



1                   A bill to be entitled  
2           An act relating to environmental control; amending s.  
3           20.255, F.S.; revising provisions establishing special  
4           offices and divisions within the Department of  
5           Environmental Protection; clarifying that the  
6           inspector general of the department is appointed by  
7           the Chief Inspector General and subject to general  
8           supervision by the secretary; amending s. 373.227,  
9           F.S.; prohibiting water management districts from  
10          modifying or reducing consumptive use permit  
11          allocations if actual water use is less than permitted  
12          water use due to water conservation measures or  
13          specified circumstances; requiring water management  
14          districts to adopt rules providing water conservation  
15          incentives, including limited permit extensions;  
16          amending s. 373.323, F.S.; revising eligibility  
17          requirements for taking the water well contractor  
18          licensure examination; amending s. 373.467, F.S.;  
19          revising membership qualifications for the Harris  
20          Chain of Lakes Restoration Council; authorizing the  
21          Lake County legislative delegation to waive such  
22          membership qualifications for good cause; providing  
23          for council vacancies; amending s. 373.705, F.S.;  
24          requiring water management districts to promote  
25          expanded cost-share criteria for additional  
26          conservation practices; amending s. 378.209, F.S.;



27 | exempting certain constructed clay settling areas from  
28 | reclamation rate and financial responsibility  
29 | requirements; amending s. 403.067, F.S.; authorizing  
30 | the use of land set-asides and land use modifications,  
31 | including constructed wetlands or other water quality  
32 | improvement projects, in water quality credit trading;  
33 | amending s. 403.201, F.S.; providing applicability of  
34 | prohibited variances concerning discharges of waste  
35 | into waters of the state and hazardous waste  
36 | management; amending s. 403.709, F.S.; establishing a  
37 | solid waste landfill closure account within the Solid  
38 | Waste Management Trust Fund to provide funding for the  
39 | closing and long-term care of solid waste facilities;  
40 | authorizing the department to contract with a third  
41 | party for such closing and long-term care under  
42 | certain conditions; requiring the department to  
43 | deposit certain funds into the solid waste landfill  
44 | closure account; amending s. 403.713, F.S.; excluding  
45 | landfill gas-to-energy systems and facilities from  
46 | certain resource recovery; reenacting s. 373.414(17),  
47 | F.S., relating to variances for activities in surface  
48 | waters and wetlands, to incorporate the amendment made  
49 | by the act to s. 403.201, F.S., in a reference  
50 | thereto; providing an appropriation; amending s.  
51 | 373.042, F.S.; requiring the Department of  
52 | Environmental Protection or the governing board of a



53 | water management district to adopt a minimum flow or  
54 | minimum water level for an Outstanding Florida Spring  
55 | using emergency rulemaking authority under certain  
56 | circumstances; requiring collaboration in the  
57 | development and implementation of recovery or  
58 | prevention strategies under certain circumstances;  
59 | authorizing the department to use emergency rulemaking  
60 | procedures under certain circumstances; amending s.  
61 | 373.0421, F.S.; directing the department or the water  
62 | management district governing boards to adopt and  
63 | implement certain recovery or prevention strategies  
64 | concurrent with the adoption of minimum flows and  
65 | minimum water levels; providing criteria for such  
66 | recovery or prevention strategies; requiring certain  
67 | amendments to regional water supply plans to be  
68 | concurrent with relevant portions of the recovery or  
69 | prevention strategy; directing water management  
70 | districts to notify the department when water use  
71 | permit applications are denied for a specified reason;  
72 | providing for the review and update of regional water  
73 | supply plans in such cases; amending s. 373.219, F.S.;  
74 | requiring the department to adopt a uniform definition  
75 | of the term "harmful to the water resources" for  
76 | Outstanding Florida Springs; amending s. 373.223,  
77 | F.S.; requiring that consumptive use permits  
78 | authorizing withdrawals of 100,000 gallons or more be



79 | monitored and that the results of such monitoring be  
80 | reported to the water management district at least  
81 | annually; authorizing water management districts to  
82 | adopt rules for such monitoring and reporting;  
83 | amending s. 373.2234, F.S.; directing water management  
84 | district governing boards to consider the  
85 | identification of preferred water supply sources for  
86 | certain water users; amending s. 373.233, F.S.;  
87 | providing conditions under which the department and  
88 | water management district governing boards are  
89 | directed to give preference to certain applications;  
90 | creating s. 253.87, F.S.; directing the Department of  
91 | Environmental Protection to include certain county,  
92 | municipal, state, and federal lands in the Florida  
93 | State-Owned Lands and Records Information System (FL-  
94 | SOLARIS) database and to update the database at  
95 | specified intervals; requiring counties,  
96 | municipalities, and financially disadvantaged small  
97 | communities to submit a list of certain lands to the  
98 | department by a specified date and at specified  
99 | intervals; directing the department to conduct a study  
100 | and submit a report to the Governor and Legislature on  
101 | the technical and economic feasibility of including  
102 | certain lands in the database or a similar public  
103 | lands inventory; directing the department to  
104 | consolidate specified parcels of conservation lands



105 | under a single, unified title and legal description by  
106 | a specified date; providing appropriations and  
107 | authorizing positions; creating part VIII of chapter  
108 | 373, F.S., entitled the "Florida Springs and Aquifer  
109 | Protection Act"; creating s. 373.801, F.S.; providing  
110 | legislative findings and intent; creating s. 373.802,  
111 | F.S.; providing definitions; creating s. 373.803,  
112 | F.S.; requiring the department to delineate a priority  
113 | focus area for each Outstanding Florida Spring;  
114 | creating s. 373.805, F.S.; requiring a water  
115 | management district or the department to adopt or  
116 | revise various recovery or prevention strategies  
117 | relating to minimum flows and minimum water levels for  
118 | Outstanding Florida Springs under certain  
119 | circumstances; providing minimum requirements for  
120 | recovery or prevention strategies for Outstanding  
121 | Florida Springs; authorizing local governments to  
122 | apply for an extension for projects in an adopted  
123 | recovery or prevention strategy; creating s. 373.807,  
124 | F.S.; requiring the department to initiate assessments  
125 | of Outstanding Florida Springs by a certain date;  
126 | requiring the department to develop basin management  
127 | action plans; authorizing local governments to apply  
128 | for an extension for projects in an adopted basin  
129 | management action plan; requiring certain local  
130 | governments to develop, enact, and implement an urban



131 fertilizer ordinance by a certain date; requiring the  
132 department, the Department of Health, and local  
133 governments to identify onsite sewage treatment and  
134 disposal systems within each priority focus area;  
135 requiring certain local governments to develop onsite  
136 sewage treatment and disposal system remediation  
137 plans; prohibiting property owners with identified  
138 onsite sewage treatment and disposal systems from  
139 being required to pay certain costs; creating s.  
140 373.811, F.S.; specifying prohibited activities within  
141 a priority focus area of an Outstanding Florida  
142 Spring; creating s. 373.813, F.S.; providing  
143 rulemaking authority; amending s. 373.1501, F.S.;  
144 specifying authority of the South Florida Water  
145 Management District to allocate quantities of, and  
146 assign priorities for the use of, water within its  
147 jurisdiction; directing the district to provide  
148 recommendations to the United States Army Corps of  
149 Engineers when developing or implementing certain  
150 water control plans or regulation schedules; amending  
151 s. 373.4595, F.S.; revising and providing definitions  
152 relating to the Northern Everglades and Estuaries  
153 Protection Program; clarifying provisions of the Lake  
154 Okeechobee Watershed Protection Program; directing the  
155 South Florida Water Management District to revise  
156 certain rules and provide for a watershed research and



157 water quality monitoring program; revising provisions  
158 for the Caloosahatchee River Watershed Protection  
159 Program and the St. Lucie River Watershed Protection  
160 Program; revising permitting and annual reporting  
161 requirements relating to the Northern Everglades and  
162 Estuaries Protection Program; providing enforcement  
163 provisions for certain basin management action plans;  
164 amending s. 373.019, F.S.; revising the definition of  
165 the term "water resource development" to include  
166 technical assistance to self-suppliers under certain  
167 circumstances; amending s. 373.036, F.S.; requiring  
168 certain information to be included in the consolidated  
169 annual report for all projects related to water  
170 quality or water quantity; creating s. 373.0465, F.S.;  
171 providing legislative intent; defining the term  
172 "Central Florida Water Initiative Area"; requiring the  
173 department, the St. Johns River Water Management  
174 District, the South Florida Water Management District,  
175 the Southwest Florida Water Management District, and  
176 the Department of Agriculture and Consumer Services to  
177 develop and implement a multidistrict regional water  
178 supply plan; providing plan criteria and requirements;  
179 providing applicability; requiring the department to  
180 adopt rules; amending s. 373.4591, F.S.; providing  
181 priority consideration to certain public-private  
182 partnerships for water storage, groundwater recharge,



183 and water quality improvements on private agricultural  
184 lands; amending s. 373.536, F.S.; requiring a water  
185 management district to include an annual funding plan  
186 in the water resource development work program;  
187 directing the department to post the work program on  
188 its website; amending s. 373.703, F.S.; authorizing  
189 water management districts to join with private  
190 landowners for the purpose of carrying out its powers;  
191 amending s. 373.705, F.S.; revising legislative  
192 intent; requiring water management district governing  
193 boards to include certain information in their annual  
194 budget submittals; providing first consideration for  
195 funding assistance to certain water supply development  
196 projects; requiring water management districts to  
197 promote expanded cost-share criteria for additional  
198 conservation practices; amending s. 373.707, F.S.;  
199 authorizing water management districts to provide  
200 technical and financial assistance to certain self-  
201 suppliers and to waive certain construction costs of  
202 alternative water supply development projects  
203 sponsored by certain water users; amending s. 373.709,  
204 F.S.; requiring regional water supply plans to include  
205 traditional and alternative water supply project  
206 options that are technically and financially feasible;  
207 directing the department to include certain funding  
208 analyses and project explanations in regional water





209 supply planning reports; amending s. 403.061, F.S.;

210 directing the department to adopt by rule a specific

211 surface water classification to protect surface waters

212 used for treated potable water supply; providing

213 criteria for such rule; authorizing the

214 reclassification of surface waters used for treated

215 potable water supply notwithstanding such rule;

216 amending s. 403.0623, F.S.; requiring the department

217 to establish certain standards to ensure statewide

218 consistency; requiring the department to establish

219 standards for collection and analysis of water

220 quantity and quality data; requiring state agencies

221 and water management districts to show they followed

222 the department's collection and analyses standards in

223 order to receive certain funding; amending s. 403.067,

224 F.S.; providing requirements for new or revised best

225 management action plans; requiring the department

226 adopt rules relating to the enforcement and

227 verification of best management action plans and

228 management strategies; creating s. 403.0675, F.S.;

229 requiring the department to submit annual reports;

230 amending s. 403.861, F.S.; directing the department to

231 add treated potable water supply as a designated use

232 of a surface water segment under certain

233 circumstances; providing an effective date.

234



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

236

237 Section 1. Subsections (2) and (3) of section 20.255,  
238 Florida Statutes, are amended to read:

239 20.255 Department of Environmental Protection.—There is  
240 created a Department of Environmental Protection.

241 (2) (a) There shall be three deputy secretaries who are to  
242 be appointed by and shall serve at the pleasure of the  
243 secretary. The secretary may assign any deputy secretary the  
244 responsibility to supervise, coordinate, and formulate policy  
245 for any division, office, or district. The following special  
246 offices are established and headed by managers, each of whom is  
247 to be appointed by and serve at the pleasure of the secretary:

- 248 1. Office of Chief of Staff;
- 249 2. Office of General Counsel;
- 250 3. Office of Inspector General, with the inspector general  
251 being appointed by the Chief Inspector General and subject to  
252 general supervision by the secretary pursuant to s. 20.055;
- 253 4. Office of External Affairs;
- 254 5. Office of Legislative Affairs;
- 255 6. Office of Operations Intergovernmental Programs; and
- 256 7. Florida Coastal Office; of Greenways and Trails.
- 257 8. Office of Preparedness and Emergency Response;
- 258 9. Office of Technology and Information Services; and
- 259 10. Office of the Florida Geological Survey.

260 (b) There shall be six administrative districts involved



261 in regulatory matters of waste management, water resource  
262 management, wetlands, and air resources, which shall be headed  
263 by managers, each of whom is to be appointed by and serve at the  
264 pleasure of the secretary. Divisions of the department may have  
265 one assistant or two deputy division directors, as required to  
266 facilitate effective operation.

267  
268 The managers of all divisions and offices specifically named in  
269 this section and the directors of the six administrative  
270 districts are exempt from part II of chapter 110 and are  
271 included in the Senior Management Service in accordance with s.  
272 110.205(2)(j).

273 (3) The following divisions of the Department of  
274 Environmental Protection are established:

- 275 (a) Division of Administrative Services.  
276 (b) Division of Air Resource Management.  
277 (c) Division of Water Resource Management.  
278 (d) Division of Environmental Assessment and Restoration.  
279 (e) Division of Waste Management.  
280 (f) Division of Recreation and Parks.  
281 (g) Division of State Lands, the director of which is to  
282 be appointed by the secretary of the department, subject to  
283 confirmation by the Governor and Cabinet sitting as the Board of  
284 Trustees of the Internal Improvement Trust Fund.  
285 (h) Division of Water Restoration Assistance.  
286



287 In order to ensure statewide and intradepartmental consistency,  
288 the department's divisions shall direct the district offices and  
289 bureaus on matters of interpretation and applicability of the  
290 department's rules and programs.

291 Section 2. Subsection (5) of section 373.227, Florida  
292 Statutes, is renumbered as subsection (7), and new subsections  
293 (5) and (6) are added to that section, to read:

294 373.227 Water conservation; legislative findings and  
295 intent; objectives; comprehensive statewide water conservation  
296 program requirements.—

297 (5) To incentivize water conservation, if actual water use  
298 is less than permitted water use due to documented  
299 implementation of water conservation measures beyond those  
300 required in a consumptive use permit, including, but not limited  
301 to, those measures identified in best management practices  
302 pursuant to s. 570.93, the permitted allocation may not be  
303 modified solely due to such water conservation during the term  
304 of the permit. To promote water conservation and the  
305 implementation of measures that produce significant water  
306 savings beyond those required in a consumptive use permit, each  
307 water management district shall adopt rules providing water  
308 conservation incentives, which may include limited permit  
309 extensions.

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



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

316 Section 3. Paragraph (b) of subsection (3) of section  
317 373.323, Florida Statutes, is amended to read:

318 373.323 Licensure of water well contractors; application,  
319 qualifications, and examinations; equipment identification.—

320 (3) An applicant who meets the following requirements  
321 shall be entitled to take the water well contractor licensure  
322 examination:

323 (b) Has at least 2 years of experience in constructing,  
324 repairing, or abandoning water wells. Satisfactory proof of such  
325 experience shall be demonstrated by providing:

326 1. Evidence of the length of time the applicant has been  
327 engaged in the business of the construction, repair, or  
328 abandonment of water wells as a major activity, as attested to  
329 by a letter from a water well contractor or ~~and~~ a letter from a  
330 water well inspector employed by a governmental agency.

331 2. A list of at least 10 water wells that the applicant  
332 has constructed, repaired, or abandoned within the preceding 5  
333 years. Of these wells, at least seven must have been  
334 constructed, as defined in s. 373.303(2), by the applicant. The  
335 list shall also include:

336 a. The name and address of the owner or owners of each  
337 well.

338 b. The location, primary use, and approximate depth and



339 diameter of each well that the applicant has constructed,  
340 repaired, or abandoned.

341 c. The approximate date the construction, repair, or  
342 abandonment of each well was completed.

343 Section 4. Paragraph (a) of subsection (1) and subsection  
344 (3) of section 373.467, Florida Statutes, are amended to read:

345 373.467 The Harris Chain of Lakes Restoration Council.—  
346 There is created within the St. Johns River Water Management  
347 District, with assistance from the Fish and Wildlife  
348 Conservation Commission and the Lake County Water Authority, the  
349 Harris Chain of Lakes Restoration Council.

350 (1) (a) The council shall consist of nine voting members,  
351 which shall include~~+~~ a representative of waterfront property  
352 owners, a representative of the sport fishing industry, a person  
353 with experience in an environmental science or regulation  
354 engineer, a person with training in biology or another  
355 scientific discipline, ~~a person with training as an attorney, a~~  
356 ~~physician, a person with training as an engineer,~~ and two  
357 residents of the county who are ~~de~~ not required to meet any  
358 additional ~~of the other~~ qualifications for membership enumerated  
359 in this paragraph, each to be appointed by the Lake County  
360 legislative delegation. The Lake County legislative delegation  
361 may waive the qualifications for membership on a case-by-case  
362 basis if good cause is shown. A ~~No~~ person serving on the council  
363 may not be appointed to a council, board, or commission of any  
364 council advisory group agency. The council members shall serve



365 as advisors to the governing board of the St. Johns River Water  
366 Management District. The council is subject to the provisions of  
367 chapters 119 and 120.

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

375 Section 5. Subsection (5) is added to section 373.705,  
376 Florida Statutes, to read:

377 373.705 Water resource development; water supply  
378 development.—

379 (5) The water management districts shall promote expanded  
380 cost-share criteria for additional conservation practices, such  
381 as soil and moisture sensors and other irrigation improvements,  
382 water-saving equipment, water-saving household fixtures, and  
383 software technologies that can achieve verifiable water  
384 conservation by providing water use information to utility  
385 customers.

386 Section 6. Subsection (4) is added to section 378.209,  
387 Florida Statutes, to read:

388 378.209 Timing of reclamation.—

389 (4) The rate of reclamation requirements in paragraphs  
390 (1) (a)-(e) and the requirements of s. 378.208 do not apply to a



391 constructed clay settling area if the beneficial use of such  
392 area has been extended.

393 Section 7. Paragraph (i) is added to subsection (8) of  
394 section 403.067, Florida Statutes, to read:

395 403.067 Establishment and implementation of total maximum  
396 daily loads.—

397 (8) WATER QUALITY CREDIT TRADING.—

398 (i) Land set-asides and land use modifications not  
399 otherwise required by state law or a permit, including  
400 constructed wetlands or other water quality improvement  
401 projects, that reduce nutrient loads into nutrient impaired  
402 surface waters may be used under this subsection.

403 Section 8. Subsection (2) of section 403.201, Florida  
404 Statutes, is amended to read:

405 403.201 Variances.—

406 (2) A ~~No~~ variance may not ~~shall~~ be granted from any  
407 provision or requirement concerning discharges of waste into  
408 waters of the state or hazardous waste management which would  
409 result in the provision or requirement being less stringent than  
410 a comparable federal provision or requirement, except as  
411 provided in s. 403.70715. However, this subsection does not  
412 prohibit the issuance of moderating provisions or requirements  
413 under state law, subject to any necessary approval by the United  
414 States Environmental Protection Agency.

415 Section 9. Subsections (2) through (4) of section 403.709,  
416 Florida Statutes, are renumbered as subsections (3) through (5),





417 respectively, and a new subsection (2) is added to that section  
418 to read:

419 403.709 Solid Waste Management Trust Fund; use of waste  
420 tire fees.—There is created the Solid Waste Management Trust  
421 Fund, to be administered by the department.

422 (2) (a) Notwithstanding subsection (1), a solid waste  
423 landfill closure account is established within the Solid Waste  
424 Management Trust Fund to provide funding for the closing and  
425 long-term care of solid waste management facilities. The  
426 department may use funds from the account to contract with a  
427 third party for the closing and long-term care of a solid waste  
428 management facility if:

429 1. The facility has or had a department permit to operate  
430 the facility.

431 2. The permittee provided proof of financial assurance for  
432 closure in the form of an insurance certificate.

433 3. The facility is deemed to be abandoned or was ordered  
434 to close by the department.

435 4. Closure is accomplished in substantial accordance with  
436 a closure plan approved by the department.

437 5. The department has written documentation that the  
438 insurance company issuing the closure insurance policy will  
439 provide or reimburse the funds required to complete closing and  
440 long-term care of the facility.

441 (b) The department shall deposit the funds received from  
442 the insurance company as reimbursement for the costs of closing



443 or long-term care of the facility into the solid waste landfill  
444 closure account.

445 Section 10. Subsection (3) is added to section 403.713,  
446 Florida Statutes, to read:

447 403.713 Ownership and control of solid waste and recovered  
448 materials.—

449 (3) For the purposes of exercising flow control authority  
450 under this section, a resource recovery facility does not  
451 include a landfill gas-to-energy system or facility.

452 Section 11. For the purpose of incorporating the amendment  
453 made by this act to section 403.201, Florida Statutes, in a  
454 reference thereto, subsection (17) of section 373.414, Florida  
455 Statutes, is reenacted to read:

456 373.414 Additional criteria for activities in surface  
457 waters and wetlands.—

458 (17) The variance provisions of s. 403.201 are applicable  
459 to the provisions of this section or any rule adopted pursuant  
460 to this section. The governing boards and the department are  
461 authorized to review and take final agency action on petitions  
462 requesting such variances for those activities they regulate  
463 under this part and s. 373.4145.

464 Section 12. For the 2015-2016 fiscal year, the sum of  
465 \$2,339,764 in nonrecurring funds is appropriated to the  
466 Department of Environmental Protection from the Solid Waste  
467 Management Trust Fund in the Fixed Capital Outlay-Agency  
468 Managed-Closing and Long-Term Care of Solid Waste Management



469 Facilities appropriation category for the closing and long-term  
470 care of solid waste management facilities pursuant to s.  
471 403.709(2), Florida Statutes.

472 Section 13. Section 373.042, Florida Statutes, is amended  
473 to read:

474 373.042 Minimum flows and minimum water levels.—

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

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

482 (b) Minimum water level. The minimum water level is ~~shall~~  
483 ~~be~~ the level of groundwater in an aquifer and the level of  
484 surface water at which further withdrawals would be  
485 significantly harmful to the water resources or ecology of the  
486 area.

487  
488 The minimum flow and minimum water level shall be calculated by  
489 the department and the governing board using the best  
490 information available. When appropriate, minimum flows and  
491 minimum water levels may be calculated to reflect seasonal  
492 variations. The department and the governing board shall ~~also~~  
493 consider, and at their discretion may provide for, the



494 protection of nonconsumptive uses in the establishment of  
495 minimum flows and minimum water levels.

496 (2) (a) If a minimum flow or minimum water level has not  
497 been adopted for an Outstanding Florida Spring, a water  
498 management district or the department shall use the emergency  
499 rulemaking authority provided in paragraph (c) to adopt a  
500 minimum flow or minimum water level no later than July 1, 2017,  
501 except for the Northwest Florida Water Management District,  
502 which shall use such authority to adopt minimum flows and  
503 minimum water levels for Outstanding Florida Springs no later  
504 than July 1, 2026.

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

513 (c) The Legislature finds as provided in s. 373.801(3) (b)  
514 that the adoption of minimum flows and minimum water levels or  
515 recovery or prevention strategies for Outstanding Florida  
516 Springs requires immediate action. The department and the  
517 districts are authorized, and all conditions are deemed to be  
518 met, to use emergency rulemaking provisions pursuant to s.  
519 120.54(4) to adopt minimum flows and minimum water levels



520 pursuant to this subsection and recovery or prevention  
521 strategies adopted concurrently with a minimum flow or minimum  
522 water level pursuant to s. 373.805(2).

523 (3)~~(2)~~ By November 15, 1997, and annually thereafter, each  
524 water management district shall submit to the department for  
525 review and approval a priority list and schedule for the  
526 establishment of minimum flows and minimum water levels for  
527 surface watercourses, aquifers, and surface waters within the  
528 district. The priority list and schedule shall identify those  
529 listed water bodies for which the district will voluntarily  
530 undertake independent scientific peer review; any reservations  
531 proposed by the district to be established pursuant to s.  
532 373.223(4); and those listed water bodies that have the  
533 potential to be affected by withdrawals in an adjacent district  
534 for which the department's adoption of a reservation pursuant to  
535 s. 373.223(4) or a minimum flow or minimum water level pursuant  
536 to subsection (1) may be appropriate. By March 1, 2006, and  
537 annually thereafter, each water management district shall  
538 include its approved priority list and schedule in the  
539 consolidated annual report required by s. 373.036(7). The  
540 priority list shall be based upon the importance of the waters  
541 to the state or region and the existence of or potential for  
542 significant harm to the water resources or ecology of the state  
543 or region, and shall include those waters which are experiencing  
544 or may reasonably be expected to experience adverse impacts.  
545 Each water management district's priority list and schedule



546 shall include all first magnitude springs, and all second  
547 magnitude springs within state or federally owned lands  
548 purchased for conservation purposes. The specific schedule for  
549 establishment of spring minimum flows and minimum water levels  
550 shall be commensurate with the existing or potential threat to  
551 spring flow from consumptive uses. Springs within the Suwannee  
552 River Water Management District, or second magnitude springs in  
553 other areas of the state, need not be included on the priority  
554 list if the water management district submits a report to the  
555 Department of Environmental Protection demonstrating that  
556 adverse impacts are not now occurring nor are reasonably  
557 expected to occur from consumptive uses during the next 20  
558 years. The priority list and schedule is not subject to any  
559 proceeding pursuant to chapter 120. Except as provided in  
560 subsection (4) ~~(3)~~, the development of a priority list and  
561 compliance with the schedule for the establishment of minimum  
562 flows and minimum water levels pursuant to this subsection  
563 satisfies the requirements of subsection (1).

564 (4) ~~(3)~~ Minimum flows or minimum water levels for priority  
565 waters in the counties of Hillsborough, Pasco, and Pinellas  
566 shall be established by October 1, 1997. Where a minimum flow or  
567 minimum water level for the priority waters within those  
568 counties has not been established by the applicable deadline,  
569 the secretary of the department shall, if requested by the  
570 governing body of any local government within whose jurisdiction  
571 the affected waters are located, establish the minimum flow or



572 minimum water level in accordance with the procedures  
573 established by this section. The department's reasonable costs  
574 in establishing a minimum flow or minimum water level shall,  
575 upon request of the secretary, be reimbursed by the district.

576 ~~(5)-(4)~~ A water management district shall provide the  
577 department with technical information and staff support for the  
578 development of a reservation, minimum flow or minimum water  
579 level, or recovery or prevention strategy to be adopted by the  
580 department by rule. A water management district shall apply any  
581 reservation, minimum flow or minimum water level, or recovery or  
582 prevention strategy adopted by the department by rule without  
583 the district's adoption by rule of such reservation, minimum  
584 flow or minimum water level, or recovery or prevention strategy.

585 ~~(6)-(5)~~(a) Upon written request to the department or  
586 governing board by a substantially affected person, or by  
587 decision of the department or governing board, before ~~prior to~~  
588 the establishment of a minimum flow or minimum water level and  
589 before ~~prior to~~ the filing of any petition for administrative  
590 hearing related to the minimum flow or minimum water level, all  
591 scientific or technical data, methodologies, and models,  
592 including all scientific and technical assumptions employed in  
593 each model, used to establish a minimum flow or minimum water  
594 level shall be subject to independent scientific peer review.  
595 Independent scientific peer review means review by a panel of  
596 independent, recognized experts in the fields of hydrology,  
597 hydrogeology, limnology, biology, and other scientific



598 disciplines, to the extent relevant to the establishment of the  
599 minimum flow or minimum water level.

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





624 department or the governing board shall give significant weight  
625 to the final report of the peer review panel when establishing  
626 the minimum flow or minimum water level.

627 (c) If the final data, methodologies, and models,  
628 including all scientific and technical assumptions employed in  
629 each model upon which a minimum flow or level is based, have  
630 undergone peer review pursuant to this subsection, by request or  
631 by decision of the department or governing board, no further  
632 peer review shall be required with respect to that minimum flow  
633 or minimum water level.

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

637 (7) ~~(6)~~ If a petition for administrative hearing is filed  
638 under chapter 120 challenging the establishment of a minimum  
639 flow or minimum water level, the report of an independent  
640 scientific peer review conducted under subsection (5) ~~(4)~~ is  
641 admissible as evidence in the final hearing, and the  
642 administrative law judge must render the order within 120 days  
643 after the filing of the petition. The time limit for rendering  
644 the order shall not be extended except by agreement of all the  
645 parties. To the extent that the parties agree to the findings of  
646 the peer review, they may stipulate that those findings be  
647 incorporated as findings of fact in the final order.

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



650 Section 14. Section 373.0421, Florida Statutes, is amended  
651 to read:

652 373.0421 Establishment and implementation of minimum flows  
653 and minimum levels.—

654 (1) ESTABLISHMENT.—

655 (a) *Considerations.*—When establishing minimum flows and  
656 minimum water levels pursuant to s. 373.042, the department or  
657 governing board shall consider changes and structural  
658 alterations to watersheds, surface waters, and aquifers and the  
659 effects such changes or alterations have had, and the  
660 constraints such changes or alterations have placed, on the  
661 hydrology of an affected watershed, surface water, or aquifer,  
662 provided that nothing in this paragraph shall allow significant  
663 harm as provided by s. 373.042(1) caused by withdrawals.

664 (b) *Exclusions.*—

665 1. The Legislature recognizes that certain water bodies no  
666 longer serve their historical hydrologic functions. The  
667 Legislature also recognizes that recovery of these water bodies  
668 to historical hydrologic conditions may not be economically or  
669 technically feasible, and that such recovery effort could cause  
670 adverse environmental or hydrologic impacts. Accordingly, the  
671 department or governing board may determine that setting a  
672 minimum flow or minimum water level for such a water body based  
673 on its historical condition is not appropriate.

674 2. The department or the governing board is not required  
675 to establish minimum flows or minimum water levels pursuant to



676 s. 373.042 for surface water bodies less than 25 acres in area,  
677 unless the water body or bodies, individually or cumulatively,  
678 have significant economic, environmental, or hydrologic value.

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

688  
689 The exclusions of this paragraph shall not apply to the  
690 Everglades Protection Area, as defined in s. 373.4592(2)(i).

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



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

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

705  
706 The recovery or prevention strategy must ~~shall~~ include a phased-  
707 in approach ~~phasing~~ or a timetable which will allow for the  
708 provision of sufficient water supplies for all existing and  
709 projected reasonable-beneficial uses, including development of  
710 additional water supplies and implementation of conservation and  
711 other efficiency measures concurrent with and, to the maximum  
712 extent practical, ~~and~~ to offset, reductions in permitted  
713 withdrawals, consistent with ~~the provisions of~~ this chapter. The  
714 recovery or prevention strategy may not depend solely on water  
715 shortage restrictions declared pursuant to s. 373.175 or s.  
716 373.246.

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

725 (4) The water management district shall notify the  
726 department if an application for a water use permit is denied



727 based upon the impact that the use will have on an adopted  
728 minimum flow or minimum water level. Upon receipt of such  
729 notice, the department shall, as soon as practicable and in  
730 cooperation with the water management district, conduct a review  
731 of the applicable regional water supply plan prepared pursuant  
732 to s. 373.709. Such review shall include an assessment by the  
733 department of the adequacy of the plan in addressing the  
734 legislative intent of s. 373.705(2)(b) which provides that  
735 sufficient water be available for all existing and future  
736 reasonable-beneficial uses and natural systems and that the  
737 adverse effects of competition for water supplies be avoided. If  
738 the department determines, based upon this review, that the  
739 regional water supply plan does not adequately address the  
740 legislative intent of s. 373.705(2)(b), the water management  
741 district shall immediately initiate an update of the plan  
742 consistent with s. 373.709.

743 (5)~~(3)~~ The provisions of this section are supplemental to  
744 any other specific requirements or authority provided by law.  
745 Minimum flows and minimum water levels shall be reevaluated  
746 periodically and revised as needed.

747 Section 15. Subsection (3) is added to section 373.219,  
748 Florida Statutes, to read:

749 373.219 Permits required.—

750 (3) For Outstanding Florida Springs, the department shall  
751 adopt uniform rules for issuing permits which prevent  
752 groundwater withdrawals that are harmful to the water resources



753 and adopt by rule a uniform definition of the term "harmful to  
754 the water resources" to provide water management districts with  
755 minimum standards necessary to be consistent with the overall  
756 water policy of the state. This subsection does not prohibit a  
757 water management district from adopting a definition that is  
758 more protective of the water resources consistent with local or  
759 regional conditions and objectives.

760 Section 16. Subsection (6) is added to section 373.223,  
761 Florida Statutes, to read:

762 373.223 Conditions for a permit.—

763 (6) A new consumptive use permit, or the renewal or  
764 modification of a consumptive use permit, that authorizes  
765 groundwater withdrawals of 100,000 gallons or more per day from  
766 a well with an inside diameter of 8 inches or more shall be  
767 monitored for water usage at intervals using methods determined  
768 by the applicable water management district, and the results of  
769 such monitoring shall be reported to the applicable water  
770 management district at least annually. The water management  
771 districts may adopt rules to implement this subsection.

772 Section 17. Section 373.2234, Florida Statutes, is amended  
773 to read:

774 373.2234 Preferred water supply sources.—

775 (1) The governing board of a water management district is  
776 authorized to adopt rules that identify preferred water supply  
777 sources for consumptive uses for which there is sufficient data  
778 to establish that a preferred source will provide a substantial



779 new water supply to meet the existing and projected reasonable-  
780 beneficial uses of a water supply planning region identified  
781 pursuant to s. 373.709(1), while sustaining existing water  
782 resources and natural systems. At a minimum, such rules must  
783 contain a description of the preferred water supply source and  
784 an assessment of the water the preferred source is projected to  
785 produce.

786 (2) (a) If an applicant proposes to use a preferred water  
787 supply source, that applicant's proposed water use is subject to  
788 s. 373.223(1), except that the proposed use of a preferred water  
789 supply source must be considered by a water management district  
790 when determining whether a permit applicant's proposed use of  
791 water is consistent with the public interest pursuant to s.  
792 373.223(1) (c).

793 (b) The governing board of a water management district  
794 shall consider the identification of preferred water supply  
795 sources for water users for whom access to or development of new  
796 water supplies is not technically or financially feasible.  
797 Identification of preferred water supply sources for such water  
798 users must be consistent with s. 373.016.

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

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



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

808        2. Provide that permits issued for the use of a  
809 nonpreferred water supply source must be issued for a duration  
810 of less than 20 years or that the use of a nonpreferred water  
811 supply source is not consistent with the public interest; or-

812        3. ~~Additionally, nothing in this section shall be~~  
813 ~~interpreted to~~ Require the use of a preferred water supply  
814 source or to restrict or prohibit the use of a nonpreferred  
815 water supply source.

816        (b) Rules adopted by the governing board of a water  
817 management district to implement this section shall specify that  
818 the use of a preferred water supply source is not required and  
819 that the use of a nonpreferred water supply source is not  
820 restricted or prohibited.

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

823        373.233 Competing applications.—

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

828        (b) If two or more competing applications qualify equally  
829 under subsection (1) and none of the competing applications is a  
830 renewal application, the governing board or the department shall





831 give preference to the application for the use where the source  
832 is nearest to the area of use or application consistent with s.  
833 373.016(4)(a).

834 Section 19. Section 253.87, Florida Statutes, is created  
835 to read:

836 253.87 Inventory of state, federal, and local conservation  
837 lands by the Department of Environmental Protection.-

838 (1) By July 1, 2017, the Department of Environmental  
839 Protection shall include in the Florida State-Owned Lands and  
840 Records Information System (FL-SOLARIS) database all federally  
841 owned conservation lands, all lands on which the federal  
842 government retains a permanent conservation easement, and all  
843 lands on which the state retains a permanent conservation  
844 easement. The department shall update the database at least  
845 every 5 years.

846 (2) By July 1, 2017, for counties and municipalities, and  
847 by July 1, 2018, for financially disadvantaged small  
848 communities, as defined in s. 403.1838, and at least every 5  
849 years thereafter, respectively, each county, municipality, and  
850 financially disadvantaged small community shall identify all  
851 conservation lands that it owns in fee simple and all lands on  
852 which it retains a permanent conservation easement and submit,  
853 in a manner determined by the department, a list of such lands  
854 to the department. Within 6 months after receiving such list,  
855 the department shall add such lands to the FL-SOLARIS database.

856 (3) By January 1, 2017, the department shall conduct a



857 study and submit a report to the Governor, the President of the  
858 Senate, and the Speaker of the House of Representatives on the  
859 technical and economic feasibility of including the following  
860 lands in the FL-SOLARIS database or a similar public lands  
861 inventory:

862 (a) All lands on which local comprehensive plans, land use  
863 restrictions, zoning ordinances, or land development regulations  
864 prohibit the land from being developed or limit the amount of  
865 development to one unit per 40 or more acres.

866 (b) All publicly and privately owned lands for which  
867 development rights have been transferred.

868 (c) All privately owned lands under a permanent  
869 conservation easement.

870 (d) All lands owned by a nonprofit or nongovernmental  
871 organization for conservation purposes.

872 (e) All lands that are part of a mitigation bank.

873 Section 20. Consolidating titles to state-owned  
874 conservation lands.—As expeditiously as possible, but not later  
875 than July 1, 2018, the Department of Environmental Protection  
876 shall consolidate under a single, unified title and legal  
877 description all individually titled parcels of conservation  
878 lands solely owned by the Board of Trustees of the Internal  
879 Improvement Trust Fund that are contiguous to other parcels of  
880 conservation lands solely owned by the board.

881 Section 21. For the 2015-2016 fiscal year, the sum of  
882 \$2,635,706 in recurring funds and \$1,520,528 in nonrecurring



883 funds are appropriated from the Internal Improvement Trust Fund  
884 to the Department of Environmental Protection, and four full-  
885 time equivalent positions with 182,792 in salary rate are  
886 authorized, for staffing and all operating expenses associated  
887 with the environmental assessment of low-impact agriculture and  
888 surplus lands pursuant to s. 253.034, Florida Statutes; the  
889 inventory of state, federal, and local government conservation  
890 lands in the Florida State-Owned Lands and Records Information  
891 System (FL-SOLARIS) database and the study to include additional  
892 lands in the FL-SOLARIS database pursuant to s. 253.87, Florida  
893 Statutes; and the consolidation of state-owned conservation land  
894 titles pursuant to this act.

895 Section 22. Part VIII of chapter 373, Florida Statutes,  
896 consisting of sections 373.801, 373.802, 373.803, 373.805,  
897 373.807, 373.811, and 373.813, Florida Statutes, is created and  
898 entitled the "Florida Springs and Aquifer Protection Act."

899 Section 23. Section 373.801, Florida Statutes, is created  
900 to read:

901 373.801 Legislative findings and intent.—

902 (1) The Legislature finds that springs are a unique part  
903 of this state's scenic beauty. Springs provide critical habitat  
904 for plants and animals, including many endangered or threatened  
905 species. Springs also provide immeasurable natural,  
906 recreational, economic, and inherent value. Springs are of great  
907 scientific importance in understanding the diverse functions of  
908 aquatic ecosystems. Water quality of springs is an indicator of



909 local conditions of the Floridan Aquifer, which is a source of  
910 drinking water for many residents of this state. Water flows in  
911 springs may reflect regional aquifer conditions. In addition,  
912 springs provide recreational opportunities for swimming,  
913 canoeing, wildlife watching, fishing, cave diving, and many  
914 other activities in this state. These recreational opportunities  
915 and the accompanying tourism they provide are a benefit to local  
916 economies and the economy of the state as a whole.

917 (2) The Legislature finds that the water quantity and  
918 water quality in springs may be related. For regulatory  
919 purposes, the department has primary responsibility for water  
920 quality; the water management districts have primary  
921 responsibility for water quantity; and the Department of  
922 Agriculture and Consumer Services has primary responsibility for  
923 the development and implementation of agricultural best  
924 management practices. Local governments have primary  
925 responsibility for providing domestic wastewater collection and  
926 treatment services and stormwater management. The foregoing  
927 responsible entities must coordinate to restore and maintain the  
928 water quantity and water quality of the Outstanding Florida  
929 Springs.

930 (3) The Legislature recognizes that:

931 (a) A spring is only as healthy as its aquifer system. The  
932 groundwater that supplies springs is derived from water that  
933 recharges the aquifer system in the form of seepage from the  
934 land surface and through direct conduits, such as sinkholes.



935 Springs may be adversely affected by polluted runoff from urban  
936 and agricultural lands; discharges resulting from inadequate  
937 wastewater and stormwater management practices; stormwater  
938 runoff; and reduced water levels of the Floridan Aquifer. As a  
939 result, the hydrologic and environmental conditions of a spring  
940 or spring run are directly influenced by activities and land  
941 uses within a springshed and by water withdrawals from the  
942 Floridan Aquifer.

943 (b) Springs, whether found in urban or rural settings, or  
944 on public or private lands, may be threatened by actual or  
945 potential flow reductions and declining water quality. Many of  
946 this state's springs are demonstrating signs of significant  
947 ecological imbalance, increased nutrient loading, and declining  
948 flow. Without effective remedial action, further declines in  
949 water quality and water quantity may occur.

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

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

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

958 (4) The Legislature recognizes that action is urgently  
959 needed and, as additional data is acquired, action must be  
960 modified.



961 Section 24. Section 373.802, Florida Statutes, is created  
962 to read:

963 373.802 Definitions.—As used in this part, the term:

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

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

971 (3) "Onsite sewage treatment and disposal system" means a  
972 system that contains a standard subsurface, filled, or mound  
973 drainfield system; an aerobic treatment unit; a graywater system  
974 tank; a laundry wastewater system tank; a septic tank; a grease  
975 interceptor; a pump tank; a solids or effluent pump; a  
976 waterless, incinerating, or organic waste-composting toilet; or  
977 a sanitary pit privy that is installed or proposed to be  
978 installed beyond the building sewer on land of the owner or on  
979 other land on which the owner has the legal right to install  
980 such system. The term includes any item placed within, or  
981 intended to be used as a part of or in conjunction with, the  
982 system. The term does not include package sewage treatment  
983 facilities and other treatment works regulated under chapter  
984 403.

985 (4) "Outstanding Florida Spring" includes all historic  
986 first magnitude springs, including their associated spring runs,



987 as determined by the department using the most recent Florida  
988 Geological Survey springs bulletin, and the following additional  
989 springs, including their associated spring runs:

- 990 (a) De Leon Springs;  
991 (b) Peacock Springs;  
992 (c) Poe Springs;  
993 (d) Rock Springs;  
994 (e) Wekiwa Springs; and  
995 (f) Gemini Springs.

996  
997 The term does not include submarine springs or river rises.

998 (5) "Priority focus area" means the area or areas of a  
999 basin where the Floridan Aquifer is generally most vulnerable to  
1000 pollutant inputs where there is a known connectivity between  
1001 groundwater pathways and an Outstanding Florida Spring, as  
1002 determined by the department in consultation with the  
1003 appropriate water management districts, and delineated in a  
1004 basin management action plan.

1005 (6) "Springshed" means the areas within the groundwater  
1006 and surface water basins which contribute, based upon all  
1007 relevant facts, circumstances, and data, to the discharge of a  
1008 spring as defined by potentiometric surface maps and surface  
1009 watershed boundaries.

1010 (7) "Spring run" means a body of flowing water that  
1011 originates from a spring or whose primary source of water is a  
1012 spring or springs under average rainfall conditions.



1013       (8) "Spring vent" means a location where groundwater flows  
1014 out of a natural, discernible opening in the ground onto the  
1015 land surface or into a predominantly fresh surface water body.

1016       Section 25. Section 373.803, Florida Statutes, is created  
1017 to read:

1018       373.803 Delineation of priority focus areas for  
1019 Outstanding Florida Springs.—Using the best data available from  
1020 the water management districts and other credible sources, the  
1021 department, in coordination with the water management districts,  
1022 shall delineate priority focus areas for each Outstanding  
1023 Florida Spring or group of springs that contains one or more  
1024 Outstanding Florida Springs and is identified as impaired in  
1025 accordance with s. 373.807. In delineating priority focus areas,  
1026 the department shall consider groundwater travel time to the  
1027 spring, hydrogeology, nutrient load, and any other factors that  
1028 may lead to degradation of an Outstanding Florida Spring. The  
1029 delineation of priority focus areas must be completed by July 1,  
1030 2018, shall use understood and identifiable boundaries such as  
1031 roads or political jurisdictions for ease of implementation, and  
1032 is effective upon incorporation in a basin management action  
1033 plan.

1034       Section 26. Section 373.805, Florida Statutes, is created  
1035 to read:

1036       373.805 Minimum flows and minimum water levels for  
1037 Outstanding Florida Springs.—





1038       (1) At the time a minimum flow or minimum water level is  
1039 adopted pursuant to s. 373.042 for an Outstanding Florida  
1040 Spring, if the spring is below or is projected within 20 years  
1041 to fall below the minimum flow or minimum water level, a water  
1042 management district or the department shall concurrently adopt a  
1043 recovery or prevention strategy.

1044       (2) When a minimum flow or minimum water level for an  
1045 Outstanding Florida Spring is revised pursuant to s.  
1046 373.0421(3), if the spring is below or is projected within 20  
1047 years to fall below the minimum flow or minimum water level, a  
1048 water management district or the department shall concurrently  
1049 adopt a recovery or prevention strategy or modify an existing  
1050 recovery or prevention strategy. A district or the department  
1051 may adopt the revised minimum flow or minimum water level before  
1052 the adoption of a recovery or prevention strategy if the revised  
1053 minimum flow or minimum water level is less constraining on  
1054 existing or projected future consumptive uses.

1055       (3) For an Outstanding Florida Spring without an adopted  
1056 recovery or prevention strategy, if a district or the department  
1057 determines the spring has fallen below, or is projected within  
1058 20 years to fall below, the adopted minimum flow or minimum  
1059 water level, a water management district or the department shall  
1060 expeditiously adopt a recovery or prevention strategy.

1061       (4) The recovery or prevention strategy for each  
1062 Outstanding Florida Spring must, at a minimum, include:



1063        (a) A listing of all specific projects identified for  
1064 implementation of the plan;

1065        (b) A priority listing of each project;

1066        (c) For each listed project, the estimated cost of and the  
1067 estimated date of completion;

1068        (d) The source and amount of financial assistance to be  
1069 made available by the water management district for each listed  
1070 project, which may not be less than 25 percent of the total  
1071 project cost unless a specific funding source or sources are  
1072 identified which will provide more than 75 percent of the total  
1073 project cost. The Northwest Florida Water Management District  
1074 and the Suwannee River Water Management District are not  
1075 required to meet the minimum requirement to receive financial  
1076 assistance pursuant to this paragraph;

1077        (e) An estimate of each listed project's benefit to an  
1078 Outstanding Florida Spring; and

1079        (f) An implementation plan designed with a target to  
1080 achieve the adopted minimum flow or minimum water level no more  
1081 than 20 years after the adoption of a recovery or prevention  
1082 strategy. The implementation plan must include a schedule of 5-  
1083 year, 10-year, and 15-year measureable milestones intended to  
1084 achieve the adopted minimum flow or minimum water level. The  
1085 schedule is not a rule but is intended to provide guidance for  
1086 planning and funding purposes and is exempt from s.  
1087 120.54 (1) (a) .



1088       (5) A local government may apply to the department for a  
1089 single extension of up to 5 years for any project in an adopted  
1090 recovery or prevention strategy. The department may grant the  
1091 extension if the local government provides to the department  
1092 sufficient evidence that an extension is in the best interest of  
1093 the public. For a local government in a rural area of  
1094 opportunity, as defined in s. 288.0656, the department may grant  
1095 a single extension of up to 10 years.

1096       Section 27. Section 373.807, Florida Statutes, is created  
1097 to read:

1098       373.807 Protection of water quality in Outstanding Florida  
1099 Springs.—By July 1, 2015, the department shall initiate  
1100 assessment, pursuant to s. 403.067(3), of Outstanding Florida  
1101 Springs or spring systems for which an impairment determination  
1102 has not been made under the numeric nutrient standards in effect  
1103 for spring vents. Assessments must be completed by July 1, 2018.

1104       (1)(a) Concurrent with the adoption of a nutrient total  
1105 maximum daily load for an Outstanding Florida Spring, the  
1106 department, or the department in conjunction with a water  
1107 management district, shall initiate development of a basin  
1108 management action plan, as specified in s. 403.067. For an  
1109 Outstanding Florida Spring with a nutrient total maximum daily  
1110 load adopted before July 1, 2015, the department, or the  
1111 department in conjunction with a water management district,  
1112 shall initiate development of a basin management action plan by  
1113 July 1, 2015. During the development of a basin management



1114 action plan, if the department identifies onsite sewage  
1115 treatment and disposal systems as contributors of at least 20  
1116 percent of nonpoint source nitrogen pollution or if the  
1117 department determines remediation is necessary to achieve the  
1118 total maximum daily load, the basin management action plan shall  
1119 include an onsite sewage treatment and disposal system  
1120 remediation plan pursuant to subsection (3) for those systems  
1121 identified as requiring remediation.

1122 (b) A basin management action plan for an Outstanding  
1123 Florida Spring shall be adopted within 2 years after its  
1124 initiation and must include, at a minimum:

1125 1. A list of all specific projects and programs identified  
1126 to implement a nutrient total maximum daily load;

1127 2. A list of all specific projects identified in any  
1128 incorporated onsite sewage treatment and disposal system  
1129 remediation plan, if applicable;

1130 3. A priority rank for each listed project;

1131 4. For each listed project, a planning level cost estimate  
1132 and the estimated date of completion;

1133 5. The source and amount of financial assistance to be  
1134 made available by the department, a water management district,  
1135 or other entity for each listed project;

1136 6. An estimate of each listed project's nutrient load  
1137 reduction;

1138 7. Identification of each point source or category of  
1139 nonpoint sources, including, but not limited to, urban turf



1140 fertilizer, sports turf fertilizer, agricultural fertilizer,  
1141 onsite sewage treatment and disposal systems, wastewater  
1142 treatment facilities, animal wastes, and stormwater facilities.

1143 An estimated allocation of the pollutant load must be provided  
1144 for each point source or category of nonpoint sources; and

1145 8. An implementation plan designed with a target to  
1146 achieve the adopted nutrient total maximum daily load no more  
1147 than 20 years after the adoption of a basin management action  
1148 plan. The plan must include a schedule of 5-year, 10-year, and  
1149 15-year measureable milestones intended to achieve the adopted  
1150 nutrient total maximum daily load. The schedule is not a rule  
1151 but is intended to provide guidance for planning and funding  
1152 purposes and is exempt from s. 120.54(1)(a).

1153 (c) For a basin management action plan adopted before July  
1154 1, 2015, which addresses an Outstanding Florida Spring, the  
1155 department or the department in conjunction with a water  
1156 management district must revise the plan if necessary to comply  
1157 with this section by July 1, 2018.

1158 (d) A local government may apply to the department for a  
1159 single extension of up to 5 years for any project in an adopted  
1160 basin management action plan. A local government in a rural area  
1161 of opportunity, as defined in s. 288.0656, may apply for a  
1162 single extension of up to 10 years for such a project. The  
1163 department may grant the extension if the local government  
1164 provides to the department sufficient evidence that an extension  
1165 is in the best interest of the public.



1166       (2) By July 1, 2016, each local government, as defined in  
1167 s. 373.802(2), that has not adopted an ordinance pursuant to s.  
1168 403.9337 shall develop, enact, and implement an ordinance  
1169 pursuant to that section. It is the intent of the Legislature  
1170 that ordinances required to be adopted under this subsection  
1171 reflect the latest scientific information, advancements, and  
1172 technological improvements in the industry.

1173       (3) As part of a basin management action plan that  
1174 includes an Outstanding Florida Spring, the department, the  
1175 Department of Health, relevant local governments, and relevant  
1176 local public and private wastewater utilities, shall develop an  
1177 onsite sewage treatment and disposal system remediation plan for  
1178 a spring if the department determines onsite sewage treatment  
1179 and disposal systems within a priority focus area contribute at  
1180 least 20 percent of nonpoint source nitrogen pollution or if the  
1181 department determines remediation is necessary to achieve the  
1182 total daily maximum load. The plan shall identify cost-effective  
1183 and financially feasible projects necessary to reduce the  
1184 nutrient impacts from onsite sewage treatment and disposal  
1185 systems and shall be completed and adopted as part of the basin  
1186 management action plan no later than the first 5-year milestone  
1187 required by subparagraph (1)(b)8. In preparing the plan, the  
1188 department shall:

1189       (a) Collect and evaluate credible scientific information  
1190 on the effect of nutrients, particularly forms of nitrogen, on  
1191 springs and springs systems; and



1192           (b) Develop a public education plan to provide area  
1193 residents with reliable, understandable information about onsite  
1194 sewage treatment and disposal systems and springs.

1195  
1196 In addition to the requirements of s. 403.067, the plan shall  
1197 include options for repair, upgrade, replacement, drainfield  
1198 modification, addition of effective nitrogen reducing features,  
1199 connection to a central sewerage system, or other action for an  
1200 onsite sewage treatment and disposal system or group of systems  
1201 within a priority focus area that contribute at least 20 percent  
1202 of nonpoint source nitrogen pollution or if the department  
1203 determines remediation is necessary to achieve a total maximum  
1204 daily load. For these systems, the department shall include in  
1205 the plan a priority ranking for each system or group of systems  
1206 that requires remediation and shall award funds to implement the  
1207 remediation projects contingent on an appropriation in the  
1208 General Appropriations Act, which may include all or part of the  
1209 costs necessary for repair, upgrade, replacement, drainfield  
1210 modification, addition of effective nitrogen reducing features,  
1211 initial connection to a central sewerage system, or other  
1212 action. In awarding funds, the department may consider expected  
1213 nutrient reduction benefit per unit cost, size and scope of  
1214 project, relative local financial contribution to the project,  
1215 financial impact on property owners and the community. The  
1216 department may waive matching funding requirements for proposed



1217 projects within an area designated as a rural area of  
1218 opportunity under s. 288.0656.

1219 (4) The department shall provide notice to a local  
1220 government of all permit applicants under s. 403.814(12) in a  
1221 priority focus area of an Outstanding Florida Spring over which  
1222 the local government has full or partial jurisdiction.

1223 Section 28. Section 373.811, Florida Statutes, is created  
1224 to read:

1225 373.811 Prohibited activities within a priority focus  
1226 area.—The following activities are prohibited within a priority  
1227 focus area in effect for an Outstanding Florida Spring:

1228 (1) New domestic wastewater disposal facilities, including  
1229 rapid infiltration basins, with permitted capacities of 100,000  
1230 gallons per day or more, except for those facilities that meet  
1231 an advanced wastewater treatment standard of no more than 3 mg/l  
1232 total nitrogen, expressed as N, on an annual permitted basis, or  
1233 a more stringent treatment standard if the department determines  
1234 the more stringent standard is necessary to attain a total  
1235 maximum daily load for the Outstanding Florida Spring.

1236 (2) New onsite sewage treatment and disposal systems on  
1237 lots of less than 1 acre, if the addition of the specific  
1238 systems conflicts with an onsite treatment and disposal system  
1239 remediation plan incorporated into a basin management action  
1240 plan in accordance with s. 373.807(3).

1241 (3) New facilities for the disposal of hazardous waste.





1242       (4) The land application of Class A or Class B domestic  
1243 wastewater biosolids not in accordance with a nutrient  
1244 management plan approved by the department which establishes the  
1245 rate at which all biosolids, soil amendments, and sources of  
1246 nutrients at the land application site can be applied to the  
1247 land for crop production while minimizing the amount of  
1248 pollutants and nutrients discharged to groundwater or waters of  
1249 the state.

1250       (5) New agriculture operations that do not implement best  
1251 management practices, measures necessary to achieve pollution  
1252 reduction levels established by the department, or groundwater  
1253 monitoring plans approved by a water management district or the  
1254 department.

1255       Section 29. Section 373.813, Florida Statutes, is created  
1256 to read:

1257       373.813 Rules.—

1258       (1) The department shall adopt rules to improve water  
1259 quantity and water quality to administer this part, as  
1260 applicable.

1261       (2) (a) The Department of Agriculture and Consumer Services  
1262 is the lead agency coordinating the reduction of agricultural  
1263 nonpoint sources of pollution for the protection of Outstanding  
1264 Florida Springs. The Department of Agriculture and Consumer  
1265 Services and the department, pursuant to s. 403.067(7)(c)4.,  
1266 shall study new or revised agricultural best management  
1267 practices for improving and protecting Outstanding Florida



1268 Springs and, if necessary, in cooperation with applicable local  
1269 governments and stakeholders, initiate rulemaking to require the  
1270 implementation of such practices within a reasonable period.

1271 (b) The department, the Department of Agriculture and  
1272 Consumer Services, and the University of Florida Institute of  
1273 Food and Agricultural Sciences shall cooperate in conducting the  
1274 necessary research and demonstration projects to develop  
1275 improved or additional nutrient management tools, including the  
1276 use of controlled release fertilizer that can be used by  
1277 agricultural producers as part of an agricultural best  
1278 management practices program. The development of such tools must  
1279 reflect a balance between water quality improvement and  
1280 agricultural productivity and, if applicable, must be  
1281 incorporated into the revised agricultural best management  
1282 practices adopted by rule by the Department of Agriculture and  
1283 Consumer Services.

1284 Section 30. Subsection (4) of section 373.1501, Florida  
1285 Statutes, is amended, subsections (7) and (8) are renumbered as  
1286 subsections (8) and (9), respectively, and a new subsection (7)  
1287 is added to that section, to read:

1288 373.1501 South Florida Water Management District as local  
1289 sponsor.—

1290 (4) The district is authorized to act as local sponsor of  
1291 the project for those project features within the district as  
1292 provided in this subsection and subject to the oversight of the  
1293 department as further provided in s. 373.026. The district shall



1294 exercise the authority of the state to allocate quantities of  
1295 water within its jurisdiction, including the water supply in  
1296 relation to the project, and be responsible for allocating water  
1297 and assigning priorities among the other water uses served by  
1298 the project pursuant to state law. The district may:

1299 (a) Act as local sponsor for all project features  
1300 previously authorized by Congress.~~†~~

1301 (b) Continue data gathering, analysis, research, and  
1302 design of project components, participate in preconstruction  
1303 engineering and design documents for project components, and  
1304 further refine the Comprehensive Plan of the restudy as a guide  
1305 and framework for identifying other project components.~~†~~

1306 (c) Construct pilot projects that will assist in  
1307 determining the feasibility of technology included in the  
1308 Comprehensive Plan of the restudy.~~†~~ ~~and~~

1309 (d) Act as local sponsor for project components.

1310 (7) When developing or implementing water control plans or  
1311 regulation schedules required for the operation of the project,  
1312 the district shall provide recommendations to the United States  
1313 Army Corps of Engineers which are consistent with all district  
1314 programs and plans.

1315 Section 31. Paragraph (h) of subsection (1) and  
1316 subsections (2) through (7) of section 373.4595, Florida  
1317 Statutes, are amended, and subsections (8) through (13) of that  
1318 section are renumbered as subsections (9) through (14),



1319 | respectively, and a new subsection (8) is added to that section,  
1320 | to read:

1321 |       373.4595 Northern Everglades and Estuaries Protection  
1322 | Program.—

1323 |       (1) FINDINGS AND INTENT.—

1324 |       (h) The Legislature finds that the expeditious  
1325 | implementation of the Lake Okeechobee Watershed Protection  
1326 | Program, the Caloosahatchee River Watershed Protection Program,  
1327 | Plan and the St. Lucie River Watershed Protection Program Plans  
1328 | is needed to improve the quality, quantity, timing, and  
1329 | distribution of water in the northern Everglades ecosystem and  
1330 | that this section, in conjunction with s. 403.067, including the  
1331 | implementation of the plans developed and approved pursuant to  
1332 | subsections (3) and (4), and any related basin management action  
1333 | plan developed and implemented pursuant to s. 403.067(7)(a),  
1334 | provide a reasonable means of achieving the total maximum daily  
1335 | load requirements and achieving and maintaining compliance with  
1336 | state water quality standards.

1337 |       (2) DEFINITIONS.—As used in this section, the term:

1338 |       (a) "Best management practice" means a practice or  
1339 | combination of practices determined by the coordinating  
1340 | agencies, based on research, field-testing, and expert review,  
1341 | to be the most effective and practicable on-location means,  
1342 | including economic and technological considerations, for  
1343 | improving water quality in agricultural and urban discharges.  
1344 | Best management practices for agricultural discharges shall



1345 reflect a balance between water quality improvements and  
1346 agricultural productivity.

1347 (b) "Biosolids" means the solid, semisolid, or liquid  
1348 residue generated during the treatment of domestic wastewater in  
1349 a domestic wastewater treatment facility, formerly known as  
1350 "domestic wastewater residuals" or "residuals," and includes  
1351 products and treated material from biosolids treatment  
1352 facilities and septage management facilities regulated by the  
1353 department. The term does not include the treated effluent or  
1354 reclaimed water from a domestic wastewater treatment facility,  
1355 solids removed from pump stations and lift stations, screenings  
1356 and grit removed from the preliminary treatment components of  
1357 domestic wastewater treatment facilities, or ash generated  
1358 during the incineration of biosolids.

1359 (c)-(b) "Caloosahatchee River watershed" means the  
1360 Caloosahatchee River, its tributaries, its estuary, and the area  
1361 within Charlotte, Glades, Hendry, and Lee Counties from which  
1362 surface water flow is directed or drains, naturally or by  
1363 constructed works, to the river, its tributaries, or its  
1364 estuary.

1365 (d)-(e) "Coordinating agencies" means the Department of  
1366 Agriculture and Consumer Services, the Department of  
1367 Environmental Protection, and the South Florida Water Management  
1368 District.

1369 (e)-(d) "Corps of Engineers" means the United States Army  
1370 Corps of Engineers.



1371        ~~(f)~~(e) "Department" means the Department of Environmental  
1372 Protection.

1373        ~~(g)~~(f) "District" means the South Florida Water Management  
1374 District.

1375        ~~(g) "District's WOD program" means the program implemented~~  
1376 ~~pursuant to rules adopted as authorized by this section and ss.~~  
1377 ~~373.016, 373.044, 373.085, 373.086, 373.109, 373.113, 373.118,~~  
1378 ~~373.451, and 373.453, entitled "Works of the District Basin."~~

1379        (h) "Lake Okeechobee Watershed Construction Project" means  
1380 the construction project developed pursuant to this section  
1381 ~~paragraph (3) (b)~~.

1382        (i) "Lake Okeechobee Watershed Protection Plan" means the  
1383 Lake Okeechobee Watershed Construction Project and the Lake  
1384 Okeechobee Watershed Research and Water Quality Monitoring  
1385 Program ~~plan developed pursuant to this section and ss. 373.451-~~  
1386 ~~373.459.~~

1387        (j) "Lake Okeechobee watershed" means Lake Okeechobee, its  
1388 tributaries, and the area within which surface water flow is  
1389 directed or drains, naturally or by constructed works, to the  
1390 lake or its tributaries.

1391        ~~(k) "Lake Okeechobee Watershed Phosphorus Control Program"~~  
1392 ~~means the program developed pursuant to paragraph (3) (c).~~

1393        ~~(k)~~(l) "Northern Everglades" means the Lake Okeechobee  
1394 watershed, the Caloosahatchee River watershed, and the St. Lucie  
1395 River watershed.



1396            (l)~~(m)~~ "Project component" means any structural or  
1397 operational change, resulting from the Restudy, to the Central  
1398 and Southern Florida Project as it existed and was operated as  
1399 of January 1, 1999.

1400            (m)~~(n)~~ "Restudy" means the Comprehensive Review Study of  
1401 the Central and Southern Florida Project, for which federal  
1402 participation was authorized by the Federal Water Resources  
1403 Development Acts of 1992 and 1996 together with related  
1404 Congressional resolutions and for which participation by the  
1405 South Florida Water Management District is authorized by s.  
1406 373.1501. The term includes all actions undertaken pursuant to  
1407 the aforementioned authorizations which will result in  
1408 recommendations for modifications or additions to the Central  
1409 and Southern Florida Project.

1410            (n)~~(o)~~ "River Watershed Protection Plans" means the  
1411 Caloosahatchee River Watershed Protection Plan and the St. Lucie  
1412 River Watershed Protection Plan developed pursuant to this  
1413 section.

1414            (o) "Soil amendment" means any substance or mixture of  
1415 substances sold or offered for sale for soil enriching or  
1416 corrective purposes, intended or claimed to be effective in  
1417 promoting or stimulating plant growth, increasing soil or plant  
1418 productivity, improving the quality of crops, or producing any  
1419 chemical or physical change in the soil, except amendments,  
1420 conditioners, additives, and related products that are derived



1421 solely from inorganic sources and that contain no recognized  
1422 plant nutrients.

1423 (p) "St. Lucie River watershed" means the St. Lucie River,  
1424 its tributaries, its estuary, and the area within Martin,  
1425 Okeechobee, and St. Lucie Counties from which surface water flow  
1426 is directed or drains, naturally or by constructed works, to the  
1427 river, its tributaries, or its estuary.

1428 (q) "Total maximum daily load" means the sum of the  
1429 individual wasteload allocations for point sources and the load  
1430 allocations for nonpoint sources and natural background adopted  
1431 pursuant to s. 403.067. Before ~~Prior to~~ determining individual  
1432 wasteload allocations and load allocations, the maximum amount  
1433 of a pollutant that a water body or water segment can assimilate  
1434 from all sources without exceeding water quality standards must  
1435 first be calculated.

1436 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—The Lake  
1437 Okeechobee Watershed Protection Program shall consist of the  
1438 Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee  
1439 Basin Management Action Plan adopted pursuant to s. 403.067, the  
1440 Lake Okeechobee Exotic Species Control Program, and the Lake  
1441 Okeechobee Internal Phosphorus Management Program. The Lake  
1442 Okeechobee Basin Management Action Plan adopted pursuant to s.  
1443 403.067 shall be the component of the Lake Okeechobee Watershed  
1444 Protection ~~A protection Program for Lake Okeechobee that~~  
1445 achieves phosphorus load reductions for Lake Okeechobee ~~shall be~~  
1446 ~~immediately implemented as specified in this subsection.~~ The





1447 Lake Okeechobee Watershed Protection Program shall address the  
1448 reduction of phosphorus loading to the lake from both internal  
1449 and external sources. Phosphorus load reductions shall be  
1450 achieved through a phased program of implementation. ~~Initial~~  
1451 ~~implementation actions shall be technology-based, based upon a~~  
1452 ~~consideration of both the availability of appropriate technology~~  
1453 ~~and the cost of such technology, and shall include phosphorus~~  
1454 ~~reduction measures at both the source and the regional level.~~  
1455 ~~The initial phase of phosphorus load reductions shall be based~~  
1456 ~~upon the district's Technical Publication 81-2 and the~~  
1457 ~~district's WOD program, with subsequent phases of phosphorus~~  
1458 ~~load reductions based upon the total maximum daily loads~~  
1459 ~~established in accordance with s. 403.067.~~ In the development  
1460 and administration of the Lake Okeechobee Watershed Protection  
1461 Program, the coordinating agencies shall maximize opportunities  
1462 provided by federal cost-sharing programs and opportunities for  
1463 partnerships with the private sector.

1464 (a) Lake Okeechobee Watershed Protection Plan. ~~In order~~ To  
1465 protect and restore surface water resources, the district, in  
1466 cooperation with the other coordinating agencies, shall complete  
1467 a Lake Okeechobee Watershed Protection Plan in accordance with  
1468 this section and ss. 373.451-373.459. Beginning March 1, 2020,  
1469 and every 5 years thereafter, the district shall update the Lake  
1470 Okeechobee Watershed Protection Plan to ensure that it is  
1471 consistent with the Lake Okeechobee Basin Management Action Plan  
1472 adopted pursuant to s. 403.067. The Lake Okeechobee Watershed



1473 Protection ~~the~~ Plan shall identify the geographic extent of the  
1474 watershed, be coordinated with the plans developed pursuant to  
1475 paragraphs (4) (a) and (c) ~~(b)~~, and include the Lake Okeechobee  
1476 Watershed Construction Project and the Lake Okeechobee Watershed  
1477 Research and Water Quality Monitoring Program ~~contain an~~  
1478 ~~implementation schedule for subsequent phases of phosphorus load~~  
1479 ~~reduction consistent with the total maximum daily loads~~  
1480 ~~established in accordance with s. 403.067.~~ The plan shall  
1481 consider and build upon a review and analysis of ~~the following~~:  
1482       1. the performance of projects constructed during Phase I  
1483 and Phase II of the Lake Okeechobee Watershed Construction  
1484 Project, pursuant to subparagraph 1.; ~~paragraph (b)~~.  
1485       2. relevant information resulting from the Lake Okeechobee  
1486 Basin Management Action Plan Watershed Phosphorus Control  
1487 Program, pursuant to paragraph (b); ~~(e)~~.  
1488       3. relevant information resulting from the Lake Okeechobee  
1489 Watershed Research and Water Quality Monitoring Program,  
1490 pursuant to subparagraph 2.; ~~paragraph (d)~~.  
1491       4. relevant information resulting from the Lake Okeechobee  
1492 Exotic Species Control Program, pursuant to paragraph (c); and  
1493 ~~(e)~~.  
1494       5. relevant information resulting from the Lake Okeechobee  
1495 Internal Phosphorus Management Program, pursuant to paragraph  
1496 (d) ~~(f)~~.  
1497       1. ~~(b)~~ Lake Okeechobee Watershed Construction Project.—To  
1498 improve the hydrology and water quality of Lake Okeechobee and



1499 downstream receiving waters, including the Caloosahatchee and  
1500 St. Lucie Rivers and their estuaries, the district, in  
1501 cooperation with the other coordinating agencies, shall design  
1502 and construct the Lake Okeechobee Watershed Construction  
1503 Project. The project shall include:

1504 a.1. Phase I.—Phase I of the Lake Okeechobee Watershed  
1505 Construction Project shall consist of a series of project  
1506 features consistent with the recommendations of the South  
1507 Florida Ecosystem Restoration Working Group's Lake Okeechobee  
1508 Action Plan. Priority basins for such projects include S-191, S-  
1509 154, and Pools D and E in the Lower Kissimmee River. ~~In order~~ To  
1510 obtain phosphorus load reductions to Lake Okeechobee as soon as  
1511 possible, the following actions shall be implemented:

1512 (I)a. The district shall serve as a full partner with the  
1513 Corps of Engineers in the design and construction of the Grassy  
1514 Island Ranch and New Palm Dairy stormwater treatment facilities  
1515 as components of the Lake Okeechobee Water Retention/Phosphorus  
1516 Removal Critical Project. The Corps of Engineers shall have the  
1517 lead in design and construction of these facilities. Should  
1518 delays be encountered in the implementation of either of these  
1519 facilities, the district shall notify the department and  
1520 recommend corrective actions.

1521 (II)b. The district shall obtain permits and complete  
1522 construction of two of the isolated wetland restoration projects  
1523 that are part of the Lake Okeechobee Water Retention/Phosphorus  
1524 Removal Critical Project. The additional isolated wetland



1525 projects included in this critical project shall further reduce  
1526 phosphorus loading to Lake Okeechobee.

1527 (III)e. The district shall work with the Corps of  
1528 Engineers to expedite initiation of the design process for the  
1529 Taylor Creek/Nubbins Slough Reservoir Assisted Stormwater  
1530 Treatment Area, a project component of the Comprehensive  
1531 Everglades Restoration Plan. The district shall propose to the  
1532 Corps of Engineers that the district take the lead in the design  
1533 and construction of the Reservoir Assisted Stormwater Treatment  
1534 Area and receive credit towards the local share of the total  
1535 cost of the Comprehensive Everglades Restoration Plan.

1536 b.2. Phase II technical plan and construction. ~~By February~~  
1537 ~~1, 2008,~~ The district, in cooperation with the other  
1538 coordinating agencies, shall develop a detailed technical plan  
1539 for Phase II of the Lake Okeechobee Watershed Construction  
1540 Project which provides the basis for the Lake Okeechobee Basin  
1541 Management Action Plan adopted by the department pursuant to s.  
1542 403.067. The detailed technical plan shall include measures for  
1543 the improvement of the quality, quantity, timing, and  
1544 distribution of water in the northern Everglades ecosystem,  
1545 including the Lake Okeechobee watershed and the estuaries, and  
1546 for facilitating the achievement of water quality standards. Use  
1547 of cost-effective biologically based, hybrid wetland/chemical  
1548 and other innovative nutrient control technologies shall be  
1549 incorporated in the plan where appropriate. The detailed  
1550 technical plan shall also include a Process Development and



1551 Engineering component to finalize the detail and design of Phase  
1552 II projects and identify additional measures needed to increase  
1553 the certainty that the overall objectives for improving water  
1554 quality and quantity can be met. Based on information and  
1555 recommendations from the Process Development and Engineering  
1556 component, the Phase II detailed technical plan shall be  
1557 periodically updated. Phase II shall include construction of  
1558 additional facilities in the priority basins identified in sub-  
1559 subparagraph a. ~~subparagraph 1.~~, as well as facilities for other  
1560 basins in the Lake Okeechobee watershed. ~~This detailed technical~~  
1561 ~~plan will require legislative ratification pursuant to paragraph~~  
1562 ~~(i).~~ The technical plan shall:

1563 (I)a. Identify Lake Okeechobee Watershed Construction  
1564 Project facilities designed to contribute to achieving all  
1565 applicable total maximum daily loads established pursuant to s.  
1566 403.067 within the Lake Okeechobee watershed.

1567 (II)b. Identify the size and location of all such Lake  
1568 Okeechobee Watershed Construction Project facilities.

1569 (III)e. Provide a construction schedule for all such Lake  
1570 Okeechobee Watershed Construction Project facilities, including  
1571 the sequencing and specific timeframe for construction of each  
1572 Lake Okeechobee Watershed Construction Project facility.

1573 (IV)d. Provide a schedule for the acquisition of lands or  
1574 sufficient interests necessary to achieve the construction  
1575 schedule.



1576        (V)~~e~~. Provide a detailed schedule of costs associated with  
 1577 the construction schedule.

1578        (VI)~~f~~. Identify, to the maximum extent practicable,  
 1579 impacts on wetlands and state-listed species expected to be  
 1580 associated with construction of such facilities, including  
 1581 potential alternatives to minimize and mitigate such impacts, as  
 1582 appropriate.

1583        (VII)~~g~~. Provide for additional measures, including  
 1584 voluntary water storage and quality improvements on private  
 1585 land, to increase water storage and reduce excess water levels  
 1586 in Lake Okeechobee and to reduce excess discharges to the  
 1587 estuaries.

1588        (VIII) ~~The technical plan shall also~~ Develop the  
 1589 appropriate water quantity storage goal to achieve the desired  
 1590 Lake Okeechobee range of lake levels and inflow volumes to the  
 1591 Caloosahatchee and St. Lucie estuaries while meeting the other  
 1592 water-related needs of the region, including water supply and  
 1593 flood protection.

1594        (IX)~~h~~. Provide for additional source controls needed to  
 1595 enhance performance of the Lake Okeechobee Watershed  
 1596 Construction Project facilities. Such additional source controls  
 1597 shall be incorporated into the Lake Okeechobee Basin Management  
 1598 Action Plan ~~Watershed Phosphorous Control Program~~ pursuant to  
 1599 paragraph (b) ~~(e)~~.

1600        c.3~~.~~ Evaluation. ~~Within 5 years after the adoption of the~~  
 1601 Lake Okeechobee Basin Management Action Plan pursuant to s.



1602 403.067 and every 5 ~~By January 1, 2004, and every 3~~ years  
1603 thereafter, the department ~~district~~, in cooperation with the  
1604 other coordinating agencies, shall conduct an evaluation of the  
1605 Lake Okeechobee Watershed Construction Project and identify any  
1606 further load reductions necessary to achieve compliance with the  
1607 ~~all~~ Lake Okeechobee ~~watershed~~ total maximum daily loads  
1608 established pursuant to s. 403.067. ~~Additionally,~~ The district  
1609 shall identify modifications to facilities of the Lake  
1610 Okeechobee Watershed Construction Project as appropriate to meet  
1611 the total maximum daily loads. Modifications to the Lake  
1612 Okeechobee Watershed Construction Project resulting from this  
1613 evaluation shall be incorporated into the Lake Okeechobee Basin  
1614 Management Action Plan and ~~The evaluation shall be included in~~  
1615 the applicable annual progress report submitted pursuant to  
1616 subsection (6).

1617 d.4. Coordination and review.—To ensure the timely  
1618 implementation of the Lake Okeechobee Watershed Construction  
1619 Project, the design of project facilities shall be coordinated  
1620 with the department and other interested parties, including  
1621 affected local governments, to the maximum extent practicable.  
1622 Lake Okeechobee Watershed Construction Project facilities shall  
1623 be reviewed and commented upon by the department before ~~prior to~~  
1624 the execution of a construction contract by the district for  
1625 that facility.

1626 2. Lake Okeechobee Watershed Research and Water Quality  
1627 Monitoring Program.—The coordinating agencies shall implement a



1628 Lake Okeechobee Watershed Research and Water Quality Monitoring  
1629 Program. Results from the program shall be used by the  
1630 department, in cooperation with the other coordinating agencies,  
1631 to make modifications to the Lake Okeechobee Basin Management  
1632 Action Plan adopted pursuant to s. 403.067, as appropriate. The  
1633 program shall:

1634 a. Evaluate all available existing water quality data  
1635 concerning total phosphorus in the Lake Okeechobee watershed,  
1636 develop a water quality baseline to represent existing  
1637 conditions for total phosphorus, monitor long-term ecological  
1638 changes, including water quality for total phosphorus, and  
1639 measure compliance with water quality standards for total  
1640 phosphorus, including any applicable total maximum daily load  
1641 for the Lake Okeechobee watershed as established pursuant to s.  
1642 403.067. Beginning March 1, 2020, and every 5 years thereafter,  
1643 the department shall reevaluate water quality and quantity data  
1644 to ensure that the appropriate projects are being designated and  
1645 incorporated into the Lake Okeechobee Basin Management Action  
1646 Plan adopted pursuant to s. 403.067. The district shall  
1647 implement a total phosphorus monitoring program at appropriate  
1648 structures owned or operated by the district and within the Lake  
1649 Okeechobee watershed.

1650 b. Develop a Lake Okeechobee water quality model that  
1651 reasonably represents the phosphorus dynamics of Lake Okeechobee  
1652 and incorporates an uncertainty analysis associated with model  
1653 predictions.





1654 c. Determine the relative contribution of phosphorus from  
1655 all identifiable sources and all primary and secondary land  
1656 uses.

1657 d. Conduct an assessment of the sources of phosphorus from  
1658 the Upper Kissimmee Chain-of-Lakes and Lake Istokpoga, and their  
1659 relative contribution to the water quality of Lake Okeechobee.  
1660 The results of this assessment shall be used by the coordinating  
1661 agencies as part of the Lake Okeechobee Basin Management Action  
1662 Plan adopted pursuant to s. 403.067 to develop interim measures,  
1663 best management practices, or regulations, as applicable.

1664 e. Assess current water management practices within the  
1665 Lake Okeechobee watershed and develop recommendations for  
1666 structural and operational improvements. Such recommendations  
1667 shall balance water supply, flood control, estuarine salinity,  
1668 maintenance of a healthy lake littoral zone, and water quality  
1669 considerations.

1670 f. Evaluate the feasibility of alternative nutrient  
1671 reduction technologies, including sediment traps, canal and  
1672 ditch maintenance, fish production or other aquaculture,  
1673 bioenergy conversion processes, and algal or other biological  
1674 treatment technologies and include any alternative nutrient  
1675 reduction technologies determined to be feasible in the Lake  
1676 Okeechobee Basin Management Action Plan adopted pursuant to s.  
1677 403.067.

1678 g. Conduct an assessment of the water volumes and timing  
1679 from the Lake Okeechobee watershed and their relative



1680 contribution to the water level changes in Lake Okeechobee and  
1681 to the timing and volume of water delivered to the estuaries.  
1682 (b)(e) Lake Okeechobee Basin Management Action Plan  
1683 Watershed Phosphorus Control Program.—The Lake Okeechobee Basin  
1684 Management Action Plan adopted pursuant to s. 403.067 shall be  
1685 the watershed phosphorus control component for Lake Okeechobee.  
1686 The Lake Okeechobee Basin Management Action Plan shall be  
1687 Program is designed to be a multifaceted approach designed to  
1688 achieve the total maximum daily load reducing phosphorus loads  
1689 by improving the management of phosphorus sources within the  
1690 Lake Okeechobee watershed through implementation of regulations  
1691 and best management practices, continued development and  
1692 continued implementation of improved best management practices,  
1693 improvement and restoration of the hydrologic function of  
1694 natural and managed systems, and use utilization of alternative  
1695 technologies for nutrient reduction. The plan must include an  
1696 implementation schedule pursuant to this subsection for  
1697 pollutant load reductions. As provided in s. 403.067(7)(a)6.,  
1698 the Lake Okeechobee Basin Management Action Plan must include  
1699 milestones for implementation and water quality improvement and  
1700 an associated water quality monitoring component sufficient to  
1701 evaluate whether reasonable progress in pollutant load  
1702 reductions is being achieved over time. The department shall  
1703 develop a schedule to establish 5-year, 10-year, and 15-year  
1704 measurable milestones and a target to achieve the adopted total  
1705 maximum daily load within 20 years after adoption of the plan.



1706 The schedule shall be used to provide guidance for planning and  
1707 funding purposes and is exempt from s. 120.54(1)(a). An  
1708 assessment of progress toward these milestones shall be  
1709 conducted every 5 years, and revisions to the plan shall be  
1710 made, as appropriate, as a result of each 5-year review. The  
1711 assessment shall be provided to the Governor, the President of  
1712 the Senate, and the Speaker of the House of Representatives.  
1713 Upon the first 5-year review, the schedule of measurable  
1714 milestones and a target to achieve water quality improvement  
1715 consistent with this section shall be adopted as part of the  
1716 plan. Revisions to the basin management action plan shall be  
1717 made by the department in cooperation with the basin  
1718 stakeholders. Revisions to best management practices or other  
1719 measures must follow the procedures in s. 403.067(7)(c)4.  
1720 Revised basin management plans must be adopted pursuant to s.  
1721 403.067(7)(a)5. If achieving the adopted total maximum daily  
1722 load within 20 years is not practicable, the schedule must  
1723 contain an explanation of the constraints that prevent the  
1724 achievement of the total maximum daily load within 20 years, an  
1725 estimate of the time needed to achieve the total maximum daily  
1726 load, and additional 5-year measurable milestones, as necessary.  
1727 The coordinating agencies shall develop an interagency agreement  
1728 pursuant to ss. 373.046 and 373.406 which is consistent with the  
1729 department taking the lead on water quality protection measures  
1730 through the Lake Okeechobee Basin Management Action Plan adopted  
1731 pursuant to s. 403.067; the district taking the lead on



1732 hydrologic improvements pursuant to paragraph (a); and the  
1733 Department of Agriculture and Consumer Services taking the lead  
1734 on agricultural interim measures, best management practices, and  
1735 other measures adopted pursuant to s. 403.067. The interagency  
1736 agreement must specify how best management practices for  
1737 nonagricultural nonpoint sources are developed and how all best  
1738 management practices are implemented and verified consistent  
1739 with s. 403.067 and this section and must address measures to be  
1740 taken by the coordinating agencies during any best management  
1741 practice reevaluation performed pursuant to subparagraphs 5. and  
1742 10. The department shall use best professional judgment in  
1743 making the initial determination of best management practice  
1744 effectiveness. The coordinating agencies may develop an  
1745 intergovernmental agreement with local governments to implement  
1746 nonagricultural nonpoint source best management practices within  
1747 their respective geographic boundaries. The coordinating  
1748 agencies shall facilitate the application of federal programs  
1749 that offer opportunities for water quality treatment, including  
1750 preservation, restoration, or creation of wetlands on  
1751 agricultural lands.

1752 1. Agricultural nonpoint source best management practices,  
1753 developed in accordance with s. 403.067 and designed to achieve  
1754 the objectives of the Lake Okeechobee Watershed Protection  
1755 Program as part of a phased approach of management strategies  
1756 within the Lake Okeechobee Basin Management Action Plan, shall  
1757 be implemented on an expedited basis. ~~The coordinating agencies~~



1758 shall ~~develop an interagency agreement pursuant to ss. 373.046~~  
1759 ~~and 373.406(5) that assures the development of best management~~  
1760 ~~practices that complement existing regulatory programs and~~  
1761 ~~specifies how those best management practices are implemented~~  
1762 ~~and verified. The interagency agreement shall address measures~~  
1763 ~~to be taken by the coordinating agencies during any best~~  
1764 ~~management practice reevaluation performed pursuant to sub-~~  
1765 ~~subparagraph d. The department shall use best professional~~  
1766 ~~judgment in making the initial determination of best management~~  
1767 ~~practice effectiveness.~~

1768 2.a. As provided in s. 403.067(7)(c), the Department of  
1769 Agriculture and Consumer Services, in consultation with the  
1770 department, the district, and affected parties, shall initiate  
1771 rule development for interim measures, best management  
1772 practices, conservation plans, nutrient management plans, or  
1773 other measures necessary for Lake Okeechobee watershed total  
1774 maximum daily load reduction. The rule shall include thresholds  
1775 for requiring conservation and nutrient management plans and  
1776 criteria for the contents of such plans. Development of  
1777 agricultural nonpoint source best management practices shall  
1778 initially focus on those priority basins listed in sub-  
1779 subparagraph (a)1.a. ~~subparagraph (b)1.~~ The Department of  
1780 Agriculture and Consumer Services, in consultation with the  
1781 department, the district, and affected parties, shall conduct an  
1782 ongoing program for improvement of existing and development of  
1783 new agricultural nonpoint source interim measures and ~~or~~ best



1784 management practices. The Department of Agriculture and Consumer  
1785 Services shall adopt ~~for the purpose of adoption of~~ such  
1786 practices by rule. The Department of Agriculture and Consumer  
1787 Services shall work with the University of Florida ~~Florida's~~  
1788 Institute of Food and Agriculture Sciences to review and, where  
1789 appropriate, develop revised nutrient application rates for all  
1790 agricultural soil amendments in the watershed.

1791 ~~3.b.~~ As provided in s. 403.067, where agricultural  
1792 nonpoint source best management practices or interim measures  
1793 have been adopted by rule of the Department of Agriculture and  
1794 Consumer Services, the owner or operator of an agricultural  
1795 nonpoint source addressed by such rule shall either implement  
1796 interim measures or best management practices or demonstrate  
1797 compliance with state water quality standards addressed by the  
1798 Lake Okeechobee Basin Management Action Plan adopted pursuant to  
1799 s. 403.067 ~~the district's WOD program~~ by conducting monitoring  
1800 prescribed by the department or the district. Owners or  
1801 operators of agricultural nonpoint sources who implement interim  
1802 measures or best management practices adopted by rule of the  
1803 Department of Agriculture and Consumer Services shall be subject  
1804 to ~~the provisions of~~ s. 403.067(7). ~~The Department of~~  
1805 ~~Agriculture and Consumer Services, in cooperation with the~~  
1806 ~~department and the district, shall provide technical and~~  
1807 ~~financial assistance for implementation of agricultural best~~  
1808 ~~management practices, subject to the availability of funds.~~



1809        ~~4.e.~~ The district or department shall conduct monitoring  
1810 at representative sites to verify the effectiveness of  
1811 agricultural nonpoint source best management practices.

1812        ~~5.d.~~ Where water quality problems are detected for  
1813 agricultural nonpoint sources despite the appropriate  
1814 implementation of adopted best management practices, ~~the~~  
1815 ~~Department of Agriculture and Consumer Services, in consultation~~  
1816 ~~with the other coordinating agencies and affected parties, shall~~  
1817 ~~institute~~ a reevaluation of the best management practices shall  
1818 be conducted pursuant to s. 403.067(7)(c)4. If the reevaluation  
1819 determines that the best management practices or other measures  
1820 require modification, the rule shall be revised to require  
1821 implementation of the modified practice within a reasonable time  
1822 period as specified in the rule ~~and make appropriate changes to~~  
1823 ~~the rule adopting best management practices.~~

1824        6.2. As provided in s. 403.067, nonagricultural nonpoint  
1825 source best management practices, developed in accordance with  
1826 s. 403.067 and designed to achieve the objectives of the Lake  
1827 Okeechobee Watershed Protection Program as part of a phased  
1828 approach of management strategies within the Lake Okeechobee  
1829 Basin Management Action Plan, shall be implemented on an  
1830 expedited basis. The department and the district shall develop  
1831 an interagency agreement pursuant to ss. 373.046 and 373.406(5)  
1832 that assures the development of best management practices that  
1833 complement existing regulatory programs and specifies how those  
1834 best management practices are implemented and verified. The



1835 ~~interagency agreement shall address measures to be taken by the~~  
1836 ~~department and the district during any best management practice~~  
1837 ~~reevaluation performed pursuant to sub-subparagraph d.~~

1838 7.a. The department and the district are directed to work  
1839 with the University of Florida ~~Florida's~~ Institute of Food and  
1840 Agricultural Sciences to develop appropriate nutrient  
1841 application rates for all nonagricultural soil amendments in the  
1842 watershed. As provided in s. 403.067 ~~s. 403.067(7)(e)~~, the  
1843 department, in consultation with the district and affected  
1844 parties, shall develop nonagricultural nonpoint source interim  
1845 measures, best management practices, or other measures necessary  
1846 for Lake Okeechobee watershed total maximum daily load  
1847 reduction. Development of nonagricultural nonpoint source best  
1848 management practices shall initially focus on those priority  
1849 basins listed in sub-subparagraph (a)1.a. ~~subparagraph (b)1.~~ The  
1850 department, the district, and affected parties shall conduct an  
1851 ongoing program for improvement of existing and development of  
1852 new interim measures and ~~or~~ best management practices. The  
1853 department or the district shall adopt such practices by rule  
1854 ~~The district shall adopt technology-based standards under the~~  
1855 ~~district's WOD program for nonagricultural nonpoint sources of~~  
1856 ~~phosphorus. Nothing in this sub-subparagraph shall affect the~~  
1857 ~~authority of the department or the district to adopt basin-~~  
1858 ~~specific criteria under this part to prevent harm to the water~~  
1859 ~~resources of the district.~~





1860        ~~8.b.~~ Where nonagricultural nonpoint source best management  
1861 practices or interim measures have been developed by the  
1862 department and adopted by the district, the owner or operator of  
1863 a nonagricultural nonpoint source shall implement interim  
1864 measures or best management practices and be subject to ~~the~~  
1865 ~~provisions of s. 403.067(7). The department and district shall~~  
1866 ~~provide technical and financial assistance for implementation of~~  
1867 ~~nonagricultural nonpoint source best management practices,~~  
1868 ~~subject to the availability of funds.~~

1869        9.e. As provided in s. 403.067, the district or the  
1870 department shall conduct monitoring at representative sites to  
1871 verify the effectiveness of nonagricultural nonpoint source best  
1872 management practices.

1873        10.d. Where water quality problems are detected for  
1874 nonagricultural nonpoint sources despite the appropriate  
1875 implementation of adopted best management practices, ~~the~~  
1876 ~~department and the district shall institute a reevaluation of~~  
1877 ~~the best management practices shall be conducted pursuant to s.~~  
1878 403.067(7)(c)4. If the reevaluation determines that the best  
1879 management practices or other measures require modification, the  
1880 rule shall be revised to require implementation of the modified  
1881 practice within a reasonable time period as specified in the  
1882 rule.

1883        11.3. ~~The provisions of Subparagraphs 1. and 2. and 7. do~~  
1884 ~~may~~ not preclude the department or the district from requiring  
1885 compliance with water quality standards or with current best



1886 management practices requirements set forth in any applicable  
1887 regulatory program authorized by law for the purpose of  
1888 protecting water quality. ~~Additionally,~~ Subparagraphs ~~1. and 2.~~  
1889 and 7. are applicable only to the extent that they do not  
1890 conflict with any rules adopted by the department that are  
1891 necessary to maintain a federally delegated or approved program.

1892 12. The program of agricultural best management practices  
1893 set forth in the Everglades Program of the district, meets the  
1894 requirements of this paragraph and s. 403.067(7) for the Lake  
1895 Okeechobee watershed. An entity in compliance with best  
1896 management practices set forth in the Everglades Program of the  
1897 district, may elect to use that permit in lieu of the  
1898 requirements of this paragraph. The provisions of s.  
1899 373.4595(3)(b)5. apply to this subparagraph. This subparagraph  
1900 does not alter any requirement of s. 373.4592.

1901 13. The Department of Agriculture and Consumer Services,  
1902 in cooperation with the department and the district, shall  
1903 provide technical and financial assistance for implementation of  
1904 agricultural best management practices, subject to the  
1905 availability of funds. The department and district shall provide  
1906 technical and financial assistance for implementation of  
1907 nonagricultural nonpoint source best management practices,  
1908 subject to the availability of funds.

1909 14.4- Projects that reduce the phosphorus load originating  
1910 from domestic wastewater systems within the Lake Okeechobee  
1911 watershed shall be given funding priority in the department's



1912 revolving loan program under s. 403.1835. The department shall  
1913 coordinate and provide assistance to those local governments  
1914 seeking financial assistance for such priority projects.

1915 15.5. Projects that make use of private lands, or lands  
1916 held in trust for Indian tribes, to reduce nutrient loadings or  
1917 concentrations within a basin by one or more of the following  
1918 methods: restoring the natural hydrology of the basin, restoring  
1919 wildlife habitat or impacted wetlands, reducing peak flows after  
1920 storm events, increasing aquifer recharge, or protecting range  
1921 and timberland from conversion to development, are eligible for  
1922 grants available under this section from the coordinating  
1923 agencies. For projects of otherwise equal priority, special  
1924 funding priority will be given to those projects that make best  
1925 use of the methods outlined above that involve public-private  
1926 partnerships or that obtain federal match money. Preference  
1927 ranking above the special funding priority will be given to  
1928 projects located in a rural area of opportunity designated by  
1929 the Governor. Grant applications may be submitted by any person  
1930 or tribal entity, and eligible projects may include, but are not  
1931 limited to, the purchase of conservation and flowage easements,  
1932 hydrologic restoration of wetlands, creating treatment wetlands,  
1933 development of a management plan for natural resources, and  
1934 financial support to implement a management plan.

1935 16.6.a. The department shall require all entities  
1936 disposing of domestic wastewater biosolids ~~residuals~~ within the  
1937 Lake Okeechobee watershed and the remaining areas of Okeechobee,



1938 | Glades, and Hendry Counties to develop and submit to the  
1939 | department an agricultural use plan that limits applications  
1940 | based upon phosphorus loading consistent with the Lake  
1941 | Okeechobee Basin Management Action Plan adopted pursuant to s.  
1942 | 403.067. By July 1, 2005, phosphorus concentrations originating  
1943 | ~~from these application sites may not exceed the limits~~  
1944 | ~~established in the district's WOD program. After December 31,~~  
1945 | ~~2007,~~ The department may not authorize the disposal of domestic  
1946 | wastewater biosolids ~~residuals~~ within the Lake Okeechobee  
1947 | watershed unless the applicant can affirmatively demonstrate  
1948 | that the phosphorus in the biosolids ~~residuals~~ will not add to  
1949 | phosphorus loadings in Lake Okeechobee or its tributaries. This  
1950 | demonstration shall be based on achieving a net balance between  
1951 | phosphorus imports relative to exports on the permitted  
1952 | application site. Exports shall include only phosphorus removed  
1953 | from the Lake Okeechobee watershed through products generated on  
1954 | the permitted application site. This prohibition does not apply  
1955 | to Class AA biosolids ~~residuals~~ that are marketed and  
1956 | distributed as fertilizer products in accordance with department  
1957 | rule.

1958 | 17.b. Private and government-owned utilities within  
1959 | Monroe, Miami-Dade, Broward, Palm Beach, Martin, St. Lucie,  
1960 | Indian River, Okeechobee, Highlands, Hendry, and Glades Counties  
1961 | that dispose of wastewater biosolids ~~residual~~ sludge from  
1962 | utility operations and septic removal by land spreading in the  
1963 | Lake Okeechobee watershed may use a line item on local sewer



1964 rates to cover wastewater biosolids ~~residual~~ treatment and  
1965 disposal if such disposal and treatment is done by approved  
1966 alternative treatment methodology at a facility located within  
1967 the areas designated by the Governor as rural areas of  
1968 opportunity pursuant to s. 288.0656. This additional line item  
1969 is an environmental protection disposal fee above the present  
1970 sewer rate and may not be considered a part of the present sewer  
1971 rate to customers, notwithstanding provisions to the contrary in  
1972 chapter 367. The fee shall be established by the county  
1973 commission or its designated assignee in the county in which the  
1974 alternative method treatment facility is located. The fee shall  
1975 be calculated to be no higher than that necessary to recover the  
1976 facility's prudent cost of providing the service. Upon request  
1977 by an affected county commission, the Florida Public Service  
1978 Commission will provide assistance in establishing the fee.  
1979 Further, for utilities and utility authorities that use the  
1980 additional line item environmental protection disposal fee, such  
1981 fee may not be considered a rate increase under the rules of the  
1982 Public Service Commission and shall be exempt from such rules.  
1983 Utilities using ~~the provisions of~~ this section may immediately  
1984 include in their sewer invoicing the new environmental  
1985 protection disposal fee. Proceeds from this environmental  
1986 protection disposal fee shall be used for treatment and disposal  
1987 of wastewater biosolids ~~residuals~~, including any treatment  
1988 technology that helps reduce the volume of biosolids ~~residuals~~  
1989 that require final disposal, but such proceeds may not be used



1990 for transportation or shipment costs for disposal or any costs  
1991 relating to the land application of biosolids ~~residuals~~ in the  
1992 Lake Okeechobee watershed.

1993 18.e. No less frequently than once every 3 years, the  
1994 Florida Public Service Commission or the county commission  
1995 through the services of an independent auditor shall perform a  
1996 financial audit of all facilities receiving compensation from an  
1997 environmental protection disposal fee. The Florida Public  
1998 Service Commission or the county commission through the services  
1999 of an independent auditor shall also perform an audit of the  
2000 methodology used in establishing the environmental protection  
2001 disposal fee. The Florida Public Service Commission or the  
2002 county commission shall, within 120 days after completion of an  
2003 audit, file the audit report with the President of the Senate  
2004 and the Speaker of the House of Representatives and shall  
2005 provide copies to the county commissions of the counties set  
2006 forth in subparagraph 17. ~~sub-subparagraph b.~~ The books and  
2007 records of any facilities receiving compensation from an  
2008 environmental protection disposal fee shall be open to the  
2009 Florida Public Service Commission and the Auditor General for  
2010 review upon request.

2011 19.7. The Department of Health shall require all entities  
2012 disposing of septage within the Lake Okeechobee watershed to  
2013 develop and submit to that agency an agricultural use plan that  
2014 limits applications based upon phosphorus loading consistent  
2015 with the Lake Okeechobee Basin Management Action Plan adopted



2016 pursuant to s. 403.067. ~~By July 1, 2005, phosphorus~~  
 2017 ~~concentrations originating from these application sites may not~~  
 2018 ~~exceed the limits established in the district's WOD program.~~

2019 20.8. The Department of Agriculture and Consumer Services  
 2020 shall initiate rulemaking requiring entities within the Lake  
 2021 Okeechobee watershed which land-apply animal manure to develop  
 2022 resource management system level conservation plans, according  
 2023 to United States Department of Agriculture criteria, which limit  
 2024 such application. Such rules shall ~~may~~ include criteria and  
 2025 thresholds for the requirement to develop a conservation or  
 2026 nutrient management plan, requirements for plan approval, site  
 2027 inspection requirements, and recordkeeping requirements.

2028 21. The district shall revise chapter 40E-61, Florida  
 2029 Administrative Code, to be consistent with this section and s.  
 2030 403.067; provide for a monitoring program for nonpoint source  
 2031 dischargers required to monitor water quality by s. 403.067; and  
 2032 provide for the results of such monitoring to be reported to the  
 2033 coordinating agencies.

2034 ~~9.~~ ~~The district, the department, or the Department of~~  
 2035 ~~Agriculture and Consumer Services, as appropriate, shall~~  
 2036 ~~implement those alternative nutrient reduction technologies~~  
 2037 ~~determined to be feasible pursuant to subparagraph (d)6.~~

2038 ~~(d) Lake Okeechobee Watershed Research and Water Quality~~  
 2039 ~~Monitoring Program. The district, in cooperation with the other~~  
 2040 ~~coordinating agencies, shall establish a Lake Okeechobee~~  
 2041 ~~Watershed Research and Water Quality Monitoring Program that~~



2042 ~~builds upon the district's existing Lake Okeechobee research~~  
2043 ~~program. The program shall:~~

2044 ~~1. Evaluate all available existing water quality data~~  
2045 ~~concerning total phosphorus in the Lake Okeechobee watershed,~~  
2046 ~~develop a water quality baseline to represent existing~~  
2047 ~~conditions for total phosphorus, monitor long-term ecological~~  
2048 ~~changes, including water quality for total phosphorus, and~~  
2049 ~~measure compliance with water quality standards for total~~  
2050 ~~phosphorus, including any applicable total maximum daily load~~  
2051 ~~for the Lake Okeechobee watershed as established pursuant to s.~~  
2052 ~~403.067. Every 3 years, the district shall reevaluate water~~  
2053 ~~quality and quantity data to ensure that the appropriate~~  
2054 ~~projects are being designated and implemented to meet the water~~  
2055 ~~quality and storage goals of the plan. The district shall also~~  
2056 ~~implement a total phosphorus monitoring program at appropriate~~  
2057 ~~structures owned or operated by the South Florida Water~~  
2058 ~~Management District and within the Lake Okeechobee watershed.~~

2059 ~~2. Develop a Lake Okeechobee water quality model that~~  
2060 ~~reasonably represents phosphorus dynamics of the lake and~~  
2061 ~~incorporates an uncertainty analysis associated with model~~  
2062 ~~predictions.~~

2063 ~~3. Determine the relative contribution of phosphorus from~~  
2064 ~~all identifiable sources and all primary and secondary land~~  
2065 ~~uses.~~

2066 ~~4. Conduct an assessment of the sources of phosphorus from~~  
2067 ~~the Upper Kissimmee Chain of Lakes and Lake Istokpoga, and their~~





2068 ~~relative contribution to the water quality of Lake Okeechobee.~~  
2069 ~~The results of this assessment shall be used by the coordinating~~  
2070 ~~agencies to develop interim measures, best management practices,~~  
2071 ~~or regulation, as applicable.~~

2072 ~~5. Assess current water management practices within the~~  
2073 ~~Lake Okeechobee watershed and develop recommendations for~~  
2074 ~~structural and operational improvements. Such recommendations~~  
2075 ~~shall balance water supply, flood control, estuarine salinity,~~  
2076 ~~maintenance of a healthy lake littoral zone, and water quality~~  
2077 ~~considerations.~~

2078 ~~6. Evaluate the feasibility of alternative nutrient~~  
2079 ~~reduction technologies, including sediment traps, canal and~~  
2080 ~~ditch maintenance, fish production or other aquaculture,~~  
2081 ~~bioenergy conversion processes, and algal or other biological~~  
2082 ~~treatment technologies.~~

2083 ~~7. Conduct an assessment of the water volumes and timing~~  
2084 ~~from the Lake Okeechobee watershed and their relative~~  
2085 ~~contribution to the water level changes in Lake Okeechobee and~~  
2086 ~~to the timing and volume of water delivered to the estuaries.~~

2087 (c)-(e) Lake Okeechobee Exotic Species Control Program.—The  
2088 coordinating agencies shall identify the exotic species that  
2089 threaten the native flora and fauna within the Lake Okeechobee  
2090 watershed and develop and implement measures to protect the  
2091 native flora and fauna.

2092 (d)-(f) Lake Okeechobee Internal Phosphorus Management  
2093 Program.—The district, in cooperation with the other



2094 coordinating agencies and interested parties, shall evaluate the  
2095 feasibility of ~~complete a~~ Lake Okeechobee internal phosphorus  
2096 load removal projects ~~feasibility study~~. The evaluation  
2097 ~~feasibility study~~ shall be based on technical feasibility, as  
2098 well as economic considerations, and shall consider ~~address~~ all  
2099 reasonable methods of phosphorus removal. If projects ~~methods~~  
2100 are found to be feasible, the district shall immediately pursue  
2101 the design, funding, and permitting for implementing such  
2102 projects ~~methods~~.

2103 (e) ~~(g)~~ Lake Okeechobee Watershed Protection Program Plan  
2104 implementation.—The coordinating agencies shall be jointly  
2105 responsible for implementing the Lake Okeechobee Watershed  
2106 Protection Program Plan, consistent with the statutory authority  
2107 and responsibility of each agency. Annual funding priorities  
2108 shall be jointly established, and the highest priority shall be  
2109 assigned to programs and projects that address sources that have  
2110 the highest relative contribution to loading and the greatest  
2111 potential for reductions needed to meet the total maximum daily  
2112 loads. In determining funding priorities, the coordinating  
2113 agencies shall also consider the need for regulatory compliance,  
2114 the extent to which the program or project is ready to proceed,  
2115 and the availability of federal matching funds or other nonstate  
2116 funding, including public-private partnerships. Federal and  
2117 other nonstate funding shall be maximized to the greatest extent  
2118 practicable.



2119 (f)~~(h)~~ Priorities and implementation schedules.—The  
 2120 coordinating agencies are authorized and directed to establish  
 2121 priorities and implementation schedules for the achievement of  
 2122 total maximum daily loads, compliance with the requirements of  
 2123 s. 403.067, and compliance with applicable water quality  
 2124 standards within the waters and watersheds subject to this  
 2125 section.

2126 ~~(i) Legislative ratification. The coordinating agencies  
 2127 shall submit the Phase II technical plan developed pursuant to  
 2128 paragraph (b) to the President of the Senate and the Speaker of  
 2129 the House of Representatives prior to the 2008 legislative  
 2130 session for review. If the Legislature takes no action on the  
 2131 plan during the 2008 legislative session, the plan is deemed  
 2132 approved and may be implemented.~~

2133 (4) CALOOSAHATCHEE RIVER WATERSHED PROTECTION PROGRAM AND  
 2134 ST. LUCIE RIVER WATERSHED PROTECTION PROGRAM.—A protection  
 2135 program shall be developed and implemented as specified in this  
 2136 subsection. ~~In order~~ To protect and restore surface water  
 2137 resources, the program shall address the reduction of pollutant  
 2138 loadings, restoration of natural hydrology, and compliance with  
 2139 applicable state water quality standards. The program shall be  
 2140 achieved through a phased program of implementation. In  
 2141 addition, pollutant load reductions based upon adopted total  
 2142 maximum daily loads established in accordance with s. 403.067  
 2143 shall serve as a program objective. In the development and  
 2144 administration of the program, the coordinating agencies shall



2145 maximize opportunities provided by federal and local government  
 2146 cost-sharing programs and opportunities for partnerships with  
 2147 the private sector and local government. The program plan shall  
 2148 include a goal for salinity envelopes and freshwater inflow  
 2149 targets for the estuaries based upon existing research and  
 2150 documentation. The goal may be revised as new information is  
 2151 available. This goal shall seek to reduce the frequency and  
 2152 duration of undesirable salinity ranges while meeting the other  
 2153 water-related needs of the region, including water supply and  
 2154 flood protection, while recognizing the extent to which water  
 2155 inflows are within the control and jurisdiction of the district.

2156 (a) Caloosahatchee River Watershed Protection Plan. ~~No~~  
 2157 ~~later than January 1, 2009,~~ The district, in cooperation with  
 2158 the other coordinating agencies, Lee County, and affected  
 2159 counties and municipalities, shall complete a River Watershed  
 2160 Protection Plan in accordance with this subsection. The  
 2161 Caloosahatchee River Watershed Protection Plan shall identify  
 2162 the geographic extent of the watershed, be coordinated as needed  
 2163 with the plans developed pursuant to paragraph (3) (a) and  
 2164 paragraph (c) ~~(b)~~ of this subsection, and ~~contain an~~  
 2165 ~~implementation schedule for pollutant load reductions consistent~~  
 2166 ~~with any adopted total maximum daily loads and compliance with~~  
 2167 ~~applicable state water quality standards.~~ The plan shall include  
 2168 the Caloosahatchee River Watershed Construction Project and the  
 2169 Caloosahatchee River Watershed Research and Water Quality  
 2170 Monitoring Program.+



2171 1. Caloosahatchee River Watershed Construction Project.—To  
 2172 improve the hydrology, water quality, and aquatic habitats  
 2173 within the watershed, the district shall, no later than January  
 2174 1, 2012, plan, design, and construct the initial phase of the  
 2175 Watershed Construction Project. In doing so, the district shall:

2176 a. Develop and designate the facilities to be constructed  
 2177 to achieve stated goals and objectives of the Caloosahatchee  
 2178 River Watershed Protection Plan.

2179 b. Conduct scientific studies that are necessary to  
 2180 support the design of the Caloosahatchee River Watershed  
 2181 Construction Project facilities.

2182 c. Identify the size and location of all such facilities.

2183 d. Provide a construction schedule for all such  
 2184 facilities, including the sequencing and specific timeframe for  
 2185 construction of each facility.

2186 e. Provide a schedule for the acquisition of lands or  
 2187 sufficient interests necessary to achieve the construction  
 2188 schedule.

2189 f. Provide a schedule of costs and benefits associated  
 2190 with each construction project and identify funding sources.

2191 g. To ensure timely implementation, coordinate the design,  
 2192 scheduling, and sequencing of project facilities with the  
 2193 coordinating agencies, Lee County, other affected counties and  
 2194 municipalities, and other affected parties.

2195 2. Caloosahatchee River Watershed Research and Water  
 2196 Quality Monitoring Program.—The district, in cooperation with



2197 the other coordinating agencies and local governments, shall  
2198 implement a Caloosahatchee River Watershed Research and Water  
2199 Quality Monitoring Program that builds upon the district's  
2200 existing research program and that is sufficient to carry out,  
2201 comply with, or assess the plans, programs, and other  
2202 responsibilities created by this subsection. The program shall  
2203 also conduct an assessment of the water volumes and timing from  
2204 Lake Okeechobee and the Caloosahatchee River watershed and their  
2205 relative contributions to the timing and volume of water  
2206 delivered to the estuary.

2207 (b)2. Caloosahatchee River Watershed Basin Management  
2208 Action Plans Pollutant Control Program.—The basin management  
2209 action plans adopted pursuant to s. 403.067 for the  
2210 Caloosahatchee River watershed shall be the Caloosahatchee River  
2211 Watershed Pollutant Control Program. The plans shall be ~~is~~  
2212 designed to be a multifaceted approach to reducing pollutant  
2213 loads by improving the management of pollutant sources within  
2214 the Caloosahatchee River watershed through implementation of  
2215 regulations and best management practices, development and  
2216 implementation of improved best management practices,  
2217 improvement and restoration of the hydrologic function of  
2218 natural and managed systems, and utilization of alternative  
2219 technologies for pollutant reduction, such as cost-effective  
2220 biologically based, hybrid wetland/chemical and other innovative  
2221 nutrient control technologies. The plans must include an  
2222 implementation schedule pursuant to this subsection for



2223 pollutant load reductions. As provided in s. 403.067(7)(a)6.,  
2224 the Caloosahatchee River Watershed Basin Management Action Plan  
2225 must include milestones for implementation and water quality  
2226 improvement and an associated water quality monitoring component  
2227 sufficient to evaluate whether reasonable progress in pollutant  
2228 load reductions is being achieved over time. The department  
2229 shall develop a schedule to establish 5-year, 10-year, and 15-  
2230 year measurable milestones and a target to achieve the total  
2231 maximum daily load within 20 years after adoption of the plan.  
2232 The schedule shall be used to provide guidance for planning and  
2233 funding purposes and is exempt from s. 120.54(1)(a). An  
2234 assessment of progress toward these milestones shall be  
2235 conducted every 5 years, and revisions to the plan shall be  
2236 made, as appropriate, as a result of each 5-year review. The  
2237 assessment shall be provided to the Governor, the President of  
2238 the Senate, and the Speaker of the House of Representatives.  
2239 Upon the first 5-year review, the schedule of measurable  
2240 milestones and a target to achieve water quality improvement  
2241 consistent with this section shall be adopted into the plan.  
2242 Revisions to the basin management action plan shall be made by  
2243 the department in cooperation with the basin stakeholders.  
2244 Revisions to best management practices or other measures must  
2245 follow the procedures set forth in s. 403.067(7)(c)4. Revised  
2246 basin management action plans must be adopted pursuant to s.  
2247 403.067(7)(a)5. If achieving the adopted total maximum daily  
2248 load within 20 years is not practicable, the schedule must



2249 contain an explanation of the constraints that prevent  
2250 achievement of the total maximum daily load within 20 years, an  
2251 estimate of the time needed to achieve the total maximum daily  
2252 load, and additional 5-year measurable milestones, as necessary.

2253 The coordinating agencies shall facilitate the use ~~utilization~~  
2254 of federal programs that offer opportunities for water quality  
2255 treatment, including preservation, restoration, or creation of  
2256 wetlands on agricultural lands.

2257 ~~1.a.~~ Nonpoint source best management practices consistent  
2258 with s. 403.067 ~~paragraph (3)(c)~~, designed to achieve the  
2259 objectives of the Caloosahatchee River Watershed Protection  
2260 Program, shall be implemented on an expedited basis. The  
2261 coordinating agencies may develop an intergovernmental agreement  
2262 with local governments to implement the nonagricultural,  
2263 nonpoint-source best management practices within their  
2264 respective geographic boundaries.

2265 ~~2.b.~~ This subsection does not preclude the department or  
2266 the district from requiring compliance with water quality  
2267 standards, adopted total maximum daily loads, or current best  
2268 management practices requirements set forth in any applicable  
2269 regulatory program authorized by law for the purpose of  
2270 protecting water quality. This subsection applies only to the  
2271 extent that it does not conflict with any rules adopted by the  
2272 department or district which are necessary to maintain a  
2273 federally delegated or approved program.





2274 3.e. Projects that make use of private lands, or lands  
 2275 held in trust for Indian tribes, to reduce pollutant loadings or  
 2276 concentrations within a basin, or that reduce the volume of  
 2277 harmful discharges by one or more of the following methods:  
 2278 restoring the natural hydrology of the basin, restoring wildlife  
 2279 habitat or impacted wetlands, reducing peak flows after storm  
 2280 events, or increasing aquifer recharge, are eligible for grants  
 2281 available under this section from the coordinating agencies.

2282 4.d. The Caloosahatchee River Watershed Basin Management  
 2283 Action Plans ~~Pollutant Control Program~~ shall require assessment  
 2284 of current water management practices within the watershed and  
 2285 shall require development of recommendations for structural,  
 2286 nonstructural, and operational improvements. Such  
 2287 recommendations shall consider and balance water supply, flood  
 2288 control, estuarine salinity, aquatic habitat, and water quality  
 2289 considerations.

2290 5.e. ~~After December 31, 2007,~~ The department may not  
 2291 authorize the disposal of domestic wastewater biosolids  
 2292 ~~residuals~~ within the Caloosahatchee River watershed unless the  
 2293 applicant can affirmatively demonstrate that the nutrients in  
 2294 the biosolids ~~residuals~~ will not add to nutrient loadings in the  
 2295 watershed. This demonstration shall be based on achieving a net  
 2296 balance between nutrient imports relative to exports on the  
 2297 permitted application site. Exports shall include only nutrients  
 2298 removed from the watershed through products generated on the  
 2299 permitted application site. This prohibition does not apply to



2300 Class AA biosolids ~~residuals~~ that are marketed and distributed  
2301 as fertilizer products in accordance with department rule.

2302 ~~6.f.~~ The Department of Health shall require all entities  
2303 disposing of septage within the Caloosahatchee River watershed  
2304 to develop and submit to that agency an agricultural use plan  
2305 that limits applications based upon nutrient loading consistent  
2306 with any basin management action plan adopted pursuant to s.  
2307 403.067. By July 1, 2008, nutrient concentrations originating  
2308 from these application sites may not exceed the limits  
2309 established in the district's WOD program.

2310 ~~7.g.~~ The Department of Agriculture and Consumer Services  
2311 shall require ~~initiate rulemaking requiring~~ entities within the  
2312 Caloosahatchee River watershed which land-apply animal manure to  
2313 develop a resource management system level conservation plan,  
2314 according to United States Department of Agriculture criteria,  
2315 which limit such application. Such rules shall ~~may~~ include  
2316 criteria and thresholds for the requirement to develop a  
2317 conservation or nutrient management plan, requirements for plan  
2318 approval, site inspection requirements, and recordkeeping  
2319 requirements.

2320 8. The district shall initiate rulemaking to provide for a  
2321 monitoring program for nonpoint source dischargers required to  
2322 monitor water quality pursuant to s. 403.067(7)(b)2.g. or s.  
2323 403.067(7)(c)3. The results of such monitoring must be reported  
2324 to the coordinating agencies.



2325           ~~3. Caloosahatchee River Watershed Research and Water~~  
 2326 ~~Quality Monitoring Program. The district, in cooperation with~~  
 2327 ~~the other coordinating agencies and local governments, shall~~  
 2328 ~~establish a Caloosahatchee River Watershed Research and Water~~  
 2329 ~~Quality Monitoring Program that builds upon the district's~~  
 2330 ~~existing research program and that is sufficient to carry out,~~  
 2331 ~~comply with, or assess the plans, programs, and other~~  
 2332 ~~responsibilities created by this subsection. The program shall~~  
 2333 ~~also conduct an assessment of the water volumes and timing from~~  
 2334 ~~the Lake Okeechobee and Caloosahatchee River watersheds and~~  
 2335 ~~their relative contributions to the timing and volume of water~~  
 2336 ~~delivered to the estuary.~~

2337           (c) ~~(b)~~ St. Lucie River Watershed Protection Plan. ~~No later~~  
 2338 ~~than January 1, 2009,~~ The district, in cooperation with the  
 2339 other coordinating agencies, Martin County, and affected  
 2340 counties and municipalities shall complete a plan in accordance  
 2341 with this subsection. The St. Lucie River Watershed Protection  
 2342 Plan shall identify the geographic extent of the watershed, be  
 2343 coordinated as needed with the plans developed pursuant to  
 2344 paragraph (3) (a) and paragraph (a) of this subsection, and  
 2345 ~~contain an implementation schedule for pollutant load reductions~~  
 2346 ~~consistent with any adopted total maximum daily loads and~~  
 2347 ~~compliance with applicable state water quality standards. The~~  
 2348 ~~plan shall include the St. Lucie River Watershed Construction~~  
 2349 ~~Project and St. Lucie River Watershed Research and Water Quality~~  
 2350 ~~Monitoring Program.~~ †



2351           1. St. Lucie River Watershed Construction Project.—To  
2352 improve the hydrology, water quality, and aquatic habitats  
2353 within the watershed, the district shall, no later than January  
2354 1, 2012, plan, design, and construct the initial phase of the  
2355 Watershed Construction Project. In doing so, the district shall:

2356           a. Develop and designate the facilities to be constructed  
2357 to achieve stated goals and objectives of the St. Lucie River  
2358 Watershed Protection Plan.

2359           b. Identify the size and location of all such facilities.

2360           c. Provide a construction schedule for all such  
2361 facilities, including the sequencing and specific timeframe for  
2362 construction of each facility.

2363           d. Provide a schedule for the acquisition of lands or  
2364 sufficient interests necessary to achieve the construction  
2365 schedule.

2366           e. Provide a schedule of costs and benefits associated  
2367 with each construction project and identify funding sources.

2368           f. To ensure timely implementation, coordinate the design,  
2369 scheduling, and sequencing of project facilities with the  
2370 coordinating agencies, Martin County, St. Lucie County, other  
2371 interested parties, and other affected local governments.

2372           2. St. Lucie River Watershed Research and Water Quality  
2373 Monitoring Program.—The district, in cooperation with the other  
2374 coordinating agencies and local governments, shall establish a  
2375 St. Lucie River Watershed Research and Water Quality Monitoring  
2376 Program that builds upon the district's existing research



2377 program and that is sufficient to carry out, comply with, or  
2378 assess the plans, programs, and other responsibilities created  
2379 by this subsection. The district shall also conduct an  
2380 assessment of the water volumes and timing from Lake Okeechobee  
2381 and the St. Lucie River watershed and their relative  
2382 contributions to the timing and volume of water delivered to the  
2383 estuary.

2384 (d)2. St. Lucie River Watershed Basin Management Action  
2385 Plan ~~Pollutant Control Program.~~—The basin management action plan  
2386 for the St. Lucie River watershed adopted pursuant to s. 403.067  
2387 shall be the St. Lucie River Watershed Pollutant Control Program  
2388 and shall be ~~is~~ designed to be a multifaceted approach to  
2389 reducing pollutant loads by improving the management of  
2390 pollutant sources within the St. Lucie River watershed through  
2391 implementation of regulations and best management practices,  
2392 development and implementation of improved best management  
2393 practices, improvement and restoration of the hydrologic  
2394 function of natural and managed systems, and use ~~utilization~~ of  
2395 alternative technologies for pollutant reduction, such as cost-  
2396 effective biologically based, hybrid wetland/chemical and other  
2397 innovative nutrient control technologies. The plan must include  
2398 an implementation schedule pursuant to this subsection for  
2399 pollutant load reductions. As provided in s. 403.067(7)(a)6.,  
2400 the St. Lucie Watershed Basin Management Action Plan must  
2401 include milestones for implementation and water quality  
2402 improvement and an associated water quality monitoring component



2403 sufficient to evaluate whether reasonable progress in pollutant  
2404 load reductions is being achieved over time. The department  
2405 shall develop a schedule to establish 5-year, 10-year, and 15-  
2406 year measurable milestones and a target to achieve the adopted  
2407 total maximum daily load within 20 years after adoption of the  
2408 plan. The schedule shall be used to provide guidance for  
2409 planning and funding purposes and is exempt from s.  
2410 120.54(1) (a). An assessment of progress toward these milestones  
2411 shall be conducted every 5 years, and revisions to the plan  
2412 shall be made, as appropriate, as a result of each 5-year  
2413 review. The assessment shall be provided to the Governor, the  
2414 President of the Senate, and the Speaker of the House of  
2415 Representatives. Upon the first 5-year review, the schedule of  
2416 measurable milestones and a target to achieve water quality  
2417 improvement consistent with this section shall be adopted as  
2418 part of the plan. Revisions to the basin management action plan  
2419 shall be made by the department in cooperation with the basin  
2420 stakeholders. Revisions to best management practices or other  
2421 measures must follow the procedures set forth in s.  
2422 403.067(7) (c)4. Revised basin management action plans must be  
2423 adopted pursuant to s. 403.067(7) (a)5. If achieving the adopted  
2424 total maximum daily load is not practicable, the schedule must  
2425 contain an explanation of the constraints that prevent  
2426 achievement of the total maximum daily load within 20 years, an  
2427 estimate of the time needed to achieve the total maximum daily  
2428 load, and additional 5-year measurable milestones, as necessary.



2429 The coordinating agencies shall facilitate the use ~~utilization~~  
2430 of federal programs that offer opportunities for water quality  
2431 treatment, including preservation, restoration, or creation of  
2432 wetlands on agricultural lands.

2433 ~~1.a.~~ Nonpoint source best management practices consistent  
2434 with s. 403.067 ~~paragraph (3)(c)~~, designed to achieve the  
2435 objectives of the St. Lucie River Watershed Protection Program,  
2436 shall be implemented on an expedited basis. The coordinating  
2437 agencies may develop an intergovernmental agreement with local  
2438 governments to implement the nonagricultural nonpoint source  
2439 best management practices within their respective geographic  
2440 boundaries.

2441 ~~2.b.~~ This subsection does not preclude the department or  
2442 the district from requiring compliance with water quality  
2443 standards, adopted total maximum daily loads, or current best  
2444 management practices requirements set forth in any applicable  
2445 regulatory program authorized by law for the purpose of  
2446 protecting water quality. This subsection applies only to the  
2447 extent that it does not conflict with any rules adopted by the  
2448 department or district which are necessary to maintain a  
2449 federally delegated or approved program.

2450 ~~3.e.~~ Projects that make use of private lands, or lands  
2451 held in trust for Indian tribes, to reduce pollutant loadings or  
2452 concentrations within a basin, or that reduce the volume of  
2453 harmful discharges by one or more of the following methods:  
2454 restoring the natural hydrology of the basin, restoring wildlife



2455 habitat or impacted wetlands, reducing peak flows after storm  
2456 events, or increasing aquifer recharge, are eligible for grants  
2457 available under this section from the coordinating agencies.

2458 ~~4.d.~~ The St. Lucie River Watershed Basin Management Action  
2459 Plans ~~Pollutant Control Program~~ shall require assessment of  
2460 current water management practices within the watershed and  
2461 shall require development of recommendations for structural,  
2462 nonstructural, and operational improvements. Such  
2463 recommendations shall consider and balance water supply, flood  
2464 control, estuarine salinity, aquatic habitat, and water quality  
2465 considerations.

2466 ~~5.e.~~ ~~After December 31, 2007,~~ The department may not  
2467 authorize the disposal of domestic wastewater biosolids  
2468 ~~residuals~~ within the St. Lucie River watershed unless the  
2469 applicant can affirmatively demonstrate that the nutrients in  
2470 the biosolids ~~residuals~~ will not add to nutrient loadings in the  
2471 watershed. This demonstration shall be based on achieving a net  
2472 balance between nutrient imports relative to exports on the  
2473 permitted application site. Exports shall include only nutrients  
2474 removed from the St. Lucie River watershed through products  
2475 generated on the permitted application site. This prohibition  
2476 does not apply to Class AA biosolids ~~residuals~~ that are marketed  
2477 and distributed as fertilizer products in accordance with  
2478 department rule.

2479 ~~6.f.~~ The Department of Health shall require all entities  
2480 disposing of septage within the St. Lucie River watershed to





2481 develop and submit to that agency an agricultural use plan that  
2482 limits applications based upon nutrient loading consistent with  
2483 any basin management action plan adopted pursuant to s. 403.067.  
2484 ~~By July 1, 2008, nutrient concentrations originating from these~~  
2485 ~~application sites may not exceed the limits established in the~~  
2486 ~~district's WOD program.~~

2487 7.g. The Department of Agriculture and Consumer Services  
2488 shall initiate rulemaking requiring entities within the St.  
2489 Lucie River watershed which land-apply animal manure to develop  
2490 a resource management system level conservation plan, according  
2491 to United States Department of Agriculture criteria, which limit  
2492 such application. Such rules shall ~~may~~ include criteria and  
2493 thresholds for the requirement to develop a conservation or  
2494 nutrient management plan, requirements for plan approval, site  
2495 inspection requirements, and recordkeeping requirements.

2496 8. The district shall initiate rulemaking to provide for a  
2497 monitoring program for nonpoint source dischargers required to  
2498 monitor water quality pursuant to s. 403.067(7) (b)2.g. or s.  
2499 403.067(7) (c)3. The results of such monitoring must be reported  
2500 to the coordinating agencies.

2501 ~~3. St. Lucie River Watershed Research and Water Quality~~  
2502 ~~Monitoring Program. The district, in cooperation with the other~~  
2503 ~~coordinating agencies and local governments, shall establish a~~  
2504 ~~St. Lucie River Watershed Research and Water Quality Monitoring~~  
2505 ~~Program that builds upon the district's existing research~~  
2506 ~~program and that is sufficient to carry out, comply with, or~~



2507 ~~assess the plans, programs, and other responsibilities created~~  
2508 ~~by this subsection. The program shall also conduct an assessment~~  
2509 ~~of the water volumes and timing from the Lake Okeechobee and St.~~  
2510 ~~Lucie River watersheds and their relative contributions to the~~  
2511 ~~timing and volume of water delivered to the estuary.~~

2512 (e) ~~(e)~~ River Watershed Protection Plan implementation.—The  
2513 coordinating agencies shall be jointly responsible for  
2514 implementing the River Watershed Protection Plans, consistent  
2515 with the statutory authority and responsibility of each agency.  
2516 Annual funding priorities shall be jointly established, and the  
2517 highest priority shall be assigned to programs and projects that  
2518 have the greatest potential for achieving the goals and  
2519 objectives of the plans. In determining funding priorities, the  
2520 coordinating agencies shall also consider the need for  
2521 regulatory compliance, the extent to which the program or  
2522 project is ready to proceed, and the availability of federal or  
2523 local government matching funds. Federal and other nonstate  
2524 funding shall be maximized to the greatest extent practicable.

2525 (f) ~~(d)~~ Evaluation.—Beginning By March 1, 2020 2012, and  
2526 every 5 3 years thereafter, concurrent with the updates of the  
2527 basin management action plans adopted pursuant to s. 403.067,  
2528 the department, district in cooperation with the other  
2529 coordinating agencies, shall conduct an evaluation of any  
2530 pollutant load reduction goals, as well as any other specific  
2531 objectives and goals, as stated in the River Watershed  
2532 Protection Programs Plans. Additionally, The district shall



2533 identify modifications to facilities of the River Watershed  
 2534 Construction Projects, as appropriate, or any other elements of  
 2535 the River Watershed Protection Programs ~~Plans~~. The evaluation  
 2536 shall be included in the annual progress report submitted  
 2537 pursuant to this section.

2538 (g) ~~(e)~~ Priorities and implementation schedules.—The  
 2539 coordinating agencies are authorized and directed to establish  
 2540 priorities and implementation schedules for the achievement of  
 2541 total maximum daily loads, the requirements of s. 403.067, and  
 2542 compliance with applicable water quality standards within the  
 2543 waters and watersheds subject to this section.

2544 ~~(f) Legislative ratification. The coordinating agencies~~  
 2545 ~~shall submit the River Watershed Protection Plans developed~~  
 2546 ~~pursuant to paragraphs (a) and (b) to the President of the~~  
 2547 ~~Senate and the Speaker of the House of Representatives prior to~~  
 2548 ~~the 2009 legislative session for review. If the Legislature~~  
 2549 ~~takes no action on the plan during the 2009 legislative session,~~  
 2550 ~~the plan is deemed approved and may be implemented.~~

2551 (5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY  
 2552 LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.—The  
 2553 department is directed to expedite development and adoption of  
 2554 total maximum daily loads for the Caloosahatchee River and  
 2555 estuary. The department is further directed to, ~~no later than~~  
 2556 ~~December 31, 2008,~~ propose for final agency action total maximum  
 2557 daily loads for nutrients in the tidal portions of the  
 2558 Caloosahatchee River and estuary. The department shall initiate



2559 development of basin management action plans for Lake  
2560 Okeechobee, the Caloosahatchee River watershed and estuary, and  
2561 the St. Lucie River watershed and estuary as provided in s.  
2562 403.067 ~~403.067(7)(a)~~ as follows:

2563 (a) Basin management action plans shall be developed as  
2564 soon as practicable as determined necessary by the department to  
2565 achieve the total maximum daily loads established for the Lake  
2566 Okeechobee watershed and the estuaries.

2567 (b) The Phase II technical plan development pursuant to  
2568 paragraph (3)(a) ~~(3)(b)~~, and the River Watershed Protection  
2569 Plans developed pursuant to paragraphs (4)(a) and (c) ~~(b)~~, shall  
2570 provide the basis for basin management action plans developed by  
2571 the department.

2572 (c) As determined necessary by the department ~~in order~~ to  
2573 achieve the total maximum daily loads, additional or modified  
2574 projects or programs that complement those in the legislatively  
2575 ratified plans may be included during the development of the  
2576 basin management action plan.

2577 (d) As provided in s. 403.067, management strategies and  
2578 pollution reduction requirements set forth in a basin management  
2579 action plan subject to permitting by the department under  
2580 subsection (7) must be completed pursuant to the schedule set  
2581 forth in the basin management action plan, as amended. The  
2582 implementation schedule may extend beyond the 5-year permit  
2583 term.



2584        (e) As provided in s. 403.067, management strategies and  
2585 pollution reduction requirements set forth in a basin management  
2586 action plan for a specific pollutant of concern are not subject  
2587 to challenge under chapter 120 at the time they are  
2588 incorporated, in an identical form, into a department or  
2589 district issued permit or a permit modification issued in  
2590 accordance with subsection (7).

2591        ~~(d) Development of basin management action plans that~~  
2592 ~~implement the provisions of the legislatively ratified plans~~  
2593 ~~shall be initiated by the department no later than September 30~~  
2594 ~~of the year in which the applicable plan is ratified. Where a~~  
2595 ~~total maximum daily load has not been established at the time of~~  
2596 ~~plan ratification, development of basin management action plans~~  
2597 ~~shall be initiated no later than 90 days following adoption of~~  
2598 ~~the applicable total maximum daily load.~~

2599        (6) ANNUAL PROGRESS REPORT.—Each March 1 the district, in  
2600 cooperation with the other coordinating agencies, shall report  
2601 on implementation of this section as part of the consolidated  
2602 annual report required in s. 373.036(7). The annual report shall  
2603 include a summary of the conditions of the hydrology, water  
2604 quality, and aquatic habitat in the northern Everglades based on  
2605 the results of the Research and Water Quality Monitoring  
2606 Programs, the status of the Lake Okeechobee Watershed  
2607 Construction Project, the status of the Caloosahatchee River  
2608 Watershed Construction Project, and the status of the St. Lucie  
2609 River Watershed Construction Project. In addition, the report



2610 shall contain an annual accounting of the expenditure of funds  
2611 from the Save Our Everglades Trust Fund. At a minimum, the  
2612 annual report shall provide detail by program and plan,  
2613 including specific information concerning the amount and use of  
2614 funds from federal, state, or local government sources. In  
2615 detailing the use of these funds, the district shall indicate  
2616 those designated to meet requirements for matching funds. The  
2617 district shall prepare the report in cooperation with the other  
2618 coordinating agencies and affected local governments. The  
2619 department shall report on the status of the Lake Okeechobee  
2620 Basin Management Action Plan, the Caloosahatchee River Watershed  
2621 Basin Management Action Plan, and the St. Lucie River Watershed  
2622 Basin Management Action Plan. The Department of Agriculture and  
2623 Consumer Services shall report on the status of the  
2624 implementation of the agricultural nonpoint source best  
2625 management practices, including an implementation assurance  
2626 report summarizing survey responses and response rates, site  
2627 inspections, and other methods used to verify implementation of  
2628 and compliance with best management practices in the Lake  
2629 Okeechobee, Caloosahatchee, and St. Lucie watersheds.

2630 (7) LAKE OKEECHOBEE PROTECTION PERMITS.—

2631 (a) The Legislature finds that the Lake Okeechobee  
2632 Watershed Protection Program will benefit Lake Okeechobee and  
2633 downstream receiving waters and is in ~~consistent with~~ the public  
2634 interest. The Lake Okeechobee Watershed Construction Project and  
2635 structures discharging into or from Lake Okeechobee shall be



2636 constructed, operated, and maintained in accordance with this  
2637 section.

2638 (b) Permits obtained pursuant to this section are in lieu  
2639 of all other permits under this chapter or chapter 403, except  
2640 those issued under s. 403.0885, if applicable. ~~No~~ Additional  
2641 permits are not required for the Lake Okeechobee Watershed  
2642 Construction Project, or structures discharging into or from  
2643 Lake Okeechobee, if such project or structures are permitted  
2644 under this section. Construction activities related to  
2645 implementation of the Lake Okeechobee Watershed Construction  
2646 Project may be initiated before ~~prior to~~ final agency action, or  
2647 notice of intended agency action, on any permit from the  
2648 department under this section.

2649 (c) 1. ~~Within 90 days of completion of the diversion plans~~  
2650 ~~set forth in Department Consent Orders 91-0694, 91-0707, 91-~~  
2651 ~~0706, 91-0705, and RT50-205564,~~ Owners or operators of existing  
2652 structures which discharge into or from Lake Okeechobee that  
2653 were subject to Department Consent Orders 91-0694, 91-0705, 91-  
2654 0706, 91-0707, and RT50-205564 and that are subject to ~~the~~  
2655 ~~provisions of~~ s. 373.4592(4) (a) do not require a permit under  
2656 this section and shall be governed by permits issued under ~~apply~~  
2657 ~~for a permit from the department to operate and maintain such~~  
2658 ~~structures. By September 1, 2000, owners or operators of all~~  
2659 ~~other existing structures which discharge into or from Lake~~  
2660 ~~Okeechobee shall apply for a permit from the department to~~  
2661 ~~operate and maintain such structures. The department shall issue~~



CS/CS/CS/HB 653, Engrossed 1

2015

2662 ~~one or more such permits for a term of 5 years upon the~~  
2663 ~~demonstration of reasonable assurance that schedules and~~  
2664 ~~strategies to achieve and maintain compliance with water quality~~  
2665 ~~standards have been provided for, to the maximum extent~~  
2666 ~~practicable, and that operation of the structures otherwise~~  
2667 ~~complies with provisions of ss. 373.413 and 373.416 and the Lake~~  
2668 ~~Okeechobee Basin Management Action Plan adopted pursuant to s.~~  
2669 ~~403.067.~~

2670 ~~1. Permits issued under this paragraph shall also contain~~  
2671 ~~reasonable conditions to ensure that discharges of waters~~  
2672 ~~through structures:~~

2673 ~~a. Are adequately and accurately monitored;~~

2674 ~~b. Will not degrade existing Lake Okeechobee water quality~~  
2675 ~~and will result in an overall reduction of phosphorus input into~~  
2676 ~~Lake Okeechobee, as set forth in the district's Technical~~  
2677 ~~Publication 81-2 and the total maximum daily load established in~~  
2678 ~~accordance with s. 403.067, to the maximum extent practicable;~~  
2679 ~~and~~

2680 ~~e. Do not pose a serious danger to public health, safety,~~  
2681 ~~or welfare.~~

2682 ~~2. For the purposes of this paragraph, owners and~~  
2683 ~~operators of existing structures which are subject to the~~  
2684 ~~provisions of s. 373.4592(4) (a) and which discharge into or from~~  
2685 ~~Lake Okeechobee shall be deemed in compliance with this~~  
2686 ~~paragraph the term "maximum extent practicable" if they are in~~





2687 full compliance with the conditions of permits under chapter  
2688 ~~chapters 40E-61 and 40E-63~~, Florida Administrative Code.

2689 3. By January 1, 2016 ~~2004~~, the district shall submit to  
2690 the department a complete application for a permit modification  
2691 to the Lake Okeechobee structure permits to incorporate proposed  
2692 changes necessary to ensure that discharges through the  
2693 structures covered by this permit are consistent with the basin  
2694 management action plan adopted pursuant to ~~achieve state water~~  
2695 ~~quality standards, including the total maximum daily load~~  
2696 ~~established in accordance with s. 403.067. These changes shall~~  
2697 ~~be designed to achieve such compliance with state water quality~~  
2698 ~~standards no later than January 1, 2015.~~

2699 (d) The department shall require permits for district  
2700 regional projects that are part of the Lake Okeechobee Watershed  
2701 Construction Project facilities. However, projects ~~identified in~~  
2702 ~~sub-subparagraph (3)(b)1.b.~~ that qualify as exempt pursuant to  
2703 s. 373.406 do ~~shall~~ not require ~~need~~ permits under this section.  
2704 Such permits shall be issued for a term of 5 years upon the  
2705 demonstration of reasonable assurances that:

2706 1. District regional projects that are part of the Lake  
2707 Okeechobee Watershed Construction Project shall facility, ~~based~~  
2708 ~~upon the conceptual design documents and any subsequent detailed~~  
2709 ~~design documents developed by the district, will~~ achieve the  
2710 design objectives for phosphorus required in subparagraph  
2711 (3)(a)1. ~~paragraph (3)(b);~~



2712           2. For water quality standards other than phosphorus, the  
 2713 quality of water discharged from the facility is of equal or  
 2714 better quality than the inflows;

2715           3. Discharges from the facility do not pose a serious  
 2716 danger to public health, safety, or welfare; and

2717           4. Any impacts on wetlands or state-listed species  
 2718 resulting from implementation of that facility of the Lake  
 2719 Okeechobee Construction Project are minimized and mitigated, as  
 2720 appropriate.

2721           (e) At least 60 days before ~~prior to~~ the expiration of any  
 2722 permit issued under this section, the permittee may apply for a  
 2723 renewal thereof for a period of 5 years.

2724           (f) Permits issued under this section may include any  
 2725 standard conditions provided by department rule which are  
 2726 appropriate and consistent with this section.

2727           (g) Permits issued under ~~pursuant to~~ this section may be  
 2728 modified, as appropriate, upon review and approval by the  
 2729 department.

2730           Section 32. Subsection (24) of section 373.019, Florida  
 2731 Statutes, is amended to read:

2732           373.019 Definitions.—When appearing in this chapter or in  
 2733 any rule, regulation, or order adopted pursuant thereto, the  
 2734 term:

2735           (24) "Water resource development" means the formulation  
 2736 and implementation of regional water resource management  
 2737 strategies, including the collection and evaluation of surface



2738 water and groundwater data; structural and nonstructural  
 2739 programs to protect and manage water resources; the development  
 2740 of regional water resource implementation programs; the  
 2741 construction, operation, and maintenance of major public works  
 2742 facilities to provide for flood control, surface and underground  
 2743 water storage, and groundwater recharge augmentation; and  
 2744 related technical assistance to local governments, and to  
 2745 government-owned and privately owned water utilities, and self-  
 2746 suppliers to the extent assistance to self-suppliers promotes  
 2747 the policies set forth in s. 373.016.

2748 Section 33. Paragraph (b) of subsection (7) of section  
 2749 373.036, Florida Statutes, is amended to read:

2750 373.036 Florida water plan; district water management  
 2751 plans.—

2752 (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.—

2753 (b) The consolidated annual report shall contain the  
 2754 following elements, as appropriate to that water management  
 2755 district:

2756 1. A district water management plan annual report or the  
 2757 annual work plan report allowed in subparagraph (2)(e)4.

2758 2. The department-approved minimum flows and minimum water  
 2759 levels annual priority list and schedule required by s.  
 2760 373.042(3) ~~373.042(2)~~.

2761 3. The annual 5-year capital improvements plan required by  
 2762 s. 373.536(6)(a)3.



2763 4. The alternative water supplies annual report required  
2764 by s. 373.707(8)(n).

2765 5. The final annual 5-year water resource development work  
2766 program required by s. 373.536(6)(a)4.

2767 6. The Florida Forever Water Management District Work Plan  
2768 annual report required by s. 373.199(7).

2769 7. The mitigation donation annual report required by s.  
2770 373.414(1)(b)2.

2771 8. Information on all projects related to water quality or  
2772 water quantity as part of a 5-year work program, including:

2773 a. A list of all specific projects identified to implement  
2774 a basin management action plan or a recovery or prevention  
2775 strategy;

2776 b. A priority ranking for each listed project for which  
2777 state funding through the water resources work program is  
2778 requested, which must be made available to the public for  
2779 comment at least 30 days before submission of the consolidated  
2780 annual report;

2781 c. The estimated cost for each listed project;

2782 d. The estimated completion date for each listed project;

2783 e. The source and amount of financial assistance to be  
2784 made available by the department, a water management district,  
2785 or other entity for each listed project; and

2786 f. A quantitative estimate of each listed project's  
2787 benefit to the watershed, water body, or water segment in which  
2788 it is located.



2789 9. A grade for each watershed, water body, or water  
2790 segment in which a project listed under subparagraph 8. is  
2791 located representing the level of impairment and violations of  
2792 adopted minimum flow or minimum water level. The grading system  
2793 must reflect the severity of the impairment of the watershed,  
2794 waterbody, or water segment.

2795 Section 34. Section 373.0465, Florida Statutes, is created  
2796 to read:

2797 373.0465 Central Florida Water Initiative.-

2798 (1) The Legislature finds that:

2799 (a) Historically, the Floridan Aquifer system has supplied  
2800 the vast majority of the water used in the Central Florida  
2801 Coordination Area.

2802 (b) Because the boundaries of the St. Johns River Water  
2803 Management District, the South Florida Water Management  
2804 District, and the Southwest Florida Water Management District  
2805 meet within the Central Florida Coordination Area, the three  
2806 districts and the Department of Environmental Protection have  
2807 worked cooperatively to determine that the Floridan Aquifer  
2808 system is locally approaching the sustainable limits of use and  
2809 are exploring the need to develop sources of water to meet the  
2810 long-term water needs of the area.

2811 (c) The Central Florida Water Initiative is a  
2812 collaborative process involving the Department of Environmental  
2813 Protection, the St. Johns River Water Management District, the  
2814 South Florida Water Management District, the Southwest Florida



2815 Water Management District, the Department of Agriculture and  
2816 Consumer Services, regional public water supply utilities, and  
2817 other stakeholders. As set forth in the Central Florida Water  
2818 Initiative Guiding Document of January 30, 2015, the initiative  
2819 has developed an initial framework for a unified process to  
2820 address the current and long-term water supply needs of Central  
2821 Florida without causing harm to the water resources and  
2822 associated natural systems.

2823 (d) Developing water sources as an alternative to  
2824 continued reliance on the Floridan Aquifer will benefit existing  
2825 and future water users and natural systems within and beyond the  
2826 boundaries of the Central Florida Water Initiative.

2827 (2) (a) As used in this section, the term "Central Florida  
2828 Water Initiative Area" means all of Orange, Osceola, Polk, and  
2829 Seminole Counties, and southern Lake County, as designated by  
2830 the Central Florida Water Initiative Guiding Document of January  
2831 30, 2015.

2832 (b) The department, the St. Johns River Water Management  
2833 District, the South Florida Water Management District, the  
2834 Southwest Florida Water Management District, and the Department  
2835 of Agriculture and Consumer Services shall:

2836 1. Provide for a continuation of the collaborative process  
2837 in the Central Florida Water Initiative Area among the state  
2838 agencies, affected water management districts, regional public  
2839 water supply utilities, and other stakeholders;



2840           2. Build upon the guiding principles and goals set forth  
2841 in the Central Florida Water Initiative Guiding Document of  
2842 January 30, 2015, and the work that has already been  
2843 accomplished by the Central Florida Water Initiative  
2844 participants;

2845           3. Develop and implement, as set forth in the Central  
2846 Florida Water Initiative Guiding Document of January 30, 2015, a  
2847 single multidistrict regional water supply plan, including any  
2848 needed recovery or prevention strategies and a list of water  
2849 supply development projects or water resource projects; and

2850           4. Provide for a single hydrologic planning model to  
2851 assess the availability of groundwater in the Central Florida  
2852 Water Initiative Area.

2853           (c) In developing the water supply planning program  
2854 consistent with the goals set forth in this subsection, the  
2855 department, the St. Johns River Water Management District, the  
2856 South Florida Water Management District, the Southwest Florida  
2857 Water Management District, and the Department of Agriculture and  
2858 Consumer Services shall:

2859           1. Consider limitations on groundwater use together with  
2860 opportunities for new, increased, or redistributed groundwater  
2861 uses that are consistent with the conditions established under  
2862 s. 373.223;

2863           2. Establish a coordinated process for the identification  
2864 of water resources requiring new or revised conditions  
2865 consistent with the conditions established under s. 373.223;



- 2866        3. Consider existing recovery or prevention strategies;  
2867        4. Include a list of water supply options sufficient to  
2868 meet the water needs of all existing and future reasonable-  
2869 beneficial uses consistent with the conditions established under  
2870 s. 373.223; and
- 2871        5. Identify, as necessary, which of the water supply  
2872 sources are preferred water supply sources pursuant to s.  
2873 373.2234.
- 2874        (d) The department, in consultation with the St. Johns  
2875 River Water Management District, the South Florida Water  
2876 Management District, the Southwest Florida Water Management  
2877 District, and the Department of Agriculture and Consumer  
2878 Services, shall adopt uniform rules for application within the  
2879 Central Florida Water Initiative Area that include:
- 2880        1. A single, uniform definition of "harmful to the water  
2881 resources" consistent with the term's usage in s. 373.219;
- 2882        2. A single method for calculating residential per capita  
2883 water use;
- 2884        3. A single process for permit reviews;
- 2885        4. A single, consistent process, as appropriate, to set  
2886 minimum flows and minimum water levels and water reservations;
- 2887        5. A goal for residential per capita water use for each  
2888 consumptive use permit; and
- 2889        6. An annual conservation goal for each consumptive use  
2890 permit consistent with the regional water supply plan.  
2891





2892 The uniform rules shall include existing recovery strategies  
2893 within the Central Florida Water Initiative Area adopted before  
2894 July 1, 2015. The department may grant variances to the uniform  
2895 rules if there are unique circumstances or hydrogeological  
2896 factors that make application of the uniform rules unrealistic  
2897 or impractical.

2898 (e) The department shall initiate rulemaking for the  
2899 uniform rules by December 31, 2015. The department's uniform  
2900 rules shall be applied by the water management districts only  
2901 within the Central Florida Water Initiative Area. Upon adoption  
2902 of the rules, the water management districts shall implement the  
2903 rules without further rulemaking pursuant to s. 120.54. The  
2904 rules adopted by the department pursuant to this section are  
2905 considered the rules of the water management districts.

2906 (f) Water management district planning programs developed  
2907 pursuant this subsection shall be approved or adopted as  
2908 required under this chapter. However, such planning programs may  
2909 not serve to modify planning programs in areas of the affected  
2910 districts that are not within the Central Florida Water  
2911 Initiative Area, but may include interregional projects located  
2912 outside the Central Florida Water Initiative Area which are  
2913 consistent with planning and regulatory programs in the areas in  
2914 which they are located.

2915 Section 35. Section 373.4591, Florida Statutes, is amended  
2916 to read:

2917 373.4591 Improvements on private agricultural lands.—



2918           (1) The Legislature encourages public-private partnerships  
2919 to accomplish water storage, groundwater recharge, and water  
2920 quality improvements on private agricultural lands. Priority  
2921 consideration shall be given to public-private partnerships  
2922 that:

2923           (a) Store or treat water on private lands for purposes of  
2924 enhancing hydrologic improvement, improving water quality, or  
2925 assisting in water supply;

2926           (b) Provide critical ground water recharge; or

2927           (c) Provide for changes in land use to activities that  
2928 minimize nutrient loads and maximize water conservation.

2929           (2) (a) When an agreement is entered into between the  
2930 department, a water management district, or the Department of of  
2931 Agriculture and Consumer Services and a private landowner to  
2932 establish ~~such~~ a public-private partnership that may create or  
2933 impact wetlands or other surface waters, a baseline condition  
2934 determining the extent of wetlands and other surface waters on  
2935 the property shall be established and documented in the  
2936 agreement before improvements are constructed.

2937           (b) When an agreement is entered into between the  
2938 Department of Agriculture and Consumer Services and a private  
2939 landowner to implement best management practices pursuant to s.  
2940 403.067(7)(c), a baseline condition determining the extent of  
2941 wetlands and other surface water on the property may be  
2942 established at the option and expense of the private landowner  
2943 and documented in the agreement before improvements are



2944 constructed. The Department of Agriculture and Consumer Services  
 2945 shall submit the landowner's proposed baseline condition  
 2946 documentation to the lead agency for review and approval, and  
 2947 the agency shall use its best efforts to complete the review  
 2948 within 45 days.

2949 (3) The Department of Agriculture and Consumer Services,  
 2950 the department, and the water management districts shall provide  
 2951 a process for reviewing these requests in the timeframe  
 2952 specified. The determination of a baseline condition shall be  
 2953 conducted using the methods set forth in the rules adopted  
 2954 pursuant to s. 373.421. The baseline condition documented in an  
 2955 agreement shall be considered the extent of wetlands and other  
 2956 surface waters on the property for the purpose of regulation  
 2957 under this chapter for the duration of the agreement and after  
 2958 its expiration.

2959 Section 36. Paragraphs (a) and (b) of subsection (6) of  
 2960 section 373.536, Florida Statutes, are amended to read:

2961 373.536 District budget and hearing thereon.—

2962 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;  
 2963 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

2964 (a) Each district must, by the date specified for each  
 2965 item, furnish copies of the following documents to the Governor,  
 2966 the President of the Senate, the Speaker of the House of  
 2967 Representatives, the chairs of all legislative committees and  
 2968 subcommittees having substantive or fiscal jurisdiction over the  
 2969 districts, as determined by the President of the Senate or the



2970 Speaker of the House of Representatives as applicable, the  
 2971 secretary of the department, and the governing board of each  
 2972 county in which the district has jurisdiction or derives any  
 2973 funds for the operations of the district:

2974 1. The adopted budget, to be furnished within 10 days  
 2975 after its adoption.

2976 2. A financial audit of its accounts and records, to be  
 2977 furnished within 10 days after its acceptance by the governing  
 2978 board. The audit must be conducted in accordance with s. 11.45  
 2979 and the rules adopted thereunder. In addition to the entities  
 2980 named above, the district must provide a copy of the audit to  
 2981 the Auditor General within 10 days after its acceptance by the  
 2982 governing board.

2983 3. A 5-year capital improvements plan, to be included in  
 2984 the consolidated annual report required by s. 373.036(7). The  
 2985 plan must include expected sources of revenue for planned  
 2986 improvements and must be prepared in a manner comparable to the  
 2987 fixed capital outlay format set forth in s. 216.043.

2988 4. A 5-year water resource development work program to be  
 2989 furnished within 30 days after the adoption of the final budget.  
 2990 The program must describe the district's implementation strategy  
 2991 and include an annual funding plan for each of the 5 years  
 2992 included in the plan for the water resource and~~7~~ water supply~~7~~  
 2993 development components, including ~~and~~ alternative water supply  
 2994 development, ~~components~~ of each approved regional water supply  
 2995 plan developed or revised under s. 373.709. The work program



2996 must address all the elements of the water resource development  
2997 component in the district's approved regional water supply  
2998 plans, as well as the water supply projects proposed for  
2999 district funding and assistance. The annual funding plan shall  
3000 identify both anticipated available district funding and  
3001 additional funding needs for the second through fifth years of  
3002 the funding plan. The work program ~~and~~ must identify projects in  
3003 the work program which will provide water; explain how each  
3004 water resource and, ~~water supply, and alternative water supply~~  
3005 ~~development~~ project will produce additional water available for  
3006 consumptive uses; estimate the quantity of water to be produced  
3007 by each project; ~~and~~ provide an assessment of the contribution  
3008 of the district's regional water supply plans in supporting the  
3009 implementation of minimum flows and minimum water levels and  
3010 water reservations; and ensure ~~providing~~ sufficient water is  
3011 available ~~needed~~ to timely meet the water supply needs of  
3012 existing and future reasonable-beneficial uses for a 1-in-10-  
3013 year drought event and to avoid the adverse effects of  
3014 competition for water supplies.

3015 (b) Within 30 days after its submittal, the department  
3016 shall review the proposed work program and submit its findings,  
3017 questions, and comments to the district. The review must include  
3018 a written evaluation of the program's consistency with the  
3019 furtherance of the district's approved regional water supply  
3020 plans, and the adequacy of proposed expenditures. As part of the  
3021 review, the department shall post the work program on its



3022 website and give interested parties the opportunity to provide  
3023 written comments on each district's proposed work program.  
3024 Within 45 days after receipt of the department's evaluation, the  
3025 governing board shall state in writing to the department which  
3026 of the changes recommended in the evaluation it will incorporate  
3027 into its work program submitted as part of the March 1  
3028 consolidated annual report required by s. 373.036(7) or specify  
3029 the reasons for not incorporating the changes. The department  
3030 shall include the district's responses in a final evaluation  
3031 report and shall submit a copy of the report to the Governor,  
3032 the President of the Senate, and the Speaker of the House of  
3033 Representatives.

3034 Section 37. Subsection (9) of section 373.703, Florida  
3035 Statutes, is amended to read:

3036 373.703 Water production; general powers and duties.—In  
3037 the performance of, and in conjunction with, its other powers  
3038 and duties, the governing board of a water management district  
3039 existing pursuant to this chapter:

3040 (9) May join with one or more other water management  
3041 districts, counties, municipalities, special districts, publicly  
3042 owned or privately owned water utilities, multijurisdictional  
3043 water supply entities, regional water supply authorities,  
3044 private landowners, or self-suppliers for the purpose of  
3045 carrying out its powers, and may contract with such other  
3046 entities to finance acquisitions, construction, operation, and  
3047 maintenance, provided that such contracts are consistent with



3048 the public interest. The contract may provide for contributions  
3049 to be made by each party to the contract for the division and  
3050 apportionment of the expenses of acquisitions, construction,  
3051 operation, and maintenance, and for the division and  
3052 apportionment of resulting benefits, services, and products. The  
3053 contracts may contain other covenants and agreements necessary  
3054 and appropriate to accomplish their purposes.

3055 Section 38. Paragraph (b) of subsection (2), subsection  
3056 (3), and paragraph (b) of subsection (4) of section 373.705,  
3057 Florida Statutes, are amended, and subsection (5) is added to  
3058 that section, to read:

3059 373.705 Water resource development; water supply  
3060 development.—

3061 (2) It is the intent of the Legislature that:

3062 (b) Water management districts take the lead in  
3063 identifying and implementing water resource development  
3064 projects, and be responsible for securing necessary funding for  
3065 regionally significant water resource development projects,  
3066 including regionally significant projects that prevent or limit  
3067 adverse water resource impacts, avoid competition among water  
3068 users, or support the provision of new water supplies to meet a  
3069 minimum flow or minimum water level or to implement a recovery  
3070 or prevention strategy or water reservation.

3071 (3) (a) The water management districts shall fund and  
3072 implement water resource development as defined in s. 373.019.  
3073 The water management districts are encouraged to implement water



3074 resource development as expeditiously as possible in areas  
3075 subject to regional water supply plans.

3076 (b) Each governing board shall include in its annual  
3077 budget submittals required under this chapter:

3078 1. The amount of funds for each project in the annual  
3079 funding plan developed pursuant to s. 373.536(6) (a)4.; and

3080 2. The total amount needed for the fiscal year to  
3081 implement water resource development projects, as prioritized in  
3082 its regional water supply plans.

3083 (4)

3084 (b) Water supply development projects that meet the  
3085 criteria in paragraph (a) and that meet one or more of the  
3086 following additional criteria shall be given first consideration  
3087 for state or water management district funding assistance:

3088 1. The project brings about replacement of existing  
3089 sources ~~in order~~ to help implement a minimum flow or minimum  
3090 water level; ~~or~~

3091 2. The project implements reuse that assists in the  
3092 elimination of domestic wastewater ocean outfalls as provided in  
3093 s. 403.086(9); or

3094 3. The project reduces or eliminates the adverse effects  
3095 of competition between legal users and the natural system.

3096 Section 39. Paragraph (f) of subsection (3), paragraph (a)  
3097 of subsection (6), and paragraph (e) of subsection (8) of  
3098 section 373.707, Florida Statutes, are amended to read:

3099 373.707 Alternative water supply development.—





3100 (3) The primary roles of the water management districts in  
3101 water resource development as it relates to supporting  
3102 alternative water supply development are:

3103 (f) The provision of technical and financial assistance to  
3104 local governments and publicly owned and privately owned water  
3105 utilities for alternative water supply projects and for self-  
3106 suppliers for alternative water supply projects to the extent  
3107 assistance for self-suppliers promotes the policies in paragraph  
3108 (1) (f).

3109 (6) (a) If state ~~The statewide~~ funds are provided through  
3110 specific appropriation or pursuant to the Water Protection and  
3111 Sustainability Program, such funds serve to supplement existing  
3112 water management district or basin board funding for alternative  
3113 water supply development assistance and should not result in a  
3114 reduction of such funding. For each project identified in the  
3115 annual funding plans prepared pursuant to s. 373.536(6) (a) 4.  
3116 ~~Therefore,~~ the water management districts shall include in the  
3117 annual tentative and adopted budget submittals required under  
3118 this chapter the amount of funds allocated for water resource  
3119 development that supports alternative water supply development  
3120 and the funds allocated for alternative water supply projects  
3121 ~~selected for inclusion in the Water Protection and~~  
3122 ~~Sustainability Program.~~ It shall be the goal of each water  
3123 management district and basin boards that the combined funds  
3124 allocated annually for these purposes be, at a minimum, the  
3125 equivalent of 100 percent of the state funding provided to the



3126 water management district for alternative water supply  
3127 development. If this goal is not achieved, the water management  
3128 district shall provide in the budget submittal an explanation of  
3129 the reasons or constraints that prevent this goal from being  
3130 met, an explanation of how the goal will be met in future years,  
3131 and affirmation of match is required during the budget review  
3132 process as established under s. 373.536(5). The Suwannee River  
3133 Water Management District and the Northwest Florida Water  
3134 Management District shall not be required to meet the match  
3135 requirements of this paragraph; however, they shall try to  
3136 achieve the match requirement to the greatest extent  
3137 practicable.

3138 (8)

3139 (e) Applicants for projects that may receive funding  
3140 assistance pursuant to the Water Protection and Sustainability  
3141 Program shall, at a minimum, be required to pay 60 percent of  
3142 the project's construction costs. The water management districts  
3143 may, at their discretion, totally or partially waive this  
3144 requirement for projects sponsored by:

3145 1. Financially disadvantaged small local governments as  
3146 defined in former s. 403.885(5); or

3147 2. Water users for projects determined by a water  
3148 management district governing board to be in the public interest  
3149 pursuant to paragraph (1)(f), if the projects are not otherwise  
3150 financially feasible.

3151



3152 The water management districts or basin boards may, at their  
 3153 discretion, use ad valorem or federal revenues to assist a  
 3154 project applicant in meeting the requirements of this paragraph.

3155 Section 40. Paragraph (a) of subsection (2) and paragraphs  
 3156 (a) and (e) of subsection (6) of section 373.709, Florida  
 3157 Statutes, are amended to read:

3158 373.709 Regional water supply planning.—

3159 (2) Each regional water supply plan must be based on at  
 3160 least a 20-year planning period and must include, but need not  
 3161 be limited to:

3162 (a) A water supply development component for each water  
 3163 supply planning region identified by the district which  
 3164 includes:

3165 1. A quantification of the water supply needs for all  
 3166 existing and future reasonable-beneficial uses within the  
 3167 planning horizon. The level-of-certainty planning goal  
 3168 associated with identifying the water supply needs of existing  
 3169 and future reasonable-beneficial uses must be based upon meeting  
 3170 those needs for a 1-in-10-year drought event.

3171 a. Population projections used for determining public  
 3172 water supply needs must be based upon the best available data.  
 3173 In determining the best available data, the district shall  
 3174 consider the University of Florida ~~Florida's~~ Bureau of Economic  
 3175 and Business Research (BEBR) medium population projections and  
 3176 population projection data and analysis submitted by a local  
 3177 government pursuant to the public workshop described in



3178 subsection (1) if the data and analysis support the local  
3179 government's comprehensive plan. Any adjustment of or deviation  
3180 from the BEBR projections must be fully described, and the  
3181 original BEBR data must be presented along with the adjusted  
3182 data.

3183       b. Agricultural demand projections used for determining  
3184 the needs of agricultural self-suppliers must be based upon the  
3185 best available data. In determining the best available data for  
3186 agricultural self-supplied water needs, the district shall  
3187 consider the data indicative of future water supply demands  
3188 provided by the Department of Agriculture and Consumer Services  
3189 pursuant to s. 570.93 and agricultural demand projection data  
3190 and analysis submitted by a local government pursuant to the  
3191 public workshop described in subsection (1), if the data and  
3192 analysis support the local government's comprehensive plan. Any  
3193 adjustment of or deviation from the data provided by the  
3194 Department of Agriculture and Consumer Services must be fully  
3195 described, and the original data must be presented along with  
3196 the adjusted data.

3197       2. A list of water supply development project options,  
3198 including traditional and alternative water supply project  
3199 options that are technically and financially feasible, from  
3200 which local government, government-owned and privately owned  
3201 utilities, regional water supply authorities,  
3202 multijurisdictional water supply entities, self-suppliers, and  
3203 others may choose for water supply development. In addition to



3204 projects listed by the district, such users may propose specific  
3205 projects for inclusion in the list of alternative water supply  
3206 projects. If such users propose a project to be listed as an  
3207 alternative water supply project, the district shall determine  
3208 whether it meets the goals of the plan, and, if so, it shall be  
3209 included in the list. The total capacity of the projects  
3210 included in the plan must exceed the needs identified in  
3211 subparagraph 1. and take into account water conservation and  
3212 other demand management measures, as well as water resources  
3213 constraints, including adopted minimum flows and minimum water  
3214 levels and water reservations. Where the district determines it  
3215 is appropriate, the plan should specifically identify the need  
3216 for multijurisdictional approaches to project options that,  
3217 based on planning level analysis, are appropriate to supply the  
3218 intended uses and that, based on such analysis, appear to be  
3219 permittable and financially and technically feasible. The list  
3220 of water supply development options must contain provisions that  
3221 recognize that alternative water supply options for agricultural  
3222 self-suppliers are limited.

3223 3. For each project option identified in subparagraph 2.,  
3224 the following must be provided:

3225 a. An estimate of the amount of water to become available  
3226 through the project.

3227 b. The timeframe in which the project option should be  
3228 implemented and the estimated planning-level costs for capital  
3229 investment and operating and maintaining the project.



3230 c. An analysis of funding needs and sources of possible  
3231 funding options. For alternative water supply projects, the  
3232 water management districts shall provide funding assistance  
3233 pursuant to s. 373.707(8).

3234 d. Identification of the entity that should implement each  
3235 project option and the current status of project implementation.

3236 (6) Annually and in conjunction with the reporting  
3237 requirements of s. 373.536(6)(a)4., the department shall submit  
3238 to the Governor and the Legislature a report on the status of  
3239 regional water supply planning in each district. The report  
3240 shall include:

3241 (a) A compilation of the estimated costs ~~of~~ and an  
3242 analysis of the sufficiency of potential sources of funding from  
3243 all sources for water resource development and water supply  
3244 development projects as identified in the water management  
3245 district regional water supply plans.

3246 (e) An overall assessment of the progress being made to  
3247 develop water supply in each district, including, but not  
3248 limited to, an explanation of how each project in the 5-year  
3249 water resource development work program developed pursuant to s.  
3250 373.536(6)(a)4., either alternative or traditional, will  
3251 produce, contribute to, or account for additional water being  
3252 made available for consumptive uses, minimum flows and minimum  
3253 water levels, or water reservations; an estimate of the quantity  
3254 of water to be produced by each project;7 and an assessment of  
3255 the contribution of the district's regional water supply plan in



3256 providing sufficient water to meet the needs of existing and  
3257 future reasonable-beneficial uses for a 1-in-10-year drought  
3258 event, as well as the needs of the natural systems.

3259 Section 41. Subsection (29) of section 403.061, Florida  
3260 Statutes, is amended to read:

3261 403.061 Department; powers and duties.—The department  
3262 shall have the power and the duty to control and prohibit  
3263 pollution of air and water in accordance with the law and rules  
3264 adopted and promulgated by it and, for this purpose, to:

3265 (29) (a) Adopt by rule special criteria to protect Class II  
3266 and Class III shellfish harvesting waters. Such rules may  
3267 include special criteria for approving docking facilities that  
3268 have 10 or fewer slips if the construction and operation of such  
3269 facilities will not result in the closure of shellfish waters.

3270 (b) Adopt by rule a specific surface water classification  
3271 to protect surface waters used for treated potable water supply.  
3272 These designated surface waters shall have the same water  
3273 quality criteria protections as waters designated for fish  
3274 consumption, recreation, and the propagation and maintenance of  
3275 a healthy, well-balanced population of fish and wildlife, and  
3276 shall be free from discharged substances at a concentration  
3277 that, alone or in combination with other discharged substances,  
3278 would require significant alteration of permitted treatment  
3279 processes at the permitted treatment facility or that would  
3280 otherwise prevent compliance with applicable state drinking  
3281 water standards in the treated water. Notwithstanding this



3282 classification or the inclusion of treated water supply as a  
3283 designated use of a surface water, a surface water used for  
3284 treated potable water supply may be reclassified to the potable  
3285 water supply classification.

3286  
3287 The department shall implement such programs in conjunction with  
3288 its other powers and duties and shall place special emphasis on  
3289 reducing and eliminating contamination that presents a threat to  
3290 humans, animals or plants, or to the environment.

3291 Section 42. Section 403.0623, Florida Statutes, is amended  
3292 to read:

3293 403.0623 Environmental data; quality assurance.—

3294 (1) The department must establish, by rule, appropriate  
3295 quality assurance requirements for environmental data submitted  
3296 to the department and the criteria by which environmental data  
3297 may be rejected by the department. The department may adopt and  
3298 enforce rules to establish data quality objectives and specify  
3299 requirements for training of laboratory and field staff, sample  
3300 collection methodology, proficiency testing, and audits of  
3301 laboratory and field sampling activities. Such rules may be in  
3302 addition to any laboratory certification provisions under ss.  
3303 403.0625 and 403.863.

3304 (2) (a) The department, in coordination with the water  
3305 management districts, regional water supply authorities, and the  
3306 Department of Agriculture and Consumer Services shall establish  
3307 standards for the collection and analysis of water quantity,





3308 water quality, and related data to ensure quality, reliability,  
3309 and validity of the data and testing results.

3310 (b) To the extent practicable, the department shall  
3311 coordinate with federal agencies to ensure that its collection  
3312 and analysis of water quality, water quantity, and related data,  
3313 which may be used by any state agency, water management  
3314 district, or local government, is consistent with this  
3315 subsection.

3316 (c) To receive state funds for the acquisition of lands or  
3317 the financing of a water resource project, state agencies and  
3318 water management districts must show that they followed the  
3319 department's collection and analysis standards, if available, as  
3320 a prerequisite for any such request for funding.

3321 (d) The department and the water management districts may  
3322 adopt rules to implement this subsection.

3323 Section 43. Subsection (7) of section 403.067, Florida  
3324 Statutes, is amended to read:

3325 403.067 Establishment and implementation of total maximum  
3326 daily loads.—

3327 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND  
3328 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

3329 (a) Basin management action plans.—

3330 1. In developing and implementing the total maximum daily  
3331 load for a water body, the department, or the department in  
3332 conjunction with a water management district, may develop a  
3333 basin management action plan that addresses some or all of the



3334 watersheds and basins tributary to the water body. Such plan  
3335 must integrate the appropriate management strategies available  
3336 to the state through existing water quality protection programs  
3337 to achieve the total maximum daily loads and may provide for  
3338 phased implementation of these management strategies to promote  
3339 timely, cost-effective actions as provided for in s. 403.151.  
3340 The plan must establish a schedule implementing the management  
3341 strategies, establish a basis for evaluating the plan's  
3342 effectiveness, and identify feasible funding strategies for  
3343 implementing the plan's management strategies. The management  
3344 strategies may include regional treatment systems or other  
3345 public works, where appropriate, and voluntary trading of water  
3346 quality credits to achieve the needed pollutant load reductions.

3347 2. A basin management action plan must equitably allocate,  
3348 pursuant to paragraph (6) (b), pollutant reductions to individual  
3349 basins, as a whole to all basins, or to each identified point  
3350 source or category of nonpoint sources, as appropriate. For  
3351 nonpoint sources for which best management practices have been  
3352 adopted, the initial requirement specified by the plan must be  
3353 those practices developed pursuant to paragraph (c). Where  
3354 appropriate, the plan may take into account the benefits of  
3355 pollutant load reduction achieved by point or nonpoint sources  
3356 that have implemented management strategies to reduce pollutant  
3357 loads, including best management practices, before the  
3358 development of the basin management action plan. The plan must



3359 | also identify the mechanisms that will address potential future  
3360 | increases in pollutant loading.

3361 |         3. The basin management action planning process is  
3362 | intended to involve the broadest possible range of interested  
3363 | parties, with the objective of encouraging the greatest amount  
3364 | of cooperation and consensus possible. In developing a basin  
3365 | management action plan, the department shall assure that key  
3366 | stakeholders, including, but not limited to, applicable local  
3367 | governments, water management districts, the Department of  
3368 | Agriculture and Consumer Services, other appropriate state  
3369 | agencies, local soil and water conservation districts,  
3370 | environmental groups, regulated interests, and affected  
3371 | pollution sources, are invited to participate in the process.  
3372 | The department shall hold at least one public meeting in the  
3373 | vicinity of the watershed or basin to discuss and receive  
3374 | comments during the planning process and shall otherwise  
3375 | encourage public participation to the greatest practicable  
3376 | extent. Notice of the public meeting must be published in a  
3377 | newspaper of general circulation in each county in which the  
3378 | watershed or basin lies not less than 5 days nor more than 15  
3379 | days before the public meeting. A basin management action plan  
3380 | does not supplant or otherwise alter any assessment made under  
3381 | subsection (3) or subsection (4) or any calculation or initial  
3382 | allocation.

3383 |         4. Each new or revised basin management action plan shall  
3384 | include:



3385 a. The appropriate management strategies available through  
3386 existing water quality protection programs to achieve total  
3387 maximum daily loads, which may provide for phased implementation  
3388 to promote timely, cost-effective actions as provided for in s.  
3389 403.151;

3390 b. A description of best management practices adopted by  
3391 rule;

3392 c. A list of projects in priority ranking with a planning-  
3393 level cost estimate and estimated date of completion for each  
3394 listed project;

3395 d. The source and amount of financial assistance to be  
3396 made available by the department, a water management district,  
3397 or other entity for each listed project, if applicable; and

3398 e. A planning-level estimate of each listed project's  
3399 expected load reduction, if applicable.

3400 ~~5.4.~~ The department shall adopt all or any part of a basin  
3401 management action plan and any amendment to such plan by  
3402 secretarial order pursuant to chapter 120 to implement the  
3403 provisions of this section.

3404 ~~6.5.~~ The basin management action plan must include  
3405 milestones for implementation and water quality improvement, and  
3406 an associated water quality monitoring component sufficient to  
3407 evaluate whether reasonable progress in pollutant load  
3408 reductions is being achieved over time. An assessment of  
3409 progress toward these milestones shall be conducted every 5  
3410 years, and revisions to the plan shall be made as appropriate.



3411 Revisions to the basin management action plan shall be made by  
3412 the department in cooperation with basin stakeholders. Revisions  
3413 to the management strategies required for nonpoint sources must  
3414 follow the procedures set forth in subparagraph (c)4. Revised  
3415 basin management action plans must be adopted pursuant to  
3416 subparagraph 4.

3417 ~~7.6.~~ In accordance with procedures adopted by rule under  
3418 paragraph (9)(c), basin management action plans, and other  
3419 pollution control programs under local, state, or federal  
3420 authority as provided in subsection (4), may allow point or  
3421 nonpoint sources that will achieve greater pollutant reductions  
3422 than required by an adopted total maximum load or wasteload  
3423 allocation to generate, register, and trade water quality  
3424 credits for the excess reductions to enable other sources to  
3425 achieve their allocation; however, the generation of water  
3426 quality credits does not remove the obligation of a source or  
3427 activity to meet applicable technology requirements or adopted  
3428 best management practices. Such plans must allow trading between  
3429 NPDES permittees, and trading that may or may not involve NPDES  
3430 permittees, where the generation or use of the credits involve  
3431 an entity or activity not subject to department water discharge  
3432 permits whose owner voluntarily elects to obtain department  
3433 authorization for the generation and sale of credits.

3434 ~~8.7.~~ The provisions of the department's rule relating to  
3435 the equitable abatement of pollutants into surface waters do not  
3436 apply to water bodies or water body segments for which a basin



3437 management plan that takes into account future new or expanded  
3438 activities or discharges has been adopted under this section.

3439 (b) Total maximum daily load implementation.—

3440 1. The department shall be the lead agency in coordinating  
3441 the implementation of the total maximum daily loads through  
3442 existing water quality protection programs. Application of a  
3443 total maximum daily load by a water management district must be  
3444 consistent with this section and does not require the issuance  
3445 of an order or a separate action pursuant to s. 120.536(1) or s.  
3446 120.54 for the adoption of the calculation and allocation  
3447 previously established by the department. Such programs may  
3448 include, but are not limited to:

3449 a. Permitting and other existing regulatory programs,  
3450 including water-quality-based effluent limitations;

3451 b. Nonregulatory and incentive-based programs, including  
3452 best management practices, cost sharing, waste minimization,  
3453 pollution prevention, agreements established pursuant to s.  
3454 403.061(21), and public education;

3455 c. Other water quality management and restoration  
3456 activities, for example surface water improvement and management  
3457 plans approved by water management districts or basin management  
3458 action plans developed pursuant to this subsection;

3459 d. Trading of water quality credits or other equitable  
3460 economically based agreements;

3461 e. Public works including capital facilities; or

3462 f. Land acquisition.



3463           2. For a basin management action plan adopted pursuant to  
3464 paragraph (a), any management strategies and pollutant reduction  
3465 requirements associated with a pollutant of concern for which a  
3466 total maximum daily load has been developed, including effluent  
3467 limits set forth for a discharger subject to NPDES permitting,  
3468 if any, must be included in a timely manner in subsequent NPDES  
3469 permits or permit modifications for that discharger. The  
3470 department may not impose limits or conditions implementing an  
3471 adopted total maximum daily load in an NPDES permit until the  
3472 permit expires, the discharge is modified, or the permit is  
3473 reopened pursuant to an adopted basin management action plan.

3474           a. Absent a detailed allocation, total maximum daily loads  
3475 must be implemented through NPDES permit conditions that provide  
3476 for a compliance schedule. In such instances, a facility's NPDES  
3477 permit must allow time for the issuance of an order adopting the  
3478 basin management action plan. The time allowed for the issuance  
3479 of an order adopting the plan may not exceed 5 years. Upon  
3480 issuance of an order adopting the plan, the permit must be  
3481 reopened or renewed, as necessary, and permit conditions  
3482 consistent with the plan must be established. Notwithstanding  
3483 the other provisions of this subparagraph, upon request by an  
3484 NPDES permittee, the department as part of a permit issuance,  
3485 renewal, or modification may establish individual allocations  
3486 before the adoption of a basin management action plan.

3487           b. For holders of NPDES municipal separate storm sewer  
3488 system permits and other stormwater sources, implementation of a



3489 total maximum daily load or basin management action plan must be  
3490 achieved, to the maximum extent practicable, through the use of  
3491 best management practices or other management measures.

3492 c. The basin management action plan does not relieve the  
3493 discharger from any requirement to obtain, renew, or modify an  
3494 NPDES permit or to abide by other requirements of the permit.

3495 d. Management strategies set forth in a basin management  
3496 action plan to be implemented by a discharger subject to  
3497 permitting by the department must be completed pursuant to the  
3498 schedule set forth in the basin management action plan. This  
3499 implementation schedule may extend beyond the 5-year term of an  
3500 NPDES permit.

3501 e. Management strategies and pollution reduction  
3502 requirements set forth in a basin management action plan for a  
3503 specific pollutant of concern are not subject to challenge under  
3504 chapter 120 at the time they are incorporated, in an identical  
3505 form, into a subsequent NPDES permit or permit modification.

3506 f. For nonagricultural pollutant sources not subject to  
3507 NPDES permitting but permitted pursuant to other state,  
3508 regional, or local water quality programs, the pollutant  
3509 reduction actions adopted in a basin management action plan must  
3510 be implemented to the maximum extent practicable as part of  
3511 those permitting programs.

3512 g. A nonpoint source discharger included in a basin  
3513 management action plan must demonstrate compliance with the  
3514 pollutant reductions established under subsection (6) by





3515 implementing the appropriate best management practices  
3516 established pursuant to paragraph (c) or conducting water  
3517 quality monitoring prescribed by the department or a water  
3518 management district. A nonpoint source discharger may, in  
3519 accordance with department rules, supplement the implementation  
3520 of best management practices with water quality credit trades ~~in~~  
3521 ~~order~~ to demonstrate compliance with the pollutant reductions  
3522 established under subsection (6).

3523 h. A nonpoint source discharger included in a basin  
3524 management action plan may be subject to enforcement action by  
3525 the department or a water management district based upon a  
3526 failure to implement the responsibilities set forth in sub-  
3527 subparagraph g.

3528 i. A landowner, discharger, or other responsible person  
3529 who is implementing applicable management strategies specified  
3530 in an adopted basin management action plan may not be required  
3531 by permit, enforcement action, or otherwise to implement  
3532 additional management strategies, including water quality credit  
3533 trading, to reduce pollutant loads to attain the pollutant  
3534 reductions established pursuant to subsection (6) and shall be  
3535 deemed to be in compliance with this section. This subparagraph  
3536 does not limit the authority of the department to amend a basin  
3537 management action plan as specified in subparagraph (a) 6. ~~(a) 5.~~

3538 (c) Best management practices.—

3539 1. The department, in cooperation with the water  
3540 management districts and other interested parties, as



3541 appropriate, may develop suitable interim measures, best  
3542 management practices, or other measures necessary to achieve the  
3543 level of pollution reduction established by the department for  
3544 nonagricultural nonpoint pollutant sources in allocations  
3545 developed pursuant to subsection (6) and this subsection. These  
3546 practices and measures may be adopted by rule by the department  
3547 and the water management districts and, where adopted by rule,  
3548 shall be implemented by those parties responsible for  
3549 nonagricultural nonpoint source pollution.

3550 2. The Department of Agriculture and Consumer Services may  
3551 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54  
3552 suitable interim measures, best management practices, or other  
3553 measures necessary to achieve the level of pollution reduction  
3554 established by the department for agricultural pollutant sources  
3555 in allocations developed pursuant to subsection (6) and this  
3556 subsection or for programs implemented pursuant to paragraph  
3557 (12) (b) ~~(13) (b)~~. These practices and measures may be implemented  
3558 by those parties responsible for agricultural pollutant sources  
3559 and the department, the water management districts, and the  
3560 Department of Agriculture and Consumer Services shall assist  
3561 with implementation. In the process of developing and adopting  
3562 rules for interim measures, best management practices, or other  
3563 measures, the Department of Agriculture and Consumer Services  
3564 shall consult with the department, the Department of Health, the  
3565 water management districts, representatives from affected  
3566 farming groups, and environmental group representatives. Such



3567 rules must also incorporate provisions for a notice of intent to  
3568 implement the practices and a system to assure the  
3569 implementation of the practices, including site inspection and  
3570 recordkeeping requirements.

3571 3. Where interim measures, best management practices, or  
3572 other measures are adopted by rule, the effectiveness of such  
3573 practices in achieving the levels of pollution reduction  
3574 established in allocations developed by the department pursuant  
3575 to subsection (6) and this subsection or in programs implemented  
3576 pursuant to paragraph (12) (b) ~~(13) (b)~~ must be verified at  
3577 representative sites by the department. The department shall use  
3578 best professional judgment in making the initial verification  
3579 that the best management practices are reasonably expected to be  
3580 effective and, where applicable, must notify the appropriate  
3581 water management district or the Department of Agriculture and  
3582 Consumer Services of its initial verification before the  
3583 adoption of a rule proposed pursuant to this paragraph.  
3584 Implementation, in accordance with rules adopted under this  
3585 paragraph, of practices that have been initially verified to be  
3586 effective, or verified to be effective by monitoring at  
3587 representative sites, by the department, shall provide a  
3588 presumption of compliance with state water quality standards and  
3589 release from the provisions of s. 376.307(5) for those  
3590 pollutants addressed by the practices, and the department is not  
3591 authorized to institute proceedings against the owner of the  
3592 source of pollution to recover costs or damages associated with



3593 the contamination of surface water or groundwater caused by  
3594 those pollutants. Research projects funded by the department, a  
3595 water management district, or the Department of Agriculture and  
3596 Consumer Services to develop or demonstrate interim measures or  
3597 best management practices shall be granted a presumption of  
3598 compliance with state water quality standards and a release from  
3599 the provisions of s. 376.307(5). The presumption of compliance  
3600 and release is limited to the research site and only for those  
3601 pollutants addressed by the interim measures or best management  
3602 practices. Eligibility for the presumption of compliance and  
3603 release is limited to research projects on sites where the owner  
3604 or operator of the research site and the department, a water  
3605 management district, or the Department of Agriculture and  
3606 Consumer Services have entered into a contract or other  
3607 agreement that, at a minimum, specifies the research objectives,  
3608 the cost-share responsibilities of the parties, and a schedule  
3609 that details the beginning and ending dates of the project.

3610 4. Where water quality problems are demonstrated, despite  
3611 the appropriate implementation, operation, and maintenance of  
3612 best management practices and other measures required by rules  
3613 adopted under this paragraph, the department, a water management  
3614 district, or the Department of Agriculture and Consumer  
3615 Services, in consultation with the department, shall institute a  
3616 reevaluation of the best management practice or other measure.  
3617 Should the reevaluation determine that the best management  
3618 practice or other measure requires modification, the department,



3619 a water management district, or the Department of Agriculture  
3620 and Consumer Services, as appropriate, shall revise the rule to  
3621 require implementation of the modified practice within a  
3622 reasonable time period as specified in the rule.

3623 5. Agricultural records relating to processes or methods  
3624 of production, costs of production, profits, or other financial  
3625 information held by the Department of Agriculture and Consumer  
3626 Services pursuant to subparagraphs 3. and 4. or pursuant to any  
3627 rule adopted pursuant to subparagraph 2. are confidential and  
3628 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
3629 Constitution. Upon request, records made confidential and exempt  
3630 pursuant to this subparagraph shall be released to the  
3631 department or any water management district provided that the  
3632 confidentiality specified by this subparagraph for such records  
3633 is maintained.

3634 6. The provisions of subparagraphs 1. and 2. do not  
3635 preclude the department or water management district from  
3636 requiring compliance with water quality standards or with  
3637 current best management practice requirements set forth in any  
3638 applicable regulatory program authorized by law for the purpose  
3639 of protecting water quality. Additionally, subparagraphs 1. and  
3640 2. are applicable only to the extent that they do not conflict  
3641 with any rules adopted by the department that are necessary to  
3642 maintain a federally delegated or approved program.

3643 (d) Enforcement and verification of basin management  
3644 action plans and management strategies.-



3645 | 1. Basin management action plans are enforceable pursuant  
3646 | to this section and ss. 403.121, 403.141, and 403.161.  
3647 | Management strategies, including best management practices and  
3648 | water quality monitoring, are enforceable under this chapter.

3649 | 2. No later than January 1, 2016:

3650 | a. The department, in consultation with the water  
3651 | management districts and the Department of Agriculture and  
3652 | Consumer Services, shall initiate rulemaking to adopt procedures  
3653 | to verify implementation of water quality monitoring required in  
3654 | lieu of implementation of best management practices or other  
3655 | measures pursuant to s. 403.067(7)(b)2.g.;

3656 | b. The department, in consultation with the water  
3657 | management districts and the Department of Agriculture and  
3658 | Consumer Services, shall initiate rulemaking to adopt procedures  
3659 | to verify implementation of nonagricultural interim measures,  
3660 | best management practices, or other measures adopted by rule  
3661 | pursuant to s. 403.067(7)(c)1.; and

3662 | c. The Department of Agriculture and Consumer Services, in  
3663 | consultation with the water management districts and the  
3664 | department, shall initiate rulemaking to adopt procedures to  
3665 | verify implementation of agricultural interim measures, best  
3666 | management practices, or other measures adopted by rule pursuant  
3667 | to s. 403.067(7)(c)2.

3668 |

3669 | The rules required under this subparagraph shall include  
3670 | enforcement procedures applicable to the landowner, discharger,



3671 or other responsible person required to implement applicable  
3672 management strategies, including best management practices or  
3673 water quality monitoring as a result of noncompliance.

3674 Section 44. Section 403.0675, Florida Statutes, is created  
3675 to read:

3676 403.0675 Progress reports.—On or before July 1 of each  
3677 year, beginning in 2017:

3678 (1) The department, in conjunction with the water  
3679 management districts, shall post on its website and submit  
3680 electronically an annual progress report to the Governor, the  
3681 President of the Senate, and the Speaker of the House of  
3682 Representatives on the status of each total maximum daily load,  
3683 basin management action plan, minimum flow or minimum water  
3684 level, and recovery or prevention strategy adopted pursuant to  
3685 s. 403.067 or parts I and VIII of chapter 373. The report must  
3686 include the status of each project identified to achieve an  
3687 adopted total maximum daily load or an adopted minimum flow or  
3688 minimum water level, as applicable. If a report indicates that  
3689 any of the 5-year, 10-year, or 15-year milestones, or the 20-  
3690 year target date, if applicable, for achieving a total maximum  
3691 daily load or a minimum flow or minimum water level will not be  
3692 met, the report must include an explanation of the possible  
3693 causes and potential solutions. If applicable, the report must  
3694 include project descriptions, estimated costs, proposed priority  
3695 ranking for project implementation, and funding needed to  
3696 achieve the total maximum daily load or the minimum flow or



3697 minimum water level by the target date. Each water management  
3698 district shall post the department's report on its website.

3699 (2) The Department of Agriculture and Consumer Services  
3700 shall post on its website and electronically submit to the  
3701 Governor, the President of the Senate, and the Speaker of the  
3702 House of Representatives an annual progress report on the status  
3703 of the implementation of the agricultural nonpoint source best  
3704 management practices including an implementation assurance  
3705 report summarizing survey responses and response rates, site  
3706 inspections and other methods used to verify implementation of  
3707 and compliance with best management practices pursuant to basin  
3708 management action plans.

3709 Section 45. Subsection (21) is added to section 403.861,  
3710 Florida Statutes, to read:

3711 403.861 Department; powers and duties.—The department  
3712 shall have the power and the duty to carry out the provisions  
3713 and purposes of this act and, for this purpose, to:

3714 (21) (a) Upon issuance of a construction permit to  
3715 construct a new public water system drinking water treatment  
3716 facility to provide potable water supply using a surface water  
3717 that, at the time of the permit application, is not being used  
3718 as a potable water supply, the classification of which does not  
3719 include potable water supply as a designated use, the department  
3720 shall add treated potable water supply as a designated use of  
3721 the surface water segment in accordance with s. 403.061(29) (b).





CS/CS/CS/HB 653, Engrossed 1

2015

3722           (b) For existing public water system drinking water  
3723 treatment facilities that use a surface water as a treated  
3724 potable water supply, which surface water classification does  
3725 not include potable water supply as a designated use, the  
3726 department shall add treated potable water supply as a  
3727 designated use of the surface water segment in accordance with  
3728 s. 403.061(29)(b).

3729           Section 46. This act shall take effect upon becoming a  
3730 law.