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LEGISLATIVE ACTION

Senate

.

House

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04/29/2015 12:47 PM

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Senator Dean moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (g) is added to subsection (11) of
section 259.032, Florida Statutes, to read:

259.032 Conservation and Recreation Lands Trust Fund;
purpose.—

(11)

(g) In order to ensure that the public has knowledge of and
access to conservation lands, as defined in s. 253.034(2)(c),



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12 the department shall publish, update, and maintain a database of
13 such lands where public access is compatible with conservation
14 and recreation purposes.

15 1. By July 1, 2016, the database must be available to the
16 public online and must include, at a minimum, the location,
17 types of allowable recreational opportunities, points of public
18 access, facilities or other amenities, restrictions, and any
19 other information the department deems appropriate to increase
20 public awareness of recreational opportunities on conservation
21 lands. Such data must be electronically accessible, searchable,
22 and downloadable in a generally acceptable format.

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

28 3. The database and application must include information
29 for all state conservation lands to which the public has a right
30 of access for recreational purposes. Beginning January 1, 2018,
31 to the greatest extent practicable, the database shall include
32 similar information for lands owned by federal and local
33 government entities that allow access for recreational purposes.

34 4. By January 1 of each year, the department shall provide
35 a report to the Governor, the President of the Senate, and the
36 Speaker of the House of Representatives describing the
37 percentage of public lands acquired under this chapter to which
38 the public has access and efforts undertaken by the department
39 to increase public access to such lands.

40 Section 2. Section 260.0144, Florida Statutes, is amended



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41 to read:

42 260.0144 Sponsorship of state greenways and trails.—The
43 department may enter into a concession agreement with a not-for-
44 profit entity or private sector business or entity for
45 commercial sponsorship to be displayed on state greenway and
46 trail facilities not included within the Shared-Use Nonmotorized
47 Trail Network established in chapter 339 ~~or property specified~~
48 ~~in this section~~. The department may establish the cost for
49 entering into a concession agreement.

50 (1) A concession agreement shall be administered by the
51 department and must include the requirements found in this
52 section.

53 (2) (a) Space for a commercial sponsorship display may be
54 provided through a concession agreement on certain state-owned
55 greenway or trail facilities or property.

56 (b) Signage or displays erected under this section shall
57 comply with the provisions of s. 337.407 and chapter 479, and
58 shall be limited as follows:

59 1. One large sign or display, not to exceed 16 square feet
60 in area, may be located at each trailhead or parking area.

61 2. One small sign or display, not to exceed 4 square feet
62 in area, may be located at each designated trail public access
63 point.

64 (c) Before installation, each name or sponsorship display
65 must be approved by the department.

66 (d) The department shall ensure that the size, color,
67 materials, construction, and location of all signs are
68 consistent with the management plan for the property and the
69 standards of the department, do not intrude on natural and



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70 historic settings, and contain only a logo selected by the
71 sponsor and the following sponsorship wording:

72
73 ... (Name of the sponsor)... proudly sponsors the costs
74 of maintaining the ... (Name of the greenway or
75 trail)....

76
77 ~~(e) Sponsored state greenways and trails are authorized at~~
78 ~~the following facilities or property:~~

- 79 ~~1. Florida Keys Overseas Heritage Trail.~~
80 ~~2. Blackwater Heritage Trail.~~
81 ~~3. Tallahassee-St. Marks Historic Railroad State Trail.~~
82 ~~4. Nature Coast State Trail.~~
83 ~~5. Withlacoochee State Trail.~~
84 ~~6. General James A. Van Fleet State Trail.~~
85 ~~7. Palatka Lake Butler State Trail.~~

86 ~~(e)~~ ~~(f)~~ The department may enter into commercial sponsorship
87 agreements for other state greenways or trails as authorized in
88 this section. A qualified entity that desires to enter into a
89 commercial sponsorship agreement shall apply to the department
90 on forms adopted by department rule.

91 ~~(f)~~ ~~(g)~~ All costs of a display, including development,
92 construction, installation, operation, maintenance, and removal
93 costs, shall be paid by the concessionaire.

94 (3) A concession agreement shall be for a minimum of 1
95 year, but may be for a longer period under a multiyear
96 agreement, and may be terminated for just cause by the
97 department upon 60 days' advance notice. Just cause for
98 termination of a concession agreement includes, but is not



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99 limited to, violation of the terms of the concession agreement
100 or any provision of this section.

101 (4) Commercial sponsorship pursuant to a concession
102 agreement is for public relations or advertising purposes of the
103 not-for-profit entity or private sector business or entity, and
104 may not be construed by that not-for-profit entity or private
105 sector business or entity as having a relationship to any other
106 actions of the department.

107 (5) This section does not create a proprietary or
108 compensable interest in any sign, display site, or location.

109 (6) Proceeds from concession agreements shall be
110 distributed as follows:

111 (a) Eighty-five percent shall be deposited into the
112 appropriate department trust fund that is the source of funding
113 for management and operation of state greenway and trail
114 facilities and properties.

115 (b) Fifteen percent shall be deposited into the State
116 Transportation Trust Fund for use in the Traffic and Bicycle
117 Safety Education Program and the Safe Paths to School Program
118 administered by the Department of Transportation.

119 (7) The department may adopt rules to administer this
120 section.

121 Section 3. Subsections (3) and (4) of section 335.065,
122 Florida Statutes, are amended to read:

123 335.065 Bicycle and pedestrian ways along state roads and
124 transportation facilities.—

125 (3) The department, in cooperation with the Department of
126 Environmental Protection, shall establish a statewide integrated
127 system of bicycle and pedestrian ways in such a manner as to



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128 take full advantage of any such ways which are maintained by any
129 governmental entity. ~~The department may enter into a concession~~
130 ~~agreement with a not for profit entity or private sector~~
131 ~~business or entity for commercial sponsorship displays on~~
132 ~~multiuse trails and related facilities and use any concession~~
133 ~~agreement revenues for the maintenance of the multiuse trails~~
134 ~~and related facilities. Commercial sponsorship displays are~~
135 ~~subject to the requirements of the Highway Beautification Act of~~
136 ~~1965 and all federal laws and agreements, when applicable. For~~
137 ~~the purposes of this section, bicycle facilities may be~~
138 ~~established as part of or separate from the actual roadway and~~
139 ~~may utilize existing road rights-of-way or other rights-of-way~~
140 ~~or easements acquired for public use.~~

141 ~~(a) A concession agreement shall be administered by the~~
142 ~~department and must include the requirements of this section.~~

143 ~~(b)1. Signage or displays erected under this section shall~~
144 ~~comply with s. 337.407 and chapter 479 and shall be limited as~~
145 ~~follows:~~

146 ~~a. One large sign or display, not to exceed 16 square feet~~
147 ~~in area, may be located at each trailhead or parking area.~~

148 ~~b. One small sign or display, not to exceed 4 square feet~~
149 ~~in area, may be located at each designated trail public access~~
150 ~~point.~~

151 ~~2. Before installation, each name or sponsorship display~~
152 ~~must be approved by the department.~~

153 ~~3. The department shall ensure that the size, color,~~
154 ~~materials, construction, and location of all signs are~~
155 ~~consistent with the management plan for the property and the~~
156 ~~standards of the department, do not intrude on natural and~~



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157 ~~historic settings, and contain only a logo selected by the~~
158 ~~sponsor and the following sponsorship wording:~~

159
160 ~~... (Name of the sponsor) ... proudly sponsors the costs~~
161 ~~of maintaining the ... (Name of the greenway or~~
162 ~~trail) ...~~

163
164 ~~4. All costs of a display, including development,~~
165 ~~construction, installation, operation, maintenance, and removal~~
166 ~~costs, shall be paid by the concessionaire.~~

167 ~~(c) A concession agreement shall be for a minimum of 1~~
168 ~~year, but may be for a longer period under a multiyear~~
169 ~~agreement, and may be terminated for just cause by the~~
170 ~~department upon 60 days' advance notice. Just cause for~~
171 ~~termination of a concession agreement includes, but is not~~
172 ~~limited to, violation of the terms of the concession agreement~~
173 ~~or this section.~~

174 ~~(4) (a) The department may use appropriated funds to support~~
175 ~~the establishment of a statewide system of interconnected~~
176 ~~multiuse trails and to pay the costs of planning, land~~
177 ~~acquisition, design, and construction of such trails and related~~
178 ~~facilities. The department shall give funding priority to~~
179 ~~projects that:~~

180 ~~1. Are identified by the Florida Greenways and Trails~~
181 ~~Council as a priority within the Florida Greenways and Trails~~
182 ~~System under chapter 260.~~

183 ~~2. Support the transportation needs of bicyclists and~~
184 ~~pedestrians.~~

185 ~~3. Have national, statewide, or regional importance.~~



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186 ~~4. Facilitate an interconnected system of trails by~~
187 ~~completing gaps between existing trails.~~

188 ~~(b) A project funded under this subsection shall:~~

189 ~~1. Be included in the department's work program developed~~
190 ~~in accordance with s. 339.135.~~

191 ~~2. Be operated and maintained by an entity other than the~~
192 ~~department upon completion of construction. The department is~~
193 ~~not obligated to provide funds for the operation and maintenance~~
194 ~~of the project.~~

195 Section 4. Section 339.81, Florida Statutes, is created to
196 read:

197 339.81 Florida Shared-Use Nonmotorized Trail Network.—

198 (1) The Legislature finds that increasing demands continue
199 to be placed on the state's transportation system by a growing
200 economy, continued population growth, and increasing tourism.
201 The Legislature also finds that significant challenges exist in
202 providing additional capacity to the conventional transportation
203 system and enhanced accommodation of alternative travel modes to
204 meet the needs of residents and visitors are required. The
205 Legislature further finds that improving bicyclist and
206 pedestrian safety for both residents and visitors remains a high
207 priority. Therefore, the Legislature declares that the
208 development of a nonmotorized trail network will increase
209 mobility and recreational alternatives for residents and
210 visitors of this state, enhance economic prosperity, enrich
211 quality of life, enhance safety, and reflect responsible
212 environmental stewardship. To that end, it is the intent of the
213 Legislature that the department make use of its expertise in
214 efficiently providing transportation projects and develop the



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215 Florida Shared-Use Nonmotorized Trail Network, consisting of a
216 statewide network of nonmotorized trails, which allows
217 nonmotorized vehicles and pedestrians to access a variety of
218 origins and destinations with limited exposure to motorized
219 vehicles.

220 (2) The Florida Shared-Use Nonmotorized Trail Network is
221 created as a component of the Florida Greenways and Trails
222 System established in chapter 260. The statewide network
223 consists of multiuse trails or shared-use paths physically
224 separated from motor vehicle traffic and constructed with
225 asphalt, concrete, or another hard surface which, by virtue of
226 design, location, extent of connectivity or potential
227 connectivity, and allowable uses, provides nonmotorized
228 transportation opportunities for bicyclists and pedestrians
229 statewide between and within a wide range of points of origin
230 and destinations, including, but not limited to, communities,
231 conservation areas, state parks, beaches, and other natural or
232 cultural attractions for a variety of trip purposes, including
233 work, school, shopping, and other personal business, as well as
234 social, recreational, and personal fitness purposes.

235 (3) Network components do not include sidewalks, nature
236 trails, loop trails wholly within a single park or natural area,
237 or on-road facilities, such as bicycle lanes or routes other
238 than:

239 (a) On-road facilities that are no longer than one-half
240 mile connecting two or more nonmotorized trails, if the
241 provision of a nonmotorized trail without the use of the on-road
242 facility is not feasible, and if such on-road facilities are
243 signed and marked for nonmotorized use; or



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244 (b) On-road components of the Florida Keys Overseas
245 Heritage Trail.

246 (4) The planning, development, operation, and maintenance
247 of the Florida Shared-Use Nonmotorized Trail Network is declared
248 to be a public purpose, and the department, together with other
249 agencies of this state and all counties, municipalities, and
250 special districts of this state, may spend public funds for such
251 purposes and accept gifts and grants of funds, property, or
252 property rights from public or private sources to be used for
253 such purposes.

254 (5) The department shall include the Florida Shared-Use
255 Nonmotorized Trail Network in its work program developed
256 pursuant to s. 339.135. For purposes of funding and maintaining
257 projects within the network, the department shall allocate in
258 its program and resource plan a minimum of \$50 million annually,
259 beginning in the 2015-2016 fiscal year.

260 (6) The department may enter into a memorandum of agreement
261 with a local government or other agency of the state to transfer
262 maintenance responsibilities of an individual network component.
263 The department may contract with a not-for-profit entity or
264 private sector business or entity to provide maintenance
265 services on an individual network component.

266 (7) The department may adopt rules to aid in the
267 development and maintenance of components of the network.

268 Section 5. Section 339.82, Florida Statutes, is created to
269 read:

270 339.82 Shared-Use Nonmotorized Trail Network Plan.—

271 (1) The department shall develop a network plan for the
272 Florida Shared-Use Nonmotorized Trail Network in coordination



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273 with the Department of Environmental Protection, metropolitan
274 planning organizations, affected local governments and public
275 agencies, and the Florida Greenways and Trails Council. The plan
276 must be consistent with the Florida Greenways and Trails Plan
277 developed under s. 260.014 and must be updated at least once
278 every 5 years.

279 (2) The network plan must include all of the following:

280 (a) A needs assessment, including, but not limited to, a
281 comprehensive inventory and analysis of existing trails that may
282 be considered for inclusion in the Florida Shared-Use
283 Nonmotorized Trail Network.

284 (b) A project prioritization process that includes
285 assigning funding priority to projects that:

286 1. Are identified by the Florida Greenways and Trails
287 Council as a priority within the Florida Greenways and Trails
288 System under chapter 260;

289 2. Facilitate an interconnected network of trails by
290 completing gaps between existing facilities; and

291 3. Maximize use of federal, local, and private funding and
292 support mechanisms, including, but not limited to, donation of
293 funds, real property, and maintenance responsibilities.

294 (c) A map that illustrates existing and planned facilities
295 and identifies critical gaps between facilities.

296 (d) A finance plan based on reasonable projections of
297 anticipated revenues, including both 5-year and 10-year cost-
298 feasible components.

299 (e) Performance measures that include quantifiable
300 increases in trail network access and connectivity.

301 (f) A timeline for the completion of the base network using



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302 new and existing data from the department, the Department of
303 Environmental Protection, and other sources.

304 (g) A marketing plan prepared in consultation with the
305 Florida Tourism Industry Marketing Corporation.

306 Section 6. Section 339.83, Florida Statutes, is created to
307 read:

308 339.83 Sponsorship of Shared-Use Nonmotorized Trails.-

309 (1) The department may enter into a concession agreement
310 with a not-for-profit entity or private sector business or
311 entity for commercial sponsorship signs, pavement markings, and
312 exhibits on nonmotorized trails and related facilities
313 constructed as part of the Shared-Use Nonmotorized Trail
314 Network. The concession agreement may also provide for
315 recognition of trail sponsors in any brochure, map, or website
316 providing trail information. Trail websites may provide links to
317 sponsors. Revenue from such agreements may be used for the
318 maintenance of the nonmotorized trails and related facilities.

319 (a) A concession agreement shall be administered by the
320 department.

321 (b)1. Signage, pavement markings, or exhibits erected
322 pursuant to this section must comply with s. 337.407 and chapter
323 479 and are limited as follows:

324 a. One large sign, pavement marking, or exhibit, not to
325 exceed 16 square feet in area, may be located at each trailhead
326 or parking area.

327 b. One small sign, pavement marking, or exhibit, not to
328 exceed 4 square feet in area, may be located at each designated
329 trail public access point where parking is not provided.

330 c. Pavement markings denoting specified distances must be



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331 located at least 1 mile apart.

332 2. Before installation, each sign, pavement marking, or
333 exhibit must be approved by the department.

334 3. The department shall ensure that the size, color,
335 materials, construction, and location of all signs, pavement
336 markings, and exhibits are consistent with the management plan
337 for the property and the standards of the department, do not
338 intrude on natural and historic settings, and contain a logo
339 selected by the sponsor and the following sponsorship wording:

340
341 ...(Name of the sponsor)... proudly sponsors the costs
342 of maintaining the ...(Name of the greenway or
343 trail)...

344
345 4. Exhibits may provide additional information and
346 materials, including, but not limited to, maps and brochures for
347 trail user services related or proximate to the trail. Pavement
348 markings may display mile marker information.

349 5. The costs of a sign, pavement marking, or exhibit,
350 including development, construction, installation, operation,
351 maintenance, and removal costs, shall be paid by the
352 concessionaire.

353 (c) A concession agreement shall be for a minimum of 1
354 year, but may be for a longer period under a multiyear
355 agreement, and may be terminated for just cause by the
356 department upon 60 days' advance notice. Just cause for
357 termination of a concession agreement includes, but is not
358 limited to, violation of the terms of the concession agreement
359 or this section.



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360 (2) Pursuant to s. 287.057, the department may contract for
361 the provision of services related to the trail sponsorship
362 program, including recruitment and qualification of businesses,
363 review of applications, permit issuance, and fabrication,
364 installation, and maintenance of signs, pavement markings, and
365 exhibits. The department may reject all proposals and seek
366 another request for proposals or otherwise perform the work. The
367 contract may allow the contractor to retain a portion of the
368 annual fees as compensation for its services.

369 (3) This section does not create a proprietary or
370 compensable interest in any sponsorship site or location for any
371 permittee, and the department may terminate permits or change
372 locations of sponsorship sites as it determines necessary for
373 construction or improvement of facilities.

374 (4) The department may adopt rules to establish
375 requirements for qualification of businesses, qualification and
376 location of sponsorship sites, and permit applications and
377 processing. The department may adopt rules to establish other
378 criteria necessary to implement this section and to provide for
379 variances when necessary to serve the interest of the public or
380 when required to ensure equitable treatment of program
381 participants.

382 Section 7. Subsection (24) of section 373.019, Florida
383 Statutes, is amended to read:

384 373.019 Definitions.—When appearing in this chapter or in
385 any rule, regulation, or order adopted pursuant thereto, the
386 term:

387 (24) “Water resource development” means the formulation and
388 implementation of regional water resource management strategies,



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389 including the collection and evaluation of surface water and
390 groundwater data; structural and nonstructural programs to
391 protect and manage water resources; the development of regional
392 water resource implementation programs; the construction,
393 operation, and maintenance of major public works facilities to
394 provide for flood control, surface and underground water
395 storage, and groundwater recharge augmentation; and related
396 technical assistance to local governments, ~~and to government-~~
397 owned and privately owned water utilities, and self-suppliers to
398 the extent assistance to self-suppliers promotes the policies as
399 set forth in s. 373.016.

400 Section 8. Paragraph (b) of subsection (7) of section
401 373.036, Florida Statutes, is amended to read:

402 373.036 Florida water plan; district water management
403 plans.—

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

405 (b) The consolidated annual report shall contain the
406 following elements, as appropriate to that water management
407 district:

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

410 2. The department-approved minimum flows and minimum water
411 levels annual priority list and schedule required by s.
412 373.042(3) s. ~~373.042(2)~~.

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

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

417 5. The final annual 5-year water resource development work



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418 program required by s. 373.536(6)(a)4.

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

421 7. The mitigation donation annual report required by s.
422 373.414(1)(b)2.

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

425 a. A list of all specific projects identified to implement
426 a basin management action plan or a recovery or prevention
427 strategy;

428 b. A priority ranking for each listed project for which
429 state funding through the water resources work program is
430 requested, which must be made available to the public for
431 comment at least 30 days before submission of the consolidated
432 annual report;

433 c. The estimated cost for each listed project;

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

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

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

441 9. A grade for each watershed, water body, or water segment
442 in which a project listed under subparagraph 8. is located
443 representing the level of impairment and violations of adopted
444 minimum flow or minimum water level. The grading system must
445 reflect the severity of the impairment of the watershed,
446 waterbody, or water segment.



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447 Section 9. Section 373.037, Florida Statutes, is created to
448 read:

449 373.037 Pilot program for alternative water supply
450 development in restricted allocation areas.-

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

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

456 (b) "Lower East Coast Regional Water Supply Planning Area"
457 means the areas withdrawing surface and groundwater from Water
458 Conservation Areas 1, 2A, 2B, 3A, and 3B, Grassy Waters
459 Preserve/Water Catchment Area, Pal Mar, J.W. Corbett Wildlife
460 Management Area, Loxahatchee Slough, Loxahatchee River,
461 Riverbend Park, Dupuis Reserve, Jonathan Dickinson State Park,
462 Kitching Creek, Moonshine Creek, Cypress Creek, Hobe Grove
463 Ditch, the Holey Land and Rotenberger Wildlife Management Areas,
464 and the freshwater portions of the Everglades National Park, as
465 designated by the South Florida Water Management District.

466 (c) "Restricted allocation area" means an area within a
467 water supply planning region of the Southwest Florida Water
468 Management District, the South Florida Water Management
469 District, or the St. Johns River Water Management District where
470 the governing board of the water management district has
471 determined that existing sources of water are not adequate to
472 supply water for all existing and future reasonable-beneficial
473 uses and to sustain the water resources and related natural
474 systems for the planning period pursuant to ss. 373.036 and
475 373.709 and where the governing board of the water management



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476 district has applied allocation restrictions with regard to the
477 use of specific sources of water. For the purposes of this
478 section, the term includes the Central Florida Water Initiative
479 Area, the Lower East Coast Regional Water Supply Planning Area,
480 the Southern Water Use Caution Area, and the Upper East Coast
481 Regional Water Supply Planning Area.

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

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

490 (2) The Legislature finds that:

491 (a) Local governments, regional water supply authorities,
492 and government-owned and privately owned water utilities face
493 significant challenges in securing funds for implementing large-
494 scale alternative water supply projects in certain restricted
495 allocation areas due to a variety of factors, such as the
496 magnitude of the water resource challenges, the large number of
497 water users, the difficulty of developing multijurisdictional
498 solutions across district, county, or municipal boundaries, and
499 the expense of developing large-scale alternative water supply
500 projects identified in the regional water supply plans pursuant
501 to s. 373.709.

502 (b) These factors make it necessary to provide other
503 options for the Southwest Florida Water Management District, the
504 South Florida Water Management District, and the St. Johns River



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505 Water Management District to be able to take the lead in
506 developing and implementing one alternative water supply project
507 within a restricted allocation area as a pilot alternative water
508 supply development project.

509 (c) Each pilot project must provide water supply and
510 environmental benefits. Consideration should be given to
511 projects that provide reductions in damaging discharges to tide
512 or that are part of a recovery or prevention strategy for
513 minimum flows and minimum water levels.

514 (3) The water management districts specified in paragraph
515 (2) (b) may, at their sole discretion, designate and implement an
516 existing alternative water supply project that is identified in
517 each district's regional water supply plan as its one pilot
518 project or amend their respective regional water supply plans to
519 add a new alternative water supply project as their district
520 pilot project. A pilot project designation made pursuant to this
521 section should be made no later than July 1, 2016, and is not
522 subject to the rulemaking requirements of chapter 120 or subject
523 to legal challenge pursuant to ss. 120.569 and 120.57. A water
524 management district may designate an alternative water supply
525 project located within another water management district if the
526 project is located in a restricted allocation area designated by
527 the other water management district and a substantial quantity
528 of water provided by the alternative water supply project will
529 be used within the designating water management district's
530 boundaries.

531 (4) In addition to the other powers granted and duties
532 imposed under this chapter, if a district specified in paragraph
533 (2) (b) elects to implement a pilot project pursuant to this



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534 section, its governing board has the following powers and is
535 subject to the following restrictions in implementing the pilot
536 project:

537 (a) The governing board may not develop and implement a
538 pilot project on privately owned land without the voluntary
539 consent of the landowner, which consent may be evidenced by
540 deed, easement, license, contract, or other written legal
541 instrument executed by the landowner after July 1, 2015.

542 (b) The governing board may not engage in local water
543 supply distribution or sell water to the pilot project
544 participants.

545 (c) The governing board may join with one or more other
546 water management districts and counties, municipalities, special
547 districts, publicly owned or privately owned water utilities,
548 multijurisdictional water supply entities, regional water supply
549 authorities, self-suppliers, or other entities for the purpose
550 of carrying out its powers, and may contract with any such other
551 entities to finance or otherwise implement acquisitions,
552 construction, and operation and maintenance, if such contracts
553 are consistent with the public interest and based upon
554 independent cost estimates, including comparisons with other
555 alternative water supply projects. The contracts may provide for
556 contributions to be made by each party to the contract for the
557 division and apportionment of resulting costs, including
558 operations and maintenance, benefits, services, and products.
559 The contracts may contain other covenants and agreements
560 necessary and appropriate to accomplish their purposes.

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



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563 (6) If a water management district specified in paragraph
564 (2) (b) elects to implement a pilot project, it shall submit a
565 report to the Governor, the President of the Senate, and the
566 Speaker of the House of Representatives by July 1, 2019, on the
567 effectiveness of its pilot project. The report must include all
568 of the following information:

569 (a) A description of the alternative water supply project
570 selected as a pilot project, including the quantity of water the
571 project has produced or is expected to produce and the
572 consumptive users who are expected to use the water produced by
573 the pilot project to meet their existing and future reasonable-
574 beneficial uses.

575 (b) Progress made in developing and implementing the pilot
576 project in comparison to the development and implementation of
577 other alternative water supply projects in the restricted
578 allocation area.

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

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

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

587 (f) A recommendation as to whether the traditional role of
588 water management districts regarding the development and
589 implementation of alternative water supply projects, as
590 specified in ss. 373.705 and 373.707, should be revised and, if
591 so, identification of the statutory changes necessary to expand



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592 the scope of the pilot program.

593 Section 10. Section 373.042, Florida Statutes, is amended
594 to read:

595 373.042 Minimum flows and minimum water levels.-

596 (1) Within each section, or within the water management
597 district as a whole, the department or the governing board shall
598 establish the following:

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

603 (b) Minimum water level. The minimum water level is ~~shall~~
604 ~~be~~ the level of groundwater in an aquifer and the level of
605 surface water at which further withdrawals would be
606 significantly harmful to the water resources or ecology of the
607 area.

608
609 The minimum flow and minimum water level shall be calculated by
610 the department and the governing board using the best
611 information available. When appropriate, minimum flows and
612 minimum water levels may be calculated to reflect seasonal
613 variations. The department and the governing board shall ~~also~~
614 consider, and at their discretion may provide for, the
615 protection of nonconsumptive uses in the establishment of
616 minimum flows and minimum water levels.

617 (2) (a) If a minimum flow or minimum water level has not
618 been adopted for an Outstanding Florida Spring, a water
619 management district or the department shall use the emergency
620 rulemaking authority provided in paragraph (c) to adopt a



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621 minimum flow or minimum water level no later than July 1, 2017,
622 except for the Northwest Florida Water Management District,
623 which shall use such authority to adopt minimum flows and
624 minimum water levels for Outstanding Florida Springs no later
625 than July 1, 2026.

626 (b) For Outstanding Florida Springs identified on a water
627 management district's priority list developed pursuant to
628 subsection (3) which have the potential to be affected by
629 withdrawals in an adjacent district, the adjacent district or
630 districts and the department shall collaboratively develop and
631 implement a recovery or prevention strategy for an Outstanding
632 Florida Spring not meeting an adopted minimum flow or minimum
633 water level.

634 (c) The Legislature finds as provided in s. 373.801(3)(b)
635 that the adoption of minimum flows and minimum water levels or
636 recovery or prevention strategies for Outstanding Florida
637 Springs requires immediate action. The department and the
638 districts are authorized, and all conditions are deemed to be
639 met, to use emergency rulemaking provisions pursuant to s.
640 120.54(4) to adopt minimum flows and minimum water levels
641 pursuant to this subsection and recovery or prevention
642 strategies adopted concurrently with a minimum flow or minimum
643 water level pursuant to s. 373.805(2).

644 (3)~~(2)~~ By November 15, 1997, and annually thereafter, each
645 water management district shall submit to the department for
646 review and approval a priority list and schedule for the
647 establishment of minimum flows and minimum water levels for
648 surface watercourses, aquifers, and surface waters within the
649 district. The priority list and schedule shall identify those



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650 listed water bodies for which the district will voluntarily
651 undertake independent scientific peer review; any reservations
652 proposed by the district to be established pursuant to s.
653 373.223(4); and those listed water bodies that have the
654 potential to be affected by withdrawals in an adjacent district
655 for which the department's adoption of a reservation pursuant to
656 s. 373.223(4) or a minimum flow or minimum water level pursuant
657 to subsection (1) may be appropriate. By March 1, 2006, and
658 annually thereafter, each water management district shall
659 include its approved priority list and schedule in the
660 consolidated annual report required by s. 373.036(7). The
661 priority list shall be based upon the importance of the waters
662 to the state or region and the existence of or potential for
663 significant harm to the water resources or ecology of the state
664 or region, and shall include those waters which are experiencing
665 or may reasonably be expected to experience adverse impacts.
666 Each water management district's priority list and schedule
667 shall include all first magnitude springs, and all second
668 magnitude springs within state or federally owned lands
669 purchased for conservation purposes. The specific schedule for
670 establishment of spring minimum flows and minimum water levels
671 shall be commensurate with the existing or potential threat to
672 spring flow from consumptive uses. Springs within the Suwannee
673 River Water Management District, or second magnitude springs in
674 other areas of the state, need not be included on the priority
675 list if the water management district submits a report to the
676 Department of Environmental Protection demonstrating that
677 adverse impacts are not now occurring nor are reasonably
678 expected to occur from consumptive uses during the next 20



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679 years. The priority list and schedule is not subject to any
680 proceeding pursuant to chapter 120. Except as provided in
681 subsection (4) ~~(3)~~, the development of a priority list and
682 compliance with the schedule for the establishment of minimum
683 flows and minimum water levels pursuant to this subsection
684 satisfies the requirements of subsection (1).

685 (4) ~~(3)~~ Minimum flows or minimum water levels for priority
686 waters in the counties of Hillsborough, Pasco, and Pinellas
687 shall be established by October 1, 1997. Where a minimum flow or
688 minimum water level for the priority waters within those
689 counties has not been established by the applicable deadline,
690 the secretary of the department shall, if requested by the
691 governing body of any local government within whose jurisdiction
692 the affected waters are located, establish the minimum flow or
693 minimum water level in accordance with the procedures
694 established by this section. The department's reasonable costs
695 in establishing a minimum flow or minimum water level shall,
696 upon request of the secretary, be reimbursed by the district.

697 (5) ~~(4)~~ A water management district shall provide the
698 department with technical information and staff support for the
699 development of a reservation, minimum flow or minimum water
700 level, or recovery or prevention strategy to be adopted by the
701 department by rule. A water management district shall apply any
702 reservation, minimum flow or minimum water level, or recovery or
703 prevention strategy adopted by the department by rule without
704 the district's adoption by rule of such reservation, minimum
705 flow or minimum water level, or recovery or prevention strategy.

706 (6) ~~(5)~~ (a) Upon written request to the department or
707 governing board by a substantially affected person, or by



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708 decision of the department or governing board, prior to the
709 establishment of a minimum flow or minimum water level and prior
710 to the filing of any petition for administrative hearing related
711 to the minimum flow or minimum water level, all scientific or
712 technical data, methodologies, and models, including all
713 scientific and technical assumptions employed in each model,
714 used to establish a minimum flow or minimum water level shall be
715 subject to independent scientific peer review. Independent
716 scientific peer review means review by a panel of independent,
717 recognized experts in the fields of hydrology, hydrogeology,
718 limnology, biology, and other scientific disciplines, to the
719 extent relevant to the establishment of the minimum flow or
720 minimum water level.

721 (b) If independent scientific peer review is requested, it
722 shall be initiated at an appropriate point agreed upon by the
723 department or governing board and the person or persons
724 requesting the peer review. If no agreement is reached, the
725 department or governing board shall determine the appropriate
726 point at which to initiate peer review. The members of the peer
727 review panel shall be selected within 60 days of the point of
728 initiation by agreement of the department or governing board and
729 the person or persons requesting the peer review. If the panel
730 is not selected within the 60-day period, the time limitation
731 may be waived upon the agreement of all parties. If no waiver
732 occurs, the department or governing board may proceed to select
733 the peer review panel. The cost of the peer review shall be
734 borne equally by the district and each party requesting the peer
735 review, to the extent economically feasible. The panel shall
736 submit a final report to the governing board within 120 days



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737 after its selection unless the deadline is waived by agreement
738 of all parties. Initiation of peer review pursuant to this
739 paragraph shall toll any applicable deadline under chapter 120
740 or other law or district rule regarding permitting, rulemaking,
741 or administrative hearings, until 60 days following submittal of
742 the final report. Any such deadlines shall also be tolled for 60
743 days following withdrawal of the request or following agreement
744 of the parties that peer review will no longer be pursued. The
745 department or the governing board shall give significant weight
746 to the final report of the peer review panel when establishing
747 the minimum flow or minimum water level.

748 (c) If the final data, methodologies, and models, including
749 all scientific and technical assumptions employed in each model
750 upon which a minimum flow or level is based, have undergone peer
751 review pursuant to this subsection, by request or by decision of
752 the department or governing board, no further peer review shall
753 be required with respect to that minimum flow or minimum water
754 level.

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

758 ~~(7)~~~~(6)~~ If a petition for administrative hearing is filed
759 under chapter 120 challenging the establishment of a minimum
760 flow or minimum water level, the report of an independent
761 scientific peer review conducted under subsection ~~(5)~~ ~~(4)~~ is
762 admissible as evidence in the final hearing, and the
763 administrative law judge must render the order within 120 days
764 after the filing of the petition. The time limit for rendering
765 the order shall not be extended except by agreement of all the



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766 parties. To the extent that the parties agree to the findings of
767 the peer review, they may stipulate that those findings be
768 incorporated as findings of fact in the final order.

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

771 Section 11. Section 373.0421, Florida Statutes, is amended
772 to read:

773 373.0421 Establishment and implementation of minimum flows
774 and minimum water levels.—

775 (1) ESTABLISHMENT.—

776 (a) *Considerations.*—When establishing minimum flows and
777 minimum water levels pursuant to s. 373.042, the department or
778 governing board shall consider changes and structural
779 alterations to watersheds, surface waters, and aquifers and the
780 effects such changes or alterations have had, and the
781 constraints such changes or alterations have placed, on the
782 hydrology of an affected watershed, surface water, or aquifer,
783 provided that nothing in this paragraph shall allow significant
784 harm as provided by s. 373.042(1) caused by withdrawals.

785 (b) *Exclusions.*—

786 1. The Legislature recognizes that certain water bodies no
787 longer serve their historical hydrologic functions. The
788 Legislature also recognizes that recovery of these water bodies
789 to historical hydrologic conditions may not be economically or
790 technically feasible, and that such recovery effort could cause
791 adverse environmental or hydrologic impacts. Accordingly, the
792 department or governing board may determine that setting a
793 minimum flow or minimum water level for such a water body based
794 on its historical condition is not appropriate.



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795 2. The department or the governing board is not required to
796 establish minimum flows or minimum water levels pursuant to s.
797 373.042 for surface water bodies less than 25 acres in area,
798 unless the water body or bodies, individually or cumulatively,
799 have significant economic, environmental, or hydrologic value.

800 3. The department or the governing board shall not set
801 minimum flows or minimum water levels pursuant to s. 373.042 for
802 surface water bodies constructed prior to the requirement for a
803 permit, or pursuant to an exemption, a permit, or a reclamation
804 plan which regulates the size, depth, or function of the surface
805 water body under the provisions of this chapter, chapter 378, or
806 chapter 403, unless the constructed surface water body is of
807 significant hydrologic value or is an essential element of the
808 water resources of the area.

809
810 The exclusions of this paragraph shall not apply to the
811 Everglades Protection Area, as defined in s. 373.4592(2)(i).

812 (2) If the existing flow or water level in a water body is
813 below, or is projected to fall within 20 years below, the
814 applicable minimum flow or minimum water level established
815 pursuant to s. 373.042, the department or governing board,
816 concurrent with the adoption of the minimum flow or minimum
817 water level and as part of the regional water supply plan
818 described in s. 373.709, shall adopt and ~~expeditiously~~ implement
819 a recovery or prevention strategy, which includes the
820 development of additional water supplies and other actions,
821 consistent with the authority granted by this chapter, to:

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



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

826

827 The recovery or prevention strategy must ~~shall~~ include a phased-
828 in approach ~~phasing~~ or a timetable which will allow for the
829 provision of sufficient water supplies for all existing and
830 projected reasonable-beneficial uses, including development of
831 additional water supplies and implementation of conservation and
832 other efficiency measures concurrent with and, to the maximum
833 extent practical, ~~and~~ to offset, reductions in permitted
834 withdrawals, consistent with ~~the provisions of~~ this chapter. The
835 recovery or prevention strategy may not depend solely on water
836 shortage restrictions declared pursuant to s. 373.175 or s.
837 373.246.

838 (3) In order to ensure that sufficient water is available
839 for all existing and future reasonable-beneficial uses and the
840 natural systems, the applicable regional water supply plan
841 prepared pursuant to s. 373.709 shall be amended to include any
842 water supply development project or water resource development
843 project identified in a recovery or prevention strategy. Such
844 amendment shall be approved concurrently with relevant portions
845 of the recovery or prevention strategy.

846 (4) The water management district shall notify the
847 department if an application for a water use permit is denied
848 based upon the impact that the use will have on an adopted
849 minimum flow or minimum water level. Upon receipt of such
850 notice, the department shall, as soon as practicable and in
851 cooperation with the water management district, conduct a review
852 of the applicable regional water supply plan prepared pursuant



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853 to s. 373.709. Such review shall include an assessment by the
854 department of the adequacy of the plan in addressing the
855 legislative intent of s. 373.705(2)(b) which provides that
856 sufficient water be available for all existing and future
857 reasonable-beneficial uses and natural systems and that the
858 adverse effects of competition for water supplies be avoided. If
859 the department determines, based upon this review, that the
860 regional water supply plan does not adequately address the
861 legislative intent of s. 373.705(2)(b), the water management
862 district shall immediately initiate an update of the plan
863 consistent with s. 373.709.

864 (5)~~(3)~~ The provisions of this section are supplemental to
865 any other specific requirements or authority provided by law.
866 Minimum flows and minimum water levels shall be reevaluated
867 periodically and revised as needed.

868 Section 12. Section 373.0465, Florida Statutes, is created
869 to read:

870 373.0465 Central Florida Water Initiative.-

871 (1) The Legislature finds that:

872 (a) Historically, the Floridan Aquifer system has supplied
873 the vast majority of the water used in the Central Florida
874 Coordination Area.

875 (b) Because the boundaries of the St. Johns River Water
876 Management District, the South Florida Water Management
877 District, and the Southwest Florida Water Management District
878 meet within the Central Florida Coordination Area, the three
879 districts and the Department of Environmental Protection have
880 worked cooperatively to determine that the Floridan Aquifer
881 system is locally approaching the sustainable limits of use and



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

884 (c) The Central Florida Water Initiative is a collaborative
885 process involving the Department of Environmental Protection,
886 the St. Johns River Water Management District, the South Florida
887 Water Management District, the Southwest Florida Water
888 Management District, the Department of Agriculture and Consumer
889 Services, regional public water supply utilities, and other
890 stakeholders. As set forth in the Central Florida Water
891 Initiative Guiding Document of January 30, 2015, the initiative
892 has developed an initial framework for a unified process to
893 address the current and long-term water supply needs of Central
894 Florida without causing harm to the water resources and
895 associated natural systems.

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

900 (2) (a) As used in this section, the term "Central Florida
901 Water Initiative Area" means all of Orange, Osceola, Polk, and
902 Seminole Counties, and southern Lake County, as designated by
903 the Central Florida Water Initiative Guiding Document of January
904 30, 2015.

905 (b) The department, the St. Johns River Water Management
906 District, the South Florida Water Management District, the
907 Southwest Florida Water Management District, and the Department
908 of Agriculture and Consumer Services shall:

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



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911 agencies, affected water management districts, regional public
912 water supply utilities, and other stakeholders;

913 2. Build upon the guiding principles and goals set forth in
914 the Central Florida Water Initiative Guiding Document of January
915 30, 2015, and the work that has already been accomplished by the
916 Central Florida Water Initiative participants;

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

922 4. Provide for a single hydrologic planning model to assess
923 the availability of groundwater in the Central Florida Water
924 Initiative Area.

925 (c) In developing the water supply planning program
926 consistent with the goals set forth in this subsection, the
927 department, the St. Johns River Water Management District, the
928 South Florida Water Management District, the Southwest Florida
929 Water Management District, and the Department of Agriculture and
930 Consumer Services shall:

931 1. Consider limitations on groundwater use together with
932 opportunities for new, increased, or redistributed groundwater
933 uses that are consistent with the conditions established under
934 s. 373.223;

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

938 3. Consider existing recovery or prevention strategies;

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



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940 meet the water needs of all existing and future reasonable-
941 beneficial uses consistent with the conditions established under
942 s. 373.223; and

943 5. Identify, as necessary, which of the water supply
944 sources are preferred water supply sources pursuant to s.
945 373.2234.

946 (d) The department, in consultation with the St. Johns
947 River Water Management District, the South Florida Water
948 Management District, the Southwest Florida Water Management
949 District, and the Department of Agriculture and Consumer
950 Services, shall adopt uniform rules for application within the
951 Central Florida Water Initiative Area that include:

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

954 2. A single method for calculating residential per capita
955 water use;

956 3. A single process for permit reviews;

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

959 5. A goal for residential per capita water use for each
960 consumptive use permit; and

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

963
964 The uniform rules shall include existing recovery strategies
965 within the Central Florida Water Initiative Area adopted before
966 July 1, 2015. The department may grant variances to the uniform
967 rules if there are unique circumstances or hydrogeological
968 factors that make application of the uniform rules unrealistic



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969 or impractical.

970 (e) The department shall initiate rulemaking for the
971 uniform rules by December 31, 2015. The department's uniform
972 rules shall be applied by the water management districts only
973 within the Central Florida Water Initiative Area. Upon adoption
974 of the rules, the water management districts shall implement the
975 rules without further rulemaking pursuant to s. 120.54. The
976 rules adopted by the department pursuant to this section are
977 considered the rules of the water management districts.

978 (f) Water management district planning programs developed
979 pursuant this subsection shall be approved or adopted as
980 required under this chapter. However, such planning programs may
981 not serve to modify planning programs in areas of the affected
982 districts that are not within the Central Florida Water
983 Initiative Area, but may include interregional projects located
984 outside the Central Florida Water Initiative Area which are
985 consistent with planning and regulatory programs in the areas in
986 which they are located.

987 Section 13. Subsection (4) of section 373.1501, Florida
988 Statutes, is amended, present subsections (7) and (8) are
989 redesignated as subsections (8) and (9), respectively, and a new
990 subsection (7) is added to that section, to read:

991 373.1501 South Florida Water Management District as local
992 sponsor.—

993 (4) The district is authorized to act as local sponsor of
994 the project for those project features within the district as
995 provided in this subsection and subject to the oversight of the
996 department as further provided in s. 373.026. The district shall
997 exercise the authority of the state to allocate quantities of



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998 water within its jurisdiction, including the water supply in
999 relation to the project, and be responsible for allocating water
1000 and assigning priorities among the other water uses served by
1001 the project pursuant to state law. The district may:

1002 (a) Act as local sponsor for all project features
1003 previously authorized by Congress.†

1004 (b) Continue data gathering, analysis, research, and design
1005 of project components, participate in preconstruction
1006 engineering and design documents for project components, and
1007 further refine the Comprehensive Plan of the restudy as a guide
1008 and framework for identifying other project components.†

1009 (c) Construct pilot projects that will assist in
1010 determining the feasibility of technology included in the
1011 Comprehensive Plan of the restudy.† ~~and~~

1012 (d) Act as local sponsor for project components.

1013 (7) When developing or implementing water control plans or
1014 regulation schedules required for the operation of the project,
1015 the district shall provide recommendations to the United States
1016 Army Corps of Engineers which are consistent with all district
1017 programs and plans.

1018 Section 14. Subsection (3) is added to section 373.219,
1019 Florida Statutes, to read:

1020 373.219 Permits required.—

1021 (3) The department shall adopt uniform rules for issuing
1022 permits which prevent groundwater withdrawals that are harmful
1023 to the water resources and adopt by rule a uniform definition of
1024 the term "harmful to the water resources" for Outstanding
1025 Florida Springs to provide water management districts with
1026 minimum standards necessary to be consistent with the overall



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1027 water policy of the state. This subsection does not prohibit a
1028 water management district from adopting a definition that is
1029 more protective of the water resources consistent with local or
1030 regional conditions and objectives.

1031 Section 15. Subsection (6) is added to section 373.223,
1032 Florida Statutes, to read:

1033 373.223 Conditions for a permit.-

1034 (6) A new, renewal of, or modification to a consumptive use
1035 permit authorizing groundwater withdrawals of 100,000 gallons or
1036 more per day shall be monitored for water usage at intervals and
1037 using methods determined by the applicable water management
1038 district, the results of which shall be reported to the water
1039 management district at least annually. The water management
1040 districts may adopt rules to implement this subsection.

1041 Section 16. Section 373.2234, Florida Statutes, is amended
1042 to read:

1043 373.2234 Preferred water supply sources.-

1044 (1) The governing board of a water management district is
1045 authorized to adopt rules that identify preferred water supply
1046 sources for consumptive uses for which there is sufficient data
1047 to establish that a preferred source will provide a substantial
1048 new water supply to meet the existing and projected reasonable-
1049 beneficial uses of a water supply planning region identified
1050 pursuant to s. 373.709(1), while sustaining existing water
1051 resources and natural systems. At a minimum, such rules must
1052 contain a description of the preferred water supply source and
1053 an assessment of the water the preferred source is projected to
1054 produce.

1055 (2) (a) If an applicant proposes to use a preferred water



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1056 supply source, that applicant's proposed water use is subject to
1057 s. 373.223(1), except that the proposed use of a preferred water
1058 supply source must be considered by a water management district
1059 when determining whether a permit applicant's proposed use of
1060 water is consistent with the public interest pursuant to s.
1061 373.223(1)(c).

1062 (b) The governing board of a water management district
1063 shall consider the identification of preferred water supply
1064 sources for water users for whom access to or development of new
1065 water supplies is not technically or financially feasible.

1066 Identification of preferred water supply sources for such water
1067 users must be consistent with s. 373.016.

1068 (c) A consumptive use permit issued for the use of a
1069 preferred water supply source must be granted, when requested by
1070 the applicant, for at least a 20-year period and may be subject
1071 to the compliance reporting provisions of s. 373.236(4).

1072 (3) (a) Nothing in This section does not: shall be construed
1073 to

1074 1. Exempt the use of preferred water supply sources from
1075 the provisions of ss. 373.016(4) and 373.223(2) and (3); or be
1076 construed to

1077 2. Provide that permits issued for the use of a
1078 nonpreferred water supply source must be issued for a duration
1079 of less than 20 years or that the use of a nonpreferred water
1080 supply source is not consistent with the public interest; or.

1081 3. Additionally, nothing in this section shall be
1082 interpreted to Require the use of a preferred water supply
1083 source or to restrict or prohibit the use of a nonpreferred
1084 water supply source.



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1085 (b) Rules adopted by the governing board of a water
1086 management district to implement this section shall specify that
1087 the use of a preferred water supply source is not required and
1088 that the use of a nonpreferred water supply source is not
1089 restricted or prohibited.

1090 Section 17. Present subsection (5) of section 373.227,
1091 Florida Statutes, is redesignated as subsection (7), and a new
1092 subsection (5) and subsection (6) are added to that section, to
1093 read:

1094 373.227 Water conservation; legislative findings and
1095 intent; objectives; comprehensive statewide water conservation
1096 program requirements.—

1097 (5) In order to incentivize water conservation, if actual
1098 water use is less than permitted water use due to documented
1099 implementation of water conservation measures beyond those
1100 required in a consumptive use permit, including, but not limited
1101 to, those measures identified in best management practices
1102 pursuant to s. 570.93, the permitted allocation may not be
1103 modified solely due to such water conservation during the term
1104 of the permit. In order to promote water conservation and the
1105 implementation of measures that produce significant water
1106 savings beyond those required in a consumptive use permit, each
1107 water management district shall adopt rules providing water
1108 conservation incentives, which may include limited permit
1109 extensions.

1110 (6) For consumptive use permits for agricultural
1111 irrigation, if actual water use is less than permitted water use
1112 due to weather events, crop diseases, nursery stock
1113 availability, market conditions, or changes in crop type, a



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1114 district may not, as a result, reduce permitted allocation
1115 amounts during the term of the permit.

1116 Section 18. Subsection (2) of section 373.233, Florida
1117 Statutes, is amended to read:

1118 373.233 Competing applications.-

1119 (2) (a) If In the event that two or more competing
1120 applications qualify equally under ~~the provisions of~~ subsection
1121 (1), the governing board or the department shall give preference
1122 to a renewal application over an initial application.

1123 (b) If two or more competing applications qualify equally
1124 under subsection (1) and none of the competing applications is a
1125 renewal application, the governing board or the department shall
1126 give preference to the application for the use where the source
1127 is nearest to the area of use or application consistent with s.
1128 373.016(4) (a).

1129 Section 19. Section 373.4591, Florida Statutes, is amended
1130 to read:

1131 373.4591 Improvements on private agricultural lands.-

1132 (1) The Legislature encourages public-private partnerships
1133 to accomplish water storage, groundwater recharge, and water
1134 quality improvements on private agricultural lands. Priority
1135 consideration shall be given to public-private partnerships
1136 that:

1137 (a) Store or treat water on private lands for purposes of
1138 enhancing hydrologic improvement, improving water quality, or
1139 assisting in water supply;

1140 (b) Provide critical ground water recharge; or

1141 (c) Provide for changes in land use to activities that
1142 minimize nutrient loads and maximize water conservation.



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1143 (2) (a) When an agreement is entered into between the
1144 department, a water management district, or the Department of
1145 Agriculture and Consumer Services and a private landowner to
1146 establish ~~such~~ a public-private partnership that may create or
1147 impact wetlands or other surface waters, a baseline condition
1148 determining the extent of wetlands and other surface waters on
1149 the property shall be established and documented in the
1150 agreement before improvements are constructed.

1151 (b) When an agreement is entered into between the
1152 Department of Agriculture and Consumer Services and a private
1153 landowner to implement best management practices pursuant to s.
1154 403.067(7)(c), a baseline condition determining the extent of
1155 wetlands and other surface water on the property may be
1156 established at the option and expense of the private landowner
1157 and documented in the agreement before improvements are
1158 constructed. The Department of Agriculture and Consumer Services
1159 shall submit the landowner's proposed baseline condition
1160 documentation to the lead agency for review and approval, and
1161 the agency shall use its best efforts to complete the review
1162 within 45 days.

1163 (3) The Department of Agriculture and Consumer Services,
1164 the department, and the water management districts shall provide
1165 a process for reviewing these requests in the timeframe
1166 specified. The determination of a baseline condition shall be
1167 conducted using the methods set forth in the rules adopted
1168 pursuant to s. 373.421. The baseline condition documented in an
1169 agreement shall be considered the extent of wetlands and other
1170 surface waters on the property for the purpose of regulation
1171 under this chapter for the duration of the agreement and after



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1172 its expiration.

1173 Section 20. Paragraph (h) of subsection (1) and subsections
1174 (2) through (7) of section 373.4595, Florida Statutes, are
1175 amended to read:

1176 373.4595 Northern Everglades and Estuaries Protection
1177 Program.—

1178 (1) FINDINGS AND INTENT.—

1179 (h) The Legislature finds that the expeditious
1180 implementation of the Lake Okeechobee Watershed Protection
1181 Program, the Caloosahatchee River Watershed Protection Program,
1182 Plan and the St. Lucie River Watershed Protection Program Plans
1183 is needed to improve the quality, quantity, timing, and
1184 distribution of water in the northern Everglades ecosystem and
1185 that this section, in conjunction with s. 403.067, including the
1186 implementation of the plans developed and approved pursuant to
1187 subsections (3) and (4), and any related basin management action
1188 plan developed and implemented pursuant to s. 403.067(7)(a),
1189 provide a reasonable means of achieving the total maximum daily
1190 load requirements and achieving and maintaining compliance with
1191 state water quality standards.

1192 (2) DEFINITIONS.—As used in this section, the term:

1193 (a) "Best management practice" means a practice or
1194 combination of practices determined by the coordinating
1195 agencies, based on research, field-testing, and expert review,
1196 to be the most effective and practicable on-location means,
1197 including economic and technological considerations, for
1198 improving water quality in agricultural and urban discharges.
1199 Best management practices for agricultural discharges shall
1200 reflect a balance between water quality improvements and



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1201 agricultural productivity.

1202 (b) "Biosolids" means the solid, semisolid, or liquid
1203 residue generated during the treatment of domestic wastewater in
1204 a domestic wastewater treatment facility, formerly known as
1205 "domestic wastewater residuals" or "residuals," and includes
1206 products and treated material from biosolids treatment
1207 facilities and septage management facilities regulated by the
1208 department. The term does not include the treated effluent or
1209 reclaimed water from a domestic wastewater treatment facility,
1210 solids removed from pump stations and lift stations, screenings
1211 and grit removed from the preliminary treatment components of
1212 domestic wastewater treatment facilities, or ash generated
1213 during the incineration of biosolids.

1214 (c) ~~(b)~~ "Caloosahatchee River watershed" means the
1215 Caloosahatchee River, its tributaries, its estuary, and the area
1216 within Charlotte, Glades, Hendry, and Lee Counties from which
1217 surface water flow is directed or drains, naturally or by
1218 constructed works, to the river, its tributaries, or its
1219 estuary.

1220 (d) ~~(e)~~ "Coordinating agencies" means the Department of
1221 Agriculture and Consumer Services, the Department of
1222 Environmental Protection, and the South Florida Water Management
1223 District.

1224 (e) ~~(d)~~ "Corps of Engineers" means the United States Army
1225 Corps of Engineers.

1226 (f) ~~(e)~~ "Department" means the Department of Environmental
1227 Protection.

1228 (g) ~~(f)~~ "District" means the South Florida Water Management
1229 District.



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1230 ~~(g) "District's WOD program" means the program implemented~~
1231 ~~pursuant to rules adopted as authorized by this section and ss.~~
1232 ~~373.016, 373.044, 373.085, 373.086, 373.109, 373.113, 373.118,~~
1233 ~~373.451, and 373.453, entitled "Works of the District Basin."~~

1234 (h) "Lake Okeechobee Watershed Construction Project" means
1235 the construction project developed pursuant to this section
1236 ~~paragraph (3)(b)~~.

1237 (i) "Lake Okeechobee Watershed Protection Plan" means the
1238 Lake Okeechobee Watershed Construction Project and the Lake
1239 Okeechobee Watershed Research and Water Quality Monitoring
1240 Program ~~plan developed pursuant to this section and ss. 373.451-~~
1241 ~~373.459.~~

1242 (j) "Lake Okeechobee watershed" means Lake Okeechobee, its
1243 tributaries, and the area within which surface water flow is
1244 directed or drains, naturally or by constructed works, to the
1245 lake or its tributaries.

1246 ~~(k) "Lake Okeechobee Watershed Phosphorus Control Program"~~
1247 ~~means the program developed pursuant to paragraph (3)(c).~~

1248 ~~(k)(1)~~ (k) "Northern Everglades" means the Lake Okeechobee
1249 watershed, the Caloosahatchee River watershed, and the St. Lucie
1250 River watershed.

1251 ~~(l)(m)~~ (l) "Project component" means any structural or
1252 operational change, resulting from the Restudy, to the Central
1253 and Southern Florida Project as it existed and was operated as
1254 of January 1, 1999.

1255 ~~(m)(n)~~ (m) "Restudy" means the Comprehensive Review Study of
1256 the Central and Southern Florida Project, for which federal
1257 participation was authorized by the Federal Water Resources
1258 Development Acts of 1992 and 1996 together with related



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1259 Congressional resolutions and for which participation by the
1260 South Florida Water Management District is authorized by s.
1261 373.1501. The term includes all actions undertaken pursuant to
1262 the aforementioned authorizations which will result in
1263 recommendations for modifications or additions to the Central
1264 and Southern Florida Project.

1265 (n) ~~(o)~~ "River Watershed Protection Plans" means the
1266 Caloosahatchee River Watershed Protection Plan and the St. Lucie
1267 River Watershed Protection Plan developed pursuant to this
1268 section.

1269 (o) "Soil amendment" means any substance or mixture of
1270 substances sold or offered for sale for soil enriching or
1271 corrective purposes, intended or claimed to be effective in
1272 promoting or stimulating plant growth, increasing soil or plant
1273 productivity, improving the quality of crops, or producing any
1274 chemical or physical change in the soil, except amendments,
1275 conditioners, additives, and related products that are derived
1276 solely from inorganic sources and that contain no recognized
1277 plant nutrients.

1278 (p) "St. Lucie River watershed" means the St. Lucie River,
1279 its tributaries, its estuary, and the area within Martin,
1280 Okeechobee, and St. Lucie Counties from which surface water flow
1281 is directed or drains, naturally or by constructed works, to the
1282 river, its tributaries, or its estuary.

1283 (q) "Total maximum daily load" means the sum of the
1284 individual wasteload allocations for point sources and the load
1285 allocations for nonpoint sources and natural background adopted
1286 pursuant to s. 403.067. Before ~~Prior to~~ determining individual
1287 wasteload allocations and load allocations, the maximum amount



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1288 of a pollutant that a water body or water segment can assimilate
1289 from all sources without exceeding water quality standards must
1290 first be calculated.

1291 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—The Lake
1292 Okeechobee Watershed Protection Program shall consist of the
1293 Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee
1294 Basin Management Action Plan adopted pursuant to s. 403.067, the
1295 Lake Okeechobee Exotic Species Control Program, and the Lake
1296 Okeechobee Internal Phosphorus Management Program. The Lake
1297 Okeechobee Basin Management Action Plan adopted pursuant to s.
1298 403.067 shall be the component of the Lake Okeechobee Watershed
1299 Protection A protection Program for Lake Okeechobee that
1300 achieves phosphorus load reductions for Lake Okeechobee shall be
1301 immediately implemented as specified in this subsection. The
1302 Lake Okeechobee Watershed Protection Program shall address the
1303 reduction of phosphorus loading to the lake from both internal
1304 and external sources. Phosphorus load reductions shall be
1305 achieved through a phased program of implementation. Initial
1306 implementation actions shall be technology-based, based upon a
1307 consideration of both the availability of appropriate technology
1308 and the cost of such technology, and shall include phosphorus
1309 reduction measures at both the source and the regional level.
1310 The initial phase of phosphorus load reductions shall be based
1311 upon the district's Technical Publication 81-2 and the
1312 district's WOD program, with subsequent phases of phosphorus
1313 load reductions based upon the total maximum daily loads
1314 established in accordance with s. 403.067. In the development
1315 and administration of the Lake Okeechobee Watershed Protection
1316 Program, the coordinating agencies shall maximize opportunities



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1317 provided by federal cost-sharing programs and opportunities for
1318 partnerships with the private sector.

1319 (a) *Lake Okeechobee Watershed Protection Plan.*—In order to
1320 protect and restore surface water resources, the district, in
1321 cooperation with the other coordinating agencies, shall complete
1322 a Lake Okeechobee Watershed Protection Plan in accordance with
1323 this section and ss. 373.451-373.459. Beginning March 1, 2020,
1324 and every 5 years thereafter, the district shall update the Lake
1325 Okeechobee Watershed Protection Plan to ensure that it is
1326 consistent with the Lake Okeechobee Basin Management Action Plan
1327 adopted pursuant to s. 403.067. The Lake Okeechobee Watershed
1328 Protection Plan shall identify the geographic extent of the
1329 watershed, be coordinated with the plans developed pursuant to
1330 paragraphs (4) (a) and (c) ~~(b)~~, and include the Lake Okeechobee
1331 Watershed Construction Project and the Lake Okeechobee Watershed
1332 Research and Water Quality Monitoring Program ~~contain an~~
1333 ~~implementation schedule for subsequent phases of phosphorus load~~
1334 ~~reduction consistent with the total maximum daily loads~~
1335 ~~established in accordance with s. 403.067.~~ The plan shall
1336 consider and build upon a review and analysis of ~~the following:~~
1337 ~~1.~~ the performance of projects constructed during Phase I
1338 and Phase II of the Lake Okeechobee Watershed Construction
1339 Project, pursuant to subparagraph 1.; ~~paragraph (b).~~
1340 ~~2.~~ relevant information resulting from the Lake Okeechobee
1341 Basin Management Action Plan Watershed Phosphorus Control
1342 Program, pursuant to paragraph (b); ~~(c).~~
1343 ~~3.~~ relevant information resulting from the Lake Okeechobee
1344 Watershed Research and Water Quality Monitoring Program,
1345 pursuant to subparagraph 2.; ~~paragraph (d).~~



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1346 4. relevant information resulting from the Lake Okeechobee
1347 Exotic Species Control Program, pursuant to paragraph (c); and
1348 ~~(e)~~.

1349 5. relevant information resulting from the Lake Okeechobee
1350 Internal Phosphorus Management Program, pursuant to paragraph
1351 (d) ~~(f)~~.

1352 1. ~~(b)~~ *Lake Okeechobee Watershed Construction Project.*—To
1353 improve the hydrology and water quality of Lake Okeechobee and
1354 downstream receiving waters, including the Caloosahatchee and
1355 St. Lucie Rivers and their estuaries, the district, in
1356 cooperation with the other coordinating agencies, shall design
1357 and construct the Lake Okeechobee Watershed Construction
1358 Project. The project shall include:

1359 a. ~~1.~~ Phase I.—Phase I of the Lake Okeechobee Watershed
1360 Construction Project shall consist of a series of project
1361 features consistent with the recommendations of the South
1362 Florida Ecosystem Restoration Working Group's Lake Okeechobee
1363 Action Plan. Priority basins for such projects include S-191, S-
1364 154, and Pools D and E in the Lower Kissimmee River. In order to
1365 obtain phosphorus load reductions to Lake Okeechobee as soon as
1366 possible, the following actions shall be implemented:

1367 (I) ~~a.~~ The district shall serve as a full partner with the
1368 Corps of Engineers in the design and construction of the Grassy
1369 Island Ranch and New Palm Dairy stormwater treatment facilities
1370 as components of the Lake Okeechobee Water Retention/Phosphorus
1371 Removal Critical Project. The Corps of Engineers shall have the
1372 lead in design and construction of these facilities. Should
1373 delays be encountered in the implementation of either of these
1374 facilities, the district shall notify the department and



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1375 recommend corrective actions.

1376 ~~(II)~~ The district shall obtain permits and complete
1377 construction of two of the isolated wetland restoration projects
1378 that are part of the Lake Okeechobee Water Retention/Phosphorus
1379 Removal Critical Project. The additional isolated wetland
1380 projects included in this critical project shall further reduce
1381 phosphorus loading to Lake Okeechobee.

1382 ~~(III)~~ The district shall work with the Corps of Engineers
1383 to expedite initiation of the design process for the Taylor
1384 Creek/Nubbins Slough Reservoir Assisted Stormwater Treatment
1385 Area, a project component of the Comprehensive Everglades
1386 Restoration Plan. The district shall propose to the Corps of
1387 Engineers that the district take the lead in the design and
1388 construction of the Reservoir Assisted Stormwater Treatment Area
1389 and receive credit towards the local share of the total cost of
1390 the Comprehensive Everglades Restoration Plan.

1391 ~~b.2.~~ Phase II technical plan and construction. ~~By February~~
1392 ~~1, 2008,~~ The district, in cooperation with the other
1393 coordinating agencies, shall develop a detailed technical plan
1394 for Phase II of the Lake Okeechobee Watershed Construction
1395 Project which provides the basis for the Lake Okeechobee Basin
1396 Management Action Plan adopted by the department pursuant to s.
1397 403.067. The detailed technical plan shall include measures for
1398 the improvement of the quality, quantity, timing, and
1399 distribution of water in the northern Everglades ecosystem,
1400 including the Lake Okeechobee watershed and the estuaries, and
1401 for facilitating the achievement of water quality standards. Use
1402 of cost-effective biologically based, hybrid wetland/chemical
1403 and other innovative nutrient control technologies shall be



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1404 incorporated in the plan where appropriate. The detailed
1405 technical plan shall also include a Process Development and
1406 Engineering component to finalize the detail and design of Phase
1407 II projects and identify additional measures needed to increase
1408 the certainty that the overall objectives for improving water
1409 quality and quantity can be met. Based on information and
1410 recommendations from the Process Development and Engineering
1411 component, the Phase II detailed technical plan shall be
1412 periodically updated. Phase II shall include construction of
1413 additional facilities in the priority basins identified in sub-
1414 subparagraph a. subparagraph 1., as well as facilities for other
1415 basins in the Lake Okeechobee watershed. ~~This detailed technical~~
1416 ~~plan will require legislative ratification pursuant to paragraph~~
1417 ~~(i).~~ The technical plan shall:

1418 (I)a. Identify Lake Okeechobee Watershed Construction
1419 Project facilities designed to contribute to achieving all
1420 applicable total maximum daily loads established pursuant to s.
1421 403.067 within the Lake Okeechobee watershed.

1422 (II)b. Identify the size and location of all such Lake
1423 Okeechobee Watershed Construction Project facilities.

1424 (III)e. Provide a construction schedule for all such Lake
1425 Okeechobee Watershed Construction Project facilities, including
1426 the sequencing and specific timeframe for construction of each
1427 Lake Okeechobee Watershed Construction Project facility.

1428 (IV)d. Provide a schedule for the acquisition of lands or
1429 sufficient interests necessary to achieve the construction
1430 schedule.

1431 (V)e. Provide a detailed schedule of costs associated with
1432 the construction schedule.



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1433 (VI)~~f.~~ Identify, to the maximum extent practicable, impacts
1434 on wetlands and state-listed species expected to be associated
1435 with construction of such facilities, including potential
1436 alternatives to minimize and mitigate such impacts, as
1437 appropriate.

1438 (VII)~~g.~~ Provide for additional measures, including
1439 voluntary water storage and quality improvements on private
1440 land, to increase water storage and reduce excess water levels
1441 in Lake Okeechobee and to reduce excess discharges to the
1442 estuaries.

1443 (VIII) ~~The technical plan shall also~~ Develop the
1444 appropriate water quantity storage goal to achieve the desired
1445 Lake Okeechobee range of lake levels and inflow volumes to the
1446 Caloosahatchee and St. Lucie estuaries while meeting the other
1447 water-related needs of the region, including water supply and
1448 flood protection.

1449 (IX)~~h.~~ Provide for additional source controls needed to
1450 enhance performance of the Lake Okeechobee Watershed
1451 Construction Project facilities. Such additional source controls
1452 shall be incorporated into the Lake Okeechobee Basin Management
1453 Action Plan ~~Watershed Phosphorous Control Program~~ pursuant to
1454 paragraph (b) ~~(e)~~.

1455 c.3. ~~Evaluation.~~ Within 5 years after the adoption of the
1456 Lake Okeechobee Basin Management Action Plan pursuant to s.
1457 403.067 and every 5 ~~By January 1, 2004, and every 3~~ years
1458 thereafter, the department ~~district~~, in cooperation with the
1459 other coordinating agencies, shall conduct an evaluation of the
1460 Lake Okeechobee Watershed Construction Project and identify any
1461 further load reductions necessary to achieve compliance with the



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1462 ~~all~~ Lake Okeechobee ~~watershed~~ total maximum daily loads
1463 established pursuant to s. 403.067. ~~Additionally,~~ The district
1464 shall identify modifications to facilities of the Lake
1465 Okeechobee Watershed Construction Project as appropriate to meet
1466 the total maximum daily loads. Modifications to the Lake
1467 Okeechobee Watershed Construction Project resulting from this
1468 evaluation shall be incorporated into the Lake Okeechobee Basin
1469 Management Action Plan and ~~The evaluation shall be included in~~
1470 the applicable annual progress report submitted pursuant to
1471 subsection (6).

1472 d.4. Coordination and review.—To ensure the timely
1473 implementation of the Lake Okeechobee Watershed Construction
1474 Project, the design of project facilities shall be coordinated
1475 with the department and other interested parties, including
1476 affected local governments, to the maximum extent practicable.
1477 Lake Okeechobee Watershed Construction Project facilities shall
1478 be reviewed and commented upon by the department before ~~prior to~~
1479 the execution of a construction contract by the district for
1480 that facility.

1481 2. Lake Okeechobee Watershed Research and Water Quality
1482 Monitoring Program.—The coordinating agencies shall implement a
1483 Lake Okeechobee Watershed Research and Water Quality Monitoring
1484 Program. Results from the program shall be used by the
1485 department, in cooperation with the other coordinating agencies,
1486 to make modifications to the Lake Okeechobee Basin Management
1487 Action Plan adopted pursuant to s. 403.067, as appropriate. The
1488 program shall:

1489 a. Evaluate all available existing water quality data
1490 concerning total phosphorus in the Lake Okeechobee watershed,



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1491 develop a water quality baseline to represent existing
1492 conditions for total phosphorus, monitor long-term ecological
1493 changes, including water quality for total phosphorus, and
1494 measure compliance with water quality standards for total
1495 phosphorus, including any applicable total maximum daily load
1496 for the Lake Okeechobee watershed as established pursuant to s.
1497 403.067. Beginning March 1, 2020, and every 5 years thereafter,
1498 the department shall reevaluate water quality and quantity data
1499 to ensure that the appropriate projects are being designated and
1500 incorporated into the Lake Okeechobee Basin Management Action
1501 Plan adopted pursuant to s. 403.067. The district shall
1502 implement a total phosphorus monitoring program at appropriate
1503 structures owned or operated by the district and within the Lake
1504 Okeechobee watershed.

1505 b. Develop a Lake Okeechobee water quality model that
1506 reasonably represents the phosphorus dynamics of Lake Okeechobee
1507 and incorporates an uncertainty analysis associated with model
1508 predictions.

1509 c. Determine the relative contribution of phosphorus from
1510 all identifiable sources and all primary and secondary land
1511 uses.

1512 d. Conduct an assessment of the sources of phosphorus from
1513 the Upper Kissimmee Chain-of-Lakes and Lake Istokpoga, and their
1514 relative contribution to the water quality of Lake Okeechobee.
1515 The results of this assessment shall be used by the coordinating
1516 agencies as part of the Lake Okeechobee Basin Management Action
1517 Plan adopted pursuant to s. 403.067 to develop interim measures,
1518 best management practices, or regulations, as applicable.

1519 e. Assess current water management practices within the



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1520 Lake Okeechobee watershed and develop recommendations for
1521 structural and operational improvements. Such recommendations
1522 shall balance water supply, flood control, estuarine salinity,
1523 maintenance of a healthy lake littoral zone, and water quality
1524 considerations.

1525 f. Evaluate the feasibility of alternative nutrient
1526 reduction technologies, including sediment traps, canal and
1527 ditch maintenance, fish production or other aquaculture,
1528 bioenergy conversion processes, and algal or other biological
1529 treatment technologies and include any alternative nutrient
1530 reduction technologies determined to be feasible in the Lake
1531 Okeechobee Basin Management Action Plan adopted pursuant to s.
1532 403.067.

1533 g. Conduct an assessment of the water volumes and timing
1534 from the Lake Okeechobee watershed and their relative
1535 contribution to the water level changes in Lake Okeechobee and
1536 to the timing and volume of water delivered to the estuaries.

1537 (b)(c) Lake Okeechobee Basin Management Action Plan
1538 Watershed Phosphorus Control Program.—The Lake Okeechobee Basin
1539 Management Action Plan adopted pursuant to s. 403.067 shall be
1540 the watershed phosphorus control component for Lake Okeechobee.
1541 The Lake Okeechobee Basin Management Action Plan shall be
1542 Program is designed to be a multifaceted approach designed to
1543 achieve the total maximum daily load ~~reducing phosphorus loads~~
1544 by improving the management of phosphorus sources within the
1545 Lake Okeechobee watershed through implementation of regulations
1546 and best management practices, continued development and
1547 continued implementation of improved best management practices,
1548 improvement and restoration of the hydrologic function of



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1549 natural and managed systems, and use utilization of alternative
1550 technologies for nutrient reduction. The plan must include an
1551 implementation schedule pursuant to this subsection for
1552 pollutant load reductions. As provided in s. 403.067(7)(a)6.,
1553 the Lake Okeechobee Basin Management Action Plan must include
1554 milestones for implementation and water quality improvement and
1555 an associated water quality monitoring component sufficient to
1556 evaluate whether reasonable progress in pollutant load
1557 reductions is being achieved over time. The department shall
1558 develop a schedule to establish 5-, 10-, and 15-year measurable
1559 milestones and a target to achieve the adopted total maximum
1560 daily load no more than 20 years after adoption of the plan. The
1561 schedule shall be used to provide guidance for planning and
1562 funding purposes and is exempt from s. 120.54(1)(a). An
1563 assessment of progress toward these milestones shall be
1564 conducted every 5 years and revisions to the plan shall be made,
1565 as appropriate, as a result of each 5-year review. The
1566 assessment shall be provided to the Governor, the President of
1567 the Senate, and the Speaker of the House of Representatives.
1568 Upon the first 5-year review, the schedule of measurable
1569 milestones and a target to achieve water quality improvement
1570 consistent with this section shall be adopted into the plan.
1571 Revisions to the basin management action plan shall be made by
1572 the department in cooperation with the basin stakeholders.
1573 Revisions to best management practices or other measures must
1574 follow the procedures set forth in s. 403.067(7)(c)4. Revised
1575 basin management action plans must be adopted pursuant to s.
1576 403.067(7)(a)5. If achieving the adopted total maximum daily
1577 load within 20 years is not practicable, the schedule must



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1578 contain an explanation of the constraints that prevent the
1579 achievement of the total maximum daily load within 20 years, an
1580 estimate of the time needed to achieve the total maximum daily
1581 load, and additional 5-year measurable milestones, as necessary.
1582 The coordinating agencies shall develop an interagency agreement
1583 pursuant to ss. 373.046 and 373.406 which is consistent with the
1584 department taking the lead on water quality protection measures
1585 through the Lake Okeechobee Basin Management Action Plan adopted
1586 pursuant to s. 403.067; the district taking the lead on
1587 hydrologic improvements pursuant to paragraph (a); and the
1588 Department of Agriculture and Consumer Services taking the lead
1589 on agricultural interim measures, best management practices, and
1590 other measures adopted pursuant to s. 403.067. The interagency
1591 agreement must specify how best management practices for
1592 nonagricultural nonpoint sources are developed and how all best
1593 management practices are implemented and verified consistent
1594 with s. 403.067 and this section. The interagency agreement must
1595 address measures to be taken by the coordinating agencies during
1596 any best management practice reevaluation performed pursuant to
1597 subparagraphs 5. and 10. The department shall use best
1598 professional judgment in making the initial determination of
1599 best management practice effectiveness. The coordinating
1600 agencies may develop an intergovernmental agreement with local
1601 governments to implement nonagricultural nonpoint source best
1602 management practices within their respective geographic
1603 boundaries. The coordinating agencies shall facilitate the
1604 application of federal programs that offer opportunities for
1605 water quality treatment, including preservation, restoration, or
1606 creation of wetlands on agricultural lands.



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1607 1. Agricultural nonpoint source best management practices,
1608 developed in accordance with s. 403.067 and designed to achieve
1609 the objectives of the Lake Okeechobee Watershed Protection
1610 Program as part of a phased approach of management strategies
1611 within the Lake Okeechobee Basin Management Action Plan, shall
1612 be implemented on an expedited basis. ~~The coordinating agencies~~
1613 ~~shall develop an interagency agreement pursuant to ss. 373.046~~
1614 ~~and 373.406(5) that assures the development of best management~~
1615 ~~practices that complement existing regulatory programs and~~
1616 ~~specifies how those best management practices are implemented~~
1617 ~~and verified. The interagency agreement shall address measures~~
1618 ~~to be taken by the coordinating agencies during any best~~
1619 ~~management practice reevaluation performed pursuant to sub-~~
1620 ~~subparagraph d. The department shall use best professional~~
1621 ~~judgment in making the initial determination of best management~~
1622 ~~practice effectiveness.~~

1623 2.a. As provided in s. 403.067(7)(c), the Department of
1624 Agriculture and Consumer Services, in consultation with the
1625 department, the district, and affected parties, shall initiate
1626 rule development for interim measures, best management
1627 practices, conservation plans, nutrient management plans, or
1628 other measures necessary for Lake Okeechobee watershed total
1629 maximum daily load reduction. The rule shall include thresholds
1630 for requiring conservation and nutrient management plans and
1631 criteria for the contents of such plans. Development of
1632 agricultural nonpoint source best management practices shall
1633 initially focus on those priority basins listed in sub-
1634 subparagraph (a)1.a. ~~subparagraph (b)1.~~ The Department of
1635 Agriculture and Consumer Services, in consultation with the



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1636 department, the district, and affected parties, shall conduct an
1637 ongoing program for improvement of existing and development of
1638 new agricultural nonpoint source interim measures and ~~or~~ best
1639 management practices. The Department of Agriculture and Consumer
1640 Services shall adopt for the purpose of adoption of such
1641 practices by rule. The Department of Agriculture and Consumer
1642 Services shall work with the University of Florida ~~Florida's~~
1643 Institute of Food and Agriculture Sciences to review and, where
1644 appropriate, develop revised nutrient application rates for all
1645 agricultural soil amendments in the watershed.

1646 ~~3.b.~~ As provided in s. 403.067, where agricultural nonpoint
1647 source best management practices or interim measures have been
1648 adopted by rule of the Department of Agriculture and Consumer
1649 Services, the owner or operator of an agricultural nonpoint
1650 source addressed by such rule shall either implement interim
1651 measures or best management practices or demonstrate compliance
1652 with state water quality standards addressed by the Lake
1653 Okeechobee Basin Management Action Plan adopted pursuant to s.
1654 403.067 ~~the district's WOD program~~ by conducting monitoring
1655 prescribed by the department or the district. Owners or
1656 operators of agricultural nonpoint sources who implement interim
1657 measures or best management practices adopted by rule of the
1658 Department of Agriculture and Consumer Services shall be subject
1659 to ~~the provisions of s. 403.067(7).~~ ~~The Department of~~
1660 ~~Agriculture and Consumer Services, in cooperation with the~~
1661 ~~department and the district, shall provide technical and~~
1662 ~~financial assistance for implementation of agricultural best~~
1663 ~~management practices, subject to the availability of funds.~~

1664 ~~4.e.~~ The district or department shall conduct monitoring at



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1665 representative sites to verify the effectiveness of agricultural
1666 nonpoint source best management practices.

1667 ~~5.d.~~ Where water quality problems are detected for
1668 agricultural nonpoint sources despite the appropriate
1669 implementation of adopted best management practices, ~~the~~
1670 ~~Department of Agriculture and Consumer Services, in consultation~~
1671 ~~with the other coordinating agencies and affected parties, shall~~
1672 ~~institute~~ a reevaluation of the best management practices shall
1673 be conducted pursuant to s. 403.067(7)(c)4. Should the
1674 reevaluation determine that the best management practices or
1675 other measures require modification, the rule shall be revised
1676 to require implementation of the modified practice within a
1677 reasonable period as specified in the rule and make appropriate
1678 changes to the rule adopting best management practices.

1679 ~~6.2.~~ As provided in s. 403.067, nonagricultural nonpoint
1680 source best management practices, developed in accordance with
1681 s. 403.067 and designed to achieve the objectives of the Lake
1682 Okeechobee Watershed Protection Program as part of a phased
1683 approach of management strategies within the Lake Okeechobee
1684 Basin Management Action Plan, shall be implemented on an
1685 expedited basis. ~~The department and the district shall develop~~
1686 ~~an interagency agreement pursuant to ss. 373.046 and 373.406(5)~~
1687 ~~that assures the development of best management practices that~~
1688 ~~complement existing regulatory programs and specifies how those~~
1689 ~~best management practices are implemented and verified. The~~
1690 ~~interagency agreement shall address measures to be taken by the~~
1691 ~~department and the district during any best management practice~~
1692 ~~reevaluation performed pursuant to sub-subparagraph d.~~

1693 ~~7.a.~~ The department and the district are directed to work



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1694 with the University of Florida ~~Florida's~~ Institute of Food and
1695 Agricultural Sciences to develop appropriate nutrient
1696 application rates for all nonagricultural soil amendments in the
1697 watershed. As provided in s. 403.067 ~~s. 403.067(7)(e)~~, the
1698 department, in consultation with the district and affected
1699 parties, shall develop nonagricultural nonpoint source interim
1700 measures, best management practices, or other measures necessary
1701 for Lake Okeechobee watershed total maximum daily load
1702 reduction. Development of nonagricultural nonpoint source best
1703 management practices shall initially focus on those priority
1704 basins listed in sub-subparagraph (a)1.a. ~~subparagraph (b)1.~~ The
1705 department, the district, and affected parties shall conduct an
1706 ongoing program for improvement of existing and development of
1707 new interim measures and ~~or~~ best management practices. The
1708 department or the district shall adopt such practices by rule
1709 ~~The district shall adopt technology-based standards under the~~
1710 ~~district's WOD program for nonagricultural nonpoint sources of~~
1711 ~~phosphorus. Nothing in this sub-subparagraph shall affect the~~
1712 ~~authority of the department or the district to adopt basin-~~
1713 ~~specific criteria under this part to prevent harm to the water~~
1714 ~~resources of the district.~~

1715 8.b. Where nonagricultural nonpoint source best management
1716 practices or interim measures have been developed by the
1717 department and adopted by the district, the owner or operator of
1718 a nonagricultural nonpoint source shall implement interim
1719 measures or best management practices and be subject to ~~the~~
1720 ~~provisions of s. 403.067(7).~~ ~~The department and district shall~~
1721 ~~provide technical and financial assistance for implementation of~~
1722 ~~nonagricultural nonpoint source best management practices,~~



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1723 ~~subject to the availability of funds.~~

1724 9.e. As provided in s. 403.067, the district or the
1725 department shall conduct monitoring at representative sites to
1726 verify the effectiveness of nonagricultural nonpoint source best
1727 management practices.

1728 10.d. Where water quality problems are detected for
1729 nonagricultural nonpoint sources despite the appropriate
1730 implementation of adopted best management practices, ~~the~~
1731 ~~department and the district shall institute~~ a reevaluation of
1732 the best management practices shall be conducted pursuant to s.
1733 403.067(7)(c)4. Should the reevaluation determine that the best
1734 management practices or other measures require modification, the
1735 rule shall be revised to require implementation of the modified
1736 practice within a reasonable time period as specified in the
1737 rule.

1738 11.3. ~~The provisions of Subparagraphs 1. and 2. and 7. do~~
1739 ~~may~~ not preclude the department or the district from requiring
1740 compliance with water quality standards or with current best
1741 management practices requirements set forth in any applicable
1742 regulatory program authorized by law for the purpose of
1743 protecting water quality. ~~Additionally,~~ Subparagraphs 1. and 2.
1744 and 7. are applicable only to the extent that they do not
1745 conflict with any rules adopted by the department that are
1746 necessary to maintain a federally delegated or approved program.

1747 12. The program of agricultural best management practices
1748 set forth in the Everglades Program of the district, meets the
1749 requirements of this paragraph and s. 403.067(7) for the Lake
1750 Okeechobee watershed. An entity in compliance with best
1751 management practices set forth in the Everglades Program of the



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1752 district, may elect to use that permit in lieu of the
1753 requirements of this paragraph. The provisions of s.
1754 373.4595(3)(b)5. apply to this subparagraph. This subparagraph
1755 does not alter any requirement under s. 373.4592.

1756 13. The Department of Agriculture and Consumer Services, in
1757 cooperation with the department and the district, shall provide
1758 technical and financial assistance for implementation of
1759 agricultural best management practices, subject to the
1760 availability of funds. The department and district shall provide
1761 technical and financial assistance for implementation of
1762 nonagricultural nonpoint source best management practices,
1763 subject to the availability of funds.

1764 14.4. Projects that reduce the phosphorus load originating
1765 from domestic wastewater systems within the Lake Okeechobee
1766 watershed shall be given funding priority in the department's
1767 revolving loan program under s. 403.1835. The department shall
1768 coordinate and provide assistance to those local governments
1769 seeking financial assistance for such priority projects.

1770 15.5. Projects that make use of private lands, or lands
1771 held in trust for Indian tribes, to reduce nutrient loadings or
1772 concentrations within a basin by one or more of the following
1773 methods: restoring the natural hydrology of the basin, restoring
1774 wildlife habitat or impacted wetlands, reducing peak flows after
1775 storm events, increasing aquifer recharge, or protecting range
1776 and timberland from conversion to development, are eligible for
1777 grants available under this section from the coordinating
1778 agencies. For projects of otherwise equal priority, special
1779 funding priority will be given to those projects that make best
1780 use of the methods outlined above that involve public-private



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1781 partnerships or that obtain federal match money. Preference
1782 ranking above the special funding priority will be given to
1783 projects located in a rural area of opportunity designated by
1784 the Governor. Grant applications may be submitted by any person
1785 or tribal entity, and eligible projects may include, but are not
1786 limited to, the purchase of conservation and flowage easements,
1787 hydrologic restoration of wetlands, creating treatment wetlands,
1788 development of a management plan for natural resources, and
1789 financial support to implement a management plan.

1790 ~~16.6.a.~~ The department shall require all entities disposing
1791 of domestic wastewater biosolids ~~residuals~~ within the Lake
1792 Okeechobee watershed and the remaining areas of Okeechobee,
1793 Glades, and Hendry Counties to develop and submit to the
1794 department an agricultural use plan that limits applications
1795 based upon phosphorus loading consistent with the Lake
1796 Okeechobee Basin Management Action Plan adopted pursuant to s.
1797 403.067. By July 1, 2005, phosphorus concentrations originating
1798 ~~from these application sites may not exceed the limits~~
1799 ~~established in the district's WOD program. After December 31,~~
1800 ~~2007,~~ The department may not authorize the disposal of domestic
1801 wastewater biosolids ~~residuals~~ within the Lake Okeechobee
1802 watershed unless the applicant can affirmatively demonstrate
1803 that the phosphorus in the biosolids ~~residuals~~ will not add to
1804 phosphorus loadings in Lake Okeechobee or its tributaries. This
1805 demonstration shall be based on achieving a net balance between
1806 phosphorus imports relative to exports on the permitted
1807 application site. Exports shall include only phosphorus removed
1808 from the Lake Okeechobee watershed through products generated on
1809 the permitted application site. This prohibition does not apply



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1810 to Class AA biosolids ~~residuals~~ that are marketed and
1811 distributed as fertilizer products in accordance with department
1812 rule.

1813 ~~17.b.~~ Private and government-owned utilities within Monroe,
1814 Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian
1815 River, Okeechobee, Highlands, Hendry, and Glades Counties that
1816 dispose of wastewater biosolids ~~residual~~ sludge from utility
1817 operations and septic removal by land spreading in the Lake
1818 Okeechobee watershed may use a line item on local sewer rates to
1819 cover wastewater biosolids ~~residual~~ treatment and disposal if
1820 such disposal and treatment is done by approved alternative
1821 treatment methodology at a facility located within the areas
1822 designated by the Governor as rural areas of opportunity
1823 pursuant to s. 288.0656. This additional line item is an
1824 environmental protection disposal fee above the present sewer
1825 rate and may not be considered a part of the present sewer rate
1826 to customers, notwithstanding provisions to the contrary in
1827 chapter 367. The fee shall be established by the county
1828 commission or its designated assignee in the county in which the
1829 alternative method treatment facility is located. The fee shall
1830 be calculated to be no higher than that necessary to recover the
1831 facility's prudent cost of providing the service. Upon request
1832 by an affected county commission, the Florida Public Service
1833 Commission will provide assistance in establishing the fee.
1834 Further, for utilities and utility authorities that use the
1835 additional line item environmental protection disposal fee, such
1836 fee may not be considered a rate increase under the rules of the
1837 Public Service Commission and shall be exempt from such rules.
1838 Utilities using ~~the provisions of~~ this section may immediately



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1839 include in their sewer invoicing the new environmental
1840 protection disposal fee. Proceeds from this environmental
1841 protection disposal fee shall be used for treatment and disposal
1842 of wastewater biosolids ~~residuals~~, including any treatment
1843 technology that helps reduce the volume of biosolids ~~residuals~~
1844 that require final disposal, but such proceeds may not be used
1845 for transportation or shipment costs for disposal or any costs
1846 relating to the land application of biosolids ~~residuals~~ in the
1847 Lake Okeechobee watershed.

1848 18.e. No less frequently than once every 3 years, the
1849 Florida Public Service Commission or the county commission
1850 through the services of an independent auditor shall perform a
1851 financial audit of all facilities receiving compensation from an
1852 environmental protection disposal fee. The Florida Public
1853 Service Commission or the county commission through the services
1854 of an independent auditor shall also perform an audit of the
1855 methodology used in establishing the environmental protection
1856 disposal fee. The Florida Public Service Commission or the
1857 county commission shall, within 120 days after completion of an
1858 audit, file the audit report with the President of the Senate
1859 and the Speaker of the House of Representatives and shall
1860 provide copies to the county commissions of the counties set
1861 forth in subparagraph 17. ~~sub-subparagraph b.~~ The books and
1862 records of any facilities receiving compensation from an
1863 environmental protection disposal fee shall be open to the
1864 Florida Public Service Commission and the Auditor General for
1865 review upon request.

1866 19.7. The Department of Health shall require all entities
1867 disposing of septage within the Lake Okeechobee watershed to



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1868 develop and submit to that agency an agricultural use plan that
1869 limits applications based upon phosphorus loading consistent
1870 with the Lake Okeechobee Basin Management Action Plan adopted
1871 pursuant to s. 403.067. By July 1, 2005, phosphorus
1872 concentrations originating from these application sites may not
1873 exceed the limits established in the district's WOD program.

1874 20.8. The Department of Agriculture and Consumer Services
1875 shall initiate rulemaking requiring entities within the Lake
1876 Okeechobee watershed which land-apply animal manure to develop
1877 resource management system level conservation plans, according
1878 to United States Department of Agriculture criteria, which limit
1879 such application. Such rules shall ~~may~~ include criteria and
1880 thresholds for the requirement to develop a conservation or
1881 nutrient management plan, requirements for plan approval, site
1882 inspection requirements, and recordkeeping requirements.

1883 21. The district shall revise chapter 40E-61, Florida
1884 Administrative Code, to be consistent with this section and s.
1885 403.067; provide for a monitoring program for nonpoint source
1886 dischargers required to monitor water quality by s. 403.067; and
1887 provide for the results of such monitoring to be reported to the
1888 coordinating agencies.

1889 ~~9. The district, the department, or the Department of~~
1890 ~~Agriculture and Consumer Services, as appropriate, shall~~
1891 ~~implement those alternative nutrient reduction technologies~~
1892 ~~determined to be feasible pursuant to subparagraph (d)6.~~

1893 ~~(d) Lake Okeechobee Watershed Research and Water Quality~~
1894 ~~Monitoring Program. The district, in cooperation with the other~~
1895 ~~coordinating agencies, shall establish a Lake Okeechobee~~
1896 ~~Watershed Research and Water Quality Monitoring Program that~~



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1897 ~~builds upon the district's existing Lake Okeechobee research~~
1898 ~~program. The program shall:~~

1899 ~~1. Evaluate all available existing water quality data~~
1900 ~~concerning total phosphorus in the Lake Okeechobee watershed,~~
1901 ~~develop a water quality baseline to represent existing~~
1902 ~~conditions for total phosphorus, monitor long-term ecological~~
1903 ~~changes, including water quality for total phosphorus, and~~
1904 ~~measure compliance with water quality standards for total~~
1905 ~~phosphorus, including any applicable total maximum daily load~~
1906 ~~for the Lake Okeechobee watershed as established pursuant to s.~~
1907 ~~403.067. Every 3 years, the district shall reevaluate water~~
1908 ~~quality and quantity data to ensure that the appropriate~~
1909 ~~projects are being designated and implemented to meet the water~~
1910 ~~quality and storage goals of the plan. The district shall also~~
1911 ~~implement a total phosphorus monitoring program at appropriate~~
1912 ~~structures owned or operated by the South Florida Water~~
1913 ~~Management District and within the Lake Okeechobee watershed.~~

1914 ~~2. Develop a Lake Okeechobee water quality model that~~
1915 ~~reasonably represents phosphorus dynamics of the lake and~~
1916 ~~incorporates an uncertainty analysis associated with model~~
1917 ~~predictions.~~

1918 ~~3. Determine the relative contribution of phosphorus from~~
1919 ~~all identifiable sources and all primary and secondary land~~
1920 ~~uses.~~

1921 ~~4. Conduct an assessment of the sources of phosphorus from~~
1922 ~~the Upper Kissimmee Chain-of-Lakes and Lake Istokpoga, and their~~
1923 ~~relative contribution to the water quality of Lake Okeechobee.~~
1924 ~~The results of this assessment shall be used by the coordinating~~
1925 ~~agencies to develop interim measures, best management practices,~~



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1926 ~~or regulation, as applicable.~~

1927 ~~5. Assess current water management practices within the~~
1928 ~~Lake Okeechobee watershed and develop recommendations for~~
1929 ~~structural and operational improvements. Such recommendations~~
1930 ~~shall balance water supply, flood control, estuarine salinity,~~
1931 ~~maintenance of a healthy lake littoral zone, and water quality~~
1932 ~~considerations.~~

1933 ~~6. Evaluate the feasibility of alternative nutrient~~
1934 ~~reduction technologies, including sediment traps, canal and~~
1935 ~~ditch maintenance, fish production or other aquaculture,~~
1936 ~~bioenergy conversion processes, and algal or other biological~~
1937 ~~treatment technologies.~~

1938 ~~7. Conduct an assessment of the water volumes and timing~~
1939 ~~from the Lake Okeechobee watershed and their relative~~
1940 ~~contribution to the water level changes in Lake Okeechobee and~~
1941 ~~to the timing and volume of water delivered to the estuaries.~~

1942 ~~(c)(e) Lake Okeechobee Exotic Species Control Program.~~—The
1943 coordinating agencies shall identify the exotic species that
1944 threaten the native flora and fauna within the Lake Okeechobee
1945 watershed and develop and implement measures to protect the
1946 native flora and fauna.

1947 ~~(d)(f) Lake Okeechobee Internal Phosphorus Management~~
1948 ~~Program.~~—The district, in cooperation with the other
1949 coordinating agencies and interested parties, shall evaluate the
1950 feasibility of ~~complete a~~ Lake Okeechobee internal phosphorus
1951 load removal projects feasibility study. The evaluation
1952 feasibility study shall be based on technical feasibility, as
1953 well as economic considerations, and shall consider ~~address~~ all
1954 reasonable methods of phosphorus removal. If projects ~~methods~~



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1955 are found to be feasible, the district shall immediately pursue
1956 the design, funding, and permitting for implementing such
1957 projects methods.

1958 (e)(g) Lake Okeechobee Watershed Protection Program Plan
1959 implementation.—The coordinating agencies shall be jointly
1960 responsible for implementing the Lake Okeechobee Watershed
1961 Protection Program Plan, consistent with the statutory authority
1962 and responsibility of each agency. Annual funding priorities
1963 shall be jointly established, and the highest priority shall be
1964 assigned to programs and projects that address sources that have
1965 the highest relative contribution to loading and the greatest
1966 potential for reductions needed to meet the total maximum daily
1967 loads. In determining funding priorities, the coordinating
1968 agencies shall also consider the need for regulatory compliance,
1969 the extent to which the program or project is ready to proceed,
1970 and the availability of federal matching funds or other nonstate
1971 funding, including public-private partnerships. Federal and
1972 other nonstate funding shall be maximized to the greatest extent
1973 practicable.

1974 (f)(h) Priorities and implementation schedules.—The
1975 coordinating agencies are authorized and directed to establish
1976 priorities and implementation schedules for the achievement of
1977 total maximum daily loads, compliance with the requirements of
1978 s. 403.067, and compliance with applicable water quality
1979 standards within the waters and watersheds subject to this
1980 section.

1981 ~~(i) Legislative ratification~~.—~~The coordinating agencies~~
1982 ~~shall submit the Phase II technical plan developed pursuant to~~
1983 ~~paragraph (b) to the President of the Senate and the Speaker of~~



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1984 ~~the House of Representatives prior to the 2008 legislative~~
1985 ~~session for review. If the Legislature takes no action on the~~
1986 ~~plan during the 2008 legislative session, the plan is deemed~~
1987 ~~approved and may be implemented.~~

1988 (4) CALOOSAHATCHEE RIVER WATERSHED PROTECTION PROGRAM AND
1989 ST. LUCIE RIVER WATERSHED PROTECTION PROGRAM.—A protection
1990 program shall be developed and implemented as specified in this
1991 subsection. In order to protect and restore surface water
1992 resources, the program shall address the reduction of pollutant
1993 loadings, restoration of natural hydrology, and compliance with
1994 applicable state water quality standards. The program shall be
1995 achieved through a phased program of implementation. In
1996 addition, pollutant load reductions based upon adopted total
1997 maximum daily loads established in accordance with s. 403.067
1998 shall serve as a program objective. In the development and
1999 administration of the program, the coordinating agencies shall
2000 maximize opportunities provided by federal and local government
2001 cost-sharing programs and opportunities for partnerships with
2002 the private sector and local government. The program plan shall
2003 include a goal for salinity envelopes and freshwater inflow
2004 targets for the estuaries based upon existing research and
2005 documentation. The goal may be revised as new information is
2006 available. This goal shall seek to reduce the frequency and
2007 duration of undesirable salinity ranges while meeting the other
2008 water-related needs of the region, including water supply and
2009 flood protection, while recognizing the extent to which water
2010 inflows are within the control and jurisdiction of the district.

2011 (a) *Caloosahatchee River Watershed Protection Plan.*—~~No~~
2012 ~~later than January 1, 2009,~~ The district, in cooperation with



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2013 the other coordinating agencies, Lee County, and affected
2014 counties and municipalities, shall complete a River Watershed
2015 Protection Plan in accordance with this subsection. The
2016 Caloosahatchee River Watershed Protection Plan shall identify
2017 the geographic extent of the watershed, be coordinated as needed
2018 with the plans developed pursuant to paragraph (3) (a) and
2019 paragraph (c) ~~(b)~~ of this subsection, and ~~contain an~~
2020 ~~implementation schedule for pollutant load reductions consistent~~
2021 ~~with any adopted total maximum daily loads and compliance with~~
2022 ~~applicable state water quality standards. The plan shall include~~
2023 the Caloosahatchee River Watershed Construction Project and the
2024 Caloosahatchee River Watershed Research and Water Quality
2025 Monitoring Program.+

2026 1. Caloosahatchee River Watershed Construction Project.—To
2027 improve the hydrology, water quality, and aquatic habitats
2028 within the watershed, the district shall, no later than January
2029 1, 2012, plan, design, and construct the initial phase of the
2030 Watershed Construction Project. In doing so, the district shall:

2031 a. Develop and designate the facilities to be constructed
2032 to achieve stated goals and objectives of the Caloosahatchee
2033 River Watershed Protection Plan.

2034 b. Conduct scientific studies that are necessary to support
2035 the design of the Caloosahatchee River Watershed Construction
2036 Project facilities.

2037 c. Identify the size and location of all such facilities.

2038 d. Provide a construction schedule for all such facilities,
2039 including the sequencing and specific timeframe for construction
2040 of each facility.

2041 e. Provide a schedule for the acquisition of lands or



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2042 sufficient interests necessary to achieve the construction
2043 schedule.

2044 f. Provide a schedule of costs and benefits associated with
2045 each construction project and identify funding sources.

2046 g. To ensure timely implementation, coordinate the design,
2047 scheduling, and sequencing of project facilities with the
2048 coordinating agencies, Lee County, other affected counties and
2049 municipalities, and other affected parties.

2050 2. Caloosahatchee River Watershed Research and Water
2051 Quality Monitoring Program.—The district, in cooperation with
2052 the other coordinating agencies and local governments, shall
2053 implement a Caloosahatchee River Watershed Research and Water
2054 Quality Monitoring Program that builds upon the district's
2055 existing research program and that is sufficient to carry out,
2056 comply with, or assess the plans, programs, and other
2057 responsibilities created by this subsection. The program shall
2058 also conduct an assessment of the water volumes and timing from
2059 Lake Okeechobee and the Caloosahatchee River watershed and their
2060 relative contributions to the timing and volume of water
2061 delivered to the estuary.

2062 (b)2. Caloosahatchee River Watershed Basin Management
2063 Action Plans Pollutant Control Program.—The basin management
2064 action plans adopted pursuant to s. 403.067 for the
2065 Caloosahatchee River watershed shall be the Caloosahatchee River
2066 Watershed Pollutant Control Program. The plans shall be ~~is~~
2067 designed to be a multifaceted approach to reducing pollutant
2068 loads by improving the management of pollutant sources within
2069 the Caloosahatchee River watershed through implementation of
2070 regulations and best management practices, development and



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2071 implementation of improved best management practices,
2072 improvement and restoration of the hydrologic function of
2073 natural and managed systems, and utilization of alternative
2074 technologies for pollutant reduction, such as cost-effective
2075 biologically based, hybrid wetland/chemical and other innovative
2076 nutrient control technologies. The plans must include an
2077 implementation schedule pursuant to this subsection for
2078 pollutant load reductions. As provided in s. 403.067(7)(a)6.,
2079 the Caloosahatchee River Watershed Basin Management Action Plan
2080 must include milestones for implementation and water quality
2081 improvement and an associated water quality monitoring component
2082 sufficient to evaluate whether reasonable progress in pollutant
2083 load reductions is being achieved over time. The department
2084 shall develop a schedule to establish 5-, 10-, and 15-year
2085 measurable milestones and a target to achieve the adopted total
2086 maximum daily load no more than 20 years after adoption of the
2087 plan. The schedule shall be used to provide guidance for
2088 planning and funding purposes and is exempt from s.
2089 120.54(1)(a). An assessment of progress toward these milestones
2090 shall be conducted every 5 years, and revisions to the plan
2091 shall be made, as appropriate, as a result of each 5-year
2092 review. The assessment shall be provided to the Governor, the
2093 President of the Senate, and the Speaker of the House of
2094 Representatives. Upon the first 5-year review, the schedule of
2095 measurable milestones and a target to achieve water quality
2096 improvement consistent with this section shall be adopted into
2097 the plan. Revisions to the basin management action plan shall be
2098 made by the department in cooperation with the basin
2099 stakeholders. Revisions to best management practices or other



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2100 measures must follow the procedures set forth in s.
2101 403.067(7)(c)4. Revised basin management action plans must be
2102 adopted pursuant to s. 403.067(7)(a)5. If achieving the adopted
2103 total maximum daily load within 20 years is not practicable, the
2104 schedule must contain an explanation of the constraints that
2105 prevent achievement of the total maximum daily load within 20
2106 years, an estimate of the time needed to achieve the total
2107 maximum daily load, and additional 5-year measurable milestones,
2108 as necessary. The coordinating agencies shall facilitate the use
2109 utilization of federal programs that offer opportunities for
2110 water quality treatment, including preservation, restoration, or
2111 creation of wetlands on agricultural lands.

2112 1.a. Nonpoint source best management practices consistent
2113 with s. 403.067 paragraph (3)(c), designed to achieve the
2114 objectives of the Caloosahatchee River Watershed Protection
2115 Program, shall be implemented on an expedited basis. The
2116 coordinating agencies may develop an intergovernmental agreement
2117 with local governments to implement the nonagricultural,
2118 nonpoint-source best management practices within their
2119 respective geographic boundaries.

2120 2.b. This subsection does not preclude the department or
2121 the district from requiring compliance with water quality
2122 standards, adopted total maximum daily loads, or current best
2123 management practices requirements set forth in any applicable
2124 regulatory program authorized by law for the purpose of
2125 protecting water quality. This subsection applies only to the
2126 extent that it does not conflict with any rules adopted by the
2127 department or district which are necessary to maintain a
2128 federally delegated or approved program.



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2129 ~~3.e.~~ Projects that make use of private lands, or lands held
2130 in trust for Indian tribes, to reduce pollutant loadings or
2131 concentrations within a basin, or that reduce the volume of
2132 harmful discharges by one or more of the following methods:
2133 restoring the natural hydrology of the basin, restoring wildlife
2134 habitat or impacted wetlands, reducing peak flows after storm
2135 events, or increasing aquifer recharge, are eligible for grants
2136 available under this section from the coordinating agencies.

2137 ~~4.d.~~ The Caloosahatchee River Watershed Basin Management
2138 Action Plans ~~Pollutant Control Program~~ shall require assessment
2139 of current water management practices within the watershed and
2140 shall require development of recommendations for structural,
2141 nonstructural, and operational improvements. Such
2142 recommendations shall consider and balance water supply, flood
2143 control, estuarine salinity, aquatic habitat, and water quality
2144 considerations.

2145 ~~5.e.~~ ~~After December 31, 2007,~~ The department may not
2146 authorize the disposal of domestic wastewater biosolids
2147 ~~residuals~~ within the Caloosahatchee River watershed unless the
2148 applicant can affirmatively demonstrate that the nutrients in
2149 the biosolids ~~residuals~~ will not add to nutrient loadings in the
2150 watershed. This demonstration shall be based on achieving a net
2151 balance between nutrient imports relative to exports on the
2152 permitted application site. Exports shall include only nutrients
2153 removed from the watershed through products generated on the
2154 permitted application site. This prohibition does not apply to
2155 Class AA biosolids ~~residuals~~ that are marketed and distributed
2156 as fertilizer products in accordance with department rule.

2157 ~~6.f.~~ The Department of Health shall require all entities



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2158 disposing of septage within the Caloosahatchee River watershed
2159 to develop and submit to that agency an agricultural use plan
2160 that limits applications based upon nutrient loading consistent
2161 with any basin management action plan adopted pursuant to s.
2162 403.067. By July 1, 2008, nutrient concentrations originating
2163 from these application sites may not exceed the limits
2164 established in the district's WOD program.

2165 ~~7.g.~~ The Department of Agriculture and Consumer Services
2166 shall require ~~initiate rulemaking requiring~~ entities within the
2167 Caloosahatchee River watershed which land-apply animal manure to
2168 develop a resource management system level conservation plan,
2169 according to United States Department of Agriculture criteria,
2170 which limit such application. Such rules shall ~~may~~ include
2171 criteria and thresholds for the requirement to develop a
2172 conservation or nutrient management plan, requirements for plan
2173 approval, site inspection requirements, and recordkeeping
2174 requirements.

2175 8. The district shall initiate rulemaking to provide for a
2176 monitoring program for nonpoint source dischargers required to
2177 monitor water quality pursuant to s. 403.067(7) (b)2.g. or s.
2178 403.067(7) (c)3. The results of such monitoring must be reported
2179 to the coordinating agencies.

2180 ~~3. Caloosahatchee River Watershed Research and Water~~
2181 ~~Quality Monitoring Program. The district, in cooperation with~~
2182 ~~the other coordinating agencies and local governments, shall~~
2183 ~~establish a Caloosahatchee River Watershed Research and Water~~
2184 ~~Quality Monitoring Program that builds upon the district's~~
2185 ~~existing research program and that is sufficient to carry out,~~
2186 ~~comply with, or assess the plans, programs, and other~~



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2187 ~~responsibilities created by this subsection. The program shall~~
2188 ~~also conduct an assessment of the water volumes and timing from~~
2189 ~~the Lake Okeechobee and Caloosahatchee River watersheds and~~
2190 ~~their relative contributions to the timing and volume of water~~
2191 ~~delivered to the estuary.~~

2192 ~~(c)(b) St. Lucie River Watershed Protection Plan. No later~~
2193 ~~than January 1, 2009,~~ The district, in cooperation with the
2194 other coordinating agencies, Martin County, and affected
2195 counties and municipalities shall complete a plan in accordance
2196 with this subsection. The St. Lucie River Watershed Protection
2197 Plan shall identify the geographic extent of the watershed, be
2198 coordinated as needed with the plans developed pursuant to
2199 paragraph (3)(a) and paragraph (a) of this subsection, and
2200 ~~contain an implementation schedule for pollutant load reductions~~
2201 ~~consistent with any adopted total maximum daily loads and~~
2202 ~~compliance with applicable state water quality standards. The~~
2203 ~~plan shall include the St. Lucie River Watershed Construction~~
2204 ~~Project and St. Lucie River Watershed Research and Water Quality~~
2205 ~~Monitoring Program.~~‡

2206 1. St. Lucie River Watershed Construction Project.—To
2207 improve the hydrology, water quality, and aquatic habitats
2208 within the watershed, the district shall, no later than January
2209 1, 2012, plan, design, and construct the initial phase of the
2210 Watershed Construction Project. In doing so, the district shall:

2211 a. Develop and designate the facilities to be constructed
2212 to achieve stated goals and objectives of the St. Lucie River
2213 Watershed Protection Plan.

2214 b. Identify the size and location of all such facilities.

2215 c. Provide a construction schedule for all such facilities,



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2216 including the sequencing and specific timeframe for construction
2217 of each facility.

2218 d. Provide a schedule for the acquisition of lands or
2219 sufficient interests necessary to achieve the construction
2220 schedule.

2221 e. Provide a schedule of costs and benefits associated with
2222 each construction project and identify funding sources.

2223 f. To ensure timely implementation, coordinate the design,
2224 scheduling, and sequencing of project facilities with the
2225 coordinating agencies, Martin County, St. Lucie County, other
2226 interested parties, and other affected local governments.

2227 2. St. Lucie River Watershed Research and Water Quality
2228 Monitoring Program.—The district, in cooperation with the other
2229 coordinating agencies and local governments, shall establish a
2230 St. Lucie River Watershed Research and Water Quality Monitoring
2231 Program that builds upon the district's existing research
2232 program and that is sufficient to carry out, comply with, or
2233 assess the plans, programs, and other responsibilities created
2234 by this subsection. The district shall also conduct an
2235 assessment of the water volumes and timing from Lake Okeechobee
2236 and the St. Lucie River watershed and their relative
2237 contributions to the timing and volume of water delivered to the
2238 estuary.

2239 (d)2. St. Lucie River Watershed Basin Management Action
2240 Plan Pollutant Control Program.—Basin management action plan for
2241 the St. Lucie River watershed adopted pursuant to s. 403.067
2242 shall be the St. Lucie River Watershed Pollutant Control Program
2243 and shall be is designed to be a multifaceted approach to
2244 reducing pollutant loads by improving the management of



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2245 pollutant sources within the St. Lucie River watershed through
2246 implementation of regulations and best management practices,
2247 development and implementation of improved best management
2248 practices, improvement and restoration of the hydrologic
2249 function of natural and managed systems, and use ~~utilization~~ of
2250 alternative technologies for pollutant reduction, such as cost-
2251 effective biologically based, hybrid wetland/chemical and other
2252 innovative nutrient control technologies. The plan must include
2253 an implementation schedule pursuant to this subsection for
2254 pollutant load reductions. As provided in s. 403.067(7)(a)6.,
2255 the St. Lucie Watershed Basin Management Action Plan must
2256 include milestones for implementation and water quality
2257 improvement and an associated water quality monitoring component
2258 sufficient to evaluate whether reasonable progress in pollutant
2259 load reductions is being achieved over time. The department
2260 shall develop a schedule to establish 5-, 10-, and 15-year
2261 measurable milestones and a target to achieve the adopted total
2262 maximum daily load no more than 20 years after adoption of the
2263 plan. The schedule shall be used to provide guidance for
2264 planning and funding purposes and is exempt from s.
2265 120.54(1)(a). An assessment of progress toward these milestones
2266 shall be conducted every 5 years, and revisions to the plan
2267 shall be made, as appropriate, as a result of each 5-year
2268 review. The assessment shall be provided to the Governor, the
2269 President of the Senate, and the Speaker of the House of
2270 Representatives. Upon the first 5-year review, the schedule of
2271 measurable milestones and a target to achieve water quality
2272 improvement consistent with this section shall be adopted into
2273 the plan. Revisions to the basin management action plan shall be



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2274 made by the department in cooperation with the basin
2275 stakeholders. Revisions to best management practices or other
2276 measures must follow the procedures set forth in s.
2277 403.067(7)(c)4. Revised basin management action plans must be
2278 adopted pursuant to s. 403.067(7)(a)5. If achieving the adopted
2279 total maximum daily load within 20 years is not practicable, the
2280 schedule must contain an explanation of the constraints that
2281 prevent achievement of the total maximum daily load within 20
2282 years, an estimate of the time needed to achieve the total
2283 maximum daily load, and additional 5-year measurable milestones,
2284 as necessary. The coordinating agencies shall facilitate the use
2285 utilization of federal programs that offer opportunities for
2286 water quality treatment, including preservation, restoration, or
2287 creation of wetlands on agricultural lands.

2288 1.a. Nonpoint source best management practices consistent
2289 with s. 403.067 paragraph (3)(c), designed to achieve the
2290 objectives of the St. Lucie River Watershed Protection Program,
2291 shall be implemented on an expedited basis. The coordinating
2292 agencies may develop an intergovernmental agreement with local
2293 governments to implement the nonagricultural nonpoint source
2294 best management practices within their respective geographic
2295 boundaries.

2296 2.b. This subsection does not preclude the department or
2297 the district from requiring compliance with water quality
2298 standards, adopted total maximum daily loads, or current best
2299 management practices requirements set forth in any applicable
2300 regulatory program authorized by law for the purpose of
2301 protecting water quality. This subsection applies only to the
2302 extent that it does not conflict with any rules adopted by the



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2303 department or district which are necessary to maintain a
2304 federally delegated or approved program.

2305 ~~3.e.~~ Projects that make use of private lands, or lands held
2306 in trust for Indian tribes, to reduce pollutant loadings or
2307 concentrations within a basin, or that reduce the volume of
2308 harmful discharges by one or more of the following methods:
2309 restoring the natural hydrology of the basin, restoring wildlife
2310 habitat or impacted wetlands, reducing peak flows after storm
2311 events, or increasing aquifer recharge, are eligible for grants
2312 available under this section from the coordinating agencies.

2313 ~~4.d.~~ The St. Lucie River Watershed Basin Management Action
2314 Plans ~~Pollutant Control Program~~ shall require assessment of
2315 current water management practices within the watershed and
2316 shall require development of recommendations for structural,
2317 nonstructural, and operational improvements. Such
2318 recommendations shall consider and balance water supply, flood
2319 control, estuarine salinity, aquatic habitat, and water quality
2320 considerations.

2321 ~~5.e. After December 31, 2007,~~ The department may not
2322 authorize the disposal of domestic wastewater biosolids
2323 ~~residuals~~ within the St. Lucie River watershed unless the
2324 applicant can affirmatively demonstrate that the nutrients in
2325 the biosolids ~~residuals~~ will not add to nutrient loadings in the
2326 watershed. This demonstration shall be based on achieving a net
2327 balance between nutrient imports relative to exports on the
2328 permitted application site. Exports shall include only nutrients
2329 removed from the St. Lucie River watershed through products
2330 generated on the permitted application site. This prohibition
2331 does not apply to Class AA biosolids ~~residuals~~ that are marketed



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2332 and distributed as fertilizer products in accordance with
2333 department rule.

2334 ~~6.f.~~ The Department of Health shall require all entities
2335 disposing of septage within the St. Lucie River watershed to
2336 develop and submit to that agency an agricultural use plan that
2337 limits applications based upon nutrient loading consistent with
2338 any basin management action plan adopted pursuant to s. 403.067.
2339 ~~By July 1, 2008, nutrient concentrations originating from these~~
2340 ~~application sites may not exceed the limits established in the~~
2341 ~~district's WOD program.~~

2342 ~~7.g.~~ The Department of Agriculture and Consumer Services
2343 shall initiate rulemaking requiring entities within the St.
2344 Lucie River watershed which land-apply animal manure to develop
2345 a resource management system level conservation plan, according
2346 to United States Department of Agriculture criteria, which limit
2347 such application. Such rules shall ~~may~~ include criteria and
2348 thresholds for the requirement to develop a conservation or
2349 nutrient management plan, requirements for plan approval, site
2350 inspection requirements, and recordkeeping requirements.

2351 8. The district shall initiate rulemaking to provide for a
2352 monitoring program for nonpoint source dischargers required to
2353 monitor water quality pursuant to s. 403.067(7)(b)2.g. or s.
2354 403.067(7)(c)3. The results of such monitoring must be reported
2355 to the coordinating agencies.

2356 ~~3. St. Lucie River Watershed Research and Water Quality~~
2357 ~~Monitoring Program. The district, in cooperation with the other~~
2358 ~~coordinating agencies and local governments, shall establish a~~
2359 ~~St. Lucie River Watershed Research and Water Quality Monitoring~~
2360 ~~Program that builds upon the district's existing research~~



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2361 ~~program and that is sufficient to carry out, comply with, or~~
2362 ~~assess the plans, programs, and other responsibilities created~~
2363 ~~by this subsection. The program shall also conduct an assessment~~
2364 ~~of the water volumes and timing from the Lake Okeechobee and St.~~
2365 ~~Lucie River watersheds and their relative contributions to the~~
2366 ~~timing and volume of water delivered to the estuary.~~

2367 (e) ~~(e)~~ *River Watershed Protection Plan implementation.*—The
2368 coordinating agencies shall be jointly responsible for
2369 implementing the River Watershed Protection Plans, consistent
2370 with the statutory authority and responsibility of each agency.
2371 Annual funding priorities shall be jointly established, and the
2372 highest priority shall be assigned to programs and projects that
2373 have the greatest potential for achieving the goals and
2374 objectives of the plans. In determining funding priorities, the
2375 coordinating agencies shall also consider the need for
2376 regulatory compliance, the extent to which the program or
2377 project is ready to proceed, and the availability of federal or
2378 local government matching funds. Federal and other nonstate
2379 funding shall be maximized to the greatest extent practicable.

2380 (f) ~~(d)~~ *Evaluation.*—Beginning By March 1, 2020 2012, and
2381 every 5 3 years thereafter, concurrent with the updates of the
2382 basin management action plans adopted pursuant to s. 403.067,
2383 the department, district in cooperation with the other
2384 coordinating agencies, shall conduct an evaluation of any
2385 pollutant load reduction goals, as well as any other specific
2386 objectives and goals, as stated in the River Watershed
2387 Protection Programs Plans. Additionally, The district shall
2388 identify modifications to facilities of the River Watershed
2389 Construction Projects, as appropriate, or any other elements of



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2390 the River Watershed Protection Programs Plans. The evaluation
2391 shall be included in the annual progress report submitted
2392 pursuant to this section.

2393 (g)(e) Priorities and implementation schedules.—The
2394 coordinating agencies are authorized and directed to establish
2395 priorities and implementation schedules for the achievement of
2396 total maximum daily loads, the requirements of s. 403.067, and
2397 compliance with applicable water quality standards within the
2398 waters and watersheds subject to this section.

2399 ~~(f) Legislative ratification. The coordinating agencies~~
2400 ~~shall submit the River Watershed Protection Plans developed~~
2401 ~~pursuant to paragraphs (a) and (b) to the President of the~~
2402 ~~Senate and the Speaker of the House of Representatives prior to~~
2403 ~~the 2009 legislative session for review. If the Legislature~~
2404 ~~takes no action on the plan during the 2009 legislative session,~~
2405 ~~the plan is deemed approved and may be implemented.~~

2406 (5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY
2407 LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.—The
2408 department is directed to expedite development and adoption of
2409 total maximum daily loads for the Caloosahatchee River and
2410 estuary. The department is further directed to, ~~no later than~~
2411 ~~December 31, 2008,~~ propose for final agency action total maximum
2412 daily loads for nutrients in the tidal portions of the
2413 Caloosahatchee River and estuary. The department shall initiate
2414 development of basin management action plans for Lake
2415 Okeechobee, the Caloosahatchee River watershed and estuary, and
2416 the St. Lucie River watershed and estuary as provided in s.
2417 403.067 s. 403.067(7)(a) as follows:

2418 (a) Basin management action plans shall be developed as



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2419 soon as practicable as determined necessary by the department to
2420 achieve the total maximum daily loads established for the Lake
2421 Okeechobee watershed and the estuaries.

2422 (b) The Phase II technical plan development pursuant to
2423 paragraph (3) (a) ~~(3) (b)~~, and the River Watershed Protection
2424 Plans developed pursuant to paragraphs (4) (a) and (c) (b), shall
2425 provide the basis for basin management action plans developed by
2426 the department.

2427 (c) As determined necessary by the department in order to
2428 achieve the total maximum daily loads, additional or modified
2429 projects or programs that complement those in the legislatively
2430 ratified plans may be included during the development of the
2431 basin management action plan.

2432 (d) As provided in s. 403.067, management strategies and
2433 pollution reduction requirements set forth in a basin management
2434 action plan subject to permitting by the department under
2435 subsection (7) must be completed pursuant to the schedule set
2436 forth in the basin management action plan, as amended. The
2437 implementation schedule may extend beyond the 5-year permit
2438 term.

2439 (e) As provided in s. 403.067, management strategies and
2440 pollution reduction requirements set forth in a basin management
2441 action plan for a specific pollutant of concern are not subject
2442 to challenge under chapter 120 at the time they are
2443 incorporated, in an identical form, into a department or
2444 district issued permit or a permit modification issued in
2445 accordance with subsection (7).

2446 ~~(d) Development of basin management action plans that~~
2447 ~~implement the provisions of the legislatively ratified plans~~



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2448 ~~shall be initiated by the department no later than September 30~~
2449 ~~of the year in which the applicable plan is ratified. Where a~~
2450 ~~total maximum daily load has not been established at the time of~~
2451 ~~plan ratification, development of basin management action plans~~
2452 ~~shall be initiated no later than 90 days following adoption of~~
2453 ~~the applicable total maximum daily load.~~

2454 (6) ANNUAL PROGRESS REPORT.—Each March 1 the district, in
2455 cooperation with the other coordinating agencies, shall report
2456 on implementation of this section as part of the consolidated
2457 annual report required in s. 373.036(7). The annual report shall
2458 include a summary of the conditions of the hydrology, water
2459 quality, and aquatic habitat in the northern Everglades based on
2460 the results of the Research and Water Quality Monitoring
2461 Programs, the status of the Lake Okeechobee Watershed
2462 Construction Project, the status of the Caloosahatchee River
2463 Watershed Construction Project, and the status of the St. Lucie
2464 River Watershed Construction Project. In addition, the report
2465 shall contain an annual accounting of the expenditure of funds
2466 from the Save Our Everglades Trust Fund. At a minimum, the
2467 annual report shall provide detail by program and plan,
2468 including specific information concerning the amount and use of
2469 funds from federal, state, or local government sources. In
2470 detailing the use of these funds, the district shall indicate
2471 those designated to meet requirements for matching funds. The
2472 district shall prepare the report in cooperation with the other
2473 coordinating agencies and affected local governments. The
2474 department shall report on the status of the Lake Okeechobee
2475 Basin Management Action Plan, the Caloosahatchee River Watershed
2476 Basin Management Action Plan, and the St. Lucie River Watershed



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2477 Basin Management Action Plan. The Department of Agriculture and
2478 Consumer Services shall report on the status of the
2479 implementation of the agricultural nonpoint source best
2480 management practices, including an implementation assurance
2481 report summarizing survey responses and response rates, site
2482 inspections, and other methods used to verify implementation of
2483 and compliance with best management practices in the Lake
2484 Okeechobee, Caloosahatchee and St. Lucie watersheds.

2485 (7) LAKE OKEECHOBEE PROTECTION PERMITS.—

2486 (a) The Legislature finds that the Lake Okeechobee
2487 Watershed Protection Program will benefit Lake Okeechobee and
2488 downstream receiving waters and is in ~~consistent with~~ the public
2489 interest. The Lake Okeechobee Watershed Construction Project and
2490 structures discharging into or from Lake Okeechobee shall be
2491 constructed, operated, and maintained in accordance with this
2492 section.

2493 (b) Permits obtained pursuant to this section are in lieu
2494 of all other permits under this chapter or chapter 403, except
2495 those issued under s. 403.0885, if applicable. ~~No~~ Additional
2496 permits are not required for the Lake Okeechobee Watershed
2497 Construction Project, or structures discharging into or from
2498 Lake Okeechobee, if such project or structures are permitted
2499 under this section. Construction activities related to
2500 implementation of the Lake Okeechobee Watershed Construction
2501 Project may be initiated before ~~prior to~~ final agency action, or
2502 notice of intended agency action, on any permit from the
2503 department under this section.

2504 (c) ~~1. Within 90 days of completion of the diversion plans~~
2505 ~~set forth in Department Consent Orders 91-0694, 91-0707, 91-~~



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2506 ~~0706, 91-0705, and RT50-205564, Owners or operators of existing~~
2507 ~~structures which discharge into or from Lake Okeechobee that~~
2508 ~~were subject to Department Consent Orders 91-0694, 91-0705, 91-~~
2509 ~~0706, 91-0707, and RT50-205564 and that are subject to the~~
2510 ~~provisions of s. 373.4592(4) (a) do not require a permit under~~
2511 ~~this section and shall be governed by permits issued under apply~~
2512 ~~for a permit from the department to operate and maintain such~~
2513 ~~structures. By September 1, 2000, owners or operators of all~~
2514 ~~other existing structures which discharge into or from Lake~~
2515 ~~Okeechobee shall apply for a permit from the department to~~
2516 ~~operate and maintain such structures. The department shall issue~~
2517 ~~one or more such permits for a term of 5 years upon the~~
2518 ~~demonstration of reasonable assurance that schedules and~~
2519 ~~strategies to achieve and maintain compliance with water quality~~
2520 ~~standards have been provided for, to the maximum extent~~
2521 ~~practicable, and that operation of the structures otherwise~~
2522 ~~complies with provisions of ss. 373.413 and 373.416 and the Lake~~
2523 ~~Okeechobee Basin Management Action Plan adopted pursuant to s.~~
2524 ~~403.067.~~

2525 ~~1. Permits issued under this paragraph shall also contain~~
2526 ~~reasonable conditions to ensure that discharges of waters~~
2527 ~~through structures:~~

2528 ~~a. Are adequately and accurately monitored;~~

2529 ~~b. Will not degrade existing Lake Okeechobee water quality~~
2530 ~~and will result in an overall reduction of phosphorus input into~~
2531 ~~Lake Okeechobee, as set forth in the district's Technical~~
2532 ~~Publication 81-2 and the total maximum daily load established in~~
2533 ~~accordance with s. 403.067, to the maximum extent practicable;~~
2534 ~~and~~



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2535 ~~e. Do not pose a serious danger to public health, safety,~~
2536 ~~or welfare.~~

2537 2. For the purposes of this paragraph, owners and operators
2538 of existing structures which are subject to ~~the provisions of s.~~
2539 373.4592(4) (a) and which discharge into or from Lake Okeechobee
2540 shall be deemed in compliance with this paragraph ~~the term~~
2541 ~~"maximum extent practicable"~~ if they are in full compliance with
2542 the conditions of permits under chapter ~~chapters 40E-61 and 40E-~~
2543 63, Florida Administrative Code.

2544 3. By January 1, 2016 ~~2004~~, the district shall submit to
2545 the department a complete application for a permit modification
2546 to the Lake Okeechobee structure permits to incorporate proposed
2547 changes necessary to ensure that discharges through the
2548 structures covered by this permit are consistent with the basin
2549 management action plan adopted pursuant to ~~achieve state water~~
2550 ~~quality standards, including the total maximum daily load~~
2551 ~~established in accordance with s. 403.067. These changes shall~~
2552 ~~be designed to achieve such compliance with state water quality~~
2553 ~~standards no later than January 1, 2015.~~

2554 (d) The department shall require permits for district
2555 regional projects that are part of the Lake Okeechobee Watershed
2556 Construction Project facilities. However, projects ~~identified in~~
2557 ~~sub-subparagraph (3)(b)1.b.~~ that qualify as exempt pursuant to
2558 s. 373.406 do shall not require need permits under this section.
2559 Such permits shall be issued for a term of 5 years upon the
2560 demonstration of reasonable assurances that:

2561 1. District regional projects that are part of the Lake
2562 Okeechobee Watershed Construction Project shall facility, based
2563 ~~upon the conceptual design documents and any subsequent detailed~~



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2564 ~~design documents developed by the district, will~~ achieve the
2565 design objectives for phosphorus required in subparagraph
2566 (3) (a) 1. paragraph (3) (b);

2567 2. For water quality standards other than phosphorus, the
2568 quality of water discharged from the facility is of equal or
2569 better quality than the inflows;

2570 3. Discharges from the facility do not pose a serious
2571 danger to public health, safety, or welfare; and

2572 4. Any impacts on wetlands or state-listed species
2573 resulting from implementation of that facility of the Lake
2574 Okeechobee Construction Project are minimized and mitigated, as
2575 appropriate.

2576 (e) At least 60 days before ~~prior to~~ the expiration of any
2577 permit issued under this section, the permittee may apply for a
2578 renewal thereof for a period of 5 years.

2579 (f) Permits issued under this section may include any
2580 standard conditions provided by department rule which are
2581 appropriate and consistent with this section.

2582 (g) Permits issued under ~~pursuant to~~ this section may be
2583 modified, as appropriate, upon review and approval by the
2584 department.

2585 Section 21. Paragraph (a) of subsection (1) and subsection
2586 (3) of section 373.467, Florida Statutes, are amended, to read:

2587 373.467 The Harris Chain of Lakes Restoration Council.—
2588 There is created within the St. Johns River Water Management
2589 District, with assistance from the Fish and Wildlife
2590 Conservation Commission and the Lake County Water Authority, the
2591 Harris Chain of Lakes Restoration Council.

2592 (1) (a) The council shall consist of nine voting members,



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2593 which shall include: a representative of waterfront property
2594 owners, a representative of the sport fishing industry, a person
2595 with experience in an environmental science or regulation
2596 engineer, a person with training in biology or another
2597 scientific discipline, ~~a person with training as an attorney, a~~
2598 ~~physician, a person with training as an engineer~~, and two
2599 residents of the county who are ~~do~~ not required to meet any
2600 additional of the other qualifications for membership ~~enumerated~~
2601 ~~in this paragraph~~, each to be appointed by the Lake County
2602 legislative delegation. The Lake County legislative delegation
2603 may waive the qualifications for membership on a case-by-case
2604 basis if good cause is shown. A ~~No~~ person serving on the council
2605 may not be appointed to a council, board, or commission of any
2606 council advisory group agency. The council members shall serve
2607 as advisors to the governing board of the St. Johns River Water
2608 Management District. The council is subject to ~~the provisions of~~
2609 chapters 119 and 120.

2610 (3) The council shall meet at the call of its chair, at the
2611 request of six of its members, or at the request of the chair of
2612 the governing board of the St. Johns River Water Management
2613 District. Resignation by a council member, or failure by a
2614 council member to attend three consecutive meetings without an
2615 excuse approved by the chair, results in a vacancy on the
2616 council.

2617 Section 22. Paragraphs (a) and (b) of subsection (6) of
2618 section 373.536, Florida Statutes, are amended to read:

2619 373.536 District budget and hearing thereon.—

2620 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
2621 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—



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2622 (a) Each district must, by the date specified for each
2623 item, furnish copies of the following documents to the Governor,
2624 the President of the Senate, the Speaker of the House of
2625 Representatives, the chairs of all legislative committees and
2626 subcommittees having substantive or fiscal jurisdiction over the
2627 districts, as determined by the President of the Senate or the
2628 Speaker of the House of Representatives as applicable, the
2629 secretary of the department, and the governing board of each
2630 county in which the district has jurisdiction or derives any
2631 funds for the operations of the district:

2632 1. The adopted budget, to be furnished within 10 days after
2633 its adoption.

2634 2. A financial audit of its accounts and records, to be
2635 furnished within 10 days after its acceptance by the governing
2636 board. The audit must be conducted in accordance with s. 11.45
2637 and the rules adopted thereunder. In addition to the entities
2638 named above, the district must provide a copy of the audit to
2639 the Auditor General within 10 days after its acceptance by the
2640 governing board.

2641 3. A 5-year capital improvements plan, to be included in
2642 the consolidated annual report required by s. 373.036(7). The
2643 plan must include expected sources of revenue for planned
2644 improvements and must be prepared in a manner comparable to the
2645 fixed capital outlay format set forth in s. 216.043.

2646 4. A 5-year water resource development work program to be
2647 furnished within 30 days after the adoption of the final budget.
2648 The program must describe the district's implementation strategy
2649 and include an annual funding plan for each of the 5 years
2650 included in the plan for the water resource and water supply



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2651 development components, including and alternative water supply
2652 development, ~~components~~ of each approved regional water supply
2653 plan developed or revised under s. 373.709. The work program
2654 must address all the elements of the water resource development
2655 component in the district's approved regional water supply
2656 plans, as well as the water supply projects proposed for
2657 district funding and assistance. The annual funding plan shall
2658 identify both anticipated available district funding and
2659 additional funding needs for the second through fifth years of
2660 the funding plan. Funding requests for projects submitted for
2661 consideration for state funding pursuant to s. 403.0616 shall be
2662 identified separately. The work program and must identify
2663 projects in the work program which will provide water; explain
2664 how each water resource and, water supply, ~~and alternative water~~
2665 ~~supply development~~ project will produce additional water
2666 available for consumptive uses; estimate the quantity of water
2667 to be produced by each project; ~~and~~ provide an assessment of the
2668 contribution of the district's regional water supply plans in
2669 supporting the implementation of minimum flows and minimum water
2670 levels and water reservations; and ensure ~~providing~~ sufficient
2671 water is available ~~needed~~ to timely meet the water supply needs
2672 of existing and future reasonable-beneficial uses for a 1-in-10-
2673 year drought event and to avoid the adverse effects of
2674 competition for water supplies.

2675 (b) Within 30 days after its submittal, the department
2676 shall review the proposed work program and submit its findings,
2677 questions, and comments to the district. The review must include
2678 a written evaluation of the program's consistency with the
2679 furtherance of the district's approved regional water supply



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2680 plans, and the adequacy of proposed expenditures. As part of the
2681 review, the department shall post the work program on its
2682 website and give interested parties the opportunity to provide
2683 written comments on each district's proposed work program.
2684 Within 45 days after receipt of the department's evaluation, the
2685 governing board shall state in writing to the department which
2686 of the changes recommended in the evaluation it will incorporate
2687 into its work program submitted as part of the March 1
2688 consolidated annual report required by s. 373.036(7) or specify
2689 the reasons for not incorporating the changes. The department
2690 shall include the district's responses in a final evaluation
2691 report and shall submit a copy of the report to the Governor,
2692 the President of the Senate, and the Speaker of the House of
2693 Representatives.

2694 Section 23. Subsection (9) of section 373.703, Florida
2695 Statutes, is amended to read:

2696 373.703 Water production; general powers and duties.—In the
2697 performance of, and in conjunction with, its other powers and
2698 duties, the governing board of a water management district
2699 existing pursuant to this chapter:

2700 (9) May join with one or more other water management
2701 districts, counties, municipalities, special districts, publicly
2702 owned or privately owned water utilities, multijurisdictional
2703 water supply entities, regional water supply authorities,
2704 private landowners, or self-suppliers for the purpose of
2705 carrying out its powers, and may contract with such other
2706 entities to finance acquisitions, construction, operation, and
2707 maintenance, provided that such contracts are consistent with
2708 the public interest. The contract may provide for contributions



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2709 to be made by each party to the contract for the division and
2710 apportionment of the expenses of acquisitions, construction,
2711 operation, and maintenance, and for the division and
2712 apportionment of resulting benefits, services, and products. The
2713 contracts may contain other covenants and agreements necessary
2714 and appropriate to accomplish their purposes.

2715 Section 24. Paragraph (b) of subsection (2), subsection
2716 (3), and paragraph (b) of subsection (4) of section 373.705,
2717 Florida Statutes, are amended, and subsection (5) is added to
2718 that section, to read:

2719 373.705 Water resource development; water supply
2720 development.—

2721 (2) It is the intent of the Legislature that:

2722 (b) Water management districts take the lead in identifying
2723 and implementing water resource development projects, and be
2724 responsible for securing necessary funding for regionally
2725 significant water resource development projects, including
2726 regionally significant projects that prevent or limit adverse
2727 water resource impacts, avoid competition among water users, or
2728 support the provision of new water supplies in order to meet a
2729 minimum flow or minimum water level or to implement a recovery
2730 or prevention strategy or water reservation.

2731 (3) (a) The water management districts shall fund and
2732 implement water resource development as defined in s. 373.019.
2733 The water management districts are encouraged to implement water
2734 resource development as expeditiously as possible in areas
2735 subject to regional water supply plans.

2736 (b) Each governing board shall include in its annual budget
2737 submittals required under this chapter:



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2738 1. The amount of funds for each project in the annual
2739 funding plan developed pursuant to s. 373.536(6) (a)4.;

2740 2. The total amount needed for the fiscal year to implement
2741 water resource development projects, as prioritized in its
2742 regional water supply plans; and

2743 3. The amount of funds requested for each project submitted
2744 for consideration for state funding pursuant to s. 403.0616.

2745 (4)

2746 (b) Water supply development projects that meet the
2747 criteria in paragraph (a) and that meet one or more of the
2748 following additional criteria shall be given first consideration
2749 for state or water management district funding assistance:

2750 1. The project brings about replacement of existing sources
2751 in order to help implement a minimum flow or minimum water
2752 level; ~~or~~

2753 2. The project implements reuse that assists in the
2754 elimination of domestic wastewater ocean outfalls as provided in
2755 s. 403.086(9); or

2756 3. The project reduces or eliminates the adverse effects of
2757 competition between legal users and the natural system.

2758 (5) The water management districts shall promote expanded
2759 cost-share criteria for additional conservation practices, such
2760 as soil and moisture sensors and other irrigation improvements,
2761 water-saving equipment and water-saving household fixtures, and
2762 software technologies that can achieve verifiable water
2763 conservation by providing water use information to utility
2764 customers.

2765 Section 25. Paragraph (f) of subsection (3), paragraph (a)
2766 of subsection (6), and paragraph (e) of subsection (8) of



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2767 section 373.707, Florida Statutes, are amended to read:

2768 373.707 Alternative water supply development.—

2769 (3) The primary roles of the water management districts in
2770 water resource development as it relates to supporting
2771 alternative water supply development are:

2772 (f) The provision of technical and financial assistance to
2773 local governments and publicly owned and privately owned water
2774 utilities for alternative water supply projects and for self-
2775 suppliers for alternative water supply projects to the extent
2776 assistance for self-suppliers promotes the policies in paragraph
2777 (1) (f).

2778 (6) (a) If state ~~The statewide~~ funds are provided through
2779 specific appropriation for a priority project of the water
2780 resources work program pursuant to s. 403.0616, or pursuant to
2781 the Water Protection and Sustainability Program, such funds
2782 serve to supplement existing water management district or basin
2783 board funding for alternative water supply development
2784 assistance and should not result in a reduction of such funding.
2785 For each project identified in the annual funding plans prepared
2786 pursuant to s. 373.536(6) (a) 4. Therefore, the water management
2787 districts shall include in the annual tentative and adopted
2788 budget submittals required under this chapter the amount of
2789 funds allocated for water resource development that supports
2790 alternative water supply development and the funds allocated for
2791 alternative water supply projects ~~selected for inclusion in the~~
2792 ~~Water Protection and Sustainability Program.~~ It shall be the
2793 goal of each water management district and basin boards that the
2794 combined funds allocated annually for these purposes be, at a
2795 minimum, the equivalent of 100 percent of the state funding



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2796 provided to the water management district for alternative water
2797 supply development. If this goal is not achieved, the water
2798 management district shall provide in the budget submittal an
2799 explanation of the reasons or constraints that prevent this goal
2800 from being met, an explanation of how the goal will be met in
2801 future years, and affirmation of match is required during the
2802 budget review process as established under s. 373.536(5). The
2803 Suwannee River Water Management District and the Northwest
2804 Florida Water Management District shall not be required to meet
2805 the match requirements of this paragraph; however, they shall
2806 try to achieve the match requirement to the greatest extent
2807 practicable.

2808 (8)

2809 (e) Applicants for projects that may receive funding
2810 assistance pursuant to the Water Protection and Sustainability
2811 Program shall, at a minimum, be required to pay 60 percent of
2812 the project's construction costs. The water management districts
2813 may, at their discretion, totally or partially waive this
2814 requirement for projects sponsored by:

2815 1. Financially disadvantaged small local governments as
2816 defined in former s. 403.885(5); or

2817 2. Water users for projects determined by a water
2818 management district governing board to be in the public interest
2819 pursuant to paragraph (1)(f), if the projects are not otherwise
2820 financially feasible.

2821
2822 The water management districts or basin boards may, at their
2823 discretion, use ad valorem or federal revenues to assist a
2824 project applicant in meeting the requirements of this paragraph.



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2825 Section 26. Paragraph (a) of subsection (2) and paragraphs
2826 (a) and (e) of subsection (6) of section 373.709, Florida
2827 Statutes, are amended to read:

2828 373.709 Regional water supply planning.—

2829 (2) Each regional water supply plan must be based on at
2830 least a 20-year planning period and must include, but need not
2831 be limited to:

2832 (a) A water supply development component for each water
2833 supply planning region identified by the district which
2834 includes:

2835 1. A quantification of the water supply needs for all
2836 existing and future reasonable-beneficial uses within the
2837 planning horizon. The level-of-certainty planning goal
2838 associated with identifying the water supply needs of existing
2839 and future reasonable-beneficial uses must be based upon meeting
2840 those needs for a 1-in-10-year drought event.

2841 a. Population projections used for determining public water
2842 supply needs must be based upon the best available data. In
2843 determining the best available data, the district shall consider
2844 the University of Florida ~~Florida's~~ Bureau of Economic and
2845 Business Research (BEBR) medium population projections and
2846 population projection data and analysis submitted by a local
2847 government pursuant to the public workshop described in
2848 subsection (1) if the data and analysis support the local
2849 government's comprehensive plan. Any adjustment of or deviation
2850 from the BEBR projections must be fully described, and the
2851 original BEBR data must be presented along with the adjusted
2852 data.

2853 b. Agricultural demand projections used for determining the



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2854 needs of agricultural self-suppliers must be based upon the best
2855 available data. In determining the best available data for
2856 agricultural self-supplied water needs, the district shall
2857 consider the data indicative of future water supply demands
2858 provided by the Department of Agriculture and Consumer Services
2859 pursuant to s. 570.93 and agricultural demand projection data
2860 and analysis submitted by a local government pursuant to the
2861 public workshop described in subsection (1), if the data and
2862 analysis support the local government's comprehensive plan. Any
2863 adjustment of or deviation from the data provided by the
2864 Department of Agriculture and Consumer Services must be fully
2865 described, and the original data must be presented along with
2866 the adjusted data.

2867 2. A list of water supply development project options,
2868 including traditional and alternative water supply project
2869 options that are technically and financially feasible, from
2870 which local government, government-owned and privately owned
2871 utilities, regional water supply authorities,
2872 multijurisdictional water supply entities, self-suppliers, and
2873 others may choose for water supply development. In addition to
2874 projects listed by the district, such users may propose specific
2875 projects for inclusion in the list of alternative water supply
2876 projects. If such users propose a project to be listed as an
2877 alternative water supply project, the district shall determine
2878 whether it meets the goals of the plan, and, if so, it shall be
2879 included in the list. The total capacity of the projects
2880 included in the plan must exceed the needs identified in
2881 subparagraph 1. and take into account water conservation and
2882 other demand management measures, as well as water resources



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2883 constraints, including adopted minimum flows and minimum water
2884 levels and water reservations. Where the district determines it
2885 is appropriate, the plan should specifically identify the need
2886 for multijurisdictional approaches to project options that,
2887 based on planning level analysis, are appropriate to supply the
2888 intended uses and that, based on such analysis, appear to be
2889 permittable and financially and technically feasible. The list
2890 of water supply development options must contain provisions that
2891 recognize that alternative water supply options for agricultural
2892 self-suppliers are limited.

2893 3. For each project option identified in subparagraph 2.,
2894 the following must be provided:

2895 a. An estimate of the amount of water to become available
2896 through the project.

2897 b. The timeframe in which the project option should be
2898 implemented and the estimated planning-level costs for capital
2899 investment and operating and maintaining the project.

2900 c. An analysis of funding needs and sources of possible
2901 funding options. For alternative water supply projects, the
2902 water management districts shall provide funding assistance
2903 pursuant to s. 373.707(8).

2904 d. Identification of the entity that should implement each
2905 project option and the current status of project implementation.

2906 (6) Annually and in conjunction with the reporting
2907 requirements of s. 373.536(6)(a)4., the department shall submit
2908 to the Governor and the Legislature a report on the status of
2909 regional water supply planning in each district. The report
2910 shall include:

2911 (a) A compilation of the estimated costs ~~of~~ and an analysis



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2912 of the sufficiency of potential sources of funding from all
2913 sources for water resource development and water supply
2914 development projects as identified in the water management
2915 district regional water supply plans.

2916 (e) An overall assessment of the progress being made to
2917 develop water supply in each district, including, but not
2918 limited to, an explanation of how each project in the 5-year
2919 water resource development work program developed pursuant to s.
2920 373.536(6)(a)4., either alternative or traditional, will
2921 produce, contribute to, or account for additional water being
2922 made available for consumptive uses, minimum flows and minimum
2923 water levels, or water reservations; an estimate of the quantity
2924 of water to be produced by each project;7 and an assessment of
2925 the contribution of the district's regional water supply plan in
2926 providing sufficient water to meet the needs of existing and
2927 future reasonable-beneficial uses for a 1-in-10-year drought
2928 event, as well as the needs of the natural systems.

2929 Section 27. Part VIII of chapter 373, Florida Statutes,
2930 consisting of sections 373.801, 373.802, 373.803, 373.805,
2931 373.807, 373.811, and 373.813, Florida Statutes, is created and
2932 entitled the "Florida Springs and Aquifer Protection Act."

2933 Section 28. Section 373.801, Florida Statutes, is created
2934 to read:

2935 373.801 Legislative findings and intent.—

2936 (1) The Legislature finds that springs are a unique part of
2937 this state's scenic beauty. Springs provide critical habitat for
2938 plants and animals, including many endangered or threatened
2939 species. Springs also provide immeasurable natural,
2940 recreational, economic, and inherent value. Springs are of great



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2941 scientific importance in understanding the diverse functions of
2942 aquatic ecosystems. Water quality of springs is an indicator of
2943 local conditions of the Floridan Aquifer, which is a source of
2944 drinking water for many residents of this state. Water flows in
2945 springs may reflect regional aquifer conditions. In addition,
2946 springs provide recreational opportunities for swimming,
2947 canoeing, wildlife watching, fishing, cave diving, and many
2948 other activities in this state. These recreational opportunities
2949 and the accompanying tourism they provide are a benefit to local
2950 economies and the economy of the state as a whole.

2951 (2) The Legislature finds that the water quantity and water
2952 quality in springs may be related. For regulatory purposes, the
2953 department has primary responsibility for water quality; the
2954 water management districts have primary responsibility for water
2955 quantity; and the Department of Agriculture and Consumer
2956 Services has primary responsibility for the development and
2957 implementation of agricultural best management practices. Local
2958 governments have primary responsibility for providing domestic
2959 wastewater collection and treatment services and stormwater
2960 management. The foregoing responsible entities must coordinate
2961 to restore and maintain the water quantity and water quality of
2962 the Outstanding Florida Springs.

2963 (3) The Legislature recognizes that:

2964 (a) A spring is only as healthy as its aquifer system. The
2965 groundwater that supplies springs is derived from water that
2966 recharges the aquifer system in the form of seepage from the
2967 land surface and through direct conduits, such as sinkholes.
2968 Springs may be adversely affected by polluted runoff from urban
2969 and agricultural lands; discharges resulting from inadequate



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2970 wastewater and stormwater management practices; stormwater
2971 runoff; and reduced water levels of the Floridan Aquifer. As a
2972 result, the hydrologic and environmental conditions of a spring
2973 or spring run are directly influenced by activities and land
2974 uses within a springshed and by water withdrawals from the
2975 Floridan Aquifer.

2976 (b) Springs, whether found in urban or rural settings, or
2977 on public or private lands, may be threatened by actual or
2978 potential flow reductions and declining water quality. Many of
2979 this state's springs are demonstrating signs of significant
2980 ecological imbalance, increased nutrient loading, and declining
2981 flow. Without effective remedial action, further declines in
2982 water quality and water quantity may occur.

2983 (c) Springshed boundaries and areas of high vulnerability
2984 within a springshed need to be identified and delineated using
2985 the best available data.

2986 (d) Springsheds typically cross water management district
2987 boundaries and local government jurisdictional boundaries, so a
2988 coordinated statewide springs protection plan is needed.

2989 (e) The aquifers and springs of this state are complex
2990 systems affected by many variables and influences.

2991 (4) The Legislature recognizes that action is urgently
2992 needed and, as additional data is acquired, action must be
2993 modified.

2994 Section 29. Section 373.802, Florida Statutes, is created
2995 to read:

2996 373.802 Definitions.—As used in this part, the term:

2997 (1) "Department" means the Department of Environmental
2998 Protection, which includes the Florida Geological Survey or its



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2999 successor agencies.

3000 (2) "Local government" means a county or municipal
3001 government the jurisdictional boundaries of which include an
3002 Outstanding Florida Spring or any part of a springshed or
3003 delineated priority focus area of an Outstanding Florida Spring.

3004 (3) "Onsite sewage treatment and disposal system" means a
3005 system that contains a standard subsurface, filled, or mound
3006 drainfield system; an aerobic treatment unit; a graywater system
3007 tank; a laundry wastewater system tank; a septic tank; a grease
3008 interceptor; a pump tank; a solids or effluent pump; a
3009 waterless, incinerating, or organic waste-composting toilet; or
3010 a sanitary pit privy that is installed or proposed to be
3011 installed beyond the building sewer on land of the owner or on
3012 other land on which the owner has the legal right to install
3013 such system. The term includes any item placed within, or
3014 intended to be used as a part of or in conjunction with, the
3015 system. The term does not include package sewage treatment
3016 facilities and other treatment works regulated under chapter
3017 403.

3018 (4) "Outstanding Florida Spring" includes all historic
3019 first magnitude springs, including their associated spring runs,
3020 as determined by the department using the most recent Florida
3021 Geological Survey springs bulletin, and the following additional
3022 springs, including their associated spring runs:

3023 (a) De Leon Springs;

3024 (b) Peacock Springs;

3025 (c) Poe Springs;

3026 (d) Rock Springs;

3027 (e) Wekiwa Springs; and



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3028 (f) Gemini Springs.

3029

3030 The term does not include submarine springs or river rises.

3031 (5) "Priority focus area" means the area or areas of a
3032 basin where the Floridan Aquifer is generally most vulnerable to
3033 pollutant inputs where there is a known connectivity between
3034 groundwater pathways and an Outstanding Florida Spring, as
3035 determined by the department in consultation with the
3036 appropriate water management districts, and delineated in a
3037 basin management action plan.

3038 (6) "Springshed" means the areas within the groundwater and
3039 surface water basins which contribute, based upon all relevant
3040 facts, circumstances, and data, to the discharge of a spring as
3041 defined by potentiometric surface maps and surface watershed
3042 boundaries.

3043 (7) "Spring run" means a body of flowing water that
3044 originates from a spring or whose primary source of water is a
3045 spring or springs under average rainfall conditions.

3046 (8) "Spring vent" means a location where groundwater flows
3047 out of a natural, discernible opening in the ground onto the
3048 land surface or into a predominantly fresh surface water body.

3049 Section 30. Section 373.803, Florida Statutes, is created
3050 to read:

3051 373.803 Delineation of priority focus areas for Outstanding
3052 Florida Springs.—Using the best data available from the water
3053 management districts and other credible sources, the department,
3054 in coordination with the water management districts, shall
3055 delineate priority focus areas for each Outstanding Florida
3056 Spring or group of springs that contains one or more Outstanding



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3057 Florida Springs and is identified as impaired in accordance with
3058 s. 373.807. In delineating priority focus areas, the department
3059 shall consider groundwater travel time to the spring,
3060 hydrogeology, nutrient load, and any other factors that may lead
3061 to degradation of an Outstanding Florida Spring. The delineation
3062 of priority focus areas must be completed by July 1, 2018, shall
3063 use understood and identifiable boundaries such as roads or
3064 political jurisdictions for ease of implementation, and is
3065 effective upon incorporation in a basin management action plan.

3066 Section 31. Section 373.805, Florida Statutes, is created
3067 to read:

3068 373.805 Minimum flows and minimum water levels for
3069 Outstanding Florida Springs.—

3070 (1) At the time a minimum flow or minimum water level is
3071 adopted pursuant to s. 373.042 for an Outstanding Florida
3072 Spring, if the spring is below or is projected within 20 years
3073 to fall below the minimum flow or minimum water level, a water
3074 management district or the department shall concurrently adopt a
3075 recovery or prevention strategy.

3076 (2) When a minimum flow or minimum water level for an
3077 Outstanding Florida Spring is revised pursuant to s.
3078 373.0421(3), if the spring is below or is projected within 20
3079 years to fall below the minimum flow or minimum water level, a
3080 water management district or the department shall concurrently
3081 adopt a recovery or prevention strategy or modify an existing
3082 recovery or prevention strategy. A district or the department
3083 may adopt the revised minimum flow or minimum water level before
3084 the adoption of a recovery or prevention strategy if the revised
3085 minimum flow or minimum water level is less constraining on



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3086 existing or projected future consumptive uses.
3087 (3) For an Outstanding Florida Spring without an adopted
3088 recovery or prevention strategy, if a district or the department
3089 determines the spring has fallen below, or is projected within
3090 20 years to fall below, the adopted minimum flow or minimum
3091 water level, a water management district or the department shall
3092 expeditiously adopt a recovery or prevention strategy.
3093 (4) The recovery or prevention strategy for each
3094 Outstanding Florida Spring must, at a minimum, include:
3095 (a) A listing of all specific projects identified for
3096 implementation of the plan;
3097 (b) A priority listing of each project;
3098 (c) For each listed project, the estimated cost of and the
3099 estimated date of completion;
3100 (d) The source and amount of financial assistance to be
3101 made available by the water management district for each listed
3102 project, which may not be less than 25 percent of the total
3103 project cost unless a specific funding source or sources are
3104 identified which will provide more than 75 percent of the total
3105 project cost. The Northwest Florida Water Management District
3106 and the Suwannee River Water Management District are not
3107 required to meet the minimum requirement to receive financial
3108 assistance pursuant to this paragraph;
3109 (e) An estimate of each listed project's benefit to an
3110 Outstanding Florida Spring; and
3111 (f) An implementation plan designed with a target to
3112 achieve the adopted minimum flow or minimum water level no more
3113 than 20 years after the adoption of a recovery or prevention
3114 strategy. The implementation plan must include a schedule of 5-,



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3115 10-, and 15-year measureable milestones intended to achieve the
3116 adopted minimum flow or minimum water level. The schedule is not
3117 a rule but is intended to provide guidance for planning and
3118 funding purposes and is exempt from s. 120.54(1)(a).

3119 (5) A local government may apply to the department for a
3120 single extension of up to 5 years for any project in an adopted
3121 recovery or prevention strategy. The department may grant the
3122 extension if the local government provides to the department
3123 sufficient evidence that an extension is in the best interest of
3124 the public. For a local government in a rural area of
3125 opportunity, as defined in s. 288.0656, the department may grant
3126 a single extension of up to 10 years.

3127 Section 32. Section 373.807, Florida Statutes, is created
3128 to read:

3129 373.807 Protection of water quality in Outstanding Florida
3130 Springs.—By July 1, 2015, the department shall initiate
3131 assessment, pursuant to s. 403.067(3), of each Outstanding
3132 Florida Spring for which an impairment determination has not
3133 been made under the numeric nutrient standards in effect for
3134 spring vents. Assessments must be completed by July 1, 2018.

3135 (1)(a) Concurrent with the adoption of a nutrient total
3136 maximum daily load for an Outstanding Florida Spring, the
3137 department, or the department in conjunction with a water
3138 management district, shall initiate development of a basin
3139 management action plan, as specified in s. 403.067. For an
3140 Outstanding Florida Spring with a nutrient total maximum daily
3141 load adopted before July 1, 2015, the department, or the
3142 department in conjunction with a water management district,
3143 shall initiate development of a basin management action plan by



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3144 July 1, 2015. During the development of a basin management
3145 action plan, if the department identifies onsite sewage
3146 treatment and disposal systems as contributors of at least 20
3147 percent of nonpoint source nitrogen pollution or if the
3148 department determines remediation is necessary to achieve the
3149 total maximum daily load, the basin management action plan shall
3150 include an onsite sewage treatment and disposal system
3151 remediation plan pursuant to subsection (3) for those systems
3152 identified as requiring remediation.

3153 (b) A basin management action plan for an Outstanding
3154 Florida Spring shall be adopted within 2 years after its
3155 initiation and must include, at a minimum:

3156 1. A list of all specific projects and programs identified
3157 to implement a nutrient total maximum daily load;

3158 2. A list of all specific projects identified in any
3159 incorporated onsite sewage treatment and disposal system
3160 remediation plan, if applicable;

3161 3. A priority rank for each listed project;

3162 4. For each listed project, a planning level cost estimate
3163 and the estimated date of completion;

3164 5. The source and amount of financial assistance to be made
3165 available by the department, a water management district, or
3166 other entity for each listed project;

3167 6. An estimate of each listed project's nutrient load
3168 reduction;

3169 7. Identification of each point source or category of
3170 nonpoint sources, including, but not limited to, urban turf
3171 fertilizer, sports turf fertilizer, agricultural fertilizer,
3172 onsite sewage treatment and disposal systems, wastewater



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3173 treatment facilities, animal wastes, and stormwater facilities.
3174 An estimated allocation of the pollutant load must be provided
3175 for each point source or category of nonpoint sources; and
3176 8. An implementation plan designed with a target to achieve
3177 the adopted nutrient total maximum daily load no more than 20
3178 years after the adoption of a basin management action plan. The
3179 plan must include a schedule of 5-, 10-, and 15-year measureable
3180 milestones intended to achieve the adopted nutrient total
3181 maximum daily load. The schedule is not a rule but is intended
3182 to provide guidance for planning and funding purposes and is
3183 exempt from s. 120.54(1)(a).
3184 (c) For a basin management action plan adopted before July
3185 1, 2015, which addresses an Outstanding Florida Spring, the
3186 department or the department in conjunction with a water
3187 management district must revise the plan if necessary to comply
3188 with this section by July 1, 2018.
3189 (d) A local government may apply to the department for a
3190 single extension of up to 5 years for any project in an adopted
3191 basin management action plan. A local government in a rural area
3192 of opportunity, as defined in s. 288.0656, may apply for a
3193 single extension of up to 10 years for such a project. The
3194 department may grant the extension if the local government
3195 provides to the department sufficient evidence that an extension
3196 is in the best interest of the public.
3197 (2) By July 1, 2016, each local government, as defined in
3198 s. 373.802(2), that has not adopted an ordinance pursuant to s.
3199 403.9337, shall develop, enact, and implement an ordinance
3200 pursuant to that section. It is the intent of the Legislature
3201 that ordinances required to be adopted under this subsection



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3202 reflect the latest scientific information, advancements, and
3203 technological improvements in the industry.

3204 (3) As part of a basin management action plan that includes
3205 an Outstanding Florida Spring, the department, in consultation
3206 with the Department of Health, relevant local governments, and
3207 relevant local public and private wastewater utilities, shall
3208 develop an onsite sewage treatment and disposal system
3209 remediation plan for a spring if the department determines
3210 onsite sewage treatment and disposal systems within a priority
3211 focus area contribute at least 20 percent of nonpoint source
3212 nitrogen pollution or if the department determines remediation
3213 is necessary to achieve the total daily maximum load. This plan
3214 shall be completed and adopted as part of the basin management
3215 action plan no later than the first 5-year milestone required by
3216 subparagraph (1)(b)8. In preparing this plan, the department
3217 shall:

3218 (a) Collect and evaluate credible scientific information on
3219 the effect of nutrients, particularly forms of nitrogen, on
3220 springs and springs systems;

3221 (b) Develop a public education plan to provide area
3222 residents with reliable, understandable information about onsite
3223 sewage treatment and disposal systems and springs;
3224 and

3225 (c) Identify projects necessary to reduce the nutrient
3226 impacts from onsite sewage treatment and disposal systems.

3227
3228 In addition to the requirements in s. 403.067, the plan shall
3229 include options for repair, upgrade, replacement, drainfield
3230 modification, addition of effective nitrogen reducing features,



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3231 connection to a central sewerage system, or other action for an
3232 onsite sewage treatment and disposal system or group of systems
3233 within a priority focus area that contribute at least 20 percent
3234 of nonpoint source nitrogen pollution or if the department
3235 determines remediation is necessary to achieve a total maximum
3236 daily load. For these systems, the department shall include in
3237 the plan a priority ranking for each system or group of systems
3238 that requires remediation and shall award funds to implement the
3239 remediation projects contingent on an appropriation in the
3240 General Appropriations Act, which may include all or part of the
3241 costs necessary for repair, upgrade, replacement, drainfield
3242 modification, addition of effective nitrogen reducing features,
3243 initial connection to a central sewerage system, or other
3244 action. In awarding funds, the department may consider expected
3245 nutrient reduction benefit per unit cost, size and scope of
3246 project, relative local financial contribution to the project,
3247 financial impact on property owners and the community. The
3248 department may waive matching funding requirements for proposed
3249 projects within an area designated as a rural area of
3250 opportunity under s. 288.0656.

3251 (4) The department shall provide notice to a local
3252 government of all permit applicants under s. 403.814(12) in a
3253 priority focus area of an Outstanding Florida Spring over which
3254 the local government has full or partial jurisdiction.

3255 Section 33. Section 373.811, Florida Statutes, is created
3256 to read:

3257 373.811 Prohibited activities within a priority focus
3258 area.—The following activities are prohibited within a priority
3259 focus area in effect for an Outstanding Florida Spring:



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3260 (1) New domestic wastewater disposal facilities, including
3261 rapid infiltration basins, with permitted capacities of 100,000
3262 gallons per day or more, except for those facilities that meet
3263 an advanced wastewater treatment standard of no more than 3 mg/l
3264 total nitrogen, expressed as N, on an annual permitted basis, or
3265 a more stringent treatment standard if the department determines
3266 the more stringent standard is necessary to attain a total
3267 maximum daily load for the Outstanding Florida Spring.

3268 (2) New onsite sewage treatment and disposal systems on
3269 lots of less than 1 acre, if the addition of the specific
3270 systems conflicts with an onsite treatment and disposal system
3271 remediation plan incorporated into a basin management action
3272 plan in accordance with s. 373.807(3).

3273 (3) New facilities for the disposal of hazardous waste.

3274 (4) The land application of Class A or Class B domestic
3275 wastewater biosolids not in accordance with a department
3276 approved nutrient management plan establishing the rate at which
3277 all biosolids, soil amendments, and sources of nutrients at the
3278 land application site can be applied to the land for crop
3279 production while minimizing the amount of pollutants and
3280 nutrients discharged to groundwater or waters of the state.

3281 (5) New agriculture operations that do not implement best
3282 management practices, measures necessary to achieve pollution
3283 reduction levels established by the department, or groundwater
3284 monitoring plans approved by a water management district or the
3285 department.

3286 Section 34. Section 373.813, Florida Statutes, is created
3287 to read:

3288 373.813 Rules.-



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3289 (1) The department shall adopt rules to improve water
3290 quantity and water quality to administer this part, as
3291 applicable.

3292 (2) (a) The Department of Agriculture and Consumer Services
3293 is the lead agency coordinating the reduction of agricultural
3294 nonpoint sources of pollution for the protection of Outstanding
3295 Florida Springs. The Department of Agriculture and Consumer
3296 Services and the department, pursuant to s. 403.067(7)(c)4.,
3297 shall study new or revised agricultural best management
3298 practices for improving and protecting Outstanding Florida
3299 Springs and, if necessary, in cooperation with applicable local
3300 governments and stakeholders, initiate rulemaking to require the
3301 implementation of such practices within a reasonable period.

3302 (b) The department, the Department of Agriculture and
3303 Consumer Services, and the University of Florida Institute of
3304 Food and Agricultural Sciences shall cooperate in conducting the
3305 necessary research and demonstration projects to develop
3306 improved or additional nutrient management tools, including the
3307 use of controlled release fertilizer that can be used by
3308 agricultural producers as part of an agricultural best
3309 management practices program. The development of such tools must
3310 reflect a balance between water quality improvement and
3311 agricultural productivity and, if applicable, must be
3312 incorporated into the revised agricultural best management
3313 practices adopted by rule by the Department of Agriculture and
3314 Consumer Services.

3315 Section 35. Subsections (25) and (29) of section 403.061,
3316 Florida Statutes, are amended, and subsection (45) is added to
3317 that section, to read:



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3318 403.061 Department; powers and duties.—The department shall
3319 have the power and the duty to control and prohibit pollution of
3320 air and water in accordance with the law and rules adopted and
3321 promulgated by it and, for this purpose, to:

3322 (25) (a) Establish and administer a program for the
3323 restoration and preservation of bodies of water within the
3324 state. The department shall have the power to acquire lands, to
3325 cooperate with other applicable state or local agencies to
3326 enhance existing public access to such bodies of water, and to
3327 adopt all rules necessary to accomplish this purpose.

3328 (b) Create a consolidated water resources work plan, in
3329 consultation with state agencies, water management districts,
3330 regional water supply authorities, and local governments, which
3331 provides a geographic depiction of the total inventory of water
3332 resources projects and regionally significant water supply
3333 projects currently under construction, completed in the previous
3334 5 years, or planned to begin construction in the next 5 years.
3335 The consolidated work plan must include for each project a
3336 description of the project, the total cost of the project, and
3337 identification of the governmental entity financing the project.
3338 This information together with the information provided pursuant
3339 to paragraph (45) (a) is intended to facilitate the ability of
3340 the Florida Water Resources Advisory Council, the Legislature,
3341 and the public to consider the projects contained in the
3342 tentative water resources work program developed pursuant to s.
3343 403.0616 in relation to all projects undertaken within a 10-year
3344 period and the existing condition of water resources in the
3345 project area and in the state as a whole. The department may
3346 adopt rules to accomplish this purpose.



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3347 (29) (a) Adopt by rule special criteria to protect Class II
3348 and Class III shellfish harvesting waters. Such rules may
3349 include special criteria for approving docking facilities that
3350 have 10 or fewer slips if the construction and operation of such
3351 facilities will not result in the closure of shellfish waters.

3352 (b) Adopt by rule a specific surface water classification
3353 to protect surface waters used for treated potable water supply.

3354 These designated surface waters shall have the same water
3355 quality criteria protections as waters designated for fish
3356 consumption, recreation, and the propagation and maintenance of
3357 a healthy, well-balanced population of fish and wildlife, and
3358 shall be free from discharged substances at a concentration
3359 that, alone or in combination with other discharged substances,
3360 would require significant alteration of permitted treatment
3361 processes at the permitted treatment facility or that would
3362 otherwise prevent compliance with applicable state drinking
3363 water standards in the treated water. Notwithstanding this
3364 classification or the inclusion of treated water supply as a
3365 designated use of a surface water, a surface water used for
3366 treated potable water supply may be reclassified to the potable
3367 water supply classification.

3368 (45) (a) Create and maintain a web-based, interactive map
3369 that includes, at a minimum:

3370 1. All watersheds and each water body within those
3371 watersheds;

3372 2. The county or counties in which the watershed or water
3373 body is located;

3374 3. The water management district or districts in which the
3375 watershed or water body is located;



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3376 4. Whether, if applicable, a minimum flow or minimum water
3377 level has been adopted for the water body and if such minimum
3378 flow or minimum water level has not been adopted, the
3379 anticipated adoption date;

3380 5. Whether, if applicable, a recovery or prevention
3381 strategy has been adopted for the watershed or water body and,
3382 if such a plan has not been adopted, the anticipated adoption
3383 date;

3384 6. The impairment status of each water body;

3385 7. Whether, if applicable, a total maximum daily load has
3386 been adopted if the water body is listed as impaired and, if
3387 such total maximum daily load has not been adopted, the
3388 anticipated adoption date;

3389 8. Whether, if applicable, a basin management action plan
3390 has been adopted for the watershed and, if such a plan has not
3391 been adopted, the anticipated adoption date;

3392 9. Each project listed on the 5-year water resources work
3393 program developed pursuant to s. 373.036(7);

3394 10. The agency or agencies and local sponsor, if any,
3395 responsible for overseeing the project;

3396 11. The total or estimated cost and completion date of each
3397 project and the financial contribution of each entity;

3398 12. The estimated quantitative benefit to the watershed or
3399 water body; and

3400 13. The water projects completed within the last 5 years
3401 within the watershed or water body.

3402 (b) The department and each water management district shall
3403 prominently display on their respective websites a hyperlink to
3404 the interactive map required by this subsection.



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

Section 36. Section 403.0616, Florida Statutes, is created to read:

403.0616 Florida Water Resources Advisory Council.—

(1) The Florida Water Resources Advisory Council is hereby created within the department for the purpose of reviewing, evaluating, and recommending water resource projects prioritized and submitted by state agencies, water management districts, regional water supply authorities, or local governments for funding from the Land Acquisition Trust Fund created within the department. Water resource projects recommended by the council must be eligible for state funding pursuant to s. 28, Article X of the State Constitution and be of statewide, regional, or critical importance under this chapter or chapter 373.

(2) The council is also responsible for submitting a prioritization of pilot projects, eligible for funding from the Land Acquisition Trust Fund, which test the effectiveness of innovative or existing nutrient reduction or water conservation technologies or practices designed to minimize nutrient pollution or restore flows in the water bodies of the state as provided in s. 403.0617.

(3) The Florida Water Resources Advisory Council consists of five voting members, the Secretary of Environmental Protection, who shall serve as chair of the council; the Commissioner of Agriculture; the executive director of the Fish



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3434 and Wildlife Conservation Commission; one member with expertise
3435 in a scientific discipline related to water resources, appointed
3436 by the President of the Senate; and one member with expertise in
3437 a scientific discipline related to water resources, appointed by
3438 the Speaker of the House of Representatives.

3439 (4) Members appointed by the President of the Senate and
3440 Speaker of the House of Representatives shall serve 2-year
3441 terms, but may not serve more than a total of 6 years. The
3442 President of the Senate and the Speaker of the House of
3443 Representatives may fill a vacancy at any time for an unexpired
3444 term of an appointed member.

3445 (5) If a member of the council is disqualified from serving
3446 because he or she no longer holds the position required to serve
3447 under this section, the interim head of the agency shall serve
3448 as the agency representative.

3449 (6) The two appointed council members shall receive
3450 reimbursement for expenses and per diem for travel to attend
3451 council meetings authorized pursuant to s. 112.061 while in the
3452 performance of their duties.

3453 (7) The executive directors of each of the five water
3454 management districts, or their respective designees, shall be
3455 represented at and must participate in meetings of the council,
3456 but are not members of the council.

3457 (8) The council shall hold periodic meetings at the request
3458 of the chair but must hold at least two public meetings,
3459 separately noticed, each year at which the public has the
3460 opportunity to participate and comment. Unless otherwise
3461 provided by law, notice for each meeting must be published in a
3462 newspaper of general circulation in the area where the meeting



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3463 is to be held at least 5 days but no more than 15 days before
3464 the meeting date. Notice of the meetings shall also be posted on
3465 the department's and each water management district's website
3466 for at least 30 days in advance of the meeting.

3467 (a) Beginning July 15, 2016, and on or before July 15 of
3468 each year thereafter, the council shall release tentative
3469 recommendations for water resource projects pursuant to this
3470 section. The public has 30 days to submit comments regarding the
3471 tentative recommendations.

3472 (b) The council shall, after receiving public comment,
3473 adopt final recommendations for submission to the Governor, the
3474 President of the Senate, and the Speaker of the House of
3475 Representatives by August 31, 2016, and on or before August 31
3476 of each year thereafter. An affirmative vote of three members of
3477 the council is required to adopt the final recommendations.

3478 (9) The department shall provide primary staff support to
3479 the council and shall ensure that council meetings are
3480 electronically recorded. Such recordings must be preserved
3481 pursuant to chapters 119 and 257.

3482 (10) The council shall recommend rules for adoption by the
3483 department to competitively evaluate, select, and prioritize
3484 projects. The council shall develop specific criteria for the
3485 evaluation, selection, and prioritization of projects, including
3486 a preference for projects that will have a significant,
3487 measurable impact on improving water quantity or water quality;
3488 projects in areas of greatest impairment; projects recommended
3489 by multiple districts or multiple local governments
3490 cooperatively; projects that implement adopted basin management
3491 plans; projects that implement adopted recovery or prevention



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3492 strategies; projects with a significant monetary commitment by
3493 the local project sponsor or sponsors; projects in rural areas
3494 of opportunity as defined in s. 288.0656; projects that may be
3495 funded through appropriate loan programs; and projects that have
3496 significant private contributions of time or money.

3497 (11) The council shall designate the projects as high,
3498 medium, or low priority within the following categories:

3499 (a) Projects that address water quality;

3500 (b) Projects that address water quantity;

3501 (c) Projects that address water resources in specific areas
3502 of concern as provided in chapter 373; and

3503 (d) Innovative Nutrient and Sediment Reduction and
3504 Conservation Pilot Projects.

3505 (12) The council may also separately recommend specific
3506 projects that, in its independent judgment, stand out as
3507 significant projects for consideration by the Legislature. The
3508 council shall provide an explanation of why such project or
3509 projects should be considered despite their overall relative
3510 prioritization.

3511 (13) The department, in consultation with the Department of
3512 Agriculture and Consumer Services, the Fish and Wildlife
3513 Conservation Commission, and the water management districts,
3514 shall adopt rules to implement this section.

3515 Section 37. Section 403.0617, Florida Statutes, is created
3516 to read:

3517 403.0617 Innovative nutrient and sediment reduction and
3518 conservation pilot project program.—

3519 (1) By October 1, 2015, the department shall propose rules
3520 for adoption to competitively evaluate and rank projects for



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3521 selection and prioritization by the Water Resources Advisory
3522 Council, pursuant to s. 403.0616, for submission to the
3523 Legislature for funding. These pilot projects are intended to
3524 test the effectiveness of innovative or existing nutrient
3525 reduction or water conservation technologies, programs or
3526 practices designed to minimize nutrient pollution or restore
3527 flows in the water bodies of the state. The department must
3528 include in the evaluation criteria a determination by the
3529 department that the pilot project will not be harmful to the
3530 ecological resources in the study area.

3531 (2) In developing these rules, the department shall give
3532 preference to the projects that will result in the greatest
3533 improvement to water quality and water quantity for the dollars
3534 to be expended for the project. At a minimum, the department
3535 shall consider all of the following:

3536 (a) The level of nutrient impairment of the waterbody,
3537 watershed, or water segment in which the project is located.

3538 (b) The quantity of nutrients the project is estimated to
3539 remove from a water body, watershed, or water segment with an
3540 adopted nutrient total maximum daily load.

3541 (c) The potential for the project to provide a cost-
3542 effective solution to pollution, including pollution caused by
3543 onsite sewage treatment and disposal systems.

3544 (d) The anticipated impact the project will have on
3545 restoring or increasing flow or water level.

3546 (e) The amount of matching funds for the project which will
3547 be provided by the entities responsible for implementing the
3548 project.

3549 (f) Whether the project is located in a rural area of



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3550 opportunity, as defined in s. 288.0656, with preference given to
3551 the local government responsible for implementing the project.

3552 (g) For multiple-year projects, whether the project has
3553 funding sources that are identified and assured through the
3554 expected completion date of the project.

3555 (h) The cost of the project and the length of time it will
3556 take to complete relative to its expected benefits.

3557 (i) Whether the entities responsible for implementing the
3558 project have used their own funds for projects to improve water
3559 quality or conserve water use with preference given to those
3560 entities that have expended such funds.

3561 Section 38. Section 403.0623, Florida Statutes, is amended
3562 to read:

3563 403.0623 Environmental data; quality assurance.—

3564 (1) The department must establish, by rule, appropriate
3565 quality assurance requirements for environmental data submitted
3566 to the department and the criteria by which environmental data
3567 may be rejected by the department. The department may adopt and
3568 enforce rules to establish data quality objectives and specify
3569 requirements for training of laboratory and field staff, sample
3570 collection methodology, proficiency testing, and audits of
3571 laboratory and field sampling activities. Such rules may be in
3572 addition to any laboratory certification provisions under ss.
3573 403.0625 and 403.863.

3574 (2) (a) The department, in coordination with the water
3575 management districts, regional water supply authorities, and the
3576 Department of Agriculture and Consumer Services shall establish
3577 standards for the collection and analysis of water quantity,
3578 water quality, and related data to ensure quality, reliability,



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3579 and validity of the data and testing results.

3580 (b) To the extent practicable, the department shall
3581 coordinate with federal agencies to ensure that its collection
3582 and analysis of water quality, water quantity, and related data,
3583 which may be used by any state agency, water management
3584 district, or local government, is consistent with this
3585 subsection.

3586 (c) In order to receive state funds for the acquisition of
3587 lands or the financing of a water resource project, state
3588 agencies and water management districts must show that they
3589 followed the department's collection and analysis standards, if
3590 available, as a prerequisite for any such request for funding.

3591 (d) The department and the water management districts may
3592 adopt rules to implement this subsection.

3593 Section 39. Subsection (7) of section 403.067, Florida
3594 Statutes, is amended to read:

3595 403.067 Establishment and implementation of total maximum
3596 daily loads.—

3597 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
3598 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

3599 (a) *Basin management action plans.*—

3600 1. In developing and implementing the total maximum daily
3601 load for a water body, the department, or the department in
3602 conjunction with a water management district, may develop a
3603 basin management action plan that addresses some or all of the
3604 watersheds and basins tributary to the water body. Such plan
3605 must integrate the appropriate management strategies available
3606 to the state through existing water quality protection programs
3607 to achieve the total maximum daily loads and may provide for



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3608 phased implementation of these management strategies to promote
3609 timely, cost-effective actions as provided for in s. 403.151.
3610 The plan must establish a schedule implementing the management
3611 strategies, establish a basis for evaluating the plan's
3612 effectiveness, and identify feasible funding strategies for
3613 implementing the plan's management strategies. The management
3614 strategies may include regional treatment systems or other
3615 public works, where appropriate, and voluntary trading of water
3616 quality credits to achieve the needed pollutant load reductions.

3617 2. A basin management action plan must equitably allocate,
3618 pursuant to paragraph (6) (b), pollutant reductions to individual
3619 basins, as a whole to all basins, or to each identified point
3620 source or category of nonpoint sources, as appropriate. For
3621 nonpoint sources for which best management practices have been
3622 adopted, the initial requirement specified by the plan must be
3623 those practices developed pursuant to paragraph (c). Where
3624 appropriate, the plan may take into account the benefits of
3625 pollutant load reduction achieved by point or nonpoint sources
3626 that have implemented management strategies to reduce pollutant
3627 loads, including best management practices, before the
3628 development of the basin management action plan. The plan must
3629 also identify the mechanisms that will address potential future
3630 increases in pollutant loading.

3631 3. The basin management action planning process is intended
3632 to involve the broadest possible range of interested parties,
3633 with the objective of encouraging the greatest amount of
3634 cooperation and consensus possible. In developing a basin
3635 management action plan, the department shall assure that key
3636 stakeholders, including, but not limited to, applicable local



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3637 governments, water management districts, the Department of
3638 Agriculture and Consumer Services, other appropriate state
3639 agencies, local soil and water conservation districts,
3640 environmental groups, regulated interests, and affected
3641 pollution sources, are invited to participate in the process.
3642 The department shall hold at least one public meeting in the
3643 vicinity of the watershed or basin to discuss and receive
3644 comments during the planning process and shall otherwise
3645 encourage public participation to the greatest practicable
3646 extent. Notice of the public meeting must be published in a
3647 newspaper of general circulation in each county in which the
3648 watershed or basin lies not less than 5 days nor more than 15
3649 days before the public meeting. A basin management action plan
3650 does not supplant or otherwise alter any assessment made under
3651 subsection (3) or subsection (4) or any calculation or initial
3652 allocation.

3653 4. Each new or revised basin management action plan shall
3654 include:

3655 a. The appropriate management strategies available through
3656 existing water quality protection programs to achieve total
3657 maximum daily loads, which may provide for phased implementation
3658 to promote timely, cost-effective actions as provided for in s.
3659 403.151;

3660 b. A description of best management practices adopted by
3661 rule;

3662 c. A list of projects in priority ranking with a planning-
3663 level cost estimate and estimated date of completion for each
3664 listed project;

3665 d. The source and amount of financial assistance to be made



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3666 available by the department, a water management district, or
3667 other entity for each listed project, if applicable; and

3668 e. A planning-level estimate of each listed project's
3669 expected load reduction, if applicable.

3670 ~~5.4.~~ The department shall adopt all or any part of a basin
3671 management action plan and any amendment to such plan by
3672 secretarial order pursuant to chapter 120 to implement the
3673 provisions of this section.

3674 ~~6.5.~~ The basin management action plan must include
3675 milestones for implementation and water quality improvement, and
3676 an associated water quality monitoring component sufficient to
3677 evaluate whether reasonable progress in pollutant load
3678 reductions is being achieved over time. An assessment of
3679 progress toward these milestones shall be conducted every 5
3680 years, and revisions to the plan shall be made as appropriate.
3681 Revisions to the basin management action plan shall be made by
3682 the department in cooperation with basin stakeholders. Revisions
3683 to the management strategies required for nonpoint sources must
3684 follow the procedures set forth in subparagraph (c)4. Revised
3685 basin management action plans must be adopted pursuant to
3686 subparagraph 5. 4.

3687 ~~7.6.~~ In accordance with procedures adopted by rule under
3688 paragraph (9)(c), basin management action plans, and other
3689 pollution control programs under local, state, or federal
3690 authority as provided in subsection (4), may allow point or
3691 nonpoint sources that will achieve greater pollutant reductions
3692 than required by an adopted total maximum load or wasteload
3693 allocation to generate, register, and trade water quality
3694 credits for the excess reductions to enable other sources to



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3695 achieve their allocation; however, the generation of water
3696 quality credits does not remove the obligation of a source or
3697 activity to meet applicable technology requirements or adopted
3698 best management practices. Such plans must allow trading between
3699 NPDES permittees, and trading that may or may not involve NPDES
3700 permittees, where the generation or use of the credits involve
3701 an entity or activity not subject to department water discharge
3702 permits whose owner voluntarily elects to obtain department
3703 authorization for the generation and sale of credits.

3704 ~~8.7.~~ The provisions of the department's rule relating to
3705 the equitable abatement of pollutants into surface waters do not
3706 apply to water bodies or water body segments for which a basin
3707 management plan that takes into account future new or expanded
3708 activities or discharges has been adopted under this section.

3709 (b) *Total maximum daily load implementation.*—

3710 1. The department shall be the lead agency in coordinating
3711 the implementation of the total maximum daily loads through
3712 existing water quality protection programs. Application of a
3713 total maximum daily load by a water management district must be
3714 consistent with this section and does not require the issuance
3715 of an order or a separate action pursuant to s. 120.536(1) or s.
3716 120.54 for the adoption of the calculation and allocation
3717 previously established by the department. Such programs may
3718 include, but are not limited to:

3719 a. Permitting and other existing regulatory programs,
3720 including water-quality-based effluent limitations;

3721 b. Nonregulatory and incentive-based programs, including
3722 best management practices, cost sharing, waste minimization,
3723 pollution prevention, agreements established pursuant to s.



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3724 403.061(21), and public education;

3725 c. Other water quality management and restoration

3726 activities, for example surface water improvement and management

3727 plans approved by water management districts or basin management

3728 action plans developed pursuant to this subsection;

3729 d. Trading of water quality credits or other equitable

3730 economically based agreements;

3731 e. Public works including capital facilities; or

3732 f. Land acquisition.

3733 2. For a basin management action plan adopted pursuant to

3734 paragraph (a), any management strategies and pollutant reduction

3735 requirements associated with a pollutant of concern for which a

3736 total maximum daily load has been developed, including effluent

3737 limits set forth for a discharger subject to NPDES permitting,

3738 if any, must be included in a timely manner in subsequent NPDES

3739 permits or permit modifications for that discharger. The

3740 department may not impose limits or conditions implementing an

3741 adopted total maximum daily load in an NPDES permit until the

3742 permit expires, the discharge is modified, or the permit is

3743 reopened pursuant to an adopted basin management action plan.

3744 a. Absent a detailed allocation, total maximum daily loads

3745 must be implemented through NPDES permit conditions that provide

3746 for a compliance schedule. In such instances, a facility's NPDES

3747 permit must allow time for the issuance of an order adopting the

3748 basin management action plan. The time allowed for the issuance

3749 of an order adopting the plan may not exceed 5 years. Upon

3750 issuance of an order adopting the plan, the permit must be

3751 reopened or renewed, as necessary, and permit conditions

3752 consistent with the plan must be established. Notwithstanding



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3753 the other provisions of this subparagraph, upon request by an
3754 NPDES permittee, the department as part of a permit issuance,
3755 renewal, or modification may establish individual allocations
3756 before the adoption of a basin management action plan.

3757 b. For holders of NPDES municipal separate storm sewer
3758 system permits and other stormwater sources, implementation of a
3759 total maximum daily load or basin management action plan must be
3760 achieved, to the maximum extent practicable, through the use of
3761 best management practices or other management measures.

3762 c. The basin management action plan does not relieve the
3763 discharger from any requirement to obtain, renew, or modify an
3764 NPDES permit or to abide by other requirements of the permit.

3765 d. Management strategies set forth in a basin management
3766 action plan to be implemented by a discharger subject to
3767 permitting by the department must be completed pursuant to the
3768 schedule set forth in the basin management action plan. This
3769 implementation schedule may extend beyond the 5-year term of an
3770 NPDES permit.

3771 e. Management strategies and pollution reduction
3772 requirements set forth in a basin management action plan for a
3773 specific pollutant of concern are not subject to challenge under
3774 chapter 120 at the time they are incorporated, in an identical
3775 form, into a subsequent NPDES permit or permit modification.

3776 f. For nonagricultural pollutant sources not subject to
3777 NPDES permitting but permitted pursuant to other state,
3778 regional, or local water quality programs, the pollutant
3779 reduction actions adopted in a basin management action plan must
3780 be implemented to the maximum extent practicable as part of
3781 those permitting programs.



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3782 g. A nonpoint source discharger included in a basin
3783 management action plan must demonstrate compliance with the
3784 pollutant reductions established under subsection (6) by
3785 implementing the appropriate best management practices
3786 established pursuant to paragraph (c) or conducting water
3787 quality monitoring prescribed by the department or a water
3788 management district. A nonpoint source discharger may, in
3789 accordance with department rules, supplement the implementation
3790 of best management practices with water quality credit trades in
3791 order to demonstrate compliance with the pollutant reductions
3792 established under subsection (6).

3793 h. A nonpoint source discharger included in a basin
3794 management action plan may be subject to enforcement action by
3795 the department or a water management district based upon a
3796 failure to implement the responsibilities set forth in sub-
3797 subparagraph g.

3798 i. A landowner, discharger, or other responsible person who
3799 is implementing applicable management strategies specified in an
3800 adopted basin management action plan may not be required by
3801 permit, enforcement action, or otherwise to implement additional
3802 management strategies, including water quality credit trading,
3803 to reduce pollutant loads to attain the pollutant reductions
3804 established pursuant to subsection (6) and shall be deemed to be
3805 in compliance with this section. This subparagraph does not
3806 limit the authority of the department to amend a basin
3807 management action plan as specified in subparagraph (a) 6. ~~(a) 5.~~

3808 (c) *Best management practices.*—

3809 1. The department, in cooperation with the water management
3810 districts and other interested parties, as appropriate, may



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3811 develop suitable interim measures, best management practices, or
3812 other measures necessary to achieve the level of pollution
3813 reduction established by the department for nonagricultural
3814 nonpoint pollutant sources in allocations developed pursuant to
3815 subsection (6) and this subsection. These practices and measures
3816 may be adopted by rule by the department and the water
3817 management districts and, where adopted by rule, shall be
3818 implemented by those parties responsible for nonagricultural
3819 nonpoint source pollution.

3820 2. The Department of Agriculture and Consumer Services may
3821 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54
3822 suitable interim measures, best management practices, or other
3823 measures necessary to achieve the level of pollution reduction
3824 established by the department for agricultural pollutant sources
3825 in allocations developed pursuant to subsection (6) and this
3826 subsection or for programs implemented pursuant to paragraph
3827 (12) (b) ~~(13) (b)~~. These practices and measures may be implemented
3828 by those parties responsible for agricultural pollutant sources
3829 and the department, the water management districts, and the
3830 Department of Agriculture and Consumer Services shall assist
3831 with implementation. In the process of developing and adopting
3832 rules for interim measures, best management practices, or other
3833 measures, the Department of Agriculture and Consumer Services
3834 shall consult with the department, the Department of Health, the
3835 water management districts, representatives from affected
3836 farming groups, and environmental group representatives. Such
3837 rules must also incorporate provisions for a notice of intent to
3838 implement the practices and a system to assure the
3839 implementation of the practices, including site inspection and



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3840 recordkeeping requirements.

3841 3. Where interim measures, best management practices, or
3842 other measures are adopted by rule, the effectiveness of such
3843 practices in achieving the levels of pollution reduction
3844 established in allocations developed by the department pursuant
3845 to subsection (6) and this subsection or in programs implemented
3846 pursuant to paragraph (12) (b) ~~(13) (b)~~ must be verified at
3847 representative sites by the department. The department shall use
3848 best professional judgment in making the initial verification
3849 that the best management practices are reasonably expected to be
3850 effective and, where applicable, must notify the appropriate
3851 water management district or the Department of Agriculture and
3852 Consumer Services of its initial verification before the
3853 adoption of a rule proposed pursuant to this paragraph.
3854 Implementation, in accordance with rules adopted under this
3855 paragraph, of practices that have been initially verified to be
3856 effective, or verified to be effective by monitoring at
3857 representative sites, by the department, shall provide a
3858 presumption of compliance with state water quality standards and
3859 release from the provisions of s. 376.307(5) for those
3860 pollutants addressed by the practices, and the department is not
3861 authorized to institute proceedings against the owner of the
3862 source of pollution to recover costs or damages associated with
3863 the contamination of surface water or groundwater caused by
3864 those pollutants. Research projects funded by the department, a
3865 water management district, or the Department of Agriculture and
3866 Consumer Services to develop or demonstrate interim measures or
3867 best management practices shall be granted a presumption of
3868 compliance with state water quality standards and a release from



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3869 the provisions of s. 376.307(5). The presumption of compliance
3870 and release is limited to the research site and only for those
3871 pollutants addressed by the interim measures or best management
3872 practices. Eligibility for the presumption of compliance and
3873 release is limited to research projects on sites where the owner
3874 or operator of the research site and the department, a water
3875 management district, or the Department of Agriculture and
3876 Consumer Services have entered into a contract or other
3877 agreement that, at a minimum, specifies the research objectives,
3878 the cost-share responsibilities of the parties, and a schedule
3879 that details the beginning and ending dates of the project.

3880 4. Where water quality problems are demonstrated, despite
3881 the appropriate implementation, operation, and maintenance of
3882 best management practices and other measures required by rules
3883 adopted under this paragraph, the department, a water management
3884 district, or the Department of Agriculture and Consumer
3885 Services, in consultation with the department, shall institute a
3886 reevaluation of the best management practice or other measure.
3887 Should the reevaluation determine that the best management
3888 practice or other measure requires modification, the department,
3889 a water management district, or the Department of Agriculture
3890 and Consumer Services, as appropriate, shall revise the rule to
3891 require implementation of the modified practice within a
3892 reasonable time period as specified in the rule.

3893 5. Agricultural records relating to processes or methods of
3894 production, costs of production, profits, or other financial
3895 information held by the Department of Agriculture and Consumer
3896 Services pursuant to subparagraphs 3. and 4. or pursuant to any
3897 rule adopted pursuant to subparagraph 2. are confidential and



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3898 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
3899 Constitution. Upon request, records made confidential and exempt
3900 pursuant to this subparagraph shall be released to the
3901 department or any water management district provided that the
3902 confidentiality specified by this subparagraph for such records
3903 is maintained.

3904 6. The provisions of subparagraphs 1. and 2. do not
3905 preclude the department or water management district from
3906 requiring compliance with water quality standards or with
3907 current best management practice requirements set forth in any
3908 applicable regulatory program authorized by law for the purpose
3909 of protecting water quality. Additionally, subparagraphs 1. and
3910 2. are applicable only to the extent that they do not conflict
3911 with any rules adopted by the department that are necessary to
3912 maintain a federally delegated or approved program.

3913 (d) Enforcement and verification of basin management action
3914 plans and management strategies.-

3915 1. Basin management action plans are enforceable pursuant
3916 to this section and ss. 403.121, 403.141, and 403.161.

3917 Management strategies, including best management practices and
3918 water quality monitoring, are enforceable under this chapter.

3919 2. No later than January 1, 2016:

3920 a. The department, in consultation with the water
3921 management districts and the Department of Agriculture and
3922 Consumer Services, shall initiate rulemaking to adopt procedures
3923 to verify implementation of water quality monitoring required in
3924 lieu of implementation of best management practices or other
3925 measures pursuant to s. 403.067(7)(b)2.g.;

3926 b. The department, in consultation with the water



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3927 management districts and the Department of Agriculture and
3928 Consumer Services, shall initiate rulemaking to adopt procedures
3929 to verify implementation of nonagricultural interim measures,
3930 best management practices, or other measures adopted by rule
3931 pursuant to s. 403.067(7)(c)1.; and

3932 c. The Department of Agriculture and Consumer Services, in
3933 consultation with the water management districts and the
3934 department, shall initiate rulemaking to adopt procedures to
3935 verify implementation of agricultural interim measures, best
3936 management practices, or other measures adopted by rule pursuant
3937 to s. 403.067(7)(c)2.

3938
3939 The above rules shall include enforcement procedures applicable
3940 to the landowner, discharger, or other responsible person
3941 required to implement applicable management strategies,
3942 including best management practices, or water quality monitoring
3943 as a result of noncompliance.

3944 Section 40. Section 403.0675, Florida Statutes, is created
3945 to read:

3946 403.0675 Progress reports.—On or before July 1, beginning
3947 July 1, 2017:

3948 (1) The department, in conjunction with the water
3949 management districts, shall post on its website and submit
3950 electronically an annual progress report to the Governor, the
3951 President of the Senate, and the Speaker of the House of
3952 Representatives on the status of each total maximum daily load,
3953 basin management action plan, minimum flow or minimum water
3954 level, and recovery or prevention strategy adopted pursuant to
3955 s. 403.067 or parts I and VIII of chapter 373. The report must



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3956 include the status of each project identified to achieve an
3957 adopted total maximum daily load or an adopted minimum flow or
3958 minimum water level, as applicable. If a report indicates that
3959 any of the 5-, 10-, or 15-year milestones, or the 20-year target
3960 date, if applicable, for achieving a total maximum daily load or
3961 a minimum flow or minimum water level will not be met, the
3962 report must include an explanation of the possible causes and
3963 potential solutions. If applicable, the report must include
3964 project descriptions, estimated costs, proposed priority ranking
3965 for project implementation, and funding needed to achieve the
3966 total maximum daily load or the minimum flow or minimum water
3967 level by the target date. Each water management district shall
3968 post the department's report on its website.

3969 (2) The Department of Agriculture and Consumer Services
3970 shall post on its website and submit electronically an annual
3971 progress report to the Governor, the President of the Senate,
3972 and the Speaker of the House of Representatives on the status of
3973 the implementation of the agricultural nonpoint source best
3974 management practices including an implementation assurance
3975 report summarizing survey responses and response rates, site
3976 inspections and other methods used to verify implementation of
3977 and compliance with best management practices pursuant to basin
3978 management action plans.

3979 Section 41. Subsection (21) is added to section 403.861,
3980 Florida Statutes, to read:

3981 403.861 Department; powers and duties.—The department shall
3982 have the power and the duty to carry out the provisions and
3983 purposes of this act and, for this purpose, to:

3984 (21) (a) Upon issuance of a construction permit to construct



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3985 a new public water system drinking water treatment facility to
3986 provide potable water supply using a surface water of the state
3987 that, at the time of the permit application, is not being used
3988 as a potable water supply, and the classification of which does
3989 not include potable water supply as a designated use, the
3990 department shall add treated potable water supply as a
3991 designated use of the surface water segment in accordance with
3992 s. 403.061(29) (b) .

3993 (b) For existing public water system drinking water
3994 treatment facilities that use a surface water of the state as a
3995 treated potable water supply, which surface water classification
3996 does not include potable water as a designated use, the
3997 department shall add treated potable water supply as a
3998 designated use of the surface water segment in accordance with
3999 s. 403.061(29) (b) .

4000 Section 42. Jerry Edward Brooks Environmental Laboratory
4001 designated.-

4002 (1) The laboratory building within the Bob Martinez Center,
4003 the facility for the Department of Environmental Protection,
4004 located at the site at 2600 Blair Stone Road in Tallahassee, is
4005 designated as the "Jerry Edward Brooks Environmental
4006 Laboratory."

4007 (2) The Department of Management Services is directed to
4008 erect suitable markers designating the Jerry Edward Brooks
4009 Environmental Laboratory as described in subsection (1).

4010 Section 43. This act shall take effect July 1, 2015.

4011
4012 ===== T I T L E A M E N D M E N T =====

4013 And the title is amended as follows:



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4014 Delete everything before the enacting clause
4015 and insert:

4016 A bill to be entitled
4017 An act relating to environmental resources; amending
4018 s. 259.032, F.S.; requiring the Department of
4019 Environmental Protection to publish, update, and
4020 maintain a database of conservation lands; requiring
4021 the department to submit a report by a certain date
4022 each year to the Governor and the Legislature
4023 identifying the percentage of such lands which the
4024 public has access to and the efforts the department
4025 has undertaken to increase public access; amending ss.
4026 260.0144 and 335.065, F.S.; conforming provisions to
4027 changes made by the act; creating s. 339.81, F.S.;
4028 creating the Florida Shared-Use Nonmotorized Trail
4029 Network; specifying the composition of the network;
4030 requiring the network to be included in the Department
4031 of Transportation's work program; declaring the
4032 planning, development, operation, and maintenance of
4033 the network to be a public purpose; authorizing the
4034 department to transfer maintenance responsibilities to
4035 certain state agencies and contract with not-for-
4036 profit or private sector entities to provide
4037 maintenance services; authorizing the department to
4038 adopt rules; providing an appropriation; creating s.
4039 339.82, F.S.; requiring the department to develop a
4040 network plan for the Florida Shared-Use Nonmotorized
4041 Trail Network; creating s. 339.83, F.S.; authorizing
4042 the department to enter into concession agreements



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4043 with not-for-profit or private sector entities for
4044 certain commercial sponsorship signs, markings, and
4045 exhibits; authorizing the department to contract for
4046 the provision of certain services related to the trail
4047 sponsorship program; authorizing the department to
4048 adopt rules; amending s. 373.019, F.S.; revising the
4049 definition of the term "water resource development" to
4050 include technical assistance to self-suppliers under
4051 certain circumstances; amending s. 373.036, F.S.;
4052 requiring certain information to be included in the
4053 consolidated annual report for all projects related to
4054 water quality or water quantity; creating s. 373.037,
4055 F.S.; defining terms; providing legislative findings;
4056 authorizing certain water management districts to
4057 designate and implement pilot projects; providing
4058 powers and limitations for the governing boards of
4059 such water management districts; requiring a
4060 participating water management district to submit a
4061 report to the Governor and the Legislature on the
4062 effectiveness of its pilot project by a certain date;
4063 amending s. 373.042, F.S.; requiring the Department of
4064 Environmental Protection or the governing board of a
4065 water management district to adopt a minimum flow or
4066 minimum water level for an Outstanding Florida Spring
4067 using emergency rulemaking authority under certain
4068 circumstances; requiring collaboration in the
4069 development and implementation of recovery or
4070 prevention strategies under certain circumstances;
4071 authorizing the department to use emergency rulemaking



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4072 procedures under certain circumstances; amending s.
4073 373.0421, F.S.; directing the department or the water
4074 management district governing boards to adopt and
4075 implement certain recovery or prevention strategies
4076 concurrent with the adoption of minimum flows and
4077 minimum water levels; providing criteria for such
4078 recovery or prevention strategies; requiring certain
4079 amendments to regional water supply plans to be
4080 concurrent with relevant portions of the recovery or
4081 prevention strategy; directing water management
4082 districts to notify the department when water use
4083 permit applications are denied for a specified reason;
4084 providing for the review and update of regional water
4085 supply plans in such cases; creating s. 373.0465,
4086 F.S.; providing legislative intent; defining the term
4087 "Central Florida Water Initiative Area"; requiring the
4088 department, the St. Johns River Water Management
4089 District, the South Florida Water Management District,
4090 the Southwest Florida Water Management District, and
4091 the Department of Agriculture and Consumer Services to
4092 develop and implement a multidistrict regional water
4093 supply plan; providing plan criteria and requirements;
4094 providing applicability; requiring the department to
4095 adopt rules; amending s. 373.1501, F.S.; specifying
4096 authority of the South Florida Water Management
4097 District to allocate quantities of, and assign
4098 priorities for the use of, water within its
4099 jurisdiction; directing the district to provide
4100 recommendations to the United States Army Corps of



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4101 Engineers when developing or implementing certain
4102 water control plans or regulation schedules; amending
4103 s. 373.219, F.S.; requiring the department to adopt
4104 certain uniform rules; amending s. 373.223, F.S.;
4105 requiring consumptive use permits authorizing over a
4106 certain amount to be monitored on a specified basis;
4107 amending s. 373.2234, F.S.; directing water management
4108 district governing boards to consider the
4109 identification of preferred water supply sources for
4110 certain water users; amending s. 373.227, F.S.;
4111 prohibiting water management districts from modifying
4112 permitted allocation amounts under certain
4113 circumstances; requiring the water management
4114 districts to adopt rules to promote water conservation
4115 incentives; amending s. 373.233, F.S.; providing
4116 conditions under which the department and water
4117 management district governing boards are directed to
4118 give preference to certain applications; amending s.
4119 373.4591, F.S.; providing priority consideration to
4120 certain public-private partnerships for water storage,
4121 groundwater recharge, and water quality improvements
4122 on private agricultural lands; amending s. 373.4595,
4123 F.S.; revising and providing definitions relating to
4124 the Northern Everglades and Estuaries Protection
4125 Program; clarifying provisions of the Lake Okeechobee
4126 Watershed Protection Program; directing the South
4127 Florida Water Management District to revise certain
4128 rules and provide for a watershed research and water
4129 quality monitoring program; revising provisions for



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4130 the Caloosahatchee River Watershed Protection Program
4131 and the St. Lucie River Watershed Protection Program;
4132 revising permitting and annual reporting requirements
4133 relating to the Northern Everglades and Estuaries
4134 Protection Program; revising requirements for certain
4135 basin management action plans; amending s.
4136 373.467, F.S.; revising the qualifications for
4137 membership on the Harris Chain of Lakes Restoration
4138 Council; authorizing the Lake County legislative
4139 delegation to waive such membership qualifications for
4140 good cause; providing for council vacancies; amending
4141 s. 373.536, F.S.; requiring a water management
4142 district to include an annual funding plan in the
4143 water resource development work program; directing the
4144 department to post the work program on its website;
4145 amending s. 373.703, F.S.; authorizing water
4146 management districts to join with private landowners
4147 for the purpose of carrying out their powers; amending
4148 s. 373.705, F.S.; revising legislative intent;
4149 requiring water management district governing boards
4150 to include certain information in their annual budget
4151 submittals; requiring water management districts to
4152 promote expanded cost-share criteria for additional
4153 conservation practices; amending s. 373.707, F.S.;
4154 authorizing water management districts to provide
4155 technical and financial assistance to certain self-
4156 suppliers and to waive certain construction costs of
4157 alternative water supply development projects
4158 sponsored by certain water users; amending s. 373.709,



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4159 F.S.; requiring regional water supply plans to include
4160 traditional and alternative water supply project
4161 options that are technically and financially feasible;
4162 directing the department to include certain funding
4163 analyses and project explanations in regional water
4164 supply planning reports; creating part VIII of ch.
4165 373, F.S., entitled the "Florida Springs and Aquifer
4166 Protection Act"; creating s. 373.801, F.S.; providing
4167 legislative findings and intent; creating s. 373.802,
4168 F.S.; defining terms; creating s. 373.803, F.S.;

4169 requiring the department to delineate a priority focus
4170 area for each Outstanding Florida Spring by a certain
4171 date; creating s. 373.805, F.S.; requiring a water
4172 management district or the department to adopt or
4173 revise various recovery or prevention strategies under
4174 certain circumstances; providing minimum requirements
4175 for recovery or prevention strategies for Outstanding
4176 Florida Springs; authorizing local governments to
4177 apply for an extension for projects in an adopted
4178 recovery or prevention strategy; creating s. 373.807,
4179 F.S.; requiring the department to initiate assessments
4180 of Outstanding Florida Springs by a certain date;
4181 requiring the department to develop basin management
4182 action plans; authorizing local governments to apply
4183 for an extension for projects in an adopted basin
4184 management action plan; requiring certain local
4185 governments to develop, enact, and implement an urban
4186 fertilizer ordinance by a certain date; requiring the
4187 department in consultation with the Department of



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4188 Health and relevant local governments and utilities,
4189 to develop onsite sewage treatment and disposal system
4190 remediation plans under certain circumstances;
4191 creating s. 373.811, F.S.; specifying prohibited
4192 activities within a priority focus area of an
4193 Outstanding Florida Spring; creating s. 373.813, F.S.;
4194 providing rulemaking authority; amending s. 403.061,
4195 F.S.; requiring the department to create a
4196 consolidated water resources work plan; directing the
4197 department to adopt by rule a specific surface water
4198 classification to protect surface waters used for
4199 treated potable water supply; providing criteria for
4200 such rule; authorizing the reclassification of surface
4201 waters used for treated potable water supply
4202 notwithstanding such rule; requiring the department to
4203 create and maintain a web-based interactive map;
4204 creating s. 403.0616, F.S.; creating the Florida Water
4205 Resources Advisory Council to provide the Legislature
4206 with recommendations for projects submitted by
4207 governmental entities; requiring the department to
4208 adopt rules; creating s. 403.0617, F.S.; requiring the
4209 department to propose for adoption rules to
4210 competitively evaluate and rank projects for selection
4211 and prioritization by the Water Resources Advisory
4212 Council by a certain date; amending s. 403.0623, F.S.;
4213 requiring the department to establish certain
4214 standards; requiring state agencies and water
4215 management districts to show that they followed the
4216 department's standards in order to receive certain



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4217 funding; amending s. 403.067, F.S.; providing
4218 requirements for new or revised best management action
4219 plans; requiring the department adopt rules relating
4220 to the enforcement and verification of best management
4221 action plans and management strategies; creating s.
4222 403.0675, F.S.; requiring the department and the
4223 Department of Agriculture and Consumer Services to
4224 post annual progress reports on their websites and to
4225 submit such reports to the Governor and the
4226 Legislature; requiring each water management district
4227 to post the Department of Environmental Protection's
4228 report on its website; amending s. 403.861, F.S.;
4229 directing the department to add treated potable water
4230 supply as a designated use of a surface water segment
4231 under certain circumstances; designating the
4232 laboratory building within the facility for the
4233 Department of Environmental Protection as the "Jerry
4234 Edward Brooks Environmental Laboratory"; directing the
4235 Department of Management Services to erect suitable
4236 markers; providing an effective date.