 implementation and water quality improvement, and an associated
1957 water quality monitoring component sufficient to evaluate
1958 whether reasonable progress in pollutant load reductions is
1959 being achieved over time. An assessment of progress toward these
1960 milestones shall be conducted every 5 years and shall be
1961 provided to the Governor, the President of the Senate, and the
1962 Speaker of the House of Representatives. Revisions to the plans
1963 shall be made, as appropriate, as a result of each 5-year
1964 review. Revisions to the basin management action plans shall be
1965 made by the department in cooperation with the basin
1966 stakeholders. Revisions to best management practices or other
1967 measures must follow the procedures set forth in s.
1968 403.067(7)(c)4. Revised basin management action plans must be
1969 adopted pursuant to s. 403.067(7)(a)5. The department shall
1970 develop an implementation schedule establishing 5-year, 10-year,
1971 and 15-year measurable milestones and targets to achieve the
1972 total maximum daily load no more than 20 years after adoption of
1973 the plan. The initial implementation schedule shall be used to
1974 provide guidance for planning and funding purposes and is exempt
1975 from chapter 120. Upon the first 5-year review, the
1976 implementation schedule shall be adopted as part of the plans.

1977 If achieving the total maximum daily load within 20 years is not
1978 practicable, the implementation schedule must contain an
1979 explanation of the constraints that prevent achievement of the
1980 total maximum daily load within 20 years, an estimate of the
1981 time needed to achieve the total maximum daily load, and
1982 additional 5-year measurable milestones, as necessary. The
1983 coordinating agencies shall facilitate the use ~~utilization~~ of
1984 federal programs that offer opportunities for water quality
1985 treatment, including preservation, restoration, or creation of
1986 wetlands on agricultural lands.

1987 ~~1.a.~~ Nonpoint source best management practices consistent
1988 with s. 403.067 ~~paragraph (3)(c)~~, designed to achieve the
1989 objectives of the Caloosahatchee River Watershed Protection
1990 Program, shall be implemented on an expedited basis. The
1991 coordinating agencies may develop an intergovernmental agreement
1992 with local governments to implement the nonagricultural,
1993 nonpoint-source best management practices within their
1994 respective geographic boundaries.

1995 ~~2.b.~~ This subsection does not preclude the department or
1996 the district from requiring compliance with water quality
1997 standards, adopted total maximum daily loads, or current best
1998 management practices requirements set forth in any applicable
1999 regulatory program authorized by law for the purpose of
2000 protecting water quality. This subsection applies only to the
2001 extent that it does not conflict with any rules adopted by the
2002 department or district which are necessary to maintain a

2003 federally delegated or approved program.

2004 ~~3.e.~~ Projects that make use of private lands, or lands
 2005 held in trust for Indian tribes, to reduce pollutant loadings or
 2006 concentrations within a basin, or that reduce the volume of
 2007 harmful discharges by one or more of the following methods:
 2008 restoring the natural hydrology of the basin, restoring wildlife
 2009 habitat or impacted wetlands, reducing peak flows after storm
 2010 events, or increasing aquifer recharge, are eligible for grants
 2011 available under this section from the coordinating agencies.

2012 ~~4.d.~~ The Caloosahatchee River Watershed Basin Management
 2013 Action Plans ~~Pollutant Control Program~~ shall require assessment
 2014 of current water management practices within the watershed and
 2015 shall require development of recommendations for structural,
 2016 nonstructural, and operational improvements. Such
 2017 recommendations shall consider and balance water supply, flood
 2018 control, estuarine salinity, aquatic habitat, and water quality
 2019 considerations.

2020 ~~5.e.~~ ~~After December 31, 2007,~~ The department may not
 2021 authorize the disposal of domestic wastewater biosolids
 2022 ~~residuals~~ within the Caloosahatchee River watershed unless the
 2023 applicant can affirmatively demonstrate that the nutrients in
 2024 the biosolids ~~residuals~~ will not add to nutrient loadings in the
 2025 watershed. This demonstration shall be based on achieving a net
 2026 balance between nutrient imports relative to exports on the
 2027 permitted application site. Exports shall include only nutrients
 2028 removed from the watershed through products generated on the

2029 permitted application site. This prohibition does not apply to
 2030 Class AA biosolids ~~residuals~~ that are marketed and distributed
 2031 as fertilizer products in accordance with department rule.

2032 ~~6.f.~~ The Department of Health shall require all entities
 2033 disposing of septage within the Caloosahatchee River watershed
 2034 to develop and submit to that agency an agricultural use plan
 2035 that limits applications based upon nutrient loading consistent
 2036 with any basin management action plan adopted pursuant to s.
 2037 403.067. ~~By July 1, 2008, nutrient concentrations originating~~
 2038 ~~from these application sites may not exceed the limits~~
 2039 ~~established in the district's WOD program.~~

2040 ~~7.g.~~ The Department of Agriculture and Consumer Services
 2041 shall require ~~initiate rulemaking requiring~~ entities within the
 2042 Caloosahatchee River watershed which land-apply animal manure to
 2043 develop a resource management system level conservation plan,
 2044 according to United States Department of Agriculture criteria,
 2045 which limit such application. Such rules shall ~~may~~ include
 2046 criteria and thresholds for the requirement to develop a
 2047 conservation or nutrient management plan, requirements for plan
 2048 approval, site inspection requirements, and recordkeeping
 2049 requirements.

2050 8. The district shall initiate rulemaking to provide for a
 2051 monitoring program for nonpoint source dischargers required to
 2052 monitor water quality pursuant to s. 403.067(7) (b)2.g. or s.
 2053 403.067(7) (c)3. The results of such monitoring must be reported
 2054 to the coordinating agencies.

2055 ~~3. Caloosahatchee River Watershed Research and Water~~
 2056 ~~Quality Monitoring Program. The district, in cooperation with~~
 2057 ~~the other coordinating agencies and local governments, shall~~
 2058 ~~establish a Caloosahatchee River Watershed Research and Water~~
 2059 ~~Quality Monitoring Program that builds upon the district's~~
 2060 ~~existing research program and that is sufficient to carry out,~~
 2061 ~~comply with, or assess the plans, programs, and other~~
 2062 ~~responsibilities created by this subsection. The program shall~~
 2063 ~~also conduct an assessment of the water volumes and timing from~~
 2064 ~~the Lake Okeechobee and Caloosahatchee River watersheds and~~
 2065 ~~their relative contributions to the timing and volume of water~~
 2066 ~~delivered to the estuary.~~

2067 (c)~~(b)~~ St. Lucie River Watershed Protection Plan. ~~No later~~
 2068 ~~than January 1, 2009,~~ The district, in cooperation with the
 2069 other coordinating agencies, Martin County, and affected
 2070 counties and municipalities shall complete a plan in accordance
 2071 with this subsection. The St. Lucie River Watershed Protection
 2072 Plan shall identify the geographic extent of the watershed, be
 2073 coordinated as needed with the plans developed pursuant to
 2074 paragraph (3) (a) and paragraph (a) of this subsection, and
 2075 contain an implementation schedule for pollutant load reductions
 2076 consistent with any adopted total maximum daily loads and
 2077 compliance with applicable state water quality standards. The
 2078 ~~plan shall include~~ the St. Lucie River Watershed Construction
 2079 Project and St. Lucie River Watershed Research and Water Quality
 2080 Monitoring Program. †

2081 1. St. Lucie River Watershed Construction Project.—To
 2082 improve the hydrology, water quality, and aquatic habitats
 2083 within the watershed, the district shall, no later than January
 2084 1, 2012, plan, design, and construct the initial phase of the
 2085 Watershed Construction Project. In doing so, the district shall:

2086 a. Develop and designate the facilities to be constructed
 2087 to achieve stated goals and objectives of the St. Lucie River
 2088 Watershed Protection Plan.

2089 b. Identify the size and location of all such facilities.

2090 c. Provide a construction schedule for all such
 2091 facilities, including the sequencing and specific timeframe for
 2092 construction of each facility.

2093 d. Provide a schedule for the acquisition of lands or
 2094 sufficient interests necessary to achieve the construction
 2095 schedule.

2096 e. Provide a schedule of costs and benefits associated
 2097 with each construction project and identify funding sources.

2098 f. To ensure timely implementation, coordinate the design,
 2099 scheduling, and sequencing of project facilities with the
 2100 coordinating agencies, Martin County, St. Lucie County, other
 2101 interested parties, and other affected local governments.

2102 2. St. Lucie River Watershed Research and Water Quality
 2103 Monitoring Program.—The district, in cooperation with the other
 2104 coordinating agencies and local governments, shall establish a
 2105 St. Lucie River Watershed Research and Water Quality Monitoring
 2106 Program that builds upon the district's existing research

2107 program and that is sufficient to carry out, comply with, or
 2108 assess the plans, programs, and other responsibilities created
 2109 by this subsection. The district shall also conduct an
 2110 assessment of the water volumes and timing from Lake Okeechobee
 2111 and the St. Lucie River watershed and their relative
 2112 contributions to the timing and volume of water delivered to the
 2113 estuary.

2114 (d)2. St. Lucie River Watershed Basin Management Action
 2115 Plan Pollutant Control Program.—The basin management action plan
 2116 for the St. Lucie River watershed adopted pursuant to s. 403.067
 2117 shall be the St. Lucie River Watershed Pollutant Control Program
 2118 and shall be is designed to be a multifaceted approach to
 2119 reducing pollutant loads by improving the management of
 2120 pollutant sources within the St. Lucie River watershed through
 2121 implementation of regulations and best management practices,
 2122 development and implementation of improved best management
 2123 practices, improvement and restoration of the hydrologic
 2124 function of natural and managed systems, and use utilization of
 2125 alternative technologies for pollutant reduction, such as cost-
 2126 effective biologically based, hybrid wetland/chemical and other
 2127 innovative nutrient control technologies. As provided in s.
 2128 403.067(7)(a)6., the St. Lucie River Watershed Basin Management
 2129 Action Plan must include milestones for implementation and water
 2130 quality improvement, and an associated water quality monitoring
 2131 component sufficient to evaluate whether reasonable progress in
 2132 pollutant load reductions is being achieved over time. An

2133 assessment of progress toward these milestones shall be
2134 conducted every 5 years and shall be provided to the Governor,
2135 the President of the Senate, and the Speaker of the House of
2136 Representatives. Revisions to the plan shall be made, as
2137 appropriate, as a result of each 5-year review. Revisions to the
2138 basin management action plan shall be made by the department in
2139 cooperation with the basin stakeholders. Revisions to best
2140 management practices or other measures must follow the
2141 procedures set forth in s. 403.067(7)(c)4. Revised basin
2142 management action plans must be adopted pursuant to s.
2143 403.067(7)(a)5. The department shall develop an implementation
2144 schedule establishing 5-year, 10-year, and 15-year measurable
2145 milestones and targets to achieve the total maximum daily load
2146 no more than 20 years after adoption of the plan. The initial
2147 implementation schedule shall be used to provide guidance for
2148 planning and funding purposes and is exempt from chapter 120.
2149 Upon the first 5-year review, the implementation schedule shall
2150 be adopted as part of the plan. If achieving the total maximum
2151 daily load within 20 years is not practicable, the
2152 implementation schedule must contain an explanation of the
2153 constraints that prevent achievement of the total maximum daily
2154 load within 20 years, an estimate of the time needed to achieve
2155 the total maximum daily load, and additional 5-year measurable
2156 milestones, as necessary. The coordinating agencies shall
2157 facilitate the use ~~utilization~~ of federal programs that offer
2158 opportunities for water quality treatment, including

2159 preservation, restoration, or creation of wetlands on
 2160 agricultural lands.

2161 1.a. Nonpoint source best management practices consistent
 2162 with s. 403.067 ~~paragraph (3)(c)~~, designed to achieve the
 2163 objectives of the St. Lucie River Watershed Protection Program,
 2164 shall be implemented on an expedited basis. The coordinating
 2165 agencies may develop an intergovernmental agreement with local
 2166 governments to implement the nonagricultural nonpoint source
 2167 best management practices within their respective geographic
 2168 boundaries.

2169 2.b. This subsection does not preclude the department or
 2170 the district from requiring compliance with water quality
 2171 standards, adopted total maximum daily loads, or current best
 2172 management practices requirements set forth in any applicable
 2173 regulatory program authorized by law for the purpose of
 2174 protecting water quality. This subsection applies only to the
 2175 extent that it does not conflict with any rules adopted by the
 2176 department or district which are necessary to maintain a
 2177 federally delegated or approved program.

2178 3.e. Projects that make use of private lands, or lands
 2179 held in trust for Indian tribes, to reduce pollutant loadings or
 2180 concentrations within a basin, or that reduce the volume of
 2181 harmful discharges by one or more of the following methods:
 2182 restoring the natural hydrology of the basin, restoring wildlife
 2183 habitat or impacted wetlands, reducing peak flows after storm
 2184 events, or increasing aquifer recharge, are eligible for grants

2185 available under this section from the coordinating agencies.

2186 ~~4.d.~~ The St. Lucie River Watershed Basin Management Action
2187 Plan ~~Pollutant Control Program~~ shall require assessment of
2188 current water management practices within the watershed and
2189 shall require development of recommendations for structural,
2190 nonstructural, and operational improvements. Such
2191 recommendations shall consider and balance water supply, flood
2192 control, estuarine salinity, aquatic habitat, and water quality
2193 considerations.

2194 ~~5.e.~~ ~~After December 31, 2007,~~ The department may not
2195 authorize the disposal of domestic wastewater biosolids
2196 ~~residuals~~ within the St. Lucie River watershed unless the
2197 applicant can affirmatively demonstrate that the nutrients in
2198 the biosolids ~~residuals~~ will not add to nutrient loadings in the
2199 watershed. This demonstration shall be based on achieving a net
2200 balance between nutrient imports relative to exports on the
2201 permitted application site. Exports shall include only nutrients
2202 removed from the St. Lucie River watershed through products
2203 generated on the permitted application site. This prohibition
2204 does not apply to Class AA biosolids ~~residuals~~ that are marketed
2205 and distributed as fertilizer products in accordance with
2206 department rule.

2207 ~~6.f.~~ The Department of Health shall require all entities
2208 disposing of septage within the St. Lucie River watershed to
2209 develop and submit to that agency an agricultural use plan that
2210 limits applications based upon nutrient loading consistent with

2211 any basin management action plan adopted pursuant to s. 403.067.
2212 ~~By July 1, 2008, nutrient concentrations originating from these~~
2213 ~~application sites may not exceed the limits established in the~~
2214 ~~district's WOD program.~~

2215 7.g. The Department of Agriculture and Consumer Services
2216 shall initiate rulemaking requiring entities within the St.
2217 Lucie River watershed which land-apply animal manure to develop
2218 a resource management system level conservation plan, according
2219 to United States Department of Agriculture criteria, which limit
2220 such application. Such rules shall ~~may~~ include criteria and
2221 thresholds for the requirement to develop a conservation or
2222 nutrient management plan, requirements for plan approval, site
2223 inspection requirements, and recordkeeping requirements.

2224 8. The district shall initiate rulemaking to provide for a
2225 monitoring program for nonpoint source dischargers required to
2226 monitor water quality pursuant to s. 403.067(7)(b)2.g. or s.
2227 403.067(7)(c)3. The results of such monitoring must be reported
2228 to the coordinating agencies.

2229 ~~3. St. Lucie River Watershed Research and Water Quality~~
2230 ~~Monitoring Program. The district, in cooperation with the other~~
2231 ~~coordinating agencies and local governments, shall establish a~~
2232 ~~St. Lucie River Watershed Research and Water Quality Monitoring~~
2233 ~~Program that builds upon the district's existing research~~
2234 ~~program and that is sufficient to carry out, comply with, or~~
2235 ~~assess the plans, programs, and other responsibilities created~~
2236 ~~by this subsection. The program shall also conduct an assessment~~

2237 ~~of the water volumes and timing from the Lake Okeechobee and St.~~
 2238 ~~Lucie River watersheds and their relative contributions to the~~
 2239 ~~timing and volume of water delivered to the estuary.~~

2240 (e)~~(e)~~ River Watershed Protection Plan implementation.—The
 2241 coordinating agencies shall be jointly responsible for
 2242 implementing the River Watershed Protection Plans, consistent
 2243 with the statutory authority and responsibility of each agency.
 2244 Annual funding priorities shall be jointly established, and the
 2245 highest priority shall be assigned to programs and projects that
 2246 have the greatest potential for achieving the goals and
 2247 objectives of the plans. In determining funding priorities, the
 2248 coordinating agencies shall also consider the need for
 2249 regulatory compliance, the extent to which the program or
 2250 project is ready to proceed, and the availability of federal or
 2251 local government matching funds. Federal and other nonstate
 2252 funding shall be maximized to the greatest extent practicable.

2253 (f)~~(d)~~ Evaluation.—Beginning By March 1, 2020 ~~2012~~, and
 2254 every 5 ~~3~~ years thereafter, concurrent with the updates of the
 2255 basin management action plans adopted pursuant to s. 403.067,
 2256 the department, district in cooperation with the other
 2257 coordinating agencies, shall conduct an evaluation of any
 2258 pollutant load reduction goals, as well as any other specific
 2259 objectives and goals, as stated in the River Watershed
 2260 Protection Programs Plans. ~~Additionally,~~ The district shall
 2261 identify modifications to facilities of the River Watershed
 2262 Construction Projects, as appropriate, or any other elements of

2263 the River Watershed Protection Programs Plans. The evaluation
 2264 shall be included in the annual progress report submitted
 2265 pursuant to this section.

2266 (g)~~(e)~~ Priorities and implementation schedules.—The
 2267 coordinating agencies are authorized and directed to establish
 2268 priorities and implementation schedules for the achievement of
 2269 total maximum daily loads, the requirements of s. 403.067, and
 2270 compliance with applicable water quality standards within the
 2271 waters and watersheds subject to this section.

2272 ~~(f) Legislative ratification. The coordinating agencies~~
 2273 ~~shall submit the River Watershed Protection Plans developed~~
 2274 ~~pursuant to paragraphs (a) and (b) to the President of the~~
 2275 ~~Senate and the Speaker of the House of Representatives prior to~~
 2276 ~~the 2009 legislative session for review. If the Legislature~~
 2277 ~~takes no action on the plan during the 2009 legislative session,~~
 2278 ~~the plan is deemed approved and may be implemented.~~

2279 (5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY
 2280 LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.—The
 2281 department is directed to expedite development and adoption of
 2282 total maximum daily loads for the Caloosahatchee River and
 2283 estuary. The department is further directed to, ~~no later than~~
 2284 ~~December 31, 2008,~~ propose for final agency action total maximum
 2285 daily loads for nutrients in the tidal portions of the
 2286 Caloosahatchee River and estuary. The department shall initiate
 2287 development of basin management action plans for Lake
 2288 Okeechobee, the Caloosahatchee River watershed and estuary, and

2289 the St. Lucie River watershed and estuary as provided in s.
2290 403.067 ~~s. 403.067(7)(a)~~ as follows:

2291 (a) Basin management action plans shall be developed as
2292 soon as practicable as determined necessary by the department to
2293 achieve the total maximum daily loads established for the Lake
2294 Okeechobee watershed and the estuaries.

2295 (b) The Phase II technical plan development pursuant to
2296 paragraph (3)(a) ~~(3)(b)~~, and the River Watershed Protection
2297 Plans developed pursuant to paragraphs (4)(a) and (c) ~~(b)~~, shall
2298 provide the basis for basin management action plans developed by
2299 the department.

2300 (c) As determined necessary by the department ~~in order~~ to
2301 achieve the total maximum daily loads, additional or modified
2302 projects or programs that complement those in the legislatively
2303 ratified plans may be included during the development of the
2304 basin management action plan.

2305 (d) As provided in s. 403.067, management strategies and
2306 pollution reduction requirements set forth in a basin management
2307 action plan subject to permitting by the department under
2308 subsection (7) must be completed pursuant to the schedule set
2309 forth in the basin management action plan, as amended. The
2310 implementation schedule may extend beyond the 5-year permit
2311 term.

2312 (e) As provided in s. 403.067, management strategies and
2313 pollution reduction requirements set forth in a basin management
2314 action plan for a specific pollutant of concern are not subject

2315 to challenge under chapter 120 at the time they are
2316 incorporated, in an identical form, into a department or
2317 district issued permit or a permit modification issued in
2318 accordance with subsection (7).

2319 ~~(d) Development of basin management action plans that~~
2320 ~~implement the provisions of the legislatively ratified plans~~
2321 ~~shall be initiated by the department no later than September 30~~
2322 ~~of the year in which the applicable plan is ratified. Where a~~
2323 ~~total maximum daily load has not been established at the time of~~
2324 ~~plan ratification, development of basin management action plans~~
2325 ~~shall be initiated no later than 90 days following adoption of~~
2326 ~~the applicable total maximum daily load.~~

2327 (6) ANNUAL PROGRESS REPORT.—Each March 1 the district, in
2328 cooperation with the other coordinating agencies, shall report
2329 on implementation of this section as part of the consolidated
2330 annual report required in s. 373.036(7). The annual report shall
2331 include a summary of the conditions of the hydrology, water
2332 quality, and aquatic habitat in the northern Everglades based on
2333 the results of the Research and Water Quality Monitoring
2334 Programs, the status of the Lake Okeechobee Watershed
2335 Construction Project, the status of the Caloosahatchee River
2336 Watershed Construction Project, and the status of the St. Lucie
2337 River Watershed Construction Project. In addition, the report
2338 shall contain an annual accounting of the expenditure of funds
2339 from the Save Our Everglades Trust Fund. At a minimum, the
2340 annual report shall provide detail by program and plan,

2341 including specific information concerning the amount and use of
 2342 funds from federal, state, or local government sources. In
 2343 detailing the use of these funds, the district shall indicate
 2344 those designated to meet requirements for matching funds. The
 2345 district shall prepare the report in cooperation with the other
 2346 coordinating agencies and affected local governments. The
 2347 department shall report on the status of the Lake Okeechobee
 2348 Basin Management Action Plan, the Caloosahatchee River Watershed
 2349 Basin Management Action Plan, and the St. Lucie River Watershed
 2350 Basin Management Action Plan. The Department of Agriculture and
 2351 Consumer Services shall report on the status of the
 2352 implementation of the agricultural nonpoint source best
 2353 management practices, including an implementation assurance
 2354 report summarizing survey responses and response rates, site
 2355 inspections, and other methods used to verify implementation of
 2356 and compliance with best management practices in the Lake
 2357 Okeechobee, Caloosahatchee River and St. Lucie River watersheds.

2358 (7) LAKE OKEECHOBEE PROTECTION PERMITS.—

2359 (a) The Legislature finds that the Lake Okeechobee
 2360 Watershed Protection Program will benefit Lake Okeechobee and
 2361 downstream receiving waters and is in ~~consistent with~~ the public
 2362 interest. The Lake Okeechobee Watershed Construction Project and
 2363 structures discharging into or from Lake Okeechobee shall be
 2364 constructed, operated, and maintained in accordance with this
 2365 section.

2366 (b) Permits obtained pursuant to this section are in lieu

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

2377 (c)1. ~~Within 90 days of completion of the diversion plans~~
 2378 ~~set forth in Department Consent Orders 91-0694, 91-0707, 91-~~
 2379 ~~0706, 91-0705, and RT50-205564, Owners or operators of existing~~
 2380 ~~structures which discharge into or from Lake Okeechobee that~~
 2381 ~~were subject to Department Consent Orders 91-0694, 91-0705, 91-~~
 2382 ~~0706, 91-0707, and RT50-205564 and that~~ are subject to ~~the~~
 2383 ~~provisions of s. 373.4592(4) (a)~~ do not require a permit under
 2384 this section and shall be governed by permits issued under ~~apply~~
 2385 ~~for a permit from the department to operate and maintain such~~
 2386 ~~structures. By September 1, 2000, owners or operators of all~~
 2387 ~~other existing structures which discharge into or from Lake~~
 2388 ~~Okeechobee shall apply for a permit from the department to~~
 2389 ~~operate and maintain such structures. The department shall issue~~
 2390 ~~one or more such permits for a term of 5 years upon the~~
 2391 ~~demonstration of reasonable assurance that schedules and~~
 2392 ~~strategies to achieve and maintain compliance with water quality~~

2393 ~~standards have been provided for, to the maximum extent~~
2394 ~~practicable, and that operation of the structures otherwise~~
2395 ~~complies with provisions of ss. 373.413 and 373.416 and the Lake~~
2396 ~~Okeechobee Basin Management Action Plan adopted pursuant to s.~~
2397 ~~403.067.~~

2398 ~~1. Permits issued under this paragraph shall also contain~~
2399 ~~reasonable conditions to ensure that discharges of waters~~
2400 ~~through structures:~~

2401 ~~a. Are adequately and accurately monitored;~~

2402 ~~b. Will not degrade existing Lake Okeechobee water quality~~
2403 ~~and will result in an overall reduction of phosphorus input into~~
2404 ~~Lake Okeechobee, as set forth in the district's Technical~~
2405 ~~Publication 81-2 and the total maximum daily load established in~~
2406 ~~accordance with s. 403.067, to the maximum extent practicable;~~
2407 ~~and~~

2408 ~~e. Do not pose a serious danger to public health, safety,~~
2409 ~~or welfare.~~

2410 ~~2. For the purposes of this paragraph, owners and~~
2411 ~~operators of existing structures which are subject to the~~
2412 ~~provisions of s. 373.4592(4) (a) and which discharge into or from~~
2413 ~~Lake Okeechobee shall be deemed in compliance with this~~
2414 ~~paragraph the term "maximum extent practicable" if they are in~~
2415 ~~full compliance with the conditions of permits under chapter~~
2416 ~~chapters 40E-61 and 40E-63, Florida Administrative Code.~~

2417 ~~3. By January 1, 2017 2004, the district shall submit to~~
2418 ~~the department a complete application for a permit modification~~

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

2427 (d) The department shall require permits for district
 2428 regional projects that are part of the Lake Okeechobee Watershed
 2429 Construction Project facilities. However, projects ~~identified in~~
 2430 ~~sub-subparagraph (3)(b)1.b.~~ that qualify as exempt pursuant to
 2431 s. 373.406 do shall not require need permits under this section.
 2432 Such permits shall be issued for a term of 5 years upon the
 2433 demonstration of reasonable assurances that:

2434 1. District regional projects that are part of the Lake
 2435 Okeechobee Watershed Construction Project shall facility, ~~based~~
 2436 ~~upon the conceptual design documents and any subsequent detailed~~
 2437 ~~design documents developed by the district, will~~ achieve the
 2438 design objectives for phosphorus required in subparagraph
 2439 (3)(a)1. ~~paragraph (3)(b);~~

2440 2. For water quality standards other than phosphorus, the
 2441 quality of water discharged from the facility is of equal or
 2442 better quality than the inflows;

2443 3. Discharges from the facility do not pose a serious
 2444 danger to public health, safety, or welfare; and

2445 4. Any impacts on wetlands or state-listed species
 2446 resulting from implementation of that facility of the Lake
 2447 Okeechobee Construction Project are minimized and mitigated, as
 2448 appropriate.

2449 (e) At least 60 days before ~~prior to~~ the expiration of any
 2450 permit issued under this section, the permittee may apply for a
 2451 renewal thereof for a period of 5 years.

2452 (f) Permits issued under this section may include any
 2453 standard conditions provided by department rule which are
 2454 appropriate and consistent with this section.

2455 (g) Permits issued under ~~pursuant to~~ this section may be
 2456 modified, as appropriate, upon review and approval by the
 2457 department.

2458 Section 16. Paragraph (a) of subsection (1) and subsection
 2459 (3) of section 373.467, Florida Statutes, are amended, to read:

2460 373.467 The Harris Chain of Lakes Restoration Council.—
 2461 There is created within the St. Johns River Water Management
 2462 District, with assistance from the Fish and Wildlife
 2463 Conservation Commission and the Lake County Water Authority, the
 2464 Harris Chain of Lakes Restoration Council.

2465 (1)(a) The council shall consist of nine voting members,
 2466 which shall include ~~÷~~ a representative of waterfront property
 2467 owners, a representative of the sport fishing industry, a person
 2468 with experience in an environmental science or regulation
 2469 ~~engineer~~, a person with training in biology or another
 2470 scientific discipline, ~~a person with training as an attorney, a~~

2471 physician, ~~a person with training as an engineer,~~ and two
2472 residents of the county who are ~~de~~ not required to meet any
2473 additional of the other qualifications for membership ~~enumerated~~
2474 ~~in this paragraph,~~ each to be appointed by the Lake County
2475 legislative delegation. The Lake County legislative delegation
2476 may waive the qualifications for membership on a case-by-case
2477 basis if good cause is shown. A ~~No~~ person serving on the council
2478 may not be appointed to a council, board, or commission of any
2479 council advisory group agency. The council members shall serve
2480 as advisors to the governing board of the St. Johns River Water
2481 Management District. The council is subject to ~~the provisions of~~
2482 chapters 119 and 120.

2483 (3) The council shall meet at the call of its chair, at
2484 the request of six of its members, or at the request of the
2485 chair of the governing board of the St. Johns River Water
2486 Management District. Resignation by a council member, or failure
2487 by a council member to attend three consecutive meetings without
2488 an excuse approved by the chair, results in a vacancy on the
2489 council.

2490 Section 17. Paragraphs (a) and (b) of subsection (6) of
2491 section 373.536, Florida Statutes, are amended to read:

2492 373.536 District budget and hearing thereon.—

2493 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
2494 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

2495 (a) Each district must, by the date specified for each
2496 item, furnish copies of the following documents to the Governor,

2497 the President of the Senate, the Speaker of the House of
2498 Representatives, the chairs of all legislative committees and
2499 subcommittees having substantive or fiscal jurisdiction over the
2500 districts, as determined by the President of the Senate or the
2501 Speaker of the House of Representatives as applicable, the
2502 secretary of the department, and the governing board of each
2503 county in which the district has jurisdiction or derives any
2504 funds for the operations of the district:

2505 1. The adopted budget, to be furnished within 10 days
2506 after its adoption.

2507 2. A financial audit of its accounts and records, to be
2508 furnished within 10 days after its acceptance by the governing
2509 board. The audit must be conducted in accordance with s. 11.45
2510 and the rules adopted thereunder. In addition to the entities
2511 named above, the district must provide a copy of the audit to
2512 the Auditor General within 10 days after its acceptance by the
2513 governing board.

2514 3. A 5-year capital improvements plan, to be included in
2515 the consolidated annual report required by s. 373.036(7). The
2516 plan must include expected sources of revenue for planned
2517 improvements and must be prepared in a manner comparable to the
2518 fixed capital outlay format set forth in s. 216.043.

2519 4. A 5-year water resource development work program to be
2520 furnished within 30 days after the adoption of the final budget.
2521 The program must describe the district's implementation strategy
2522 and include an annual funding plan for each of the 5 years

2523 included in the plan for the water resource and water supply,
2524 development components, including ~~and~~ alternative water supply
2525 development, ~~components~~ of each approved regional water supply
2526 plan developed or revised under s. 373.709. The work program
2527 must address all the elements of the water resource development
2528 component in the district's approved regional water supply
2529 plans, as well as the water supply projects proposed for
2530 district funding and assistance. The annual funding plan shall
2531 identify both anticipated available district funding and
2532 additional funding needs for the second through fifth years of
2533 the funding plan. The work program ~~and~~ must identify projects in
2534 the work program which will provide water; explain how each
2535 water resource and water supply, ~~and alternative water supply~~
2536 ~~development~~ project will produce additional water available for
2537 consumptive uses; estimate the quantity of water to be produced
2538 by each project; ~~and~~ provide an assessment of the contribution
2539 of the district's regional water supply plans in supporting the
2540 implementation of minimum flows and minimum water levels and
2541 water reservations; and ensure ~~providing~~ sufficient water is
2542 available ~~needed~~ to timely meet the water supply needs of
2543 existing and future reasonable-beneficial uses for a 1-in-10-
2544 year drought event and to avoid the adverse effects of
2545 competition for water supplies.

2546 (b) Within 30 days after its submittal, the department
2547 shall review the proposed work program and submit its findings,
2548 questions, and comments to the district. The review must include

2549 a written evaluation of the program's consistency with the
 2550 furtherance of the district's approved regional water supply
 2551 plans, and the adequacy of proposed expenditures. As part of the
 2552 review, the department shall post the proposed work program on
 2553 its website and give interested parties the opportunity to
 2554 provide written comments on each district's proposed work
 2555 program. Within 45 days after receipt of the department's
 2556 evaluation, the governing board shall state in writing to the
 2557 department which of the changes recommended in the evaluation it
 2558 will incorporate into its work program submitted as part of the
 2559 March 1 consolidated annual report required by s. 373.036(7) or
 2560 specify the reasons for not incorporating the changes. The
 2561 department shall include the district's responses in a final
 2562 evaluation report and shall submit a copy of the report to the
 2563 Governor, the President of the Senate, and the Speaker of the
 2564 House of Representatives.

2565 Section 18. Subsection (9) of section 373.703, Florida
 2566 Statutes, is amended to read:

2567 373.703 Water production; general powers and duties.—In
 2568 the performance of, and in conjunction with, its other powers
 2569 and duties, the governing board of a water management district
 2570 existing pursuant to this chapter:

2571 (9) May join with one or more other water management
 2572 districts, counties, municipalities, special districts, publicly
 2573 owned or privately owned water utilities, multijurisdictional
 2574 water supply entities, regional water supply authorities,

2575 private landowners, or self-suppliers for the purpose of
2576 carrying out its powers, and may contract with such other
2577 entities to finance acquisitions, construction, operation, and
2578 maintenance, provided that such contracts are consistent with
2579 the public interest. The contract may provide for contributions
2580 to be made by each party to the contract for the division and
2581 apportionment of the expenses of acquisitions, construction,
2582 operation, and maintenance, and for the division and
2583 apportionment of resulting benefits, services, and products. The
2584 contracts may contain other covenants and agreements necessary
2585 and appropriate to accomplish their purposes.

2586 Section 19. Paragraph (b) of subsection (2), subsection
2587 (3), and paragraph (b) of subsection (4) of section 373.705,
2588 Florida Statutes, are amended, and subsection (5) is added to
2589 that section, to read:

2590 373.705 Water resource development; water supply
2591 development.—

2592 (2) It is the intent of the Legislature that:

2593 (b) Water management districts take the lead in
2594 identifying and implementing water resource development
2595 projects, and be responsible for securing necessary funding for
2596 regionally significant water resource development projects,
2597 including regionally significant projects that prevent or limit
2598 adverse water resource impacts, avoid competition among water
2599 users, or support the provision of new water supplies in order
2600 to meet a minimum flow or minimum water level or to implement a

2601 recovery or prevention strategy or water reservation.

2602 (3) (a) The water management districts shall fund and
 2603 implement water resource development as defined in s. 373.019.
 2604 The water management districts are encouraged to implement water
 2605 resource development as expeditiously as possible in areas
 2606 subject to regional water supply plans.

2607 (b) Each governing board shall include in its annual
 2608 budget submittals required under this chapter:

2609 1. The amount of funds for each project in the annual
 2610 funding plan developed pursuant to s. 373.536(6) (a)4.; and

2611 2. The total amount needed for the fiscal year to
 2612 implement water resource development projects, as prioritized in
 2613 its regional water supply plans.

2614 (4)

2615 (b) Water supply development projects that meet the
 2616 criteria in paragraph (a) and that meet one or more of the
 2617 following additional criteria shall be given first consideration
 2618 for state or water management district funding assistance:

2619 1. The project brings about replacement of existing
 2620 sources in order to help implement a minimum flow or minimum
 2621 water level; ~~or~~

2622 2. The project implements reuse that assists in the
 2623 elimination of domestic wastewater ocean outfalls as provided in
 2624 s. 403.086(9); or

2625 3. The project reduces or eliminates the adverse effects
 2626 of competition between legal users and the natural system.

2627 (5) The water management districts shall promote expanded
2628 cost-share criteria for additional conservation practices, such
2629 as soil and moisture sensors and other irrigation improvements,
2630 water-saving equipment, and water-saving household fixtures, and
2631 software technologies that can achieve verifiable water
2632 conservation by providing water use information to utility
2633 customers.

2634 Section 20. Paragraph (f) of subsection (3), paragraph (a)
2635 of subsection (6), and paragraph (e) of subsection (8) of
2636 section 373.707, Florida Statutes, are amended to read:

2637 373.707 Alternative water supply development.—

2638 (3) The primary roles of the water management districts in
2639 water resource development as it relates to supporting
2640 alternative water supply development are:

2641 (f) The provision of technical and financial assistance to
2642 local governments and publicly owned and privately owned water
2643 utilities for alternative water supply projects and to self-
2644 suppliers for alternative water supply projects to the extent
2645 that such assistance to self-suppliers promotes the policies in
2646 paragraph (1) (f).

2647 (6) (a) If state ~~The statewide~~ funds are provided through
2648 specific appropriation or pursuant to the Water Protection and
2649 Sustainability Program, such funds serve to supplement existing
2650 water management district or basin board funding for alternative
2651 water supply development assistance and should not result in a
2652 reduction of such funding. For each project identified in the

2653 annual funding plans prepared pursuant to s. 373.536(6)(a)4.
2654 ~~Therefore,~~ the water management districts shall include in the
2655 annual tentative and adopted budget submittals required under
2656 this chapter the amount of funds allocated for water resource
2657 development that supports alternative water supply development
2658 and the funds allocated for alternative water supply projects
2659 ~~selected for inclusion in the Water Protection and~~
2660 ~~Sustainability Program.~~ It shall be the goal of each water
2661 management district and basin boards that the combined funds
2662 allocated annually for these purposes be, at a minimum, the
2663 equivalent of 100 percent of the state funding provided to the
2664 water management district for alternative water supply
2665 development. If this goal is not achieved, the water management
2666 district shall provide in the budget submittal an explanation of
2667 the reasons or constraints that prevent this goal from being
2668 met, an explanation of how the goal will be met in future years,
2669 and affirmation of match is required during the budget review
2670 process as established under s. 373.536(5). The Suwannee River
2671 Water Management District and the Northwest Florida Water
2672 Management District shall not be required to meet the match
2673 requirements of this paragraph; however, they shall try to
2674 achieve the match requirement to the greatest extent
2675 practicable.

2676 (8)

2677 (e) Applicants for projects that may receive funding
2678 assistance pursuant to the Water Protection and Sustainability

2679 Program shall, at a minimum, be required to pay 60 percent of
 2680 the project's construction costs. The water management districts
 2681 may, at their discretion, totally or partially waive this
 2682 requirement for projects sponsored by:

- 2683 1. Financially disadvantaged small local governments as
 2684 defined in former s. 403.885(5); or
- 2685 2. Water users for projects determined by a water
 2686 management district governing board to be in the public interest
 2687 pursuant to paragraph (1) (f), if the projects are not otherwise
 2688 financially feasible.

2689
 2690 The water management districts or basin boards may, at their
 2691 discretion, use ad valorem or federal revenues to assist a
 2692 project applicant in meeting the requirements of this paragraph.

2693 Section 21. Subsection (2) and paragraphs (a) and (e) of
 2694 subsection (6) of section 373.709, Florida Statutes, are amended
 2695 to read:

2696 373.709 Regional water supply planning.—

2697 (2) Each regional water supply plan must be based on at
 2698 least a 20-year planning period and must include, but need not
 2699 be limited to:

2700 (a) A water supply development component for each water
 2701 supply planning region identified by the district which
 2702 includes:

2703 1. A quantification of the water supply needs for all
 2704 existing and future reasonable-beneficial uses within the

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

2709 | a. Population projections used for determining public
2710 | water supply needs must be based upon the best available data.
2711 | In determining the best available data, the district shall
2712 | consider the University of Florida ~~Florida's~~ Bureau of Economic
2713 | and Business Research (BEBR) medium population projections and
2714 | population projection data and analysis submitted by a local
2715 | government pursuant to the public workshop described in
2716 | subsection (1) if the data and analysis support the local
2717 | government's comprehensive plan. Any adjustment of or deviation
2718 | from the BEBR projections must be fully described, and the
2719 | original BEBR data must be presented along with the adjusted
2720 | data.

2721 | b. Agricultural demand projections used for determining
2722 | the needs of agricultural self-suppliers must be based upon the
2723 | best available data. In determining the best available data for
2724 | agricultural self-supplied water needs, the district shall
2725 | consider the data indicative of future water supply demands
2726 | provided by the Department of Agriculture and Consumer Services
2727 | pursuant to s. 570.93 and agricultural demand projection data
2728 | and analysis submitted by a local government pursuant to the
2729 | public workshop described in subsection (1), if the data and
2730 | analysis support the local government's comprehensive plan. Any

2731 adjustment of or deviation from the data provided by the
2732 Department of Agriculture and Consumer Services must be fully
2733 described, and the original data must be presented along with
2734 the adjusted data.

2735 2. A list of water supply development project options,
2736 including traditional and alternative water supply project
2737 options that are technically and financially feasible, from
2738 which local government, government-owned and privately owned
2739 utilities, regional water supply authorities,
2740 multijurisdictional water supply entities, self-suppliers, and
2741 others may choose for water supply development. In addition to
2742 projects listed by the district, such users may propose specific
2743 projects for inclusion in the list of alternative water supply
2744 projects. If such users propose a project to be listed as an
2745 alternative water supply project, the district shall determine
2746 whether it meets the goals of the plan, and, if so, it shall be
2747 included in the list. The total capacity of the projects
2748 included in the plan must exceed the needs identified in
2749 subparagraph 1. and take into account water conservation and
2750 other demand management measures, as well as water resources
2751 constraints, including adopted minimum flows and minimum water
2752 levels and water reservations. Where the district determines it
2753 is appropriate, the plan should specifically identify the need
2754 for multijurisdictional approaches to project options that,
2755 based on planning level analysis, are appropriate to supply the
2756 intended uses and that, based on such analysis, appear to be

2757 | permittable and financially and technically feasible. The list
2758 | of water supply development options must contain provisions that
2759 | recognize that alternative water supply options for agricultural
2760 | self-suppliers are limited.

2761 | 3. For each project option identified in subparagraph 2.,
2762 | the following must be provided:

2763 | a. An estimate of the amount of water to become available
2764 | through the project.

2765 | b. The timeframe in which the project option should be
2766 | implemented and the estimated planning-level costs for capital
2767 | investment and operating and maintaining the project.

2768 | c. An analysis of funding needs and sources of possible
2769 | funding options. For alternative water supply projects, the
2770 | water management districts shall provide funding assistance
2771 | pursuant to s. 373.707(8).

2772 | d. Identification of the entity that should implement each
2773 | project option and the current status of project implementation.

2774 | (b) A water resource development component that includes:

2775 | 1. A listing of those water resource development projects
2776 | that support water supply development for all existing and
2777 | future reasonable-beneficial uses as described in paragraph
2778 | (2) (a) and for the natural systems as identified in the recovery
2779 | or prevention strategies for adopted minimum flows and minimum
2780 | water levels or water reservations.

2781 | 2. For each water resource development project listed:

2782 | a. An estimate of the amount of water to become available

2783 through the project for all existing and future reasonable-
2784 beneficial uses as described in paragraph (2) (a) and for the
2785 natural systems as identified in the recovery or prevention
2786 strategies for adopted minimum flows and minimum water levels or
2787 water reservations.

2788 b. The timeframe in which the project option should be
2789 implemented and the estimated planning-level costs for capital
2790 investment and for operating and maintaining the project.

2791 c. An analysis of funding needs and sources of possible
2792 funding options.

2793 d. Identification of the entity that should implement each
2794 project option and the current status of project implementation.

2795 (c) The recovery and prevention strategy described in s.
2796 373.0421(2).

2797 (d) A funding strategy for water resource development
2798 projects, which shall be reasonable and sufficient to pay the
2799 cost of constructing or implementing all of the listed projects.

2800 (e) Consideration of how the project options addressed in
2801 paragraph (a) serve the public interest or save costs overall by
2802 preventing the loss of natural resources or avoiding greater
2803 future expenditures for water resource development or water
2804 supply development. However, unless adopted by rule, these
2805 considerations do not constitute final agency action.

2806 (f) The technical data and information applicable to each
2807 planning region which are necessary to support the regional
2808 water supply plan.

2809 (g) The minimum flows and minimum water levels established
2810 for water resources within each planning region.

2811 (h) Reservations of water adopted by rule pursuant to s.
2812 373.223(4) within each planning region.

2813 (i) Identification of surface waters or aquifers for which
2814 minimum flows and minimum water levels are scheduled to be
2815 adopted.

2816 (j) An analysis, developed in cooperation with the
2817 department, of areas or instances in which the variance
2818 provisions of s. 378.212(1)(g) or s. 378.404(9) may be used to
2819 create water supply development or water resource development
2820 projects.

2821 (k) An assessment of how the regional water supply plan
2822 and the projects identified in the funding plans prepared
2823 pursuant to sub-subparagraphs (a)3.c. and (b)2.c. support the
2824 recovery or prevention strategies for implementation of adopted
2825 minimum flows and minimum water levels or water reservations,
2826 including minimum flows and minimum water levels for Outstanding
2827 Florida Springs adopted pursuant to s. 373.805; while ensuring
2828 that sufficient water will be available for all existing and
2829 future reasonable-beneficial uses and the natural systems
2830 identified herein; and that the adverse effects of competition
2831 for water supplies will be avoided.

2832 (6) Annually and in conjunction with the reporting
2833 requirements of s. 373.536(6)(a)4., the department shall submit
2834 to the Governor and the Legislature a report on the status of

2835 regional water supply planning in each district. The report
 2836 shall include:

2837 (a) A compilation of the estimated costs ~~of~~ and an
 2838 analysis of the sufficiency of potential sources of funding from
 2839 all sources for water resource development and water supply
 2840 development projects as identified in the water management
 2841 district regional water supply plans.

2842 (e) An overall assessment of the progress being made to
 2843 develop water supply in each district, including, but not
 2844 limited to, an explanation of how each project in the 5-year
 2845 water resource development work program developed pursuant to s.
 2846 373.536(6)(a)4., either alternative or traditional, will
 2847 produce, contribute to, or account for additional water being
 2848 made available for consumptive uses, minimum flows and minimum
 2849 water levels, or water reservations; an estimate of the quantity
 2850 of water to be produced by each project;7 and an assessment of
 2851 the contribution of the district's regional water supply plan in
 2852 providing sufficient water to meet the needs of existing and
 2853 future reasonable-beneficial uses for a 1-in-10-year drought
 2854 event, as well as the needs of the natural systems.

2855 Section 22. Part VIII of chapter 373, Florida Statutes,
 2856 consisting of ss. 373.801-373.813, Florida Statutes, is created
 2857 and entitled the "Florida Springs and Aquifer Protection Act."

2858 Section 23. Section 373.801, Florida Statutes, is created
 2859 to read:

2860 373.801 Legislative findings and intent.—

2861 (1) The Legislature finds that springs are a unique part
2862 of this state's scenic beauty. Springs provide critical habitat
2863 for plants and animals, including many endangered or threatened
2864 species. Springs also provide immeasurable natural,
2865 recreational, economic, and inherent value. Springs are of great
2866 scientific importance in understanding the diverse functions of
2867 aquatic ecosystems. Water quality of springs is an indicator of
2868 local conditions of the Floridan Aquifer, which is a source of
2869 drinking water for many residents of this state. Water flows in
2870 springs may reflect regional aquifer conditions. In addition,
2871 springs provide recreational opportunities for swimming,
2872 canoeing, wildlife watching, fishing, cave diving, and many
2873 other activities in this state. These recreational opportunities
2874 and the accompanying tourism they provide are a benefit to local
2875 economies and the economy of the state as a whole.

2876 (2) The Legislature finds that the water quantity and
2877 water quality in springs may be related. For regulatory
2878 purposes, the department has primary responsibility for water
2879 quality; the water management districts have primary
2880 responsibility for water quantity; and the Department of
2881 Agriculture and Consumer Services has primary responsibility for
2882 the development and implementation of agricultural best
2883 management practices. Local governments have primary
2884 responsibility for providing domestic wastewater collection and
2885 treatment services and stormwater management. The foregoing
2886 responsible entities must coordinate to restore and maintain the

2887 water quantity and water quality of the Outstanding Florida
2888 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
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.

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
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

2965 and surface water basins which contribute, based upon all
2966 relevant facts, circumstances, and data, to the discharge of a
2967 spring as defined by potentiometric surface maps and surface
2968 watershed 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
2978 Outstanding Florida Springs.—Using the best data available from
2979 the water management districts and other credible sources, the
2980 department, in coordination with the water management districts,
2981 shall delineate priority focus areas for each Outstanding
2982 Florida Spring or group of springs that contains one or more
2983 Outstanding Florida Springs and is identified as impaired in
2984 accordance with s. 373.807. In delineating priority focus areas,
2985 the department shall consider groundwater travel time to the
2986 spring, hydrogeology, nutrient load, and any other factors that
2987 may lead to degradation of an Outstanding Florida Spring. The
2988 delineation of priority focus areas must be completed by July 1,
2989 2018, shall use understood and identifiable boundaries such as
2990 roads or political jurisdictions for ease of implementation, and

2991 is effective upon incorporation in a basin management action
 2992 plan.

2993 Section 26. Section 373.805, Florida Statutes, is created
 2994 to read:

2995 373.805 Minimum flows and minimum water levels for
 2996 Outstanding Florida Springs.—

2997 (1) At the time a minimum flow or minimum water level is
 2998 adopted pursuant to s. 373.042 for an Outstanding Florida
 2999 Spring, if the spring is below or is projected within 20 years
 3000 to fall below the minimum flow or minimum water level, a water
 3001 management district or the department shall concurrently adopt a
 3002 recovery or prevention strategy.

3003 (2) When a minimum flow or minimum water level for an
 3004 Outstanding Florida Spring is revised pursuant to s.
 3005 373.0421(3), if the spring is below or is projected within 20
 3006 years to fall below the minimum flow or minimum water level, a
 3007 water management district or the department shall concurrently
 3008 adopt a recovery or prevention strategy or modify an existing
 3009 recovery or prevention strategy. A district or the department
 3010 may adopt the revised minimum flow or minimum water level before
 3011 the adoption of a recovery or prevention strategy if the revised
 3012 minimum flow or minimum water level is less constraining on
 3013 existing or projected future consumptive uses.

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

3017 20 years to fall below, the adopted minimum flow or minimum
3018 water level, a water management district or the department shall
3019 expeditiously adopt a recovery or prevention strategy.

3020 (4) The recovery or prevention strategy for each
3021 Outstanding Florida Spring must, at a minimum, include:

3022 (a) A listing of all specific projects identified for
3023 implementation of the plan;

3024 (b) A priority listing of each project;

3025 (c) For each listed project, the estimated cost of and the
3026 estimated date of completion;

3027 (d) The source and amount of financial assistance to be
3028 made available by the water management district for each listed
3029 project, which may not be less than 25 percent of the total
3030 project cost unless a specific funding source or sources are
3031 identified which will provide more than 75 percent of the total
3032 project cost. The Northwest Florida Water Management District
3033 and the Suwannee River Water Management District are not
3034 required to meet the minimum requirement to provide financial
3035 assistance pursuant to this paragraph;

3036 (e) An estimate of each listed project's benefit to an
3037 Outstanding Florida Spring; and

3038 (f) An implementation plan designed with a target to
3039 achieve the adopted minimum flow or minimum water level no more
3040 than 20 years after the adoption of a recovery or prevention
3041 strategy.

3042

3043 The water management district or the department shall develop a
3044 schedule establishing 5-year, 10-year, and 15-year targets for
3045 achieving the adopted minimum flows or minimum water levels. The
3046 schedule shall be used to provide guidance for planning and
3047 funding purposes and is exempt from chapter 120.

3048 (5) A local government may apply to the department for a
3049 single extension of up to 5 years for any project in an adopted
3050 recovery or prevention strategy. The department may grant the
3051 extension if the local government provides to the department
3052 sufficient evidence that an extension is in the best interest of
3053 the public. For a local government in a rural area of
3054 opportunity, as defined in s. 288.0656, the department may grant
3055 a single extension of up to 10 years.

3056 Section 27. Section 373.807, Florida Statutes, is created
3057 to read:

3058 373.807 Protection of water quality in Outstanding Florida
3059 Springs.—By July 1, 2016, the department shall initiate
3060 assessment, pursuant to s. 403.067(3), of Outstanding Florida
3061 Springs or spring systems for which an impairment determination
3062 has not been made under the numeric nutrient standards in effect
3063 for spring vents. Assessments must be completed by July 1, 2018.

3064 (1) (a) Concurrent with the adoption of a nutrient total
3065 maximum daily load for an Outstanding Florida Spring, the
3066 department, or the department in conjunction with a water
3067 management district, shall initiate development of a basin
3068 management action plan, as specified in s. 403.067. For an

3069 Outstanding Florida Spring with a nutrient total maximum daily
3070 load adopted before July 1, 2016, the department, or the
3071 department in conjunction with a water management district,
3072 shall initiate development of a basin management action plan by
3073 July 1, 2016. During the development of a basin management
3074 action plan, if the department identifies onsite sewage
3075 treatment and disposal systems as contributors of at least 20
3076 percent of nonpoint source nitrogen pollution or if the
3077 department determines remediation is necessary to achieve the
3078 total maximum daily load, the basin management action plan shall
3079 include an onsite sewage treatment and disposal system
3080 remediation plan pursuant to subsection (3) for those systems
3081 identified as requiring remediation.

3082 (b) A basin management action plan for an Outstanding
3083 Florida Spring shall be adopted within 2 years after its
3084 initiation and must include, at a minimum:

3085 1. A list of all specific projects and programs identified
3086 to implement a nutrient total maximum daily load;

3087 2. A list of all specific projects identified in any
3088 incorporated onsite sewage treatment and disposal system
3089 remediation plan, if applicable;

3090 3. A priority rank for each listed project;

3091 4. For each listed project, a planning level cost estimate
3092 and the estimated date of completion;

3093 5. The source and amount of financial assistance to be
3094 made available by the department, a water management district,

3095 or other entity for each listed project;

3096 6. An estimate of each listed project's nutrient load
3097 reduction;

3098 7. Identification of each point source or category of
3099 nonpoint sources, including, but not limited to, urban turf
3100 fertilizer, sports turf fertilizer, agricultural fertilizer,
3101 onsite sewage treatment and disposal systems, wastewater
3102 treatment facilities, animal wastes, and stormwater facilities.
3103 An estimated allocation of the pollutant load must be provided
3104 for each point source or category of nonpoint sources; and

3105 8. An implementation plan designed with a target to
3106 achieve the nutrient total maximum daily load no more than 20
3107 years after the adoption of a basin management action plan.

3108
3109 The department shall develop a schedule establishing 5-year, 10-
3110 year, and 15-year targets for achieving the nutrient total
3111 maximum daily load. The schedule shall be used to provide
3112 guidance for planning and funding purposes and is exempt from
3113 chapter 120.

3114 (c) For a basin management action plan adopted before July
3115 1, 2016, which addresses an Outstanding Florida Spring, the
3116 department or the department in conjunction with a water
3117 management district must revise the plan if necessary to comply
3118 with this section by July 1, 2018.

3119 (d) A local government may apply to the department for a
3120 single extension of up to 5 years for any project in an adopted

3121 basin management action plan. A local government in a rural area
3122 of opportunity, as defined in s. 288.0656, may apply for a
3123 single extension of up to 10 years for such a project. The
3124 department may grant the extension if the local government
3125 provides to the department sufficient evidence that an extension
3126 is in the best interest of the public.

3127 (2) By July 1, 2017, each local government, as defined in
3128 s. 373.802(2), that has not adopted an ordinance pursuant to s.
3129 403.9337, shall develop, enact, and implement an ordinance
3130 pursuant to that section. It is the intent of the Legislature
3131 that ordinances required to be adopted under this subsection
3132 reflect the latest scientific information, advancements, and
3133 technological improvements in the industry.

3134 (3) As part of a basin management action plan that
3135 includes an Outstanding Florida Spring, the department, the
3136 Department of Health, relevant local governments, and relevant
3137 local public and private wastewater utilities, shall develop an
3138 onsite sewage treatment and disposal system remediation plan for
3139 a spring if the department determines onsite sewage treatment
3140 and disposal systems within a priority focus area contribute at
3141 least 20 percent of nonpoint source nitrogen pollution or if the
3142 department determines remediation is necessary to achieve the
3143 total maximum daily load. The plan shall identify cost-effective
3144 and financially feasible projects necessary to reduce the
3145 nutrient impacts from onsite sewage treatment and disposal
3146 systems and shall be completed and adopted as part of the basin

3147 management action plan no later than the first 5-year milestone
3148 required by subparagraph (1)(b)8. The department is the lead
3149 agency in coordinating the preparation of and the adoption of
3150 the plan. The department shall:

3151 (a) Collect and evaluate credible scientific information
3152 on the effect of nutrients, particularly forms of nitrogen, on
3153 springs and springs systems; and

3154 (b) Develop a public education plan to provide area
3155 residents with reliable, understandable information about onsite
3156 sewage treatment and disposal systems and springs.

3157
3158 In addition to the requirements in s. 403.067, the plan shall
3159 include options for repair, upgrade, replacement, drainfield
3160 modification, addition of effective nitrogen reducing features,
3161 connection to a central sewerage system, or other action for an
3162 onsite sewage treatment and disposal system or group of systems
3163 within a priority focus area that contribute at least 20 percent
3164 of nonpoint source nitrogen pollution or if the department
3165 determines remediation is necessary to achieve a total maximum
3166 daily load. For these systems, the department shall include in
3167 the plan a priority ranking for each system or group of systems
3168 that requires remediation and shall award funds to implement the
3169 remediation projects contingent on an appropriation in the
3170 General Appropriations Act, which may include all or part of the
3171 costs necessary for repair, upgrade, replacement, drainfield
3172 modification, addition of effective nitrogen reducing features,

3173 initial connection to a central sewerage system, or other
3174 action. In awarding funds, the department may consider expected
3175 nutrient reduction benefit per unit cost, size and scope of
3176 project, relative local financial contribution to the project,
3177 and the financial impact on property owners and the community.
3178 The department may waive matching funding requirements for
3179 proposed projects within an area designated as a rural area of
3180 opportunity under s. 288.0656.

3181 (4) The department shall provide notice to a local
3182 government of all permit applicants under s. 403.814(12) in a
3183 priority focus area of an Outstanding Florida Spring over which
3184 the local government has full or partial jurisdiction.

3185 Section 28. Section 373.811, Florida Statutes, is created
3186 to read:

3187 373.811 Prohibited activities within a priority focus
3188 area.—The following activities are prohibited within a priority
3189 focus area in effect for an Outstanding Florida Spring:

3190 (1) New domestic wastewater disposal facilities, including
3191 rapid infiltration basins, with permitted capacities of 100,000
3192 gallons per day or more, except for those facilities that meet
3193 an advanced wastewater treatment standard of no more than 3 mg/l
3194 total nitrogen, expressed as N, on an annual permitted basis, or
3195 a more stringent treatment standard if the department determines
3196 the more stringent standard is necessary to attain a total
3197 maximum daily load for the Outstanding Florida Spring.

3198 (2) New onsite sewage treatment and disposal systems on

3199 lots of less than 1 acre, if the addition of the specific
 3200 systems conflicts with an onsite treatment and disposal system
 3201 remediation plan incorporated into a basin management action
 3202 plan in accordance with s. 373.807(3).

3203 (3) New facilities for the disposal of hazardous waste.

3204 (4) The land application of Class A or Class B domestic
 3205 wastewater biosolids not in accordance with a department
 3206 approved nutrient management plan establishing the rate at which
 3207 all biosolids, soil amendments, and sources of nutrients at the
 3208 land application site can be applied to the land for crop
 3209 production while minimizing the amount of pollutants and
 3210 nutrients discharged to groundwater or waters of the state.

3211 (5) New agriculture operations that do not implement best
 3212 management practices, measures necessary to achieve pollution
 3213 reduction levels established by the department, or groundwater
 3214 monitoring plans approved by a water management district or the
 3215 department.

3216 Section 29. Section 373.813, Florida Statutes, is created
 3217 to read:

3218 373.813 Rules.—

3219 (1) The department shall adopt rules to improve water
 3220 quantity and water quality to administer this part, as
 3221 applicable.

3222 (2) (a) The Department of Agriculture and Consumer Services
 3223 is the lead agency coordinating the reduction of agricultural
 3224 nonpoint sources of pollution for the protection of Outstanding

3225 Florida Springs. The Department of Agriculture and Consumer
 3226 Services and the department, pursuant to s. 403.067(7)(c)4.,
 3227 shall study new or revised agricultural best management
 3228 practices for improving and protecting Outstanding Florida
 3229 Springs and, if necessary, in cooperation with applicable local
 3230 governments and stakeholders, initiate rulemaking to require the
 3231 implementation of such practices within a reasonable period.

3232 (b) The department, the Department of Agriculture and
 3233 Consumer Services, and the University of Florida Institute of
 3234 Food and Agricultural Sciences shall cooperate in conducting the
 3235 necessary research and demonstration projects to develop
 3236 improved or additional nutrient management tools, including the
 3237 use of controlled release fertilizer that can be used by
 3238 agricultural producers as part of an agricultural best
 3239 management practices program. The development of such tools must
 3240 reflect a balance between water quality improvement and
 3241 agricultural productivity and, if applicable, must be
 3242 incorporated into the revised agricultural best management
 3243 practices adopted by rule by the Department of Agriculture and
 3244 Consumer Services.

3245 Section 30. Subsection (29) of section 403.061, Florida
 3246 Statutes, is amended to read:

3247 403.061 Department; powers and duties.—The department
 3248 shall have the power and the duty to control and prohibit
 3249 pollution of air and water in accordance with the law and rules
 3250 adopted and promulgated by it and, for this purpose, to:

3251 (29) (a) Adopt by rule special criteria to protect Class II
3252 and Class III shellfish harvesting waters. Such rules may
3253 include special criteria for approving docking facilities that
3254 have 10 or fewer slips if the construction and operation of such
3255 facilities will not result in the closure of shellfish waters.

3256 (b) Adopt by rule a specific surface water classification
3257 to protect surface waters used for treated potable water supply.
3258 These designated surface waters shall have the same water
3259 quality criteria protections as waters designated for fish
3260 consumption, recreation, and the propagation and maintenance of
3261 a healthy, well-balanced population of fish and wildlife, and
3262 shall be free from discharged substances at a concentration
3263 that, alone or in combination with other discharged substances,
3264 would require significant alteration of permitted treatment
3265 processes at the permitted treatment facility or that would
3266 otherwise prevent compliance with applicable state drinking
3267 water standards in the treated water. Notwithstanding this
3268 classification or the inclusion of treated water supply as a
3269 designated use of a surface water, a surface water used for
3270 treated potable water supply may be reclassified to the potable
3271 water supply classification.

3272
3273 The department shall implement such programs in conjunction with
3274 its other powers and duties and shall place special emphasis on
3275 reducing and eliminating contamination that presents a threat to
3276 humans, animals or plants, or to the environment.

3277 Section 31. Section 403.0617, Florida Statutes, is created
 3278 to read:

3279 403.0617 Innovative nutrient and sediment reduction and
 3280 conservation pilot project program.—

3281 (1) Contingent upon a specific appropriation in the
 3282 General Appropriation Act, the department may fund innovative
 3283 nutrient and sediment reduction and conservation pilot projects
 3284 selected pursuant to this section. These pilot projects are
 3285 intended to test the effectiveness of innovative or existing
 3286 nutrient reduction or water conservation technologies, programs,
 3287 or practices designed to minimize nutrient pollution or restore
 3288 flows in the water bodies of the state.

3289 (2) By October 1, 2016, the department shall initiate
 3290 rulemaking to establish criteria by which the department will
 3291 evaluate and rank pilot projects for funding. The criteria must
 3292 include a determination by the department that the pilot project
 3293 will not be harmful to the ecological resources in the study
 3294 area. The criteria must give preference to projects that will
 3295 result in the greatest improvement to water quality and water
 3296 quantity for the dollars to be expended for the project. At a
 3297 minimum, the department shall consider all of the following:

3298 (a) The level of nutrient impairment of the waterbody,
 3299 watershed, or water segment in which the project is located.

3300 (b) The quantity of nutrients the project is estimated to
 3301 remove from a water body, watershed, or water segment with a
 3302 nutrient total maximum daily load.

3303 (c) The potential for the project to provide a cost-
3304 effective solution to pollution, including pollution caused by
3305 onsite sewage treatment and disposal systems.

3306 (d) The anticipated impact the project will have on
3307 restoring or increasing flow or water level.

3308 (e) The amount of matching funds for the project which
3309 will be provided by the entities responsible for implementing
3310 the project.

3311 (f) Whether the project is located in a rural area of
3312 opportunity, as defined in s. 288.0656, with preference given to
3313 the local government responsible for implementing the project.

3314 (g) For multiple-year projects, whether the project has
3315 funding sources that are identified and assured through the
3316 expected completion date of the project.

3317 (h) The cost of the project and the length of time it will
3318 take to complete relative to its expected benefits.

3319 (i) Whether the entities responsible for implementing the
3320 project have used their own funds for projects to improve water
3321 quality or conserve water use with preference given to those
3322 entities that have expended such funds.

3323 Section 32. Section 403.0623, Florida Statutes, is amended
3324 to read:

3325 403.0623 Environmental data; quality assurance.—

3326 (1) The department must establish, by rule, appropriate
3327 quality assurance requirements for environmental data submitted
3328 to the department and the criteria by which environmental data

3329 may be rejected by the department. The department may adopt and
3330 enforce rules to establish data quality objectives and specify
3331 requirements for training of laboratory and field staff, sample
3332 collection methodology, proficiency testing, and audits of
3333 laboratory and field sampling activities. Such rules may be in
3334 addition to any laboratory certification provisions under ss.
3335 403.0625 and 403.863.

3336 (2) (a) The department, in coordination with the water
3337 management districts, regional water supply authorities, and the
3338 Department of Agriculture and Consumer Services shall establish
3339 standards for the collection and analysis of water quantity,
3340 water quality, and related data to ensure quality, reliability,
3341 and validity of the data and testing results.

3342 (b) To the extent practicable, the department shall
3343 coordinate with federal agencies to ensure that its collection
3344 and analysis of water quality, water quantity, and related data,
3345 which may be used by any state agency, water management
3346 district, or local government, is consistent with this
3347 subsection.

3348 (c) To receive state funds for the acquisition of land or
3349 the financing of a water resource project, state agencies and
3350 water management districts must show that they followed the
3351 department's collection and analysis standards, if available, as
3352 a prerequisite for any such request for funding.

3353 (d) The department and the water management districts may
3354 adopt rules to implement this subsection.

3355 Section 33. Subsection (7) of section 403.067, Florida
 3356 Statutes, is amended to read:

3357 403.067 Establishment and implementation of total maximum
 3358 daily loads.—

3359 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
 3360 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

3361 (a) Basin management action plans.—

3362 1. In developing and implementing the total maximum daily
 3363 load for a water body, the department, or the department in
 3364 conjunction with a water management district, may develop a
 3365 basin management action plan that addresses some or all of the
 3366 watersheds and basins tributary to the water body. Such plan
 3367 must integrate the appropriate management strategies available
 3368 to the state through existing water quality protection programs
 3369 to achieve the total maximum daily loads and may provide for
 3370 phased implementation of these management strategies to promote
 3371 timely, cost-effective actions as provided for in s. 403.151.
 3372 The plan must establish a schedule implementing the management
 3373 strategies, establish a basis for evaluating the plan's
 3374 effectiveness, and identify feasible funding strategies for
 3375 implementing the plan's management strategies. The management
 3376 strategies may include regional treatment systems or other
 3377 public works, where appropriate, and voluntary trading of water
 3378 quality credits to achieve the needed pollutant load reductions.

3379 2. A basin management action plan must equitably allocate,
 3380 pursuant to paragraph (6) (b), pollutant reductions to individual

3381 basins, as a whole to all basins, or to each identified point
3382 source or category of nonpoint sources, as appropriate. For
3383 nonpoint sources for which best management practices have been
3384 adopted, the initial requirement specified by the plan must be
3385 those practices developed pursuant to paragraph (c). Where
3386 appropriate, the plan may take into account the benefits of
3387 pollutant load reduction achieved by point or nonpoint sources
3388 that have implemented management strategies to reduce pollutant
3389 loads, including best management practices, before the
3390 development of the basin management action plan. The plan must
3391 also identify the mechanisms that will address potential future
3392 increases in pollutant loading.

3393 3. The basin management action planning process is
3394 intended to involve the broadest possible range of interested
3395 parties, with the objective of encouraging the greatest amount
3396 of cooperation and consensus possible. In developing a basin
3397 management action plan, the department shall assure that key
3398 stakeholders, including, but not limited to, applicable local
3399 governments, water management districts, the Department of
3400 Agriculture and Consumer Services, other appropriate state
3401 agencies, local soil and water conservation districts,
3402 environmental groups, regulated interests, and affected
3403 pollution sources, are invited to participate in the process.
3404 The department shall hold at least one public meeting in the
3405 vicinity of the watershed or basin to discuss and receive
3406 comments during the planning process and shall otherwise

3407 encourage public participation to the greatest practicable
3408 extent. Notice of the public meeting must be published in a
3409 newspaper of general circulation in each county in which the
3410 watershed or basin lies not less than 5 days nor more than 15
3411 days before the public meeting. A basin management action plan
3412 does not supplant or otherwise alter any assessment made under
3413 subsection (3) or subsection (4) or any calculation or initial
3414 allocation.

3415 4. Each new or revised basin management action plan shall
3416 include:

3417 a. The appropriate management strategies available through
3418 existing water quality protection programs to achieve total
3419 maximum daily loads, which may provide for phased implementation
3420 to promote timely, cost-effective actions as provided for in s.
3421 403.151;

3422 b. A description of best management practices adopted by
3423 rule;

3424 c. A list of projects in priority ranking with a planning-
3425 level cost estimate and estimated date of completion for each
3426 listed project;

3427 d. The source and amount of financial assistance to be
3428 made available by the department, a water management district,
3429 or other entity for each listed project, if applicable; and

3430 e. A planning-level estimate of each listed project's
3431 expected load reduction, if applicable.

3432 5.4- The department shall adopt all or any part of a basin

3433 management action plan and any amendment to such plan by
3434 secretarial order pursuant to chapter 120 to implement the
3435 provisions of this section.

3436 ~~6.5.~~ The basin management action plan must include
3437 milestones for implementation and water quality improvement, and
3438 an associated water quality monitoring component sufficient to
3439 evaluate whether reasonable progress in pollutant load
3440 reductions is being achieved over time. An assessment of
3441 progress toward these milestones shall be conducted every 5
3442 years, and revisions to the plan shall be made as appropriate.
3443 Revisions to the basin management action plan shall be made by
3444 the department in cooperation with basin stakeholders. Revisions
3445 to the management strategies required for nonpoint sources must
3446 follow the procedures set forth in subparagraph (c)4. Revised
3447 basin management action plans must be adopted pursuant to
3448 subparagraph 5.4.

3449 ~~7.6.~~ In accordance with procedures adopted by rule under
3450 paragraph (9)(c), basin management action plans, and other
3451 pollution control programs under local, state, or federal
3452 authority as provided in subsection (4), may allow point or
3453 nonpoint sources that will achieve greater pollutant reductions
3454 than required by an adopted total maximum daily load or
3455 wasteload allocation to generate, register, and trade water
3456 quality credits for the excess reductions to enable other
3457 sources to achieve their allocation; however, the generation of
3458 water quality credits does not remove the obligation of a source

3459 or activity to meet applicable technology requirements or
 3460 adopted best management practices. Such plans must allow trading
 3461 between NPDES permittees, and trading that may or may not
 3462 involve NPDES permittees, where the generation or use of the
 3463 credits involve an entity or activity not subject to department
 3464 water discharge permits whose owner voluntarily elects to obtain
 3465 department authorization for the generation and sale of credits.

3466 8.7. The provisions of the department's rule relating to
 3467 the equitable abatement of pollutants into surface waters do not
 3468 apply to water bodies or water body segments for which a basin
 3469 management plan that takes into account future new or expanded
 3470 activities or discharges has been adopted under this section.

3471 (b) Total maximum daily load implementation.—

3472 1. The department shall be the lead agency in coordinating
 3473 the implementation of the total maximum daily loads through
 3474 existing water quality protection programs. Application of a
 3475 total maximum daily load by a water management district must be
 3476 consistent with this section and does not require the issuance
 3477 of an order or a separate action pursuant to s. 120.536(1) or s.
 3478 120.54 for the adoption of the calculation and allocation
 3479 previously established by the department. Such programs may
 3480 include, but are not limited to:

3481 a. Permitting and other existing regulatory programs,
 3482 including water-quality-based effluent limitations;

3483 b. Nonregulatory and incentive-based programs, including
 3484 best management practices, cost sharing, waste minimization,

3485 pollution prevention, agreements established pursuant to s.
 3486 403.061(21), and public education;

3487 c. Other water quality management and restoration
 3488 activities, for example surface water improvement and management
 3489 plans approved by water management districts or basin management
 3490 action plans developed pursuant to this subsection;

3491 d. Trading of water quality credits or other equitable
 3492 economically based agreements;

3493 e. Public works including capital facilities; or

3494 f. Land acquisition.

3495 2. For a basin management action plan adopted pursuant to
 3496 paragraph (a), any management strategies and pollutant reduction
 3497 requirements associated with a pollutant of concern for which a
 3498 total maximum daily load has been developed, including effluent
 3499 limits set forth for a discharger subject to NPDES permitting,
 3500 if any, must be included in a timely manner in subsequent NPDES
 3501 permits or permit modifications for that discharger. The
 3502 department may not impose limits or conditions implementing an
 3503 adopted total maximum daily load in an NPDES permit until the
 3504 permit expires, the discharge is modified, or the permit is
 3505 reopened pursuant to an adopted basin management action plan.

3506 a. Absent a detailed allocation, total maximum daily loads
 3507 must be implemented through NPDES permit conditions that provide
 3508 for a compliance schedule. In such instances, a facility's NPDES
 3509 permit must allow time for the issuance of an order adopting the
 3510 basin management action plan. The time allowed for the issuance

3511 of an order adopting the plan may not exceed 5 years. Upon
3512 issuance of an order adopting the plan, the permit must be
3513 reopened or renewed, as necessary, and permit conditions
3514 consistent with the plan must be established. Notwithstanding
3515 the other provisions of this subparagraph, upon request by an
3516 NPDES permittee, the department as part of a permit issuance,
3517 renewal, or modification may establish individual allocations
3518 before the adoption of a basin management action plan.

3519 b. For holders of NPDES municipal separate storm sewer
3520 system permits and other stormwater sources, implementation of a
3521 total maximum daily load or basin management action plan must be
3522 achieved, to the maximum extent practicable, through the use of
3523 best management practices or other management measures.

3524 c. The basin management action plan does not relieve the
3525 discharger from any requirement to obtain, renew, or modify an
3526 NPDES permit or to abide by other requirements of the permit.

3527 d. Management strategies set forth in a basin management
3528 action plan to be implemented by a discharger subject to
3529 permitting by the department must be completed pursuant to the
3530 schedule set forth in the basin management action plan. This
3531 implementation schedule may extend beyond the 5-year term of an
3532 NPDES permit.

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

3537 form, into a subsequent NPDES permit or permit modification.

3538 f. For nonagricultural pollutant sources not subject to
3539 NPDES permitting but permitted pursuant to other state,
3540 regional, or local water quality programs, the pollutant
3541 reduction actions adopted in a basin management action plan must
3542 be implemented to the maximum extent practicable as part of
3543 those permitting programs.

3544 g. A nonpoint source discharger included in a basin
3545 management action plan must demonstrate compliance with the
3546 pollutant reductions established under subsection (6) by
3547 implementing the appropriate best management practices
3548 established pursuant to paragraph (c) or conducting water
3549 quality monitoring prescribed by the department or a water
3550 management district. A nonpoint source discharger may, in
3551 accordance with department rules, supplement the implementation
3552 of best management practices with water quality credit trades in
3553 order to demonstrate compliance with the pollutant reductions
3554 established under subsection (6).

3555 h. A nonpoint source discharger included in a basin
3556 management action plan may be subject to enforcement action by
3557 the department or a water management district based upon a
3558 failure to implement the responsibilities set forth in sub-
3559 subparagraph g.

3560 i. A landowner, discharger, or other responsible person
3561 who is implementing applicable management strategies specified
3562 in an adopted basin management action plan may not be required

3563 by permit, enforcement action, or otherwise to implement
3564 additional management strategies, including water quality credit
3565 trading, to reduce pollutant loads to attain the pollutant
3566 reductions established pursuant to subsection (6) and shall be
3567 deemed to be in compliance with this section. This subparagraph
3568 does not limit the authority of the department to amend a basin
3569 management action plan as specified in subparagraph (a) 6. ~~(a) 5.~~

3570 (c) Best management practices.—

3571 1. The department, in cooperation with the water
3572 management districts and other interested parties, as
3573 appropriate, may develop suitable interim measures, best
3574 management practices, or other measures necessary to achieve the
3575 level of pollution reduction established by the department for
3576 nonagricultural nonpoint pollutant sources in allocations
3577 developed pursuant to subsection (6) and this subsection. These
3578 practices and measures may be adopted by rule by the department
3579 and the water management districts and, where adopted by rule,
3580 shall be implemented by those parties responsible for
3581 nonagricultural nonpoint source pollution.

3582 2. The Department of Agriculture and Consumer Services may
3583 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54
3584 suitable interim measures, best management practices, or other
3585 measures necessary to achieve the level of pollution reduction
3586 established by the department for agricultural pollutant sources
3587 in allocations developed pursuant to subsection (6) and this
3588 subsection or for programs implemented pursuant to paragraph

3589 (12) (b). These practices and measures may be implemented by
3590 those parties responsible for agricultural pollutant sources and
3591 the department, the water management districts, and the
3592 Department of Agriculture and Consumer Services shall assist
3593 with implementation. In the process of developing and adopting
3594 rules for interim measures, best management practices, or other
3595 measures, the Department of Agriculture and Consumer Services
3596 shall consult with the department, the Department of Health, the
3597 water management districts, representatives from affected
3598 farming groups, and environmental group representatives. Such
3599 rules must also incorporate provisions for a notice of intent to
3600 implement the practices and a system to assure the
3601 implementation of the practices, including site inspection and
3602 recordkeeping requirements.

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

3615 adoption of a rule proposed pursuant to this paragraph.
3616 Implementation, in accordance with rules adopted under this
3617 paragraph, of practices that have been initially verified to be
3618 effective, or verified to be effective by monitoring at
3619 representative sites, by the department, shall provide a
3620 presumption of compliance with state water quality standards and
3621 release from the provisions of s. 376.307(5) for those
3622 pollutants addressed by the practices, and the department is not
3623 authorized to institute proceedings against the owner of the
3624 source of pollution to recover costs or damages associated with
3625 the contamination of surface water or groundwater caused by
3626 those pollutants. Research projects funded by the department, a
3627 water management district, or the Department of Agriculture and
3628 Consumer Services to develop or demonstrate interim measures or
3629 best management practices shall be granted a presumption of
3630 compliance with state water quality standards and a release from
3631 the provisions of s. 376.307(5). The presumption of compliance
3632 and release is limited to the research site and only for those
3633 pollutants addressed by the interim measures or best management
3634 practices. Eligibility for the presumption of compliance and
3635 release is limited to research projects on sites where the owner
3636 or operator of the research site and the department, a water
3637 management district, or the Department of Agriculture and
3638 Consumer Services have entered into a contract or other
3639 agreement that, at a minimum, specifies the research objectives,
3640 the cost-share responsibilities of the parties, and a schedule

3641 that details the beginning and ending dates of the project.

3642 4. Where water quality problems are demonstrated, despite
3643 the appropriate implementation, operation, and maintenance of
3644 best management practices and other measures required by rules
3645 adopted under this paragraph, the department, a water management
3646 district, or the Department of Agriculture and Consumer
3647 Services, in consultation with the department, shall institute a
3648 reevaluation of the best management practice or other measure.
3649 Should the reevaluation determine that the best management
3650 practice or other measure requires modification, the department,
3651 a water management district, or the Department of Agriculture
3652 and Consumer Services, as appropriate, shall revise the rule to
3653 require implementation of the modified practice within a
3654 reasonable time period as specified in the rule.

3655 5. Agricultural records relating to processes or methods
3656 of production, costs of production, profits, or other financial
3657 information held by the Department of Agriculture and Consumer
3658 Services pursuant to subparagraphs 3. and 4. or pursuant to any
3659 rule adopted pursuant to subparagraph 2. are confidential and
3660 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
3661 Constitution. Upon request, records made confidential and exempt
3662 pursuant to this subparagraph shall be released to the
3663 department or any water management district provided that the
3664 confidentiality specified by this subparagraph for such records
3665 is maintained.

3666 6. The provisions of subparagraphs 1. and 2. do not

3667 preclude the department or water management district from
3668 requiring compliance with water quality standards or with
3669 current best management practice requirements set forth in any
3670 applicable regulatory program authorized by law for the purpose
3671 of protecting water quality. Additionally, subparagraphs 1. and
3672 2. are applicable only to the extent that they do not conflict
3673 with any rules adopted by the department that are necessary to
3674 maintain a federally delegated or approved program.

3675 (d) Enforcement and verification of basin management
3676 action plans and management strategies.—

3677 1. Basin management action plans are enforceable pursuant
3678 to this section and ss. 403.121, 403.141, and 403.161.

3679 Management strategies, including best management practices and
3680 water quality monitoring, are enforceable under this chapter.

3681 2. No later than January 1, 2017:

3682 a. The department, in consultation with the water
3683 management districts and the Department of Agriculture and
3684 Consumer Services, shall initiate rulemaking to adopt procedures
3685 to verify implementation of water quality monitoring required in
3686 lieu of implementation of best management practices or other
3687 measures pursuant to s. 403.067(7)(b)2.g.;

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

3693 pursuant to s. 403.067(7)(c)1.; and

3694 c. The Department of Agriculture and Consumer Services, in
3695 consultation with the water management districts and the
3696 department, shall initiate rulemaking to adopt procedures to
3697 verify implementation of agricultural interim measures, best
3698 management practices, or other measures adopted by rule pursuant
3699 to s. 403.067(7)(c)2.

3700

3701 The rules required under this subparagraph shall include
3702 enforcement procedures applicable to the landowner, discharger,
3703 or other responsible person required to implement applicable
3704 management strategies, including best management practices or
3705 water quality monitoring as a result of noncompliance.

3706 Section 34. Section 403.0675, Florida Statutes, is created
3707 to read:

3708 403.0675 Progress reports.—On or before July 1 of each
3709 year, beginning in 2018:

3710 (1) The department, in conjunction with the water
3711 management districts, shall post on its website and submit
3712 electronically an annual progress report to the Governor, the
3713 President of the Senate, and the Speaker of the House of
3714 Representatives on the status of each total maximum daily load,
3715 basin management action plan, minimum flow or minimum water
3716 level, and recovery or prevention strategy adopted pursuant to
3717 s. 403.067 or parts I and VIII of chapter 373. The report must
3718 include the status of each project identified to achieve a total

3719 maximum daily load or an adopted minimum flow or minimum water
3720 level, as applicable. If a report indicates that any of the 5-
3721 year, 10-year, or 15-year milestones, or the 20-year target
3722 date, if applicable, for achieving a total maximum daily load or
3723 a minimum flow or minimum water level will not be met, the
3724 report must include an explanation of the possible causes and
3725 potential solutions. If applicable, the report must include
3726 project descriptions, estimated costs, proposed priority ranking
3727 for project implementation, and funding needed to achieve the
3728 total maximum daily load or the minimum flow or minimum water
3729 level by the target date. Each water management district shall
3730 post the department's report on its website.

3731 (2) The Department of Agriculture and Consumer Services
3732 shall post on its website and submit electronically an annual
3733 progress report to the Governor, the President of the Senate,
3734 and the Speaker of the House of Representatives on the status of
3735 the implementation of the agricultural nonpoint source best
3736 management practices, including an implementation assurance
3737 report summarizing survey responses and response rates, site
3738 inspections, and other methods used to verify implementation of
3739 and compliance with best management practices pursuant to basin
3740 management action plans.

3741 Section 35. Subsection (21) is added to section 403.861,
3742 Florida Statutes, to read:

3743 403.861 Department; powers and duties.—The department
3744 shall have the power and the duty to carry out the provisions

3745 and purposes of this act and, for this purpose, to:

3746 (21) (a) Upon issuance of a construction permit to
3747 construct a new public water system drinking water treatment
3748 facility to provide potable water supply using a surface water
3749 that, at the time of the permit application, is not being used
3750 as a potable water supply, and the classification of which does
3751 not include potable water supply as a designated use, the
3752 department shall add treated potable water supply as a
3753 designated use of the surface water segment in accordance with
3754 s. 403.061(29) (b) .

3755 (b) For existing public water system drinking water
3756 treatment facilities that use a surface water as a treated
3757 potable water supply, which surface water classification does
3758 not include potable water supply as a designated use, the
3759 department shall add treated potable water supply as a
3760 designated use of the surface water segment in accordance with
3761 s. 403.061(29) (b) .

3762 Section 36. Section 403.928, Florida Statutes, is created
3763 to read:

3764 403.928 Assessment of water resources and conservation
3765 lands.—The Office of Economic and Demographic Research shall
3766 conduct an annual assessment of Florida's water resources and
3767 conservation lands.

3768 (1) WATER RESOURCES.—The assessment must include all of
3769 the following:

3770 (a) Historical and current expenditures and projections of

3771 future expenditures by federal, state, regional, and local
3772 governments and public and private utilities based upon
3773 historical trends and ongoing projects or initiatives associated
3774 with:

3775 1. Water supply and demand; and

3776 2. Water quality protection and restoration.

3777 (b) An analysis and estimates of future expenditures by
3778 federal, state, regional, and local governments and public and
3779 private utilities necessary to comply with federal and state
3780 laws and regulations governing subparagraphs (a)1. and (a)2. The
3781 analysis and estimates must address future expenditures by
3782 federal, state, regional, and local governments and all public
3783 and private utilities necessary to achieve the legislature's
3784 intent that sufficient water be available for all existing and
3785 future reasonable-beneficial uses and the natural systems, and
3786 that adverse effects of competition for water supplies be
3787 avoided. The assessment must include a compilation of projected
3788 water supply and demand data developed by each water management
3789 district pursuant to ss. 373.036 and 373.709, with notations
3790 regarding any significant differences between the methods used
3791 by the districts to calculate the data.

3792 (c) Forecasts of federal, state, regional, and local
3793 government revenues dedicated in current law for the purposes
3794 specified in subparagraphs (a)1. and (a)2. or that have been
3795 historically allocated for these purposes, as well as public and
3796 private utility revenues.

3797 (d) An identification of gaps between projected revenues
3798 and projected and estimated expenditures.

3799 (2) CONSERVATION LANDS.—The assessment must include all of
3800 the following:

3801 (a) Historical and current expenditures and projections of
3802 future expenditures by federal, state, regional, and local
3803 governments based upon historical trends and ongoing projects or
3804 initiatives associated with real property interests eligible for
3805 funding under s. 259.105.

3806 (b) An analysis and estimates of future expenditures by
3807 federal, state, regional, and local governments necessary to
3808 purchase lands identified in plans set forth by state agencies
3809 or water management districts.

3810 (c) An analysis of the ad valorem tax impacts, by county,
3811 resulting from public ownership of conservation lands.

3812 (d) Forecasts of federal, state, regional, and local
3813 government revenues dedicated in current law to maintain
3814 conservation lands and the gap between projected expenditures
3815 and revenues.

3816 (e) The total percentage of Florida real property that is
3817 publicly owned for conservation purposes.

3818 (f) A comparison of the cost of acquiring and maintaining
3819 conservation lands under fee simple or less than fee simple
3820 ownership.

3821 (3) The assessment shall include analyses on a statewide,
3822 regional, or geographic basis, as appropriate, and shall

3823 identify analytical challenges in assessing information across
 3824 the different regions of the state.

3825 (4) The assessment must identify any overlap in the
 3826 expenditures for water resources and conservation lands.

3827 (5) The water management districts, the Department of
 3828 Environmental Protection, the Department of Agriculture and
 3829 Consumer Services, the Fish and Wildlife Conservation
 3830 Commission, counties, municipalities, and special districts
 3831 shall provide assistance to the Office of Economic and
 3832 Demographic Research related to their respective areas of
 3833 expertise.

3834 (6) The Office of Economic and Demographic Research must
 3835 be given access to any data held by an agency as defined in s.
 3836 112.312 if the Office of Economic and Demographic Research
 3837 considers the data necessary to complete the assessment,
 3838 including any confidential data.

3839 (7) The assessment shall be submitted to the President of
 3840 the Senate and the Speaker of the House of Representatives by
 3841 January 1, 2017, and by January 1 of each year thereafter.

3842 Section 37. (1) The Department of Environmental
 3843 Protection shall evaluate the feasibility and cost of creating
 3844 and maintaining a web-based, interactive map that includes, at a
 3845 minimum:

3846 (a) All watersheds and each water body within those
 3847 watersheds;

3848 (b) The county or counties in which the watershed or water

3849 body is located;

3850 (c) The water management district or districts in which
3851 the watershed or water body is located;

3852 (d) Whether, if applicable, a minimum flow or minimum
3853 water level has been adopted for the water body and if such
3854 minimum flow or minimum water level has not been adopted, the
3855 anticipated adoption date;

3856 (e) Whether, if applicable, a recovery or prevention
3857 strategy has been adopted for the watershed or water body and,
3858 if such a plan has not been adopted, the anticipated adoption
3859 date;

3860 (f) The impairment status of each water body;

3861 (g) Whether, if applicable, a total maximum daily load has
3862 been adopted if the water body is listed as impaired and, if
3863 such total maximum daily load has not been adopted, the
3864 anticipated adoption date;

3865 (h) Whether, if applicable, a basin management action plan
3866 has been adopted for the watershed and, if such a plan has not
3867 been adopted, the anticipated adoption date;

3868 (i) Each project listed on the 5-year water resource
3869 development work program developed pursuant to s.
3870 373.536(6)(a)4.;

3871 (j) The agency or agencies and local sponsor, if any,
3872 responsible for overseeing the project;

3873 (k) The total or estimated cost and completion date of
3874 each project and the financial contribution of each entity;

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3875 (1) The estimated quantitative benefit to the watershed or
3876 water body; and

3877 (m) The water projects completed within the last 5 years
3878 within the watershed or water body.

3879 (2) On or before January 1, 2017, the department must
3880 submit a report containing the findings on the feasibility study
3881 to the President of the Senate and the Speaker of the House of
3882 Representatives.

3883 Section 38. The Legislature finds that a proper and
3884 legitimate state purpose is served when protecting the
3885 environmental resources of this state. Therefore, the
3886 Legislature determines and declares that this act fulfills an
3887 important state interest.

3888 Section 39. This act shall take effect July 1, 2016.