

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Caldwell offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 287 and 288, insert:

5 Section 13. Subsection (4) of section 373.1501, Florida
6 Statutes, is amended, subsections (7) and (8) are renumbered as
7 subsections (8) and (9), respectively, and a new subsection (7)
8 is added to that section, to read:

9 373.1501 South Florida Water Management District as local
10 sponsor.—

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

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15 exercise the authority of the state to allocate quantities of
16 water within its jurisdiction, including the water supply in
17 relation to the project, and be responsible for allocating water
18 and assigning priorities among the other water uses served by
19 the project pursuant to state law. The district may:

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

22 (b) Continue data gathering, analysis, research, and
23 design of project components, participate in preconstruction
24 engineering and design documents for project components, and
25 further refine the Comprehensive Plan of the restudy as a guide
26 and framework for identifying other project components.†

27 (c) Construct pilot projects that will assist in
28 determining the feasibility of technology included in the
29 Comprehensive Plan of the restudy.† ~~and~~

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

31 (7) When developing or implementing water control plans or
32 regulation schedules required for the operation of the project,
33 the district shall provide recommendations to the United States
34 Army Corps of Engineers which are consistent with all district
35 programs and plans.

36 Section 14. Paragraph (h) of subsection (1) and
37 subsections (2) through (7) of section 373.4595, Florida
38 Statutes, are amended, and subsections (8) through (13) of that
39 section are renumbered as subsections (9) through (14),

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40 respectively, and a new subsection (8) is added to that section,
41 to read:

42 373.4595 Northern Everglades and Estuaries Protection
43 Program.—

44 (1) FINDINGS AND INTENT.—

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

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

59 (a) "Best management practice" means a practice or
60 combination of practices determined by the coordinating
61 agencies, based on research, field-testing, and expert review,
62 to be the most effective and practicable on-location means,
63 including economic and technological considerations, for
64 improving water quality in agricultural and urban discharges.
65 Best management practices for agricultural discharges shall

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66 reflect a balance between water quality improvements and
67 agricultural productivity.

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

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

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

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

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92 ~~(f)~~(e) "Department" means the Department of Environmental
93 Protection.

94 ~~(g)~~(f) "District" means the South Florida Water Management
95 District.

96 ~~(g) "District's WOD program" means the program implemented~~
97 ~~pursuant to rules adopted as authorized by this section and ss.~~
98 ~~373.016, 373.044, 373.085, 373.086, 373.109, 373.113, 373.118,~~
99 ~~373.451, and 373.453, entitled "Works of the District Basin."~~

100 (h) "Lake Okeechobee Watershed Construction Project" means
101 the construction project developed pursuant to this section
102 ~~paragraph (3)(b).~~

103 (i) "Lake Okeechobee Watershed Protection Plan" means the
104 Lake Okeechobee Watershed Construction Project and the Lake
105 Okeechobee Watershed Research and Water Quality Monitoring
106 Program ~~plan developed pursuant to this section and ss. 373.451-~~
107 ~~373.459.~~

108 (j) "Lake Okeechobee watershed" means Lake Okeechobee, its
109 tributaries, and the area within which surface water flow is
110 directed or drains, naturally or by constructed works, to the
111 lake or its tributaries.

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

114 ~~(k)~~(l) "Northern Everglades" means the Lake Okeechobee
115 watershed, the Caloosahatchee River watershed, and the St. Lucie
116 River watershed.

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

121 (m)~~(n)~~ "Restudy" means the Comprehensive Review Study of
122 the Central and Southern Florida Project, for which federal
123 participation was authorized by the Federal Water Resources
124 Development Acts of 1992 and 1996 together with related
125 Congressional resolutions and for which participation by the
126 South Florida Water Management District is authorized by s.
127 373.1501. The term includes all actions undertaken pursuant to
128 the aforementioned authorizations which will result in
129 recommendations for modifications or additions to the Central
130 and Southern Florida Project.

131 (n)~~(o)~~ "River Watershed Protection Plans" means the
132 Caloosahatchee River Watershed Protection Plan and the St. Lucie
133 River Watershed Protection Plan developed pursuant to this
134 section.

135 (o) "Soil amendment" means any substance or mixture of
136 substances sold or offered for sale for soil enriching or
137 corrective purposes, intended or claimed to be effective in
138 promoting or stimulating plant growth, increasing soil or plant
139 productivity, improving the quality of crops, or producing any
140 chemical or physical change in the soil, except amendments,
141 conditioners, additives, and related products that are derived

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142 solely from inorganic sources and that contain no recognized
143 plant nutrients.

144 (p) "St. Lucie River watershed" means the St. Lucie River,
145 its tributaries, its estuary, and the area within Martin,
146 Okeechobee, and St. Lucie Counties from which surface water flow
147 is directed or drains, naturally or by constructed works, to the
148 river, its tributaries, or its estuary.

149 (q) "Total maximum daily load" means the sum of the
150 individual wasteload allocations for point sources and the load
151 allocations for nonpoint sources and natural background adopted
152 pursuant to s. 403.067. ~~Before~~ ~~Prior to~~ determining individual
153 wasteload allocations and load allocations, the maximum amount
154 of a pollutant that a water body or water segment can assimilate
155 from all sources without exceeding water quality standards must
156 first be calculated.

157 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—The Lake
158 Okeechobee Watershed Protection Program shall consist of the
159 Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee
160 Basin Management Action Plan adopted pursuant to s. 403.067, the
161 Lake Okeechobee Exotic Species Control Program, and the Lake
162 Okeechobee Internal Phosphorus Management Program. The Lake
163 Okeechobee Basin Management Action Plan adopted pursuant to s.
164 403.067 shall be the component of the Lake Okeechobee Watershed
165 Protection ~~A protection Program for Lake Okeechobee that~~
166 achieves phosphorus load reductions for Lake Okeechobee ~~shall be~~
167 ~~immediately implemented as specified in this subsection.~~ The

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168 Lake Okeechobee Watershed Protection Program shall address the
169 reduction of phosphorus loading to the lake from both internal
170 and external sources. Phosphorus load reductions shall be
171 achieved through a phased program of implementation. ~~Initial~~
172 ~~implementation actions shall be technology-based, based upon a~~
173 ~~consideration of both the availability of appropriate technology~~
174 ~~and the cost of such technology, and shall include phosphorus~~
175 ~~reduction measures at both the source and the regional level.~~
176 ~~The initial phase of phosphorus load reductions shall be based~~
177 ~~upon the district's Technical Publication 81-2 and the~~
178 ~~district's WOD program, with subsequent phases of phosphorus~~
179 ~~load reductions based upon the total maximum daily loads~~
180 ~~established in accordance with s. 403.067.~~ In the development
181 and administration of the Lake Okeechobee Watershed Protection
182 Program, the coordinating agencies shall maximize opportunities
183 provided by federal cost-sharing programs and opportunities for
184 partnerships with the private sector.

185 (a) Lake Okeechobee Watershed Protection Plan. ~~In order~~ To
186 protect and restore surface water resources, the district, in
187 cooperation with the other coordinating agencies, shall complete
188 a Lake Okeechobee Watershed Protection Plan in accordance with
189 this section and ss. 373.451-373.459. Beginning March 1, 2020,
190 and every 5 years thereafter, the district shall update the Lake
191 Okeechobee Watershed Protection Plan to ensure that it is
192 consistent with the Lake Okeechobee Basin Management Action Plan
193 adopted pursuant to s. 403.067. The Lake Okeechobee Watershed

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194 Protection ~~the~~ Plan shall identify the geographic extent of the
195 watershed, be coordinated with the plans developed pursuant to
196 paragraphs (4) (a) and (c) ~~(b)~~, and include the Lake Okeechobee
197 Watershed Construction Project and the Lake Okeechobee Watershed
198 Research and Water Quality Monitoring Program ~~contain an~~
199 ~~implementation schedule for subsequent phases of phosphorus load~~
200 ~~reduction consistent with the total maximum daily loads~~
201 ~~established in accordance with s. 403.067.~~ The plan shall
202 consider and build upon a review and analysis of ~~the following~~:
203 1. ~~the performance of projects constructed during Phase I~~
204 ~~and Phase II of the Lake Okeechobee Watershed Construction~~
205 ~~Project, pursuant to subparagraph 1.; paragraph (b).~~
206 2. ~~relevant information resulting from the Lake Okeechobee~~
207 Basin Management Action Plan Watershed Phosphorus Control
208 Program, pursuant to paragraph (b); ~~(e).~~
209 3. ~~relevant information resulting from the Lake Okeechobee~~
210 ~~Watershed Research and Water Quality Monitoring Program,~~
211 ~~pursuant to subparagraph 2.; paragraph (d).~~
212 4. ~~relevant information resulting from the Lake Okeechobee~~
213 ~~Exotic Species Control Program, pursuant to paragraph (c); and~~
214 ~~(e).~~
215 5. ~~relevant information resulting from the Lake Okeechobee~~
216 ~~Internal Phosphorus Management Program, pursuant to paragraph~~
217 ~~(d) (f).~~
218 1. ~~(b)~~ Lake Okeechobee Watershed Construction Project.—To
219 improve the hydrology and water quality of Lake Okeechobee and

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220 downstream receiving waters, including the Caloosahatchee and
221 St. Lucie Rivers and their estuaries, the district, in
222 cooperation with the other coordinating agencies, shall design
223 and construct the Lake Okeechobee Watershed Construction
224 Project. The project shall include:

225 a.1. Phase I.—Phase I of the Lake Okeechobee Watershed
226 Construction Project shall consist of a series of project
227 features consistent with the recommendations of the South
228 Florida Ecosystem Restoration Working Group's Lake Okeechobee
229 Action Plan. Priority basins for such projects include S-191, S-
230 154, and Pools D and E in the Lower Kissimmee River. ~~In order~~ To
231 obtain phosphorus load reductions to Lake Okeechobee as soon as
232 possible, the following actions shall be implemented:

233 (I)a. The district shall serve as a full partner with the
234 Corps of Engineers in the design and construction of the Grassy
235 Island Ranch and New Palm Dairy stormwater treatment facilities
236 as components of the Lake Okeechobee Water Retention/Phosphorus
237 Removal Critical Project. The Corps of Engineers shall have the
238 lead in design and construction of these facilities. Should
239 delays be encountered in the implementation of either of these
240 facilities, the district shall notify the department and
241 recommend corrective actions.

242 (II)b. The district shall obtain permits and complete
243 construction of two of the isolated wetland restoration projects
244 that are part of the Lake Okeechobee Water Retention/Phosphorus
245 Removal Critical Project. The additional isolated wetland

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246 projects included in this critical project shall further reduce
247 phosphorus loading to Lake Okeechobee.

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

257 b.2. Phase II technical plan and construction. ~~By February~~
258 ~~1, 2008,~~ The district, in cooperation with the other
259 coordinating agencies, shall develop a detailed technical plan
260 for Phase II of the Lake Okeechobee Watershed Construction
261 Project which provides the basis for the Lake Okeechobee Basin
262 Management Action Plan adopted by the department pursuant to s.
263 403.067. The detailed technical plan shall include measures for
264 the improvement of the quality, quantity, timing, and
265 distribution of water in the northern Everglades ecosystem,
266 including the Lake Okeechobee watershed and the estuaries, and
267 for facilitating the achievement of water quality standards. Use
268 of cost-effective biologically based, hybrid wetland/chemical
269 and other innovative nutrient control technologies shall be
270 incorporated in the plan where appropriate. The detailed
271 technical plan shall also include a Process Development and

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272 Engineering component to finalize the detail and design of Phase
273 II projects and identify additional measures needed to increase
274 the certainty that the overall objectives for improving water
275 quality and quantity can be met. Based on information and
276 recommendations from the Process Development and Engineering
277 component, the Phase II detailed technical plan shall be
278 periodically updated. Phase II shall include construction of
279 additional facilities in the priority basins identified in sub-
280 subparagraph a. subparagraph 1., as well as facilities for other
281 basins in the Lake Okeechobee watershed. ~~This detailed technical~~
282 ~~plan will require legislative ratification pursuant to paragraph~~
283 ~~(i).~~ The technical plan shall:

284 (I)a. Identify Lake Okeechobee Watershed Construction
285 Project facilities designed to contribute to achieving all
286 applicable total maximum daily loads established pursuant to s.
287 403.067 within the Lake Okeechobee watershed.

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

290 (III)e. Provide a construction schedule for all such Lake
291 Okeechobee Watershed Construction Project facilities, including
292 the sequencing and specific timeframe for construction of each
293 Lake Okeechobee Watershed Construction Project facility.

294 (IV)d. Provide a schedule for the acquisition of lands or
295 sufficient interests necessary to achieve the construction
296 schedule.

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

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

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

309 (VIII) ~~The technical plan shall also~~ Develop the
310 appropriate water quantity storage goal to achieve the desired
311 Lake Okeechobee range of lake levels and inflow volumes to the
312 Caloosahatchee and St. Lucie estuaries while meeting the other
313 water-related needs of the region, including water supply and
314 flood protection.

315 (IX)~~h~~. Provide for additional source controls needed to
316 enhance performance of the Lake Okeechobee Watershed
317 Construction Project facilities. Such additional source controls
318 shall be incorporated into the Lake Okeechobee Basin Management
319 Action Plan ~~Watershed Phosphorous Control Program~~ pursuant to
320 paragraph (b) ~~(e)~~.

321 c.3. Evaluation. ~~Within 5 years after the adoption of the~~
322 Lake Okeechobee Basin Management Action Plan pursuant to s.

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323 403.067 and every 5 ~~By January 1, 2004, and every 3~~ years
324 thereafter, the department ~~district~~, in cooperation with the
325 other coordinating agencies, shall conduct an evaluation of the
326 Lake Okeechobee Watershed Construction Project and identify any
327 further load reductions necessary to achieve compliance with the
328 ~~all~~ Lake Okeechobee ~~watershed~~ total maximum daily loads
329 established pursuant to s. 403.067. ~~Additionally,~~ The district
330 shall identify modifications to facilities of the Lake
331 Okeechobee Watershed Construction Project as appropriate to meet
332 the total maximum daily loads. Modifications to the Lake
333 Okeechobee Watershed Construction Project resulting from this
334 evaluation shall be incorporated into the Lake Okeechobee Basin
335 Management Action Plan and ~~The evaluation shall be included in~~
336 the applicable annual progress report submitted pursuant to
337 subsection (6).

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

347 2. Lake Okeechobee Watershed Research and Water Quality
348 Monitoring Program.—The coordinating agencies shall implement a

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349 Lake Okeechobee Watershed Research and Water Quality Monitoring
350 Program. Results from the program shall be used by the
351 department, in cooperation with the other coordinating agencies,
352 to make modifications to the Lake Okeechobee Basin Management
353 Action Plan adopted pursuant to s. 403.067, as appropriate. The
354 program shall:

355 a. Evaluate all available existing water quality data
356 concerning total phosphorus in the Lake Okeechobee watershed,
357 develop a water quality baseline to represent existing
358 conditions for total phosphorus, monitor long-term ecological
359 changes, including water quality for total phosphorus, and
360 measure compliance with water quality standards for total
361 phosphorus, including any applicable total maximum daily load
362 for the Lake Okeechobee watershed as established pursuant to s.
363 403.067. Beginning March 1, 2020, and every 5 years thereafter,
364 the department shall reevaluate water quality and quantity data
365 to ensure that the appropriate projects are being designated and
366 incorporated into the Lake Okeechobee Basin Management Action
367 Plan adopted pursuant to s. 403.067. The district shall
368 implement a total phosphorus monitoring program at appropriate
369 structures owned or operated by the district and within the Lake
370 Okeechobee watershed.

371 b. Develop a Lake Okeechobee water quality model that
372 reasonably represents the phosphorus dynamics of Lake Okeechobee
373 and incorporates an uncertainty analysis associated with model
374 predictions.

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375 c. Determine the relative contribution of phosphorus from
376 all identifiable sources and all primary and secondary land
377 uses.

378 d. Conduct an assessment of the sources of phosphorus from
379 the Upper Kissimmee Chain-of-Lakes and Lake Istokpoga, and their
380 relative contribution to the water quality of Lake Okeechobee.
381 The results of this assessment shall be used by the coordinating
382 agencies as part of the Lake Okeechobee Basin Management Action
383 Plan adopted pursuant to s. 403.067 to develop interim measures,
384 best management practices, or regulations, as applicable.

385 e. Assess current water management practices within the
386 Lake Okeechobee watershed and develop recommendations for
387 structural and operational improvements. Such recommendations
388 shall balance water supply, flood control, estuarine salinity,
389 maintenance of a healthy lake littoral zone, and water quality
390 considerations.

391 f. Evaluate the feasibility of alternative nutrient
392 reduction technologies, including sediment traps, canal and
393 ditch maintenance, fish production or other aquaculture,
394 bioenergy conversion processes, and algal or other biological
395 treatment technologies and include any alternative nutrient
396 reduction technologies determined to be feasible in the Lake
397 Okeechobee Basin Management Action Plan adopted pursuant to s.
398 403.067.

399 g. Conduct an assessment of the water volumes and timing
400 from the Lake Okeechobee watershed and their relative

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401 contribution to the water level changes in Lake Okeechobee and
402 to the timing and volume of water delivered to the estuaries.

403 (b)-(e) Lake Okeechobee Basin Management Action Plan
404 Watershed Phosphorus Control Program.—The Lake Okeechobee Basin
405 Management Action Plan adopted pursuant to s. 403.067 shall be
406 the watershed phosphorus control component for Lake Okeechobee.
407 The Lake Okeechobee Basin Management Action Plan shall be
408 Program is designed to be a multifaceted approach designed to
409 achieve the total maximum daily load reducing phosphorus loads
410 by improving the management of phosphorus sources within the
411 Lake Okeechobee watershed through implementation of regulations
412 and best management practices, continued development and
413 continued implementation of improved best management practices,
414 improvement and restoration of the hydrologic function of
415 natural and managed systems, and use utilization of alternative
416 technologies for nutrient reduction. The plan must include an
417 implementation schedule pursuant to this subsection for
418 pollutant load reductions. As provided in s. 403.067(7)(a)6.,
419 the Lake Okeechobee Basin Management Action Plan must include
420 milestones for implementation and water quality improvement and
421 an associated water quality monitoring component sufficient to
422 evaluate whether reasonable progress in pollutant load
423 reductions is being achieved over time. The department shall
424 develop a schedule to establish 5-year, 10-year, and 15-year
425 measurable milestones and a target to achieve the adopted total
426 maximum daily load within 20 years after adoption of the plan.

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427 The schedule shall be used to provide guidance for planning and
428 funding purposes and is exempt from s. 120.54(1)(a). An
429 assessment of progress toward these milestones shall be
430 conducted every 5 years, and revisions to the plan shall be
431 made, as appropriate, as a result of each 5-year review. The
432 assessment shall be provided to the Governor, the President of
433 the Senate, and the Speaker of the House of Representatives.
434 Upon the first 5-year review, the schedule of measurable
435 milestones and a target to achieve water quality improvement
436 consistent with this section shall be adopted as part of the
437 plan. Revisions to the basin management action plan shall be
438 made by the department in cooperation with the basin
439 stakeholders. Revisions to best management practices or other
440 measures must follow the procedures in s. 403.067(7)(c)4.
441 Revised basin management plans must be adopted pursuant to s.
442 403.067(7)(a)5. If achieving the adopted total maximum daily
443 load within 20 years is not practicable, the schedule must
444 contain an explanation of the constraints that prevent the
445 achievement of the total maximum daily load within 20 years, an
446 estimate of the time needed to achieve the total maximum daily
447 load, and additional 5-year measurable milestones, as necessary.
448 The coordinating agencies shall develop an interagency agreement
449 pursuant to ss. 373.046 and 373.406 which is consistent with the
450 department taking the lead on water quality protection measures
451 through the Lake Okeechobee Basin Management Action Plan adopted
452 pursuant to s. 403.067; the district taking the lead on

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453 hydrologic improvements pursuant to paragraph (a); and the
454 Department of Agriculture and Consumer Services taking the lead
455 on agricultural interim measures, best management practices, and
456 other measures adopted pursuant to s. 403.067. The interagency
457 agreement must specify how best management practices for
458 nonagricultural nonpoint sources are developed and how all best
459 management practices are implemented and verified consistent
460 with s. 403.067 and this section and must address measures to be
461 taken by the coordinating agencies during any best management
462 practice reevaluation performed pursuant to subparagraphs 5. and
463 10. The department shall use best professional judgment in
464 making the initial determination of best management practice
465 effectiveness. The coordinating agencies may develop an
466 intergovernmental agreement with local governments to implement
467 nonagricultural nonpoint source best management practices within
468 their respective geographic boundaries. The coordinating
469 agencies shall facilitate the application of federal programs
470 that offer opportunities for water quality treatment, including
471 preservation, restoration, or creation of wetlands on
472 agricultural lands.

473 1. Agricultural nonpoint source best management practices,
474 developed in accordance with s. 403.067 and designed to achieve
475 the objectives of the Lake Okeechobee Watershed Protection
476 Program as part of a phased approach of management strategies
477 within the Lake Okeechobee Basin Management Action Plan, shall
478 be implemented on an expedited basis. ~~The coordinating agencies~~

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479 shall ~~develop an interagency agreement pursuant to ss. 373.046~~
480 ~~and 373.406(5) that assures the development of best management~~
481 ~~practices that complement existing regulatory programs and~~
482 ~~specifies how those best management practices are implemented~~
483 ~~and verified. The interagency agreement shall address measures~~
484 ~~to be taken by the coordinating agencies during any best~~
485 ~~management practice reevaluation performed pursuant to sub-~~
486 ~~subparagraph d. The department shall use best professional~~
487 ~~judgment in making the initial determination of best management~~
488 ~~practice effectiveness.~~

489 2.a. As provided in s. 403.067(7)(c), the Department of
490 Agriculture and Consumer Services, in consultation with the
491 department, the district, and affected parties, shall initiate
492 rule development for interim measures, best management
493 practices, conservation plans, nutrient management plans, or
494 other measures necessary for Lake Okeechobee watershed total
495 maximum daily load reduction. The rule shall include thresholds
496 for requiring conservation and nutrient management plans and
497 criteria for the contents of such plans. Development of
498 agricultural nonpoint source best management practices shall
499 initially focus on those priority basins listed in sub-
500 subparagraph (a)1.a. ~~subparagraph (b)1.~~ The Department of
501 Agriculture and Consumer Services, in consultation with the
502 department, the district, and affected parties, shall conduct an
503 ongoing program for improvement of existing and development of
504 new agricultural nonpoint source interim measures and ~~or~~ best

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505 management practices. The Department of Agriculture and Consumer
506 Services shall adopt for the purpose of adoption of such
507 practices by rule. The Department of Agriculture and Consumer
508 Services shall work with the University of Florida ~~Florida's~~
509 Institute of Food and Agriculture Sciences to review and, where
510 appropriate, develop revised nutrient application rates for all
511 agricultural soil amendments in the watershed.

512 ~~3.b.~~ As provided in s. 403.067, where agricultural
513 nonpoint source best management practices or interim measures
514 have been adopted by rule of the Department of Agriculture and
515 Consumer Services, the owner or operator of an agricultural
516 nonpoint source addressed by such rule shall either implement
517 interim measures or best management practices or demonstrate
518 compliance with state water quality standards addressed by the
519 Lake Okeechobee Basin Management Action Plan adopted pursuant to
520 s. 403.067 ~~the district's WOD program~~ by conducting monitoring
521 prescribed by the department or the district. Owners or
522 operators of agricultural nonpoint sources who implement interim
523 measures or best management practices adopted by rule of the
524 Department of Agriculture and Consumer Services shall be subject
525 to ~~the provisions of s. 403.067(7). The Department of~~
526 ~~Agriculture and Consumer Services, in cooperation with the~~
527 ~~department and the district, shall provide technical and~~
528 ~~financial assistance for implementation of agricultural best~~
529 ~~management practices, subject to the availability of funds.~~

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

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

545 ~~6.2.~~ As provided in s. 403.067, nonagricultural nonpoint
546 source best management practices, developed in accordance with
547 s. 403.067 and designed to achieve the objectives of the Lake
548 Okeechobee Watershed Protection Program as part of a phased
549 approach of management strategies within the Lake Okeechobee
550 Basin Management Action Plan, shall be implemented on an
551 expedited basis. The department and the district shall develop
552 an interagency agreement pursuant to ss. 373.046 and 373.406(5)
553 that assures the development of best management practices that
554 complement existing regulatory programs and specifies how those
555 best management practices are implemented and verified. The

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

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

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581 ~~8.b.~~ Where nonagricultural nonpoint source best management
582 practices or interim measures have been developed by the
583 department and adopted by the district, the owner or operator of
584 a nonagricultural nonpoint source shall implement interim
585 measures or best management practices and be subject to ~~the~~
586 ~~provisions of s. 403.067(7). The department and district shall~~
587 ~~provide technical and financial assistance for implementation of~~
588 ~~nonagricultural nonpoint source best management practices,~~
589 ~~subject to the availability of funds.~~

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

594 10.d. Where water quality problems are detected for
595 nonagricultural nonpoint sources despite the appropriate
596 implementation of adopted best management practices, ~~the~~
597 ~~department and the district shall institute a reevaluation of~~
598 ~~the best management practices~~ shall be conducted pursuant to s.
599 403.067(7)(c)4. If the reevaluation determines that the best
600 management practices or other measures require modification, the
601 rule shall be revised to require implementation of the modified
602 practice within a reasonable time period as specified in the
603 rule.

604 11.3. ~~The provisions of Subparagraphs 1. and 2. and 7. do~~
605 ~~may~~ not preclude the department or the district from requiring
606 compliance with water quality standards or with current best

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607 management practices requirements set forth in any applicable
608 regulatory program authorized by law for the purpose of
609 protecting water quality. ~~Additionally,~~ Subparagraphs ~~1. and 2.~~
610 and 7. are applicable only to the extent that they do not
611 conflict with any rules adopted by the department that are
612 necessary to maintain a federally delegated or approved program.

613 12. The program of agricultural best management practices
614 set forth in the Everglades Program of the district, meets the
615 requirements of this paragraph and s. 403.067(7) for the Lake
616 Okeechobee watershed. An entity in compliance with best
617 management practices set forth in the Everglades Program of the
618 district, may elect to use that permit in lieu of the
619 requirements of this paragraph. The provisions of s.
620 373.4595(3)(b)5. apply to this subparagraph. This subparagraph
621 does not alter any requirement of s. 373.4592.

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

630 14.4. Projects that reduce the phosphorus load originating
631 from domestic wastewater systems within the Lake Okeechobee
632 watershed shall be given funding priority in the department's

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633 revolving loan program under s. 403.1835. The department shall
634 coordinate and provide assistance to those local governments
635 seeking financial assistance for such priority projects.

636 ~~15.5.~~ Projects that make use of private lands, or lands
637 held in trust for Indian tribes, to reduce nutrient loadings or
638 concentrations within a basin by one or more of the following
639 methods: restoring the natural hydrology of the basin, restoring
640 wildlife habitat or impacted wetlands, reducing peak flows after
641 storm events, increasing aquifer recharge, or protecting range
642 and timberland from conversion to development, are eligible for
643 grants available under this section from the coordinating
644 agencies. For projects of otherwise equal priority, special
645 funding priority will be given to those projects that make best
646 use of the methods outlined above that involve public-private
647 partnerships or that obtain federal match money. Preference
648 ranking above the special funding priority will be given to
649 projects located in a rural area of opportunity designated by
650 the Governor. Grant applications may be submitted by any person
651 or tribal entity, and eligible projects may include, but are not
652 limited to, the purchase of conservation and flowage easements,
653 hydrologic restoration of wetlands, creating treatment wetlands,
654 development of a management plan for natural resources, and
655 financial support to implement a management plan.

656 ~~16.6.a.~~ The department shall require all entities
657 disposing of domestic wastewater biosolids ~~residuals~~ within the
658 Lake Okeechobee watershed and the remaining areas of Okeechobee,

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659 Glades, and Hendry Counties to develop and submit to the
660 department an agricultural use plan that limits applications
661 based upon phosphorus loading consistent with the Lake
662 Okeechobee Basin Management Action Plan adopted pursuant to s.
663 403.067. ~~By July 1, 2005, phosphorus concentrations originating~~
664 ~~from these application sites may not exceed the limits~~
665 ~~established in the district's WOD program. After December 31,~~
666 ~~2007,~~ The department may not authorize the disposal of domestic
667 wastewater biosolids ~~residuals~~ within the Lake Okeechobee
668 watershed unless the applicant can affirmatively demonstrate
669 that the phosphorus in the biosolids ~~residuals~~ will not add to
670 phosphorus loadings in Lake Okeechobee or its tributaries. This
671 demonstration shall be based on achieving a net balance between
672 phosphorus imports relative to exports on the permitted
673 application site. Exports shall include only phosphorus removed
674 from the Lake Okeechobee watershed through products generated on
675 the permitted application site. This prohibition does not apply
676 to Class AA biosolids ~~residuals~~ that are marketed and
677 distributed as fertilizer products in accordance with department
678 rule.

679 17.b. Private and government-owned utilities within
680 Monroe, Miami-Dade, Broward, Palm Beach, Martin, St. Lucie,
681 Indian River, Okeechobee, Highlands, Hendry, and Glades Counties
682 that dispose of wastewater biosolids ~~residual~~ sludge from
683 utility operations and septic removal by land spreading in the
684 Lake Okeechobee watershed may use a line item on local sewer

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685 rates to cover wastewater biosolids ~~residual~~ treatment and
686 disposal if such disposal and treatment is done by approved
687 alternative treatment methodology at a facility located within
688 the areas designated by the Governor as rural areas of
689 opportunity pursuant to s. 288.0656. This additional line item
690 is an environmental protection disposal fee above the present
691 sewer rate and may not be considered a part of the present sewer
692 rate to customers, notwithstanding provisions to the contrary in
693 chapter 367. The fee shall be established by the county
694 commission or its designated assignee in the county in which the
695 alternative method treatment facility is located. The fee shall
696 be calculated to be no higher than that necessary to recover the
697 facility's prudent cost of providing the service. Upon request
698 by an affected county commission, the Florida Public Service
699 Commission will provide assistance in establishing the fee.
700 Further, for utilities and utility authorities that use the
701 additional line item environmental protection disposal fee, such
702 fee may not be considered a rate increase under the rules of the
703 Public Service Commission and shall be exempt from such rules.
704 Utilities using ~~the provisions of~~ this section may immediately
705 include in their sewer invoicing the new environmental
706 protection disposal fee. Proceeds from this environmental
707 protection disposal fee shall be used for treatment and disposal
708 of wastewater biosolids ~~residuals~~, including any treatment
709 technology that helps reduce the volume of biosolids ~~residuals~~
710 that require final disposal, but such proceeds may not be used

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711 for transportation or shipment costs for disposal or any costs
712 relating to the land application of biosolids residuals in the
713 Lake Okeechobee watershed.

714 ~~18.e.~~ No less frequently than once every 3 years, the
715 Florida Public Service Commission or the county commission
716 through the services of an independent auditor shall perform a
717 financial audit of all facilities receiving compensation from an
718 environmental protection disposal fee. The Florida Public
719 Service Commission or the county commission through the services
720 of an independent auditor shall also perform an audit of the
721 methodology used in establishing the environmental protection
722 disposal fee. The Florida Public Service Commission or the
723 county commission shall, within 120 days after completion of an
724 audit, file the audit report with the President of the Senate
725 and the Speaker of the House of Representatives and shall
726 provide copies to the county commissions of the counties set
727 forth in subparagraph 17. sub-subparagraph b. The books and
728 records of any facilities receiving compensation from an
729 environmental protection disposal fee shall be open to the
730 Florida Public Service Commission and the Auditor General for
731 review upon request.

732 ~~19.7.~~ The Department of Health shall require all entities
733 disposing of septage within the Lake Okeechobee watershed to
734 develop and submit to that agency an agricultural use plan that
735 limits applications based upon phosphorus loading consistent
736 with the Lake Okeechobee Basin Management Action Plan adopted

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737 ~~pursuant to s. 403.067. By July 1, 2005, phosphorus~~
738 ~~concentrations originating from these application sites may not~~
739 ~~exceed the limits established in the district's WOD program.~~

740 20.8. The Department of Agriculture and Consumer Services
741 shall initiate rulemaking requiring entities within the Lake
742 Okeechobee watershed which land-apply animal manure to develop
743 resource management system level conservation plans, according
744 to United States Department of Agriculture criteria, which limit
745 such application. Such rules shall ~~may~~ include criteria and
746 thresholds for the requirement to develop a conservation or
747 nutrient management plan, requirements for plan approval, site
748 inspection requirements, and recordkeeping requirements.

749 21. The district shall revise chapter 40E-61, Florida
750 Administrative Code, to be consistent with this section and s.
751 403.067; provide for a monitoring program for nonpoint source
752 dischargers required to monitor water quality by s. 403.067; and
753 provide for the results of such monitoring to be reported to the
754 coordinating agencies.

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

759 ~~(d) Lake Okeechobee Watershed Research and Water Quality~~
760 ~~Monitoring Program. The district, in cooperation with the other~~
761 ~~coordinating agencies, shall establish a Lake Okeechobee~~
762 ~~Watershed Research and Water Quality Monitoring Program that~~

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763 ~~builds upon the district's existing Lake Okeechobee research~~
764 ~~program. The program shall:~~

765 ~~1. Evaluate all available existing water quality data~~
766 ~~concerning total phosphorus in the Lake Okeechobee watershed,~~
767 ~~develop a water quality baseline to represent existing~~
768 ~~conditions for total phosphorus, monitor long term ecological~~
769 ~~changes, including water quality for total phosphorus, and~~
770 ~~measure compliance with water quality standards for total~~
771 ~~phosphorus, including any applicable total maximum daily load~~
772 ~~for the Lake Okeechobee watershed as established pursuant to s.~~
773 ~~403.067. Every 3 years, the district shall reevaluate water~~
774 ~~quality and quantity data to ensure that the appropriate~~
775 ~~projects are being designated and implemented to meet the water~~
776 ~~quality and storage goals of the plan. The district shall also~~
777 ~~implement a total phosphorus monitoring program at appropriate~~
778 ~~structures owned or operated by the South Florida Water~~
779 ~~Management District and within the Lake Okeechobee watershed.~~

780 ~~2. Develop a Lake Okeechobee water quality model that~~
781 ~~reasonably represents phosphorus dynamics of the lake and~~
782 ~~incorporates an uncertainty analysis associated with model~~
783 ~~predictions.~~

784 ~~3. Determine the relative contribution of phosphorus from~~
785 ~~all identifiable sources and all primary and secondary land~~
786 ~~uses.~~

787 ~~4. Conduct an assessment of the sources of phosphorus from~~
788 ~~the Upper Kissimmee Chain-of-Lakes and Lake Istokpoga, and their~~

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789 ~~relative contribution to the water quality of Lake Okeechobee.~~
790 ~~The results of this assessment shall be used by the coordinating~~
791 ~~agencies to develop interim measures, best management practices,~~
792 ~~or regulation, as applicable.~~

793 ~~5. Assess current water management practices within the~~
794 ~~Lake Okeechobee watershed and develop recommendations for~~
795 ~~structural and operational improvements. Such recommendations~~
796 ~~shall balance water supply, flood control, estuarine salinity,~~
797 ~~maintenance of a healthy lake littoral zone, and water quality~~
798 ~~considerations.~~

799 ~~6. Evaluate the feasibility of alternative nutrient~~
800 ~~reduction technologies, including sediment traps, canal and~~
801 ~~ditch maintenance, fish production or other aquaculture,~~
802 ~~bioenergy conversion processes, and algal or other biological~~
803 ~~treatment technologies.~~

804 ~~7. Conduct an assessment of the water volumes and timing~~
805 ~~from the Lake Okeechobee watershed and their relative~~
806 ~~contribution to the water level changes in Lake Okeechobee and~~
807 ~~to the timing and volume of water delivered to the estuaries.~~

808 ~~(c)-(e)~~ Lake Okeechobee Exotic Species Control Program.—The
809 coordinating agencies shall identify the exotic species that
810 threaten the native flora and fauna within the Lake Okeechobee
811 watershed and develop and implement measures to protect the
812 native flora and fauna.

813 ~~(d)-(f)~~ Lake Okeechobee Internal Phosphorus Management
814 Program.—The district, in cooperation with the other

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815 coordinating agencies and interested parties, shall evaluate the
816 feasibility of ~~complete a~~ Lake Okeechobee internal phosphorus
817 load removal projects ~~feasibility study~~. The evaluation
818 ~~feasibility study~~ shall be based on technical feasibility, as
819 well as economic considerations, and shall consider ~~address~~ all
820 reasonable methods of phosphorus removal. If projects ~~methods~~
821 are found to be feasible, the district shall immediately pursue
822 the design, funding, and permitting for implementing such
823 projects ~~methods~~.

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

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

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

854 (4) CALOOSAHATCHEE RIVER WATERSHED PROTECTION PROGRAM AND
855 ST. LUCIE RIVER WATERSHED PROTECTION PROGRAM.—A protection
856 program shall be developed and implemented as specified in this
857 subsection. ~~In order~~ To protect and restore surface water
858 resources, the program shall address the reduction of pollutant
859 loadings, restoration of natural hydrology, and compliance with
860 applicable state water quality standards. The program shall be
861 achieved through a phased program of implementation. In
862 addition, pollutant load reductions based upon adopted total
863 maximum daily loads established in accordance with s. 403.067
864 shall serve as a program objective. In the development and
865 administration of the program, the coordinating agencies shall

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866 maximize opportunities provided by federal and local government
867 cost-sharing programs and opportunities for partnerships with
868 the private sector and local government. The program plan shall
869 include a goal for salinity envelopes and freshwater inflow
870 targets for the estuaries based upon existing research and
871 documentation. The goal may be revised as new information is
872 available. This goal shall seek to reduce the frequency and
873 duration of undesirable salinity ranges while meeting the other
874 water-related needs of the region, including water supply and
875 flood protection, while recognizing the extent to which water
876 inflows are within the control and jurisdiction of the district.

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

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892 1. Caloosahatchee River Watershed Construction Project.—To
893 improve the hydrology, water quality, and aquatic habitats
894 within the watershed, the district shall, no later than January
895 1, 2012, plan, design, and construct the initial phase of the
896 Watershed Construction Project. In doing so, the district shall:

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

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

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

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

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

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

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

916 2. Caloosahatchee River Watershed Research and Water
917 Quality Monitoring Program.—The district, in cooperation with

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

928 (b)2. Caloosahatchee River Watershed Basin Management
929 Action Plans Pollutant Control Program.—The basin management
930 action plans adopted pursuant to s. 403.067 for the
931 Caloosahatchee River watershed shall be the Caloosahatchee River
932 Watershed Pollutant Control Program. The plans shall be is
933 designed to be a multifaceted approach to reducing pollutant
934 loads by improving the management of pollutant sources within
935 the Caloosahatchee River watershed through implementation of
936 regulations and best management practices, development and
937 implementation of improved best management practices,
938 improvement and restoration of the hydrologic function of
939 natural and managed systems, and utilization of alternative
940 technologies for pollutant reduction, such as cost-effective
941 biologically based, hybrid wetland/chemical and other innovative
942 nutrient control technologies. The plans must include an
943 implementation schedule pursuant to this subsection for

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944 pollutant load reductions. As provided in s. 403.067(7)(a)6.,
945 the Caloosahatchee River Watershed Basin Management Action Plan
946 must include milestones for implementation and water quality
947 improvement and an associated water quality monitoring component
948 sufficient to evaluate whether reasonable progress in pollutant
949 load reductions is being achieved over time. The department
950 shall develop a schedule to establish 5-year, 10-year, and 15-
951 year measurable milestones and a target to achieve the total
952 maximum daily load within 20 years after adoption of the plan.
953 The schedule shall be used to provide guidance for planning and
954 funding purposes and is exempt from s. 120.54(1)(a). An
955 assessment of progress toward these milestones shall be
956 conducted every 5 years, and revisions to the plan shall be
957 made, as appropriate, as a result of each 5-year review. The
958 assessment shall be provided to the Governor, the President of
959 the Senate, and the Speaker of the House of Representatives.
960 Upon the first 5-year review, the schedule of measurable
961 milestones and a target to achieve water quality improvement
962 consistent with this section shall be adopted into the plan.
963 Revisions to the basin management action plan shall be made by
964 the department in cooperation with the basin stakeholders.
965 Revisions to best management practices or other measures must
966 follow the procedures set forth in s. 403.067(7)(c)4. Revised
967 basin management action plans must be adopted pursuant to s.
968 403.067(7)(a)5. If achieving the adopted total maximum daily
969 load within 20 years is not practicable, the schedule must

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970 contain an explanation of the constraints that prevent
971 achievement of the total maximum daily load within 20 years, an
972 estimate of the time needed to achieve the total maximum daily
973 load, and additional 5-year measurable milestones, as necessary.

974 The coordinating agencies shall facilitate the use ~~utilization~~
975 of federal programs that offer opportunities for water quality
976 treatment, including preservation, restoration, or creation of
977 wetlands on agricultural lands.

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

986 ~~2.b.~~ This subsection does not preclude the department or
987 the district from requiring compliance with water quality
988 standards, adopted total maximum daily loads, or current best
989 management practices requirements set forth in any applicable
990 regulatory program authorized by law for the purpose of
991 protecting water quality. This subsection applies only to the
992 extent that it does not conflict with any rules adopted by the
993 department or district which are necessary to maintain a
994 federally delegated or approved program.

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995 ~~3.e.~~ Projects that make use of private lands, or lands
996 held in trust for Indian tribes, to reduce pollutant loadings or
997 concentrations within a basin, or that reduce the volume of
998 harmful discharges by one or more of the following methods:
999 restoring the natural hydrology of the basin, restoring wildlife
1000 habitat or impacted wetlands, reducing peak flows after storm
1001 events, or increasing aquifer recharge, are eligible for grants
1002 available under this section from the coordinating agencies.

1003 ~~4.d.~~ The Caloosahatchee River Watershed Basin Management
1004 Action Plans ~~Pollutant Control Program~~ shall require assessment
1005 of current water management practices within the watershed and
1006 shall require development of recommendations for structural,
1007 nonstructural, and operational improvements. Such
1008 recommendations shall consider and balance water supply, flood
1009 control, estuarine salinity, aquatic habitat, and water quality
1010 considerations.

1011 ~~5.e.~~ ~~After December 31, 2007,~~ The department may not
1012 authorize the disposal of domestic wastewater biosolids
1013 ~~residuals~~ within the Caloosahatchee River watershed unless the
1014 applicant can affirmatively demonstrate that the nutrients in
1015 the biosolids ~~residuals~~ will not add to nutrient loadings in the
1016 watershed. This demonstration shall be based on achieving a net
1017 balance between nutrient imports relative to exports on the
1018 permitted application site. Exports shall include only nutrients
1019 removed from the watershed through products generated on the
1020 permitted application site. This prohibition does not apply to

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1021 Class AA biosolids ~~residuals~~ that are marketed and distributed
1022 as fertilizer products in accordance with department rule.

1023 ~~6.f.~~ The Department of Health shall require all entities
1024 disposing of septage within the Caloosahatchee River watershed
1025 to develop and submit to that agency an agricultural use plan
1026 that limits applications based upon nutrient loading consistent
1027 with any basin management action plan adopted pursuant to s.
1028 403.067. ~~By July 1, 2008, nutrient concentrations originating~~
1029 ~~from these application sites may not exceed the limits~~
1030 ~~established in the district's WOD program.~~

1031 ~~7.g.~~ The Department of Agriculture and Consumer Services
1032 shall require ~~initiate rulemaking requiring~~ entities within the
1033 Caloosahatchee River watershed which land-apply animal manure to
1034 develop a resource management system level conservation plan,
1035 according to United States Department of Agriculture criteria,
1036 which limit such application. Such rules shall ~~may~~ include
1037 criteria and thresholds for the requirement to develop a
1038 conservation or nutrient management plan, requirements for plan
1039 approval, site inspection requirements, and recordkeeping
1040 requirements.

1041 8. The district shall initiate rulemaking to provide for a
1042 monitoring program for nonpoint source dischargers required to
1043 monitor water quality pursuant to s. 403.067(7) (b)2.g. or s.
1044 403.067(7) (c)3. The results of such monitoring must be reported
1045 to the coordinating agencies.

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1046 ~~3. Caloosahatchee River Watershed Research and Water~~
1047 ~~Quality Monitoring Program. The district, in cooperation with~~
1048 ~~the other coordinating agencies and local governments, shall~~
1049 ~~establish a Caloosahatchee River Watershed Research and Water~~
1050 ~~Quality Monitoring Program that builds upon the district's~~
1051 ~~existing research program and that is sufficient to carry out,~~
1052 ~~comply with, or assess the plans, programs, and other~~
1053 ~~responsibilities created by this subsection. The program shall~~
1054 ~~also conduct an assessment of the water volumes and timing from~~
1055 ~~the Lake Okeechobee and Caloosahatchee River watersheds and~~
1056 ~~their relative contributions to the timing and volume of water~~
1057 ~~delivered to the estuary.~~

1058 ~~(c)(b)~~ St. Lucie River Watershed Protection Plan. ~~No later~~
1059 ~~than January 1, 2009,~~ The district, in cooperation with the
1060 other coordinating agencies, Martin County, and affected
1061 counties and municipalities shall complete a plan in accordance
1062 with this subsection. The St. Lucie River Watershed Protection
1063 Plan shall identify the geographic extent of the watershed, be
1064 coordinated as needed with the plans developed pursuant to
1065 paragraph (3) (a) and paragraph (a) of this subsection, and
1066 ~~contain an implementation schedule for pollutant load reductions~~
1067 ~~consistent with any adopted total maximum daily loads and~~
1068 ~~compliance with applicable state water quality standards. The~~
1069 ~~plan shall include~~ the St. Lucie River Watershed Construction
1070 Project and St. Lucie River Watershed Research and Water Quality
1071 Monitoring Program.÷

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1072 1. St. Lucie River Watershed Construction Project.—To
1073 improve the hydrology, water quality, and aquatic habitats
1074 within the watershed, the district shall, no later than January
1075 1, 2012, plan, design, and construct the initial phase of the
1076 Watershed Construction Project. In doing so, the district shall:

1077 a. Develop and designate the facilities to be constructed
1078 to achieve stated goals and objectives of the St. Lucie River
1079 Watershed Protection Plan.

1080 b. Identify the size and location of all such facilities.

1081 c. Provide a construction schedule for all such
1082 facilities, including the sequencing and specific timeframe for
1083 construction of each facility.

1084 d. Provide a schedule for the acquisition of lands or
1085 sufficient interests necessary to achieve the construction
1086 schedule.

1087 e. Provide a schedule of costs and benefits associated
1088 with each construction project and identify funding sources.

1089 f. To ensure timely implementation, coordinate the design,
1090 scheduling, and sequencing of project facilities with the
1091 coordinating agencies, Martin County, St. Lucie County, other
1092 interested parties, and other affected local governments.

1093 2. St. Lucie River Watershed Research and Water Quality
1094 Monitoring Program.—The district, in cooperation with the other
1095 coordinating agencies and local governments, shall establish a
1096 St. Lucie River Watershed Research and Water Quality Monitoring
1097 Program that builds upon the district's existing research

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1098 program and that is sufficient to carry out, comply with, or
1099 assess the plans, programs, and other responsibilities created
1100 by this subsection. The district shall also conduct an
1101 assessment of the water volumes and timing from Lake Okeechobee
1102 and the St. Lucie River watershed and their relative
1103 contributions to the timing and volume of water delivered to the
1104 estuary.

1105 (d)2. St. Lucie River Watershed Basin Management Action
1106 Plan Pollutant Control Program.—The basin management action plan
1107 for the St. Lucie River watershed adopted pursuant to s. 403.067
1108 shall be the St. Lucie River Watershed Pollutant Control Program
1109 and shall be is designed to be a multifaceted approach to
1110 reducing pollutant loads by improving the management of
1111 pollutant sources within the St. Lucie River watershed through
1112 implementation of regulations and best management practices,
1113 development and implementation of improved best management
1114 practices, improvement and restoration of the hydrologic
1115 function of natural and managed systems, and use utilization of
1116 alternative technologies for pollutant reduction, such as cost-
1117 effective biologically based, hybrid wetland/chemical and other
1118 innovative nutrient control technologies. The plan must include
1119 an implementation schedule pursuant to this subsection for
1120 pollutant load reductions. As provided in s. 403.067(7)(a)6.,
1121 the St. Lucie Watershed Basin Management Action Plan must
1122 include milestones for implementation and water quality
1123 improvement and an associated water quality monitoring component

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1124 sufficient to evaluate whether reasonable progress in pollutant
1125 load reductions is being achieved over time. The department
1126 shall develop a schedule to establish 5-year, 10-year, and 15-
1127 year measurable milestones and a target to achieve the adopted
1128 total maximum daily load within 20 years after adoption of the
1129 plan. The schedule shall be used to provide guidance for
1130 planning and funding purposes and is exempt from s.
1131 120.54(1) (a). An assessment of progress toward these milestones
1132 shall be conducted every 5 years, and revisions to the plan
1133 shall be made, as appropriate, as a result of each 5-year
1134 review. The assessment shall be provided to the Governor, the
1135 President of the Senate, and the Speaker of the House of
1136 Representatives. Upon the first 5-year review, the schedule of
1137 measurable milestones and a target to achieve water quality
1138 improvement consistent with this section shall be adopted as
1139 part of the plan. Revisions to the basin management action plan
1140 shall be made by the department in cooperation with the basin
1141 stakeholders. Revisions to best management practices or other
1142 measures must follow the procedures set forth in s.
1143 403.067(7) (c)4. Revised basin management action plans must be
1144 adopted pursuant to s. 403.067(7) (a)5. If achieving the adopted
1145 total maximum daily load is not practicable, the schedule must
1146 contain an explanation of the constraints that prevent
1147 achievement of the total maximum daily load within 20 years, an
1148 estimate of the time needed to achieve the total maximum daily
1149 load, and additional 5-year measurable milestones, as necessary.

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1150 The coordinating agencies shall facilitate the use ~~utilization~~
1151 of federal programs that offer opportunities for water quality
1152 treatment, including preservation, restoration, or creation of
1153 wetlands on agricultural lands.

1154 ~~1.a.~~ Nonpoint source best management practices consistent
1155 with s. 403.067 ~~paragraph (3)(c)~~, designed to achieve the
1156 objectives of the St. Lucie River Watershed Protection Program,
1157 shall be implemented on an expedited basis. The coordinating
1158 agencies may develop an intergovernmental agreement with local
1159 governments to implement the nonagricultural nonpoint source
1160 best management practices within their respective geographic
1161 boundaries.

1162 ~~2.b.~~ This subsection does not preclude the department or
1163 the district from requiring compliance with water quality
1164 standards, adopted total maximum daily loads, or current best
1165 management practices requirements set forth in any applicable
1166 regulatory program authorized by law for the purpose of
1167 protecting water quality. This subsection applies only to the
1168 extent that it does not conflict with any rules adopted by the
1169 department or district which are necessary to maintain a
1170 federally delegated or approved program.

1171 ~~3.e.~~ Projects that make use of private lands, or lands
1172 held in trust for Indian tribes, to reduce pollutant loadings or
1173 concentrations within a basin, or that reduce the volume of
1174 harmful discharges by one or more of the following methods:
1175 restoring the natural hydrology of the basin, restoring wildlife

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1176 habitat or impacted wetlands, reducing peak flows after storm
1177 events, or increasing aquifer recharge, are eligible for grants
1178 available under this section from the coordinating agencies.

1179 ~~4.d.~~ The St. Lucie River Watershed Basin Management Action
1180 Plans ~~Pollutant Control Program~~ shall require assessment of
1181 current water management practices within the watershed and
1182 shall require development of recommendations for structural,
1183 nonstructural, and operational improvements. Such
1184 recommendations shall consider and balance water supply, flood
1185 control, estuarine salinity, aquatic habitat, and water quality
1186 considerations.

1187 ~~5.e. After December 31, 2007,~~ The department may not
1188 authorize the disposal of domestic wastewater biosolids
1189 ~~residuals~~ within the St. Lucie River watershed unless the
1190 applicant can affirmatively demonstrate that the nutrients in
1191 the biosolids ~~residuals~~ will not add to nutrient loadings in the
1192 watershed. This demonstration shall be based on achieving a net
1193 balance between nutrient imports relative to exports on the
1194 permitted application site. Exports shall include only nutrients
1195 removed from the St. Lucie River watershed through products
1196 generated on the permitted application site. This prohibition
1197 does not apply to Class AA biosolids ~~residuals~~ that are marketed
1198 and distributed as fertilizer products in accordance with
1199 department rule.

1200 ~~6.f.~~ The Department of Health shall require all entities
1201 disposing of septage within the St. Lucie River watershed to

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1202 develop and submit to that agency an agricultural use plan that
1203 limits applications based upon nutrient loading consistent with
1204 any basin management action plan adopted pursuant to s. 403.067.
1205 ~~By July 1, 2008, nutrient concentrations originating from these~~
1206 ~~application sites may not exceed the limits established in the~~
1207 ~~district's WOD program.~~

1208 ~~7.g.~~ The Department of Agriculture and Consumer Services
1209 shall initiate rulemaking requiring entities within the St.
1210 Lucie River watershed which land-apply animal manure to develop
1211 a resource management system level conservation plan, according
1212 to United States Department of Agriculture criteria, which limit
1213 such application. Such rules shall ~~may~~ include criteria and
1214 thresholds for the requirement to develop a conservation or
1215 nutrient management plan, requirements for plan approval, site
1216 inspection requirements, and recordkeeping requirements.

1217 8. The district shall initiate rulemaking to provide for a
1218 monitoring program for nonpoint source dischargers required to
1219 monitor water quality pursuant to s. 403.067(7) (b)2.g. or s.
1220 403.067(7) (c)3. The results of such monitoring must be reported
1221 to the coordinating agencies.

1222 ~~3. St. Lucie River Watershed Research and Water Quality~~
1223 ~~Monitoring Program. The district, in cooperation with the other~~
1224 ~~coordinating agencies and local governments, shall establish a~~
1225 ~~St. Lucie River Watershed Research and Water Quality Monitoring~~
1226 ~~Program that builds upon the district's existing research~~
1227 ~~program and that is sufficient to carry out, comply with, or~~

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1228 ~~assess the plans, programs, and other responsibilities created~~
1229 ~~by this subsection. The program shall also conduct an assessment~~
1230 ~~of the water volumes and timing from the Lake Okeechobee and St.~~
1231 ~~Lucie River watersheds and their relative contributions to the~~
1232 ~~timing and volume of water delivered to the estuary.~~

1233 (e)~~(e)~~ River Watershed Protection Plan implementation.—The
1234 coordinating agencies shall be jointly responsible for
1235 implementing the River Watershed Protection Plans, consistent
1236 with the statutory authority and responsibility of each agency.
1237 Annual funding priorities shall be jointly established, and the
1238 highest priority shall be assigned to programs and projects that
1239 have the greatest potential for achieving the goals and
1240 objectives of the plans. In determining funding priorities, the
1241 coordinating agencies shall also consider the need for
1242 regulatory compliance, the extent to which the program or
1243 project is ready to proceed, and the availability of federal or
1244 local government matching funds. Federal and other nonstate
1245 funding shall be maximized to the greatest extent practicable.

1246 (f)~~(d)~~ Evaluation.—Beginning ~~By~~ March 1, 2020 ~~2012~~, and
1247 every 5 ~~3~~ years thereafter, concurrent with the updates of the
1248 basin management action plans adopted pursuant to s. 403.067,
1249 the department, district in cooperation with the other
1250 coordinating agencies, shall conduct an evaluation of any
1251 pollutant load reduction goals, as well as any other specific
1252 objectives and goals, as stated in the River Watershed
1253 Protection Programs ~~Plans~~. ~~Additionally,~~ The district shall

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1254 identify modifications to facilities of the River Watershed
1255 Construction Projects, as appropriate, or any other elements of
1256 the River Watershed Protection Programs ~~Plans~~. The evaluation
1257 shall be included in the annual progress report submitted
1258 pursuant to this section.

1259 (g) ~~(e)~~ Priorities and implementation schedules.—The
1260 coordinating agencies are authorized and directed to establish
1261 priorities and implementation schedules for the achievement of
1262 total maximum daily loads, the requirements of s. 403.067, and
1263 compliance with applicable water quality standards within the
1264 waters and watersheds subject to this section.

1265 ~~(f) Legislative ratification. The coordinating agencies~~
1266 ~~shall submit the River Watershed Protection Plans developed~~
1267 ~~pursuant to paragraphs (a) and (b) to the President of the~~
1268 ~~Senate and the Speaker of the House of Representatives prior to~~
1269 ~~the 2009 legislative session for review. If the Legislature~~
1270 ~~takes no action on the plan during the 2009 legislative session,~~
1271 ~~the plan is deemed approved and may be implemented.~~

1272 (5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY
1273 LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.—The
1274 department is directed to expedite development and adoption of
1275 total maximum daily loads for the Caloosahatchee River and
1276 estuary. The department is further directed to, ~~no later than~~
1277 ~~December 31, 2008,~~ propose for final agency action total maximum
1278 daily loads for nutrients in the tidal portions of the
1279 Caloosahatchee River and estuary. The department shall initiate

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1280 development of basin management action plans for Lake
1281 Okeechobee, the Caloosahatchee River watershed and estuary, and
1282 the St. Lucie River watershed and estuary as provided in s.
1283 403.067 ~~403.067(7)(a)~~ as follows:

1284 (a) Basin management action plans shall be developed as
1285 soon as practicable as determined necessary by the department to
1286 achieve the total maximum daily loads established for the Lake
1287 Okeechobee watershed and the estuaries.

1288 (b) The Phase II technical plan development pursuant to
1289 paragraph (3)(a) ~~(3)(b)~~, and the River Watershed Protection
1290 Plans developed pursuant to paragraphs (4)(a) and (c) ~~(b)~~, shall
1291 provide the basis for basin management action plans developed by
1292 the department.

1293 (c) As determined necessary by the department ~~in order~~ to
1294 achieve the total maximum daily loads, additional or modified
1295 projects or programs that complement those in the legislatively
1296 ratified plans may be included during the development of the
1297 basin management action plan.

1298 (d) As provided in s. 403.067, management strategies and
1299 pollution reduction requirements set forth in a basin management
1300 action plan subject to permitting by the department under
1301 subsection (7) must be completed pursuant to the schedule set
1302 forth in the basin management action plan, as amended. The
1303 implementation schedule may extend beyond the 5-year permit
1304 term.

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1305 (e) As provided in s. 403.067, management strategies and
1306 pollution reduction requirements set forth in a basin management
1307 action plan for a specific pollutant of concern are not subject
1308 to challenge under chapter 120 at the time they are
1309 incorporated, in an identical form, into a department or
1310 district issued permit or a permit modification issued in
1311 accordance with subsection (7).

1312 ~~(d) Development of basin management action plans that~~
1313 ~~implement the provisions of the legislatively ratified plans~~
1314 ~~shall be initiated by the department no later than September 30~~
1315 ~~of the year in which the applicable plan is ratified. Where a~~
1316 ~~total maximum daily load has not been established at the time of~~
1317 ~~plan ratification, development of basin management action plans~~
1318 ~~shall be initiated no later than 90 days following adoption of~~
1319 ~~the applicable total maximum daily load.~~

1320 (6) ANNUAL PROGRESS REPORT.—Each March 1 the district, in
1321 cooperation with the other coordinating agencies, shall report
1322 on implementation of this section as part of the consolidated
1323 annual report required in s. 373.036(7). The annual report shall
1324 include a summary of the conditions of the hydrology, water
1325 quality, and aquatic habitat in the northern Everglades based on
1326 the results of the Research and Water Quality Monitoring
1327 Programs, the status of the Lake Okeechobee Watershed
1328 Construction Project, the status of the Caloosahatchee River
1329 Watershed Construction Project, and the status of the St. Lucie
1330 River Watershed Construction Project. In addition, the report

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1331 shall contain an annual accounting of the expenditure of funds
1332 from the Save Our Everglades Trust Fund. At a minimum, the
1333 annual report shall provide detail by program and plan,
1334 including specific information concerning the amount and use of
1335 funds from federal, state, or local government sources. In
1336 detailing the use of these funds, the district shall indicate
1337 those designated to meet requirements for matching funds. The
1338 district shall prepare the report in cooperation with the other
1339 coordinating agencies and affected local governments. The
1340 department shall report on the status of the Lake Okeechobee
1341 Basin Management Action Plan, the Caloosahatchee River Watershed
1342 Basin Management Action Plan, and the St. Lucie River Watershed
1343 Basin Management Action Plan. The Department of Agriculture and
1344 Consumer Services shall report on the status of the
1345 implementation of the agricultural nonpoint source best
1346 management practices, including an implementation assurance
1347 report summarizing survey responses and response rates, site
1348 inspections, and other methods used to verify implementation of
1349 and compliance with best management practices in the Lake
1350 Okeechobee, Caloosahatchee, and St. Lucie watersheds.

1351 (7) LAKE OKEECHOBEE PROTECTION PERMITS.—

1352 (a) The Legislature finds that the Lake Okeechobee
1353 Watershed Protection Program will benefit Lake Okeechobee and
1354 downstream receiving waters and is in ~~consistent with~~ the public
1355 interest. The Lake Okeechobee Watershed Construction Project and
1356 structures discharging into or from Lake Okeechobee shall be

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1357 constructed, operated, and maintained in accordance with this
1358 section.

1359 (b) Permits obtained pursuant to this section are in lieu
1360 of all other permits under this chapter or chapter 403, except
1361 those issued under s. 403.0885, if applicable. ~~No~~ Additional
1362 permits are not required for the Lake Okeechobee Watershed
1363 Construction Project, or structures discharging into or from
1364 Lake Okeechobee, if such project or structures are permitted
1365 under this section. Construction activities related to
1366 implementation of the Lake Okeechobee Watershed Construction
1367 Project may be initiated before ~~prior to~~ final agency action, or
1368 notice of intended agency action, on any permit from the
1369 department under this section.

1370 (c) 1. ~~Within 90 days of completion of the diversion plans~~
1371 ~~set forth in Department Consent Orders 91-0694, 91-0707, 91-~~
1372 ~~0706, 91-0705, and RT50-205564, Owners or operators of existing~~
1373 ~~structures which discharge into or from Lake Okeechobee that~~
1374 ~~were subject to Department Consent Orders 91-0694, 91-0705, 91-~~
1375 ~~0706, 91-0707, and RT50-205564 and that are subject to the~~
1376 ~~provisions of s. 373.4592(4) (a) do not require a permit under~~
1377 ~~this section and shall be governed by permits issued under apply~~
1378 ~~for a permit from the department to operate and maintain such~~
1379 ~~structures. By September 1, 2000, owners or operators of all~~
1380 ~~other existing structures which discharge into or from Lake~~
1381 ~~Okeechobee shall apply for a permit from the department to~~
1382 ~~operate and maintain such structures. The department shall issue~~

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1383 ~~one or more such permits for a term of 5 years upon the~~
1384 ~~demonstration of reasonable assurance that schedules and~~
1385 ~~strategies to achieve and maintain compliance with water quality~~
1386 ~~standards have been provided for, to the maximum extent~~
1387 ~~practicable, and that operation of the structures otherwise~~
1388 ~~complies with provisions of ss. 373.413 and 373.416 and the Lake~~
1389 ~~Okeechobee Basin Management Action Plan adopted pursuant to s.~~
1390 ~~403.067.~~

1391 ~~1. Permits issued under this paragraph shall also contain~~
1392 ~~reasonable conditions to ensure that discharges of waters~~
1393 ~~through structures:~~

1394 ~~a. Are adequately and accurately monitored;~~

1395 ~~b. Will not degrade existing Lake Okeechobee water quality~~
1396 ~~and will result in an overall reduction of phosphorus input into~~
1397 ~~Lake Okeechobee, as set forth in the district's Technical~~
1398 ~~Publication 81-2 and the total maximum daily load established in~~
1399 ~~accordance with s. 403.067, to the maximum extent practicable;~~

1400 ~~and~~

1401 ~~e. Do not pose a serious danger to public health, safety,~~
1402 ~~or welfare.~~

1403 ~~2. For the purposes of this paragraph, owners and~~
1404 ~~operators of existing structures which are subject to the~~
1405 ~~provisions of s. 373.4592(4) (a) and which discharge into or from~~
1406 ~~Lake Okeechobee shall be deemed in compliance with this~~
1407 ~~paragraph the term "maximum extent practicable" if they are in~~

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1408 full compliance with the conditions of permits under chapter
1409 ~~chapters 40E-61 and 40E-63~~, Florida Administrative Code.

1410 3. By January 1, 2016 ~~2004~~, the district shall submit to
1411 the department a complete application for a permit modification
1412 to the Lake Okeechobee structure permits to incorporate proposed
1413 changes necessary to ensure that discharges through the
1414 structures covered by this permit are consistent with the basin
1415 management action plan adopted pursuant to ~~achieve state water~~
1416 ~~quality standards, including the total maximum daily load~~
1417 ~~established in accordance with s. 403.067. These changes shall~~
1418 ~~be designed to achieve such compliance with state water quality~~
1419 ~~standards no later than January 1, 2015.~~

1420 (d) The department shall require permits for district
1421 regional projects that are part of the Lake Okeechobee Watershed
1422 Construction Project ~~facilities~~. However, projects ~~identified in~~
1423 ~~sub-subparagraph (3)(b)1.b.~~ that qualify as exempt pursuant to
1424 s. 373.406 do shall not require need permits under this section.
1425 Such permits shall be issued for a term of 5 years upon the
1426 demonstration of reasonable assurances that:

1427 1. District regional projects that are part of the Lake
1428 Okeechobee Watershed Construction Project shall ~~facility~~, based
1429 ~~upon the conceptual design documents and any subsequent detailed~~
1430 ~~design documents developed by the district, will~~ achieve the
1431 design objectives for phosphorus required in subparagraph
1432 (3)(a)1. ~~paragraph (3)(b);~~

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1433 2. For water quality standards other than phosphorus, the
1434 quality of water discharged from the facility is of equal or
1435 better quality than the inflows;

1436 3. Discharges from the facility do not pose a serious
1437 danger to public health, safety, or welfare; and

1438 4. Any impacts on wetlands or state-listed species
1439 resulting from implementation of that facility of the Lake
1440 Okeechobee Construction Project are minimized and mitigated, as
1441 appropriate.

1442 (e) At least 60 days before ~~prior to~~ the expiration of any
1443 permit issued under this section, the permittee may apply for a
1444 renewal thereof for a period of 5 years.

1445 (f) Permits issued under this section may include any
1446 standard conditions provided by department rule which are
1447 appropriate and consistent with this section.

1448 (g) Permits issued under ~~pursuant to~~ this section may be
1449 modified, as appropriate, upon review and approval by the
1450 department.

1451
1452 -----

T I T L E A M E N D M E N T

1453 Remove line 50 and insert:
1454 appropriation; amending s. 373.1501, F.S.; specifying
1455 authority of the South Florida Water Management
1456 District to allocate quantities of, and assign
1457 priorities for the use of, water within its
1458

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1459 jurisdiction; directing the district to provide
1460 recommendations to the United States Army Corps of
1461 Engineers when developing or implementing certain
1462 water control plans or regulation schedules; amending
1463 s. 373.4595, F.S.; revising and providing definitions
1464 relating to the Northern Everglades and Estuaries
1465 Protection Program; clarifying provisions of the Lake
1466 Okeechobee Watershed Protection Program; directing the
1467 South Florida Water Management District to revise
1468 certain rules and provide for a watershed research and
1469 water quality monitoring program; revising provisions
1470 for the Caloosahatchee River Watershed Protection
1471 Program and the St. Lucie River Watershed Protection
1472 Program; revising permitting and annual reporting
1473 requirements relating to the Northern Everglades and
1474 Estuaries Protection Program; providing enforcement
1475 provisions for certain basin management action plans;
1476 providing an effective date.

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